

# Official Plan

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“by land and water we flourish”



**OFFICIAL PLAN  
OF THE  
TOWNSHIP OF HAMILTON**

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## Section 1 - Title, Components and Administration

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- 1.1 Upon approval by the Minister of Municipal Affairs and Housing, this Official Plan will be known as the:

THE TOWNSHIP OF HAMILTON OFFICIAL PLAN

- 1.2 The Official Plan covers all land within the corporate limits of the Township of Hamilton.
- 1.3 A major component of this Official Plan is the policies guiding development of lands on the Oak Ridges Moraine. In this regard, development on the moraine will be guided by the policies of Section 9 of this Plan.
- 1.4 The policies of the Official Plan are in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe.

The attached text and Schedules constitute the Official Plan.

Schedule "A" Land Use

Schedule "B" Key Natural Heritage Features (Oak Ridges Moraine)

Schedule "C" Key Natural Heritage Features (Oak Ridges Moraine)

Schedule "D" Key Natural Heritage Features (Oak Ridges Moraine)

Schedule "E" Oak Ridges Moraine Conservation Plan

- 1.6 The Municipality shall administer this Official Plan. The principal duties shall be the review of all development applications for conformity to the Official Plan including severances, subdivisions, zoning amendments, development permits and minor variances; the review of all applications for amendment to the Official Plan and the review of the Official Plan from time to time to ensure its relevancy.
- 1.7 Pursuant to the Planning Act, no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform to the Official Plan.
- 1.8 Definition of Terms

i. **ADJACENT LANDS** means:

- a) for the purposes of Sections 8 and 9, those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area.
- b) for the purposes of Section 11.6, those lands contiguous to a protected heritage property.

- ii. **ADDITIONAL RESIDENTIAL UNIT** means
  - a) A self-contained residential unit containing a private kitchen, bathroom facilities and sleeping areas within dwellings or within structures (such as above a garage or within a detached accessory structure), accessory to the principal residential dwelling and located on the same lot. (OPA No. 12 2021)
- iii. **ADVERSE EFFECTS** as defined in the Environmental Protection Act, means one or more of:
  - a) impairment of the quality of the natural environment for any use that can be made of it;
  - b) injury or damage to property or plant or animal life;
  - c) harm or material discomfort to any person;
  - d) an adverse effect on the health of any person;
  - e) impairment of the safety of any person;
  - f) rendering any property or plant or animal life unfit for human use;
  - g) loss of enjoyment of normal use of property; and
  - h) interference with normal conduct of business.
- iv. **AFFORDABLE** means:
  - a) in the case of ownership housing, the least expensive of:
    - 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
    - 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
  - b) in the case of rental housing, the least expensive of:
    - 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
    - 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.
- v. **AGRICULTURAL AREA** means:
  - a) areas where agricultural lands predominate. This includes areas of agricultural lands and associated Canada Land Inventory Class 4-7 soils and additional areas where there is a local concentration of

farms which exhibit characteristics of ongoing agriculture.

Agricultural areas have been identified in consultation with the Ministry of Agriculture, Food and Rural Affairs

vi. **AGRICULTURAL LAND** means:

- a) land that includes specialty crop areas and/or Canada Land Inventory Classes 1, 2, and 3 soils, in this order of priority for protection.

vii. **AGRICULTURAL USES** means:

- a) the growing of crops, including nursery 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 accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

viii. **AGRICULTURE-RELATED USES** means:

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

ix. **ALTERNATIVE ENERGY SYSTEMS** means:

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

x. **ARCHAEOLOGICAL RESOURCES:**

- a) includes artifacts, archaeological sites and marine archaeological sites. The identification and evaluation of such resources are based upon archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

xi. **AREAS OF ARCHAEOLOGICAL POTENTIAL** means:

- a) areas with the likelihood to contain archaeological resources. Criteria for determining archaeological potential are established by the Province. Archaeological potential is confirmed through archaeological fieldwork undertaken in accordance with the Ontario Heritage Act.

- xii. **AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSIs)** means:
- a) 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.
- xiii. **BROWNFIELD SITES** means:
- a) undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.
- xiv. **BUILT HERITAGE RESOURCES** means:
- a) one or more significant buildings, structures, monuments, installations or remains associated with architectural, cultural, social, political, economic or military history and identified as being important to a community. These resources may be identified through designation or heritage conservation easement under the Ontario Heritage Act, or listed by local, provincial or federal jurisdictions.
- xv. **COASTAL WETLAND** means:
- a) any wetland that is located on Lake Ontario; or
  - b) any other wetland that is on a tributary to any of the above-specified water body and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100 year floodline (plus wave run-up) of Lake Ontario.
- xvi. **CULTURAL HERITAGE LANDSCAPE** means:
- a) a defined geographical area of heritage significance which has been modified by human activities and is valued by a community. It involves a grouping(s) of individual heritage features such as structures, spaces, archaeological sites and natural elements, which together form a significant type of heritage form, distinctive from that of its constituent elements or parts. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; and villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways and industrial complexes of cultural heritage value.

- xvii. **DEPOSITS OF HIGH MINERAL AGGREGATE** resources means:
- a) an area of identified mineral aggregate resources, as delineated in Aggregate Resource Inventory Papers or comprehensive studies prepared using evaluation procedures established by the Province for surficial and bedrock resources, as amended from time to time, that has a sufficient quantity and quality to warrant present or future extraction.
- xviii. **DEVELOPMENT** means:
- a) 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:
    - 1. activities that create or maintain infrastructure authorized under an environmental assessment process; or
    - 2. works subject to the Drainage Act.
- xix. **ECOLOGICAL FUNCTION** means:
- a) the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.
- xx. **EMPLOYMENT AREA** means:
- those areas designated in the Official Plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, retail, institutional and ancillary facilities.
- xxi. **ENDANGERED SPECIES** means:
- a) a species that is listed or categorized as an “Endangered Species” on the Ontario Ministry of Natural Resources’ official species at risk list, as updated and amended from time to time.
- xxii. **EROSION HAZARD** means:
- a) the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span), an allowance for slope stability, and an erosion/erosion access allowance.

xxiii. **FISH** means:

- a) fish, which as defined in S.2 of the Fisheries Act, c. F-14, as amended, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles.

xxiv. **FISH HABITAT**, as defined in the Fisheries Act, c. F-14, means:

- a) spawning grounds and nursery, rearing, food supply, and migration areas on which fish depend directly or indirectly in order to carry out their life processes.

xxv. **FLOOD PLAIN FOR RIVER, STREAM, AND SMALL INLAND LAKE SYSTEMS**, means:

- a) the area, usually low lands adjoining a watercourse, which has been or may be subject to flooding hazards.

xxvi. **FLOODING HAZARD** means:

- a) the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water:
  1. along the shorelines of Lake Ontario, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave uprush and other water-related hazards;
  2. along river, stream systems and Rice Lake, the flooding hazard limit is the greater of:
    - the flood resulting from the rainfall actually experienced during a major storm such as the Hurricane Hazel storm (1954) or the Timmins storm (1961), transposed over a specific watershed and combined with the local conditions, where evidence suggests that the storm event could have potentially occurred over watersheds in the general area;
    - the one hundred year flood; and
    - a flood which is greater than 1. or 2. which was actually experienced in a particular watershed or portion thereof as a result of ice jams and which has been approved as the standard for that specific area by the Minister of Natural Resources;
    - except where the use of the one hundred year flood or the

actually experienced event has been approved by the Minister of Natural Resources as the standard for a specific watershed (where the past history of flooding supports the lowering of the standard).

xxvii. **GROUND WATER FEATURE** refers to:

- a) water-related features in the earth's subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations.

xxviii. **HAZARDOUS LANDS** means:

- a) property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of Lake Ontario this means the land, including that covered by water, between the international boundary and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland lake systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits.

xxix. **HAZARDOUS SITES** means:

- a) property or lands that could be unsafe for development and site alteration due to naturally occurring hazards. These may include unstable soils (sensitive marine clays [leda], organic soils) or unstable bedrock (karst topography).

xxx. **HAZARDOUS SUBSTANCES** means:

- a) substances which, individually, or in combination with other substances, are normally considered to pose a danger to public health, safety and the environment. These substances generally include a wide array of materials that are toxic, ignitable, corrosive, reactive, radioactive or pathological.

xxxi. **HERITAGE ATTRIBUTES** means:

- a) the principal features, characteristics, context and appearance that contribute to the cultural heritage significance of a protected heritage property.

xxxii. **HYDROLOGIC FUNCTION** means:

- a) the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water

on the surface of the land, in the soil and underlying rocks, and in the atmosphere, and water's interaction with the environment including its relation to living things.

xxxiii. **INDIVIDUAL ON-SITE SEWAGE SERVICES** means:

- a) individual, autonomous sewage disposal systems within the meaning of s.8.1.2, O.Reg. 403/97, under the Building Code Act, 1992 that are owned, operated and managed by the owner of the property upon which the system is located.

xxxiv. **INDIVIDUAL ON-SITE WATER SERVICES** means:

- a) individual, autonomous water supply systems that are owned, operated and managed by the owner of the property upon which the system is located.

xxxv. **INFRASTRUCTURE** means:

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

xxxvi. **INTENSIFICATION** means:

- a) the development of a property, site or area at a higher density than currently exists through:
  - 1. redevelopment, including the reuse of brownfield sites;
  - 2. the development of vacant and/or underutilized lots within previously developed areas;
  - 3. infill development; and
  - 4. the expansion or conversion of structures formerly used for other purposes.

xxxvii. **LEGAL OR TECHNICAL REASONS** means:

- a) for the purposes of Section 11.4.1 (iii), 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.

xxxviii. **LOW AND MODERATE INCOME HOUSEHOLDS** means:

- a) in the case of ownership housing, households with incomes in the

lowest 60 percent of the income distribution for the regional market area; or

- b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

xxxix. **MINERAL AGGREGATE OPERATION** means:

- a) lands under license or permit, other than for wayside pits and quarries, issued in accordance with the Aggregate Resources Act, or successors thereto; and
- 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.

xl. **MINERAL AGGREGATE RESOURCES** means:

- a) gravel, sand, clay, earth, shale, 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.

xli. **MINERAL DEPOSITS** means:

- a) areas of identified minerals that have sufficient quantity and quality based on specific geological evidence to warrant present or future extraction.

xlii. **MINIMUM DISTANCE SEPARATION FORMULAE** means:

- a) formulae developed by the Province to separate uses so as to reduce incompatibility concerns about odour from livestock facilities.

xliii. **MULTI-MODAL TRANSPORTATION SYSTEM** means:

- a) a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

xliv. **MUNICIPAL COMPREHENSIVE REVIEW** means:

- a) for the purposes of Section 3, an official plan review or an official

plan amendment, initiated by the Township which:

1. is based on a review of population and growth projections and which reflect projections an allocations by the County of Northumberland and provincial plan, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
2. utilizes opportunities to accommodate projected growth through intensification and redevelopment;
3. is integrated with planning for infrastructure and public service facilities;
4. considers cross-jurisdictional issues; and
5. comprehensively applies the policies and schedules of the Growth Plan for the Greater Golden Horseshoe.

xliv. **MUNICIPAL SEWAGE SERVICES** means:

- a) a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that is owned or operated by a municipality.

xlvi. **MUNICIPAL WATER SERVICES** means:

- a) a municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002.

xlvii. **NATURAL HERITAGE FEATURES AND AREAS** means:

- a) features and areas, including significant wetlands, significant coastal wetlands, fish habitat, significant woodlands, significant valleylands, significant habitat of endangered species and threatened species, significant wildlife habitat, and significant areas of natural and scientific interest, which are important for their environmental and social values as a legacy of the natural landscapes of an area.

xlviii. **NATURAL HERITAGE SYSTEM** means:

- a) a system made up of natural heritage features and areas, linked by natural corridors which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species and ecosystems. These systems can include lands that have been restored and areas with the potential to be restored to a natural state.

xlix. **NEGATIVE IMPACTS** means:

- a) in regard to Section 8, degradation to the quality and quantity of water, sensitive surface water features and sensitive ground water features, and their related hydrologic functions, due to single, multiple or successive development or site alteration activities;
- b) in regard to fish habitat, the harmful alteration, disruption or destruction of fish habitat, except where, in conjunction with the appropriate authorities, it has been authorized under the Fisheries Act, using the guiding principle of no net loss of productive capacity;
- c) in regard to other natural heritage features and areas, degradation that threatens the health and integrity of the natural features or ecological functions for which an area is identified due to single, multiple or successive development or site alteration activities.

I. **NORMAL FARM PRACTICES** means:

- a) a practice, as defined in the Farming and Food Production Protection Act, 1998, that is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances; or makes use of innovative technology in a manner consistent with proper advanced farm management practices. Normal farm practices shall be consistent with the Nutrient Management Act, 2002 and regulations made under that Act.

li. **ONE HUNDRED YEAR FLOOD FOR RIVER AND STREAM SYSTEMS AND RICE LAKE**, means:

- a) that flood, based on an analysis of precipitation, snow melt, or a combination thereof, having a return period of 100 years on average, or having a 1% chance of occurring or being exceeded in any given year.

lii. **ONE HUNDRED YEAR FLOOD LEVEL** means:

- a) the shorelines of Lake Ontario, the peak instantaneous stillwater level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equaled or exceeded in any given year;

liii. **PARTIAL SERVICES** means:

- a) municipal sewage services or private communal sewage services and individual on-site water services; or
- b) municipal water services or private communal water services and individual on-site sewage services.

liv. **PORTABLE ASPHALT PLANT** means:

- a) a facility
  - 1. 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
  - 2. which is not of permanent construction, but which is to be dismantled at the completion of the construction project.

lv. **PORTABLE CONCRETE PLANT** means:

- a) a building or structure
  - 1. 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
  - 2. which is not of permanent construction, but which is designed to be dismantled at the completion of the construction project.

lvi. **PRIVATE COMMUNAL SEWAGE SERVICES** means:

- a) a sewage works within the meaning of Section 1 of the Ontario Water Resources Act that serves six or more lots or private residences and is not owned by a municipality.

lvii. **PRIVATE COMMUNAL WATER SERVICES** means:

- a) a non-municipal drinking-water system within the meaning of Section 2 of the Safe Drinking Water Act, 2002 that serves six or more lots or private residences.

lviii. **PROVINCIAL AND FEDERAL REQUIREMENTS** means:

- a) in regard to Sections 3,4 and 6, legislation and policies administered by the federal or provincial governments for the purpose of protecting the environment from potential impacts associated with energy facilities and ensuring that the necessary approvals are obtained; and
- b) in regard to Section 8, legislation and policies administered by the federal or provincial governments for the purpose of the protection of fish and fish habitat, and related, scientifically established standards.

- lix. **PROVINCIAL PLAN** means:
- a) a plan approved by the Lieutenant-Governor in Council or the Minister of Municipal Affairs and Housing, and includes the Growth Plan for the Greater Golden Horseshoe and the Oak Ridges Moraine Conservation Plan.
- lx. **PUBLIC SERVICE FACILITIES** means:
- a) land, buildings and structures for the provision of programs and services provided or subsidized by a government or other body, such as social assistance, recreation, police and fire protection, health and educational programs, and cultural services. Public service facilities do not include infrastructure.
- lxi. **QUALITY AND QUANTITY OF WATER** means:
- a) quality and quantity of water that is measured by indicators such as minimum base flow, depth to water table, aquifer pressure, oxygen levels, suspended solids, temperature, bacteria, nutrients and hazardous contaminants, and hydrologic regime.
- lxii. **RECREATION** means:
- a) means leisure time activity undertaken in built or natural settings for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment, positive social interaction and the achievement of human potential.
- lxiii. **REDEVELOPMENT** means:
- a) the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.
- lxiv. **REGIONAL MARKET AREA** means:
- a) an area, generally broader than the Township, that has a high degree of social and economic interaction. Northumberland County is considered to be the regional market area.
- lxv. **RENEWABLE ENERGY SYSTEMS** means:
- a) the production of electrical power from an energy source that is renewed by natural processes including, but not limited to, wind, water, a biomass resource or product, or solar and geothermal energy.

- lxvi. **RESERVE WATER SYSTEM CAPACITY** means:
- a) design or planned capacity in a centralized water treatment facility which is not yet committed to existing or approved development.
- lxvii. **RESIDENCE SURPLUS TO A FARMING OPERATION** means:
- a) an existing 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).
- lxviii. **RESIDENTIAL INTENSIFICATION** means:
- a) means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:
    - 1. redevelopment, including the redevelopment of brownfield sites;
    - 2. the development of vacant or underutilized lots within previously developed areas;
    - 3. infill development;
    - 4. the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
    - 5. the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.
- i) **RIVER, STREAM AND SMALL INLAND LAKE SYSTEMS** means:
- a) all watercourses, rivers, streams, and small inland lakes or waterbodies that have a measurable or predictable response to a single runoff event.
- j) **RURAL AREAS** means:
- a) lands in the rural area which are located outside settlement areas and that are not prime agricultural areas.
- k) **SECONDARY USES** means:
- a) uses secondary to the principal use of the property, including but not limited to, home occupations, home industries, and uses that produce value-added agricultural products from the farm operation on the property.
- l) **SENSITIVE IN REGARD TO SURFACE WATER FEATURES AND GROUND WATER FEATURES**, means:
- a) areas that are particularly susceptible to impacts from activities or

events including, but not limited to, water withdrawals, and additions of pollutants.

m) **SENSITIVE LAND USES** means:

- a) buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

n) **SEWAGE AND WATER SERVICES** means:

- a) sewage and water services that include municipal sewage services and municipal water services, private communal sewage services and private communal water services, individual on-site sewage services and individual on-site water services, and partial services.

o) **SIGNIFICANT** means:

- a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, 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;
- b) in regard to the habitat of endangered species and threatened species, means the habitat, as approved by the Ontario Ministry of Natural Resources, that is necessary for the maintenance, survival, and/or the recovery of naturally occurring or reintroduced populations of endangered species or threatened species, and where those areas of occurrence are occupied or habitually occupied by the species during all or any part(s) of its life cycle;
- c) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size or due to the amount of forest cover in the planning area; or economically important due to site quality, species composition, or past management history;
- d) in regard to other features and areas in Section 8 ecologically important in terms of features, functions, representation or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system;
- e) in regard to mineral potential, means an area identified as

provincially significant through comprehensive studies prepared using evaluation procedures established by the Province, as amended from time to time, such as the Provincially Significant Mineral Potential Index; and

- f) in regard to cultural heritage and archaeology, resources that are valued for the important contribution they make to our understanding of the history of a place, an event, or a people.
- g) Criteria for determining significance for the resources identified in sections c) to f) are recommended by the Province, but municipal approaches that achieve or exceed the same objective may also be used.
- h) While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation.

p) **SITE ALTERATION** means:

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

q) **SPECIAL NEEDS** means:

- a) any housing, including dedicated facilities, in whole or in part, that is used by people who have specific needs beyond economic needs, including but not limited to, needs such as mobility requirements or support functions required for daily living. Examples of special needs housing may include, but are not limited to, housing for persons with disabilities such as physical, sensory or mental health disabilities, and housing for the elderly.

r) **SURFACE WATER FEATURE** means:

- a) water-related features on the earth's surface, including headwaters, rivers, stream channels, inland lakes, seepage areas, recharge/discharge areas, springs, wetlands, and associated riparian lands that can be defined by their soil moisture, soil type, vegetation or topographic characteristics.

s) **THREATENED SPECIES** means:

- a) a species that is listed or categorized as a "Threatened Species" on the Ontario Ministry of Natural Resources' official species at risk list, as updated and amended from time to time.

- t) **TRANSPORTATION SYSTEMS** means:
- a) a system consisting of corridors and rights-of way for the movement of people and goods, and associated transportation facilities including transit stops and stations, cycle lanes, bus lanes, high occupancy vehicle lanes, rail facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, intermodal terminals, harbours, and associated facilities such as storage and maintenance.
- u) **VALLEYLANDS** means:
- a) a natural area that occurs in a valley or other landform depression that has water flowing through or standing for some period of the year.
- v) **VULNERABLE** means:
- a) surface and groundwater that can be easily changed or impacted by activities or events, either by virtue of their vicinity to such activities or events or by permissive pathways between such activities and the surface and/or groundwater.
- w) **WASTE MANAGEMENT SYSTEM** means:
- a) sites and facilities to accommodate solid waste from one or more municipalities and includes landfill sites, recycling facilities, transfer stations, processing sites and hazardous waste depots.
- x) **WATERSHED** means:
- b) an area that is drained by a river or creek and its tributaries.
- y) **WAVE UPRUSH** means:
- a) the rush of water up onto a shoreline or structure following the breaking of a wave; the limit of wave uprush is the point of furthest landward rush of water onto the shoreline.
- z) **WAYSIDE PITS AND QUARRIES** means:
- a) 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 the road right-of-way.

aa) **WETLANDS** means:

- a) 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 purposes of this definition.

bb) **WILDLIFE HABITAT** means:

- a) 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 which are important to migratory or non-migratory species.

cc) **WOODLANDS** means:

- a) treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as erosion prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of wildlife habitat, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. Woodlands include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels.

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## Section 2 - A Vision for the Township of Hamilton

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### 2.1 Vision Statement

The Vision Statement provides the context or framework within which the long range planning of the Township should occur. It sets out the characteristics of the municipality that make it a special place to live and visit and provides an image of the Township that is desired for the future.

*Hamilton Township Vision Statement:*

*'The Township will be a self-reliant, fiscally sound municipality striving for positive growth, a sustainable infrastructure with socially responsible and accessible services that promote a safe, healthy and family friendly lifestyle.'*

In planning for the future, the Township has taken stock of its past and present, as well as the economic and social trends that are occurring in the region and province. Background studies were undertaken and public meetings were held to determine the type of community desired in the future.

To be successful in planning for the community, the Township intends to build on its strengths while addressing its weaknesses.

The Vision identifies and directs strategies and planning policies of the Official Plan to promote healthy and active lifestyles, protect the natural environment, to create sustainable community infrastructure and to positively influence the economy of the Township of Hamilton. All growth, by way of development and redevelopment in all sectors of the Township, will be encouraged within the context of the Vision and will demonstrate a coordinated approach to community sustainable development.

### 2.2 Interpretation of the Vision Statement

#### 2.2.1 The Future of Hamilton Township

The Township of Hamilton will continue to be a vibrant and exciting place to live, work and visit. To the extent possible, it will provide a wide range of affordable housing while preserving the historical rural charm of the past. It will be a complete community that meets people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, schools, recreation and open space for its residents.

The Township as envisaged will continue to have the social and cultural values that have evolved through time; a community spirit, a sense of belonging, a tradition of self-reliance, social responsibility, sharing, neighbourliness and an

appreciation of heritage and culture. This quality of life will prevail through a combination of providing a variety of recreational, social and cultural opportunities, preserving the Township's natural heritage features and pursuing new economic opportunities.

The Township will strive to create complete communities that provide for a range and mix of employment and housing.

### 2.2.2 Environmental Resources

With increased environmental awareness and the desire for linking economic growth with environmental sustainability, the management and preservation of the Township's natural resources will play a prominent role in the evolution of the community.

The Oak Ridges Moraine, waterways, wetlands, woodlands, floodplains, areas of natural and scientific interest, fish and wildlife habitat, habitat of endangered and threatened species, and agricultural land will be managed and protected since these natural features and areas are an important part of what makes the Township special and unique.

The Ministry of Natural Resources Natural Heritage Information Centre (NHIC) contains information regarding known occurrences of Threatened and Endangered Species within the Township, however this information should not be considered as complete and species at risk may be present even if no occurrences have been recorded. The Township will accept new information regarding Threatened and Endangered Species habitat from the Ministry of Natural Resources as it becomes available and will use this information, in confidence, to screen all planning applications for potential development constraints. The Township will consult with the Ministry of Natural Resources as appropriate.

The Oak Ridges Moraine is one of Ontario's most significant landform features. It stretches 160 kilometers from the Niagara Escarpment in the west to the Trent River in the east. It is significant for its landform features, recreational, agricultural, and aggregate values as well as for its ecological and hydrological importance. The Oak Ridges Moraine encompasses over one third of the land base of the Township. Development and site alteration on the moraine will be carefully controlled through the implementation of the Oak Ridges Moraine Conservation Plan that forms part of this Official Plan. In addition, the municipality supports the concept of watershed planning and the creation of a natural heritage strategy.

A natural heritage strategy should be completed to include policies to maintain the diversity and connectivity of natural features, and the long term ecological function and biodiversity natural heritage systems. Policies to maintain, restore or where possible improve the identified linkages between and among features and areas, surface water features and ground water features should be included.

### 2.2.3 Growth Pressures

The current population of the Township of Hamilton is 10,700 (2011 Census). The Growth Plan for the Greater Golden Horseshoe provides a population forecast of 96,000 for the county of Northumberland to the year 2031. The county and its member municipalities undertook a county-wide growth management strategy (GMS) in order to allocate the forecasted growth to each of the lower-tiers within the County. The GMS exercise resulted in a population forecast of 12,080 people for the Township of Hamilton in the year 2031. The majority of population growth will be directed to the designated Settlement Areas in the Township as shown on Schedule 'A' to this Plan.

Similarly, the Growth Plan provides an employment forecast of 33,000 jobs for the County of Northumberland to the year 2031. The GMS also allocated employment forecasts to each of the lower tiers within the County. The resulting employment forecast for the Township of Hamilton is 2,350 jobs in the year 2031. Employment growth will be limited to small commercial and industrial uses that serve the agricultural and tourism sectors as well as the local and regional market area.

Efficient use of existing land serviced by municipal water systems, the logical expansion of services, sensitive infilling and the promotion of sustainable private sewage disposal and water services will accommodate a the majority of the population growth.

In anticipating the pressures for growth, careful planning and decision making will ensure that the unique and desirable characteristics of the Township are not lost in order to accommodate the growth pressure.

### 2.2.4 Settlement Patterns

- a) The Growth Plan for the greater Golden Horseshoe establishes a minimum Greenfield density target of 50 persons and jobs per hectare, but permits an alternative density target for upper-tier municipalities in the 'Outer Ring' of the Growth Plan area. An alternative Greenfield density target of 30 residents and jobs per hectare has been approved by the Minister of Infrastructure for the County of Northumberland. While the Northumberland County Growth Management Strategy does not provide a specific greenfield density target for the Township of Hamilton, the Township will grant planning approvals in such a manner that respects and contributes to the County's overall greenfield density target.
- b) Similarly, the Growth Plan establishes a minimum intensification target of 40% of all residential development being within existing built-up areas. Again, while the Northumberland Growth Management Strategy does not provide a specific intensification target for the Township of

Hamilton, the Township will grant planning approval in such a manner that respect and contributes to the County's overall intensification target of 40% of all new development being within existing built-up areas.

- c) The Settlement Areas of Baltimore, Precious Corners, Camborne, and areas immediately adjacent to Highway 401 as depicted on Schedule "A" will function as the primary residential settlement areas of the Township. In addition to modest residential growth, Bewdley, Gore's Landing and Harwood will be the focus of tourism and recreational activity to take advantage of the natural attributes of the Township including Rice Lake and the Oak Ridges Moraine. Limited growth will also take place in Cold Springs and will be restricted to infilling and minor rounding out of development in accordance with the Oak Ridges Moraine Conservation Plan.
- d) The Township will provide a range of housing opportunities, including affordable housing located primarily in the Settlement Areas. Additional residential development will take place to a lesser extent through the approval of land severances for new rural residential lots. Development outside settlement areas may be permitted only where necessary for development related to the management of, or use of resources, resource-based recreational activities, limited residential development and rural land uses that cannot be located in settlement areas. For the purposes of this section, 'limited residential development' shall mean the creation of not more than three lots by way of consent, plan of subdivision or plan of condominium.
- e) Considerable pressure has been exerted on the Township for residential development in the past. Although these pressures will continue in the future, the policies of this plan, the Growth Plan for the Greater Golden Horseshoe, the Oak Ridges Moraine Conservation Plan, the Northumberland County Growth Management Plan and the Provincial Policy Statement will ensure these growth pressures are addressed in a manner that encourages the long term sustainability of the Township and the region.
- f) In the future, the Township will endeavor to balance economic growth by actively encouraging desirable commercial and industrial development in appropriate areas to complement residential development.
- g) Development outside of the Settlement Areas will maintain the quality, diversity and character of the rural landscape, will be directed away from agricultural, naturally sensitive, hazardous and aggregate resource areas and will not create densely developed and suburbanized countryside.

## 2.2.5 Economic Development

Employment opportunities will be provided through a balance of agriculture, tourism, service and light industry in areas designated and determined to be best suited for each economic sector. A well-rounded, vibrant community with economic opportunities for people of all ages will be an objective for the Township.

The Township of Hamilton will foster a climate for innovative economic opportunities, with cooperation among members of the community and all levels of government. More non-residential taxable assessment will be promoted to lessen the dependency on existing and future residents and assessment. In addition to attempting to attract new services, the Township will encourage existing businesses to expand as a generator of local employment.

The growth of home occupations, home industries and telecommuting will be encouraged as a means of stimulating economic activity in the Township.

## 2.2.6 Agriculture

In the future there will continue to be a distinct and important agricultural component to the Township. Businesses that support the agricultural sector by adding value to farm products will be encouraged.

New and alternative agricultural products will be developed through research and development efforts that will help sustain the viability of the agricultural industry in the Township.

Farming activities will be protected from incompatible encroaching development and encouraged along tourist routes to enhance the rural character of the Township.

## 2.2.7 Tourism

There will be a strong tourist demand in the future for the, natural, historical, agricultural and cultural attractions of the Township. The protection and enhancement of the area's natural, historical and cultural attractions will be the focus of the Township's successful tourism strategy. Rice Lake, and Lake Ontario shorelines and the Oak Ridges Moraine will play an important role in this regard. Tourist support services will be expanded to complement and enhance the attractions of the Township.

An increased number of recreational facilities and opportunities including golf courses, walking, cycling, skiing and hiking trails will help service the leisure needs of tourists and residents of the Township.

### 2.2.8 Commerce and Industry

The commercial service sector comprised of community, business and personal services will be encouraged to expand and diversify. The Settlement Areas will be the focus of the majority of future commercial and industrial activity.

Home occupations and home industries will be encouraged in appropriate locations as a means of creating small scale economic and employment opportunities.

### 2.2.9 Linkages

The transportation, open space, natural areas, servicing and communication networks constitute the linkages within which Township residents and visitors will live, work and play. It will be an ongoing goal to minimize the time, distance, economic and energy costs of movement for persons, goods and information within the Township.

Electronic linkages to assist or encourage businesses, telecommuters, home-based businesses and communication will become more important in the future.

The Oak Ridges Moraine, Rice Lake and Lake Ontario shoreline will be major elements in the natural environment and recreational linkages in the Township. Public access to these water bodies will be enhanced through the development or redevelopment of waterfront property. In some instances, Council may consider the purchase of waterfront property in order to enhance public access.

Individual, private modes of transportation will continue to be relied upon in the future.

The integrity of the existing Provincial, County and Township road networks shall be maintained and upgraded, and integrated with cycling and walking routes as much as possible.

Within built-up areas, emphasis will be placed on designing facilities that encourage walking. Walking trails that connect shoreline areas, valleys, existing parks or other important physical or man-made features will be developed wherever possible.

### 2.2.10 Aggregate Resources

Mineral aggregate resources are a provincial interest and are therefore given protection under Section 2.5 of the Provincial Policy Statement. As such, aggregate areas will be protected across the Township to serve future needs, in locations where the aggregate extraction will be compatible with adjacent uses and accessible to major haul routes. Once mined, these areas should be rehabilitated to appropriate uses that are in keeping with surrounding land uses.

The Township will encourage co-operation and co-ordination among aggregate operators to ensure minimal disruption to the rural character of the area.

#### 2.2.11 Community Sustainable Development

The Township subscribes to the principles of Integrated Community Sustainable Development. These principles ensure that Hamilton Township is economically, environmentally, socially and culturally sustainable. These principles include but are not limited to, responsible fiscal management to meet the public facility and infrastructure needs of the Township, promotion of alternative energy systems and renewable energy systems, protection of natural and cultural heritage areas and features, providing opportunities for affordable and special needs housing, supporting new and innovative economic development opportunities, providing a range of recreational opportunities for residents and encouraging a compact and efficient settlement pattern.

All activities in the Township including all public works and privately initiated development or redevelopment will consider these principles.

#### 2.2.12 Affordable Housing

The Township shall endeavour to ensure an adequate supply of affordable housing by attempting to achieve an affordable housing target of 25% for all new residential construction. In any given year the percentage of new residential development that is affordable may meet, exceed or fall short of the 25% target and therefore, to achieve a more realistic picture of the progress made in achieving this target, five year averages shall be used to evaluate the Township's success in meeting its affordable housing objectives.

The Township shall ensure that the Zoning By-law does not require standards which preclude the development of affordable housing, especially as it relates to house and lot sizes.

The Township may use incentives, such as grants or loans through a community improvement plan or other tools permitted by the Planning Act and the Municipal Act in order to achieve the affordable housing policies of this Plan.

#### 2.2.13 Active Community

The Township supports the concept of Active Communities. This concept deals with how the municipality is planned and developed to maximize the opportunities to walk, bike and be more active – all of which are essential for healthier living.

## **2.3 Conclusion**

The Township is committed to realizing this Vision for the future. A strategic and proactive Official Plan will help to achieve this ideal community. The Vision is attainable because it is based upon building from the current strengths of the community, while enhancing other features. The Vision will help the Township in guiding and assessing land use changes and development trends in the future.

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## Section 3 - Land Use Policies - Settlement Areas

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The Settlement Areas shown on Schedule "A" are the locations where the majority of concentrated residential, commercial and community facility growth in the Township will be encouraged. The boundaries indicate the future limits for these areas and include the Settlement Areas of Baltimore, Harwood, Precious Corners, Camborne, portions of Gore's Landing and areas immediately north of Highway 401 in the central portion of the township. Bewdley, Cold Springs and portions of Gore's Landing are also areas of settlement in the Township however are located within the Oak Ridges Moraine Conservation Plan. Development in these areas will be subject to the Rural Settlement policies of the Oak Ridges Moraine Conservation Plan found in Section 9 of this plan.

In addition to modest residential development, Bewdley, Gore's Landing and Harwood will be the focus of economic development opportunities related to the tourist industry to take advantage of the natural assets of the Township including Rice Lake and the Oak Ridges Moraine.

A sub-designation of the Settlement Areas designation is Employment Areas. The Employment Areas are located strategically along major transportation routes and/or within the historical settlement areas. This sub-designation identifies lands that will be used exclusively for commercial, industrial and community facility purposes as major concentrations of employment activity in the Township. The balance of the Settlement Areas is and will continue to be predominantly residential. However, small scale commercial, community facility and open space uses may be located in the Settlement Areas outside the Employment Areas sub-designation.

It is recognized that there may be constraints to development in the Settlement Areas. Environmental constraints such as floodplains, steep slopes watercourses, wetlands and other natural or man-made features may prevent development in portions of the Settlement Areas. As such, all new development will be reviewed in accordance with the policies of Sections 7 and 8 of this Plan.

Development proposals in the Settlement Areas shall avoid lands that are not contiguous to existing development and/or that are isolated from the balance of the Settlement Area due to environmental constraints. Any development application that would have the effect of expanding the Settlement Areas beyond the boundaries identified on Schedule "A" will require an amendment to this Plan following the preparation of a municipal comprehensive review of the entire Township to justify the need for additional Settlement Area lands. The Township will determine the Terms of Reference for the study.

### 3.1 Residential Policies

- i) A full range of residential development shall be permitted including single detached, semi-detached, duplex, converted and multiple unit dwellings.
- ii) Up to one additional residential unit shall be permitted in a single detached

dwelling, in a semi-detached dwelling on lot or in a row house dwelling on lot, and up to one additional residential unit shall be permitted in a detached accessory structure, subject to Section 16(3) of the Planning Act. Exceptions may occur where development constraints such as servicing, hazard or environmental constraints would preclude such development.

Additional residential units shall comply with the following provisions:

- a) All applicable laws and standards, including the Ontario Building Code and Fire Code, and property standard by-laws.
- b) Applicable fees:
  - i) Additional residential units are exempt from County and Township development charges.
  - ii) Additional residential units are subject to applicable building permit fees.
- c) Additional residential units may be connected to the same servicing system for potable water and sewage disposal as the main dwelling on the lot pending approval of the municipality and authority having jurisdiction. If the servicing system is deemed to be inadequate to support the proposed additional residential unit(s), it is up to the property owner/applicant to provide an alternative servicing system to the satisfaction of the municipality and any other authority having jurisdiction as the case may be.
- d) A maximum of two additional residential units per lot may be permitted.
  - i) One additional residential unit shall be permitted in a single detached dwelling, in a semi-detached dwelling on a lot, or in a row house dwelling on a lot; and
  - ii) One additional residential unit shall be permitted in a building accessory to a single detached, semi-detached dwelling, or row house dwelling.
- e) Where additional residential unit(s) is/are proposed, the owner shall investigate whether an adequate supply of potable water is available, and that the site can assimilate wastes from the sewage disposal system without exceeding Ministry of the Environment and Climate Change guidelines for groundwater impact. Such information must accompany the building permit application, to the satisfaction of the Municipality and the authority having jurisdiction.
  - i) Where up to two additional residential units are proposed and the site is serviced with municipal water, a servicing statement is required from the municipality's water purveyor.

- ii) Where up to two additional residential units are proposed, and the site is privately serviced, the owner shall provide a current Well Test Report, prepared by a licensed well contractor, to ensure adequate quantity and quality of the private service. Such report shall be dated no older than one year prior to the building permit application.
  - a) Additional residential units shall be permitted within and accessory to single, semi-detached, or row house dwellings in all land use designations that permit single detached, semi-detached, and rowhouse dwelling, subject to the policies of this Plan and the implementing Zoning By-law.
  - b) detached additional residential unit shall not be severed from the lot containing the principal residential unity. This shall not prohibit the severance of surplus farm dwellings. (OPA No. 12 2021)
- iii) Development shall take place in accordance with the policies of Section 11 and other relevant policies of this Plan. It is the Municipality's intention that the majority of new lot creation will generally occur by plan of subdivision. A maximum of 4 severances may be permitted for residential purposes from a lot of record existing on the day of adoption of this Plan by Council where it is demonstrated that a plan of subdivision is not necessary for the orderly development of the land and will not limit such development by plan of subdivision in the future.
- iv) With any proposal for a converted dwelling use as defined in the zoning by-law, the applicant shall provide an appropriate engineer's report setting out the recommendations for development on private services (septic and well or septic only where applicable). The applicant may be required to provide such things as test wells, a private services study, detailed design or other such information as determined by the Township in consultation with the private service approval authority or other appropriate agency.
- v) Where any proposed development is intended to involve condominium ownership or other ownership method where the Ministry of the Environment requires the Township to be a party to a private communal sewer or water services operating agreement, the Township shall not sign the agreement or enact the amending By-law until the Township is satisfied that the proposed private communal sewer or water services will be of the highest reasonable standard to ensure the reliable and cost-effective functioning of the systems in the future and that satisfactory financial arrangements have been made between the Developer and the Municipality to ensure that the Township shall not incur the cost of repair or replacement of these systems.

### **3.2 Commercial and Industrial Policies**

- i) Commercial uses shall include a wide range of commercial services for the residents of the Settlement Areas and the traveling public. Such uses will

generally be located in settlement areas and in appropriate groupings as much as possible along the main roads. The compatibility of commercial development with other uses will be ensured by such means as the control of ingress and egress to the site, provision of adequate parking and loading spaces, buffering and any other requirements that the Township considers appropriate.

- ii) Local commercial uses such as convenience stores and personal services may be permitted in accordance with the following policies:
  - a) The lot is sufficiently large to accommodate the development on full private services or municipal water and private sewage disposal in accordance with the requirements of the Township or other appropriate agency.
  - b) Adequate buffering, on-site parking and/or other appropriate site development measures can be provided to ensure compatibility with adjacent uses.
- iii) Light industrial uses permitted shall be restricted to those uses that do not pose problems for the disposal of wastes and do not create problems from smoke, dust, noise or similar obnoxious features. The location and types of specific uses shall be controlled through the Zoning By-law.
- iv) With any proposal for a new commercial or industrial development, the applicant shall provide a servicing options report prepared by a qualified engineer setting out recommendations for the appropriate method of providing water and sewage disposal services to the development. The report will be approved by the Township in consultation with the approval authority or other appropriate agency.
- v) The proposed commercial or industrial use must be compatible with surrounding uses, both existing and proposed, particularly with regard to its appearance, traffic generation potential, and any other potential nuisance features.
- vi) The lot size and shape for new commercial and industrial uses shall be appropriate to allow the location of the use and all related accessory uses in accordance with the provisions of the Zoning By-law as well as any relevant site planning considerations.
- vii) Open storage areas adjacent to provincial highways shall be prohibited unless it can be demonstrated that appropriate landscaping and screening to shield the open storage area will not detract from the intended character of the area. For the purpose of this section, open storage shall not include trucks or other large equipment associated with a truck terminal or contractor yards.

- viii) Parking and loading areas will generally be restricted to those areas not facing the provincial highway.
- ix) All industrial and commercial activities will be encouraged to locate within enclosed buildings unless it is essential for an activity to locate outdoors in which case the industrial/commercial use will be screened and buffered from the provincial highway.
- x) All new commercial and industrial development shall conform with the stormwater management policies of Section 12.5 of this Plan.
- xi) Adequate off-street parking and loading spaces will be provided in accordance with the Zoning By-law.

### **3.3 Sanitary Sewer and Water Servicing**

- i) Portions of the Township are serviced with municipal water systems. The Settlement Areas of Baltimore and portions of Camborne are serviced with water systems that are owned and operated by the Township of Hamilton while areas on County Road 45 and areas east of Ontario Street are serviced with Municipal water extensions from the Town of Cobourg. There are no Municipal sanitary sewer systems within the Township. Development may proceed on the basis of partial services that have the effect of infilling and rounding out of existing development.
- ii) There is limited reserve water system capacity in the Baltimore water system. Therefore, Baltimore will primarily be developed with private water and private sewage disposal systems subject to the appropriate hydrogeological and terrain analysis. Development by plan of subdivision may occur with municipal water and private sewage disposal systems with upgrades and expansion to the existing municipal water system at the full cost of the developer. Minor infill development may be considered for connection to the water system to be determined on a case by case basis. (OPA No. 11)
- iii) Council will carefully monitor the effect of partial municipal services on the natural environment to determine the need for a municipal sewage treatment system to service the Baltimore area.
- iv) In Camborne, the municipal water system may be expanded to accommodate infill and rounding out of existing development, subject to approval from the Ministry of Environment. As in Baltimore, the Township will carefully monitor the effect of partial services on the natural environment to determine the need for a municipal sewage disposal system. As an alternative to partial services, development in Camborne may be permitted on full private services subject to all other policies of this plan. A servicing options report shall be prepared by the proponent in support of all new subdivision development in Camborne to determine the most appropriate method of servicing the area.

- v) Development in the Settlement Areas immediately north of Highway 401 currently serviced through extensions of the Cobourg municipal water system will be limited to infilling and rounding out of existing concentrations of development by severance approval only provided agreements between the Township and the Town of Cobourg include adequate water capacity allocations to accommodate the development. Private sewage disposal systems shall be permitted in these areas subject to the approval by the appropriate authority. A site specific hydrogeological and terrain analysis may be required for individual severance applications in order to determine impacts of development on groundwater resources. No new subdivision applications should be approved in this area until a Secondary Plan and long-term servicing strategy has been completed.
- vi) Notwithstanding Section 3.3(v) within the area designated Settlement Area on lands in Part of Lot 17 and 18, Con. 1, Being Parts 1 & 2 on 39R-13402, a maximum ten (10) lot plan of subdivision may be permitted and serviced through the extension of the Cobourg municipal water system and private sewage disposal systems without the need to undertake a secondary plan and long-term servicing strategy. (OPA No. 8)

### **3.4 Employment Areas Sub-designation**

Development in the Employment Areas sub-designation of the plan will consist of commercial, industrial and community facility uses only. Commercial and industrial development shall be guided by the policies outlined in Section 3.2 and 3.3 above while community facility uses shall be guided by the policies of Sections 3.3 and 11.9 of this Plan.

On lands designated Employment Areas located at the intersection of Burnham Street and Highway 401, and lands designated Employment Areas located in Part of Lot 14, Concession 1 as shown on Schedule "A", Council shall require the preparation of a comprehensive retail market study by the proponent. The study shall be required for any development that would result in the creation or addition of 1400 square metres (15,069 square feet) or more of gross floor area of retail commercial space. For the purposes of this policy retail commercial space does not include showrooms or other structures associated with the new or used automotive sales industry.

The study shall analyze and assess the impact of the proposed development on the established commercial function within the central area (downtown) of the Town of Cobourg.

The study will be carried out based on Terms of Reference approved by the Township after consultation with the applicant, by a market consultant approved by the Township and the applicant, at the cost of the applicant. The issues to be addressed in the comprehensive retail market study shall include:

1. an assessment of the present and future population to be served by the proposed development including a detailed explanation of the sources, techniques and assumptions used in arriving at any population projections;
2. an evaluation of the primary and secondary trade areas to be served by the proposed development;
3. a review and analysis of the existing level of retail commercial space within the central area (downtown) of Cobourg and the basis for the justification of additional floor space;
4. the amount, mix, location and phasing of the retail space; and
5. an indication that the proposal will not jeopardize the viability of the retail commercial function of the central area (downtown) of the Town of Cobourg.

### **3.5 Burnham Street Potential Employment Area**

The Township recognizes the area extending north of Cobourg Creek along the east and west sides of Burnham Street as a potential Employment Area in the future. This land is currently designated Agriculture and any new development proposed for this area shall require an amendment to the Official Plan as per Section 4.2 i) of this Plan.

Prior to approval of an amendment to this Official Plan, and in accordance with the Provincial Policy Statement, a report justifying the removal of agricultural lands for non-agricultural uses must be provided which demonstrates:

1. there is a demonstrated need for additional land to be designated to accommodate the proposed use;
2. there are no reasonable alternative locations which avoid agricultural areas; and
3. there are no reasonable alternative locations in agricultural areas with lower priority agricultural lands.

Impacts from any new non-agricultural uses on surrounding agricultural operations and lands will be mitigated.

In addition, Council shall require the submission of a servicing options report outlining the method of sanitary sewage disposal and water systems. The servicing options report shall explore the possibility of extending municipal sanitary sewer and water systems from the Town of Cobourg. The preferred method of serving these lands is with full municipal sewer and water systems. The next preferred method is through communal systems constructed and operated in accordance with MOE regulations. Private on-site services will only be considered if full municipal or communal services are not feasible following the completion of a servicing options report.

No new subdivision application or major commercial/industrial/community facility uses will be approved in this area until a Secondary Plan has been completed. The Secondary Plan will provide the justification for removing agricultural lands as set out above, determine servicing options and establish specific uses that will be permitted.

Development of these lands as well as lands adjacent to the County Road 45/Highway 401 interchange will also require permits from the Ministry of Transportation and will need to accommodate long range plans for interchange construction and future transportation needs of the area.

### **3.6 Zoning**

All uses permitted within the Settlement Areas designation and Employment Areas

sub-designation shall be placed in the appropriate zoning classification in the implementing Zoning By-law.

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## Section 4 - Land Use Policies – Agriculture

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Lands designated Agriculture are areas which are currently farmed and/or display a high potential for agricultural production and are large contiguous areas predominantly comprised of Class 1, 2 and 3 agricultural soils as per Canada Land Inventory Mapping. The Canada Land Inventory (C.L.I.) of Soil Capability for Agriculture, Ministry of Agriculture, Food and Rural Affairs information on land in agricultural use and site investigations were used to identify the Agriculture designation on Schedule “A”. It is a policy of this Plan to preserve agricultural lands to ensure their availability on a long term basis by protecting them from incompatible uses and preventing their fragmentation.

### 4.1 Permitted Uses

The Agriculture designation shall permit many forms of agricultural uses including the growing of crops, including agro-forestry, greenhouse crops, mushrooms, nursery and horticulture crops; raising of livestock and other animals and birds, including poultry, fur bearing animals, fish, deer, elk and bees and associated on-farm buildings and structures. Secondary uses such as home industries, agro-tourism, and value-added agricultural products from the farm operation on the property as well as agriculture-related commercial and industrial uses are permitted.

Additional residential units may be permitted subject to the policies of this Plan and the implementing Zoning By-law. Nothing in this policy should be construed as encouraging or allowing for the subsequent severance of the second additional dwelling. (OPA No. 12 2021)

### 4.2 Policies

- i) An amendment to the Official Plan will be required to change the designation from Agriculture to another designation. In evaluating an amendment to the Official Plan to change the designation from Agriculture to another designation, the municipality shall be satisfied that there is a demonstrated need for the proposed use for which the amendment is sought, and that it cannot be reasonably located on lands outside the Agriculture designation or on lands within the Agriculture designation with a lower agricultural capability, that the proposed use is in the community interest, and provided the impacts of any new non-agricultural development on surrounding agricultural lands and operations are mitigated. In the case of adjusting the Settlement Area designation upon lands designated as Agriculture, then it must also be demonstrated that the municipality does not have sufficient lands already designated Settlement Areas to accommodate the allocated growth.
- ii) Within the Agriculture designation, there may be small pockets of land that are marginally productive or of lower priority for agriculture due to their size,

shape, topography, soil, class, drainage and other physical characteristics. However, these physical limitations and site characteristics alone do not merit consideration for an official plan amendment to a non-agricultural designation.

- iii) All new farm and non-farm development shall comply with the Minimum Distance Separation Formulae I or II as amended and the General Development Section of this Plan.
- iv) Notwithstanding Section 4.1 above, within the Agriculture designation the following uses are also permitted:
  - a) agriculture-related commercial and industrial uses that are small in scale and directly related to the farm operation and required to be located in close proximity to the farm operation such as grain drying handling and storage facility;
  - b) Secondary uses considered compatible and supportive to the principle agricultural use are also permitted. Such uses are small in scale and may include value added agricultural products such as custom meat shops, pick-your-own operations, produce market, and packing operations.
  - c) Agriculture-related businesses and services such as abattoirs and livestock assembly yards that serve the surrounding agricultural communities.

Such uses may be permitted conditional upon approval of an amendment to a separate zoning classification in the implementing Zoning By-law where appropriate provisions and regulations are established to govern the use of such lands.

- v) Agriculture-related commercial or industrial uses will be subject to Site Plan Control, as outlined in Section 11.18 of this Plan. In addition, the Municipality may require a preliminary site plan as part of the application for a Zoning By-law amendment.
- vi) When considered necessary, the Municipality may seek the advice of government agencies or individuals having appropriate specialist knowledge in matters concerning the potential effects of any proposed agriculturally related commercial or industrial use. In accordance with comments received from government agencies and/or other expert opinion, the Municipality may impose building controls in the development or site plan agreement.
- vii) Consents in the Agriculture designation shall be in accordance with the provisions of Section 11 of this plan.
- ix) Agriculture-related businesses and services will be permitted in the Agriculture designation subject to the following:

On prime agricultural lands, complete agricultural rehabilitation of aggregate extraction areas is not required if:

- a) there is a substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
  - b) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 1, 2 and 3; and
  - c) agricultural rehabilitation in remaining areas is maximized.
- ix) An existing lot of record in an Agriculture designation may be used for residential purposes in accordance with the relevant provisions of the Zoning By-law provided such lot is an appropriate size and shape and the dwelling can be serviced with private sewage disposal and water services, does not violate the Minimum Distance Separation Formulae I as amended and it complies with other relevant policies of this Plan.
- x) Where any mineral aggregate operation takes place within areas comprised of Class 1, 2 or 3 soils according to the Canada Land Inventory of Soil Capability for Agriculture rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture are restored. On these agricultural lands, complete agricultural rehabilitation is not required if:
- a) there is substantial quantity of mineral aggregate resources below the water table warranting extraction, or the depth of planned extraction in a quarry makes restoration of pre-extraction agricultural capability unfeasible;
  - b) other alternatives have been considered by the applicant and found unsuitable. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 to 7 soils, resources on lands identified as designated growth areas, and resources on prime agricultural lands where rehabilitation is feasible. Where no other alternatives are found, prime agricultural lands shall be protected in this order of priority: specialty crop areas, Canada Land Inventory Classes 1, 2 and 3; and
  - c) agricultural rehabilitation in remaining areas is maximized.
- d) agricultural rehabilitation in remaining areas is maximized.

### **4.3 Special Use Policy - Part Lot 29 and 30, Concession 2**

Notwithstanding Section 4.1, within the Agriculture designation on lands located in Part of Lots 29 and 30, Concession 2, known as Dalewood Golf and Curling Club as shown on Schedule "A" the following uses are also permitted:

- a) golf course, curling club, banquet facility and accessory uses to the foregoing.

All other applicable provisions and policies of this Official Plan shall apply.

### **4.4 Energy Systems**

Alternative energy systems and renewable energy systems shall be permitted in the Agriculture designation in accordance with provincial and federal requirements.

Small scale alternative energy systems and renewable energy systems that are not regulated by provincial or federal regulations shall be permitted in the Agriculture designation in accordance with appropriate zoning provisions.

### **4.5 Zoning**

All uses permitted within the Agriculture designation shall be placed in the appropriate zoning classification in the implementing Zoning By-law.

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## **Section 5 - Land Use Policies - Estate Residential**

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The Estate Residential designation includes areas where established multi-lot residential subdivisions currently exist. These areas were planned on a comprehensive basis through the review and approval of a plan of subdivision and are substantially developed.

The Growth Plan for the Greater Golden Horseshoe does not permit multi-lot residential subdivision outside of an identified Settlement Area. Therefore, in the future, the municipality will not consider designating any new Estate Residential development in the Township.

The Estate Residential designation identified on Schedule "A" serves to preserve the land use principle of these areas for residential purposes only. All new development or redevelopment of these lands shall take place in accordance with the provisions of the Zoning Bylaw and other provincial or local regulations.

Estate Residential uses shall be placed in the appropriate zoning classification in the implementing Zoning By-law.

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## **Section 6 - Land Use Policies - Rural**

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Lands designated Rural on Schedule “A” are characterized by a rural landscape which reinforces the historical relationship between settlement areas and the surrounding farm and rural community to which the settlement areas provide basic services. The amount and type of development in the Rural area shall be consistent with maintaining its rural, natural heritage and cultural landscape including maintenance of tree cover and large open space areas.

### **6.1 Permitted Uses**

Lands designated Rural are not intended to be the focus of rural residential or commercial development. However, a variety of land uses will be permitted including those permitted uses within the Agriculture designation, as well as limited residential, commercial, industrial, resort recreational and outdoor recreation uses. Agricultural uses shall be subject to the policies set out in Section 4. The policies for residential, commercial, industrial and outdoor recreation development are set out below.

Not all Rural land is appropriate for the above listed uses. Among other things, site specific conditions such as bedrock at surface, poor drainage, organic soils or high water table may make certain areas undesirable for development. The Township may discourage the use of lands that would require substantial changes and improvements that are incompatible with the rural landscape before development could occur.

### **6.2 Residential Policies**

- i) Residential uses shall generally be single detached dwellings. The conversion of existing single detached dwellings into two unit dwellings may be permitted in accordance with the provisions of the Zoning By-law.
- ii) Rural lands are intended to be used for limited low density residential development.
- iii) Residential uses will generally be in accordance with the other relevant policies of this Plan and shall comply with the Minimum Distance Separation Formula 1 as amended.
- iv) Residential development shall be located so that the impact on natural environmental features will be minimal.

### **6.3 Commercial and Industrial Policies**

It is anticipated that there will be a need for small scale commercial and industrial development or agriculture-related commercial industrial uses in the Rural area. As well, there will be tourism commercial development associated with Rice Lake

and with other significant recreational areas.

Development outside settlement areas may be permitted only where necessary for development related to the management of, or use of resources, resource-based recreational development, limited residential development and rural land uses that cannot be located in settlement areas. For the purposes of this section, 'limited residential development' shall mean the creation of not more than three lots by way of consent, plan of subdivision or plan of condominium.

- i) Commercial uses may be allowed in the Rural designation when and where such policies are as outlined in 6.3 iii) below. Commercial uses that provide for the basic and immediate needs of the rural population and of tourists and the travelling public shall be permitted. These uses shall generally be encouraged to locate within Settlement Areas, but may be permitted to develop within the Rural designation. Such commercial uses shall include but shall not be limited to resort and recreation commercial uses, tourist facilities, auction barns, farm related commercial and convenience commercial, flea markets and existing tourist trailer parks.
- ii) Permitted industrial uses in the Rural designation may include, but not be limited to, agricultural processing plants, builder's supply yards, bulk storage yards, contractor yards, transportation terminals, motor vehicle repair garage, manufacturing, warehousing and other similar industrial uses in accordance with the policies outlined in 6.3 iii) below.
- iii) The following policies also apply to the commercial and industrial uses in the Rural designation:
  - a) the use must be appropriate for the proposed location and be compatible with surrounding land uses;
  - b) access to uses will be carefully controlled in order to avoid creating any traffic hazard. Generally there should be no more than two accesses per lot;
  - c) shall be appropriately screened and buffered;
  - d) adequate off-street parking and loading spaces will be provided;
  - e) advertising signage and outdoor storage of goods and materials will be appropriately controlled;
  - f) the uses will be placed in a separate category in the Zoning By-law.
- iv) Resort Recreational

Resort recreational uses include tourist trailer parks, tourist cabin establishment campgrounds and timeshare/fractional ownership resorts. The development of a new or the expansion of an existing resort recreational use

shall be subject to the following:

1. Resort recreational uses shall front on an open municipal road that is maintained year round by the municipality.
2. Resort recreational uses are seasonal in nature and shall not be used as a primary place of residence.
3. Recreational resort uses shall be serviced with appropriate sewer and water services in accordance with the Clean Water Act and Ministry of Environment regulations or the Ontario Building Code.
4. Development of resort recreational uses on private communal water and/ or sewer system shall be subject to the policies of Section 11.16 of this plan.

v) Outdoor Recreation

Outdoor recreation uses shall be allowed in the Rural designation in accordance with the policies outlined below.

- a) Outdoor recreation uses may include golf courses, country clubs, sports and recreation clubs, public land, public or private trails and other such uses.
- b) Outdoor recreation uses shall be appropriate for the proposed location and be compatible with surrounding uses.
- c) Adequate off-street parking and loading spaces shall be provided.
- d) Advertising signage and outdoor storage of goods and materials will be appropriately controlled.
- e) Outdoor recreation uses shall be zoned appropriately in the Zoning By-law.

#### **6.4 Mobile Home Park**

- i) A mobile home park shall mean a property developed for the siting and placement of mobile homes. Uses which are incidental to a mobile home park including a park management office, recreational facilities, laundromat, storage facilities, and other similar uses may also be permitted.
- ii) Two mobile home parks are currently located within the Township and are designated Rural. It is the intent of this Official Plan that no new or the expansion of the existing mobile home parks be permitted. In this regard, the number of mobile homes in the existing mobile home parks shall be limited to the number of units existing at the day of adoption of this Plan by Council. Sewer and water services shall be the responsibility of the owners/operators of the mobile home or mobile home park. The Mobile Home Park shall be zoned appropriately in the Zoning By-law.

## **6.5 Salvage Yard**

- i) A Salvage Yard is permitted within the Rural designation and includes premises where derelict, discarded, abandoned or inoperable motor vehicles and/or other goods, wares, merchandise or articles are stored wholly or partly in the open. This shall include junk yards, scrap yards or automobile wrecking yards. A salvage yard shall be located an adequate distance away from any existing or proposed residential, commercial, institutional or park uses. The actual separation distance may vary depending on topography, intervening land uses or natural buffering.
- ii) The salvage yard shall be adequately screened on all sides either naturally or by artificial means so that no portion of the operation, including the storage area, is visible from a public road or recreational watercourse.
- iii) The salvage yard shall not cause adverse effects on any ground or surface water or natural heritage areas. The Township may require studies identifying impacts on the above areas and appropriate mitigation measures.
- iv) An accessory dwelling for the owner of the salvage yard may be permitted.
- v) A salvage yard may be licensed in accordance with the applicable licensing by-law.

## **6.6 Waste Disposal Site**

- i) Waste disposal sites shall be limited to closed or operating waste or sanitary landfill sites certified by the Ministry of the Environment. Ancillary uses such as recycling depots and transfer stations may also be permitted. Disposal of liquid industrial, radioactive or toxic waste shall not be permitted.
- ii) Waste disposal sites shall be located an adequate distance away from any natural heritage feature or any existing or proposed residential, commercial, institutional, park or outdoor recreation uses. A report from a qualified professional which establishes appropriate separation distances based on site specific considerations will be required for the expansion of existing waste disposal sites.
- iii) All waste disposal sites shall be located and operated so that the contamination of any ground or surface water supply does not occur.
- iv) All waste disposal sites shall be set back a sufficient distance from a public road so that all functions related to the operation of the site can be carried on within the site so that there is no unsightly appearance visible from the road.
- v) All waste disposal sites shall be located so that ingress and egress points do not create a traffic hazard.
- vi) All waste disposal sites no longer in use shall be rehabilitated to the

standards required by the Ministry of the Environment. No use shall be made of land used as a waste disposal site within a period of twenty-five years from the year in which such land ceased to be used, without prior approval of the Ministry of the Environment.

- vii) All waste disposal sites shall be operated and maintained in accordance with the standards set by the Ministry of the Environment.
- viii) The establishment of a new waste disposal site shall require an amendment to the implementing Zoning By-law.
- ix) Development proposals within 500 metres around the footprint of an open or closed waste disposal site should be supported by a study , undertaken by a qualified professional that assesses landfill gases, ground and surface water contamination, odour, litter, vehicular traffic, visual impact, dust noise other air emissions, vector and vermin. In some cases these studies have already been completed by the owner of the landfill site.

### **6.7 Minimum Distance Separation**

All new farm and non-farm development shall comply with the Minimum Distance Separation Formulae I and II as amended and the General Development Policies Section of this Plan.

### **6.8 Energy Systems**

Alternative energy systems and renewable energy systems shall be permitted in the Rural designation in accordance with provincial and federal requirements.

Small scale alternative energy systems and renewable energy systems that are not regulated by provincial or federal regulations shall be permitted in the Rural designation in accordance with appropriate zoning provisions.

### **6.9 Zoning**

All uses permitted within the Rural designation shall be placed in the appropriate zoning classification in the implementing Zoning By-law.

## Section 7 - Land Use Policies – Natural Hazard

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The Natural Hazard designation generally represents hazardous lands and hazardous sites that have inherent hazards to humans and property including flood and erosion prone lands, steep slopes and/or unstable slopes or soils. The Natural Hazard designation also includes lands having organic soils, poor drainage, high water table, natural ground water recharge areas and dynamic beaches which preclude development or require detailed analysis and study prior to development. Until additional study has been completed to identify other Natural Hazard lands throughout the Township, only floodplain areas have been designated Natural Hazard on Schedule “A”. This does not however mean that other natural hazard lands do not exist. The Township will seek input from the Conservation Authority when a development proposal is located in or near a potential natural hazardous area.

### 7.1 Floodplain Policies

- i. Floodplain management policies are intended to prevent the loss of life, to minimize property damage and social disruption and to encourage a co-ordinated approach to the use of land and the management of water. It is recognized that not all floodplain areas are identified on Schedule “A”. Only those floodplain areas for which engineered Regional Flood line mapping has been completed by the Ganaraska Region Conservation Authority are designated on Schedule “A”. For the purpose of this Plan, a floodplain shall also include:
  - a) the area, usually low lands, adjoining a watercourse including a municipal drain which has been, or may be, covered by flood waters; or
  - b) where the high water mark is not known, any land situated between a watercourse including a municipal drain and a line parallel to and at a distance of 15 metres measured at right angles from the top of the bank of a watercourse; or
  - c) where the high water mark is not known and the bank of a watercourse including a municipal drain is not discernible, the horizontal area, 20 metres wide, on either side of the centre of the watercourse; or
  - d) the engineered flood line delineating the Regional Flood lines established by the Ganaraska Region Conservation Authority.
  - e) Generally, no development will be permitted within the flood plain except for flood or erosion control structures, shoreline stabilization, water intake facilities and minor recreational facilities such as docks approved by the relevant Government authority. Uses such as agriculture, forestry, conservation, wildlife management and similar

activities will be permitted provided that no associated buildings and structures are located on the flood plain. Aggregate extraction operations may be permitted subject to the approval of the Conservation Authority and Township.

- f) Where new lots are being created, part of which will be located in the flood plain, there must be a sufficient area of land above the flood line to place the buildings and services in accordance with the policies of this Plan and the provisions of the Zoning By-law as well as any other applicable regulations. If the severance is an infilling situation, the Municipality may give consideration to the possibility of development in accordance with the criteria of Section 11, but will do so only in exceptional circumstances where there are no other alternatives for creating the lot.

Existing development within the flood plain will be subject to the following policies:

- a) If an existing building or structure is destroyed or requires restoration or reconstruction to a safe condition, such reconstruction will be permitted in accordance with the policies of Section 11.12.
  - b) Additions to buildings or structures will be permitted in accordance with the provisions of the Zoning By-law where approval of the Conservation Authority has been obtained.
- iv) For those areas identified as Natural Hazard - Flood Plain on Schedule "A" for which an engineered floodline is established, the following additional policies will apply.
    - a) New development in accordance with the policies of the adjacent land use designation may be considered within the flood plain provided that the following criteria are fulfilled.
      1. Where filling of the land or floodproofing measures are proposed, approval of the Conservation Authority has been obtained.
      2. Minor changes to the boundary of the flood plain may be considered without an amendment to this Plan provided that the applicant can demonstrate to the satisfaction of the Municipality and the Conservation Authority that such changes are appropriate. Development may then be in accordance with the policies of the adjacent land use designation.
      3. Where the Conservation Authority and the Township have approved the location of the development and a site plan and

site plan agreement, if necessary, have been completed to the satisfaction of the Municipality and the appropriate Conservation Authority.

- v) For those Flood Plain areas where no engineered flood line is available, the following additional policy will apply.
  - a) Minor changes to the boundary of the flood plain may be considered without an amendment to this Plan provided that the applicant can demonstrate to the satisfaction of the Municipality and the Conservation Authority that such changes are appropriate. Development may then be in accordance with the policies of the adjacent land use designation.
- vi) Where any new or additional engineered flood line mapping is available, it will be included in the Official Plan by amendment.
- vii) In any Flood Plain, it will be the policy of the Municipality to encourage the retention of natural vegetation.
- viii) The placement or removal of fill in any Flood Plain will require the approval of the appropriate Conservation Authority.
- ix) Where Flood Plain lands are also designated as Natural Heritage, the provisions of both Sections 7 and 8 of this Plan will apply. In the event of a conflict between the two designations, the more restrictive development policy shall apply.
- x) Nothing within this section shall preclude lands that are floodplain, floodprone or have other inherent hazards such as organic soils, unstable bedrock, poor drainage, special natural characteristics, high water table, dynamic beaches or natural water recharge areas that have or have not been designated on Schedule "A" from being recognized as such in the implementing Zoning By-law. Furthermore, the implementing Zoning By-law may establish appropriate setbacks from the Natural Hazard.

## **7.2 Zoning**

Natural Hazard lands shall be placed in the appropriate zoning classification in the implementing Zoning By-law.

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## Section 8 - Land Use Policies - Natural Heritage

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The Natural Heritage designation includes natural features and areas that provide ecological functions critical to the survival of all species - including humans. These ecological functions include the provision of wildlife habitat, hydrological functions, nutrient and energy cycling and storage, succession and disturbance functions, reproduction and dispersal, landscape linkages and others. These features include significant wetlands, significant coastal wetlands, significant woodlands and significant valleylands, significant portions of the habitat of endangered and threatened species, significant wildlife habitat, fish habitat and significant areas of natural and scientific interest (ANSIs) as defined herein.

Natural Heritage areas are characterized by one or more of the following values:

- a high level of natural community or species diversity;
- representative examples of large, high-quality vegetative communities;
- provincially rare vegetative communities;
- endangered and threatened species;
- significant wildlife habitat;
- fish habitat;
- important hydrological features.

### 8.1 Permitted Uses

Within the areas identified as Natural Heritage generally, the only permitted uses will be conservation, wildlife management and outdoor recreation activities that do not result in negative impacts to the Natural Heritage Feature or its ecological function.

### 8.2 Policies

Currently, only significant wetlands, significant coastal wetlands and Areas of Natural and Scientific Interest have been specifically identified within the municipality and designated as Natural Heritage on Schedule "A" to this plan. The intent of the Natural Heritage policies is to identify significant features/areas within the municipality where development and site alteration will not be permitted and areas where development and site alteration may be permitted, subject to an assessment of potential negative impacts.

For more specific policies on Significant Coastal Wetlands, Significant Wetlands, ANSIs, Endangered & Threatened Species Habitat, Fish Habitat and other Natural Heritage areas, refer to the relevant policies following this section. All Natural Heritage lands shall be placed in the appropriate zoning classification in the implementing zoning by-law.

### 8.2.1 Significant Wetlands and Significant Coastal Wetlands

No development or site alteration will be permitted within a Significant Wetland and or a Significant Coastal Wetlands. Development and site alteration may be permitted within 120 metres (adjacent lands) of a Significant Wetland and Significant Coastal Wetlands as shown on Schedule “A” if it has been determined that there will be no negative impacts to the feature or its ecological function via an Environmental Impact Study (EIS) completed in accordance with Section 8.2.5 of this plan.

Furthermore, the implementing zoning by-law may establish permitted uses and appropriate setbacks from the significant wetland or significant coastal wetlands based on the results of the EIS.

Notwithstanding the above, on adjacent lands established agricultural activities are permitted without an Environmental Impact Study (EIS).

Significant wetlands located within the Township and shown on Schedule “A” include:

- Baltimore Creek Swamp Provincially Significant Wetland
- Bewdley Marsh Provincially Significant Wetland
- Carr’s Marsh (Peter’s Rock Marsh) Provincially Significant Wetland
- Close Point Provincially Significant Wetland
- Davidson’s Corners Provincially Significant Wetland
- Goose Creek Provincially Significant Wetland
- Harmony Island Provincially Significant Wetland
- Harwood Road Provincially Significant Wetland
- Peter’s Rock #2 Provincially Significant Wetland

Any changes to the boundaries of these wetlands proposed by development proponents shall be done in consultation with the Ministry of Natural Resources.

### 8.2.2 Areas of Natural and Scientific Interest (ANSIs)

ANSIs are identified on Schedule “A”. Development or site alteration may be permitted in or within 50 metres (adjacent lands) of significant Areas of Natural Scientific Interest (ANSIs) – Earth Science , or within 120 metres (adjacent lands) of significant Areas of Natural Scientific Interest (ANSIs) Life Science as shown on Schedule “A” and determined by the Ministry of Natural Resources in consultation with the municipality and Conservation Authority if it has been determined that there will be no negative impacts to the feature or its ecological function via an Environmental Impact Study (EIS) completed in accordance with Section 8.2.5 of this plan.

Furthermore, the implementing zoning by-law may establish permitted uses and

appropriate setbacks from significant areas of natural and scientific interest based on the results of the EIS.

Notwithstanding the above, on adjacent lands established agricultural activities are permitted without an Environmental Impact Study (EIS).

ANSIs located within the township include:

- Carr's Marsh Provincial Life Science ANSI
- Bewdley Marsh Provincial Life Science ANSI (candidate)
- Hamilton Streamlined Hills Earth Science ANSI (candidate)
- Harwood Marsh Provincial Life Science ANSI (candidate)
- Millvalley Hills Forest Provincial Life Science ANSI (candidate)
- Sand Point Marsh Provincial Life Science ANSI (candidate)
- Baltimore Creek Swamp Regional Provincial Life Science ANSI (candidate)
- Harwood Provincial Earth Science ANSI

### 8.2.3 Endangered and Threatened Species Habitat

Significant habitats of threatened or endangered species are known to exist in the Township, although not designated on Schedule "A" for reasons of confidentiality. The Municipality will review development applications or changes in designation using the best available information on Endangered/Threatened Species locations that is available from the Ministry of Natural Resources and the Natural Heritage Information Centre, and will do so in a confidential manner so as not to disclose the location information related to the species. The municipality will also accept updates of the Endangered/Threatened Species information and apply it, as it becomes available from the Ministry of Natural Resources and the Natural Heritage Information Centre.

No development and site alteration will be permitted within significant habitat of endangered and threatened species. Development and site alteration may be permitted within 120 metres (adjacent lands) of the habitat of endangered or threatened species if it has been determined that there will be no negative impacts to the feature or its ecological function via an Environmental Impact Study (EIS) completed in accordance with Section 8.2.5 of this plan.

Furthermore, the implementing zoning by-law may establish permitted uses and appropriate setbacks from the natural heritage area based on the results of the EIS.

### 8.2.4 Fish Habitat

It has been determined that all permanent and intermittent watercourses in the Township may contain fish habitat. Development or site alteration may be permitted within 120 metres (adjacent lands) of potential fish habitat if it has been determined that there will be no negative impacts via an Environmental Impact

Study (EIS) completed in accordance with Section 8.2.5 of this plan.

Development setbacks from the watercourses will be in accordance with Section 11.17 of this plan.

Furthermore, the implementing zoning by-law may establish permitted uses and appropriate setbacks from the natural heritage area based on the results of the EIS.

#### 8.2.5 Woodlands

Wooded areas within the township have not yet been evaluated to determine their significance. Prior to the next comprehensive review of this Plan, the township will work with the Ministry of Natural Resources to identify provincially significant woodlands within the Township. In the interim, all wooded areas larger than 0.5 hectares within the Township shall be considered as having the potential to be provincially significant. Proponents of development proposals within these areas shall be required to submit a preliminary Ecological Site Assessment (ESA) completed by a qualified professional to determine the significance of the woodland as part of the application requirements. The preliminary ESA shall consider the recommended Significant Woodland Evaluation Criteria and Standards in Table 7-2 of MNR's Natural Heritage Reference Manual.

Development and/or site alteration shall not be permitted in or adjacent to (within 120 meters) of significant woodlands unless it has been demonstrated that there will be negative impacts on the woodland or its ecological functions.

#### 8.2.6 Wildlife Habitat

Significant Wildlife Habitat areas within the Township have not yet been identified. Prior to the next comprehensive review of the Plan, the Township will work with the Ministry of Natural Resources to identify significant wildlife habitat areas within the Township. In the interim, Council shall require development proponents to undertake studies completed by a qualified professional to confirm the presence/absence of significant wildlife habitat, to determine if the proposed development and/or site alteration within or adjacent to (within 120 meters) of the significant wildlife habitat will result in negative impact on the habitat or its ecological functions, and to recommend appropriate mitigative measures. These studies should reference MNR's Significant Wildlife Habitat Technical Guide for study requirements and guidance.

Development and/or site alteration shall not be permitted in or adjacent to (within 120 meters) significant wildlife habitat, unless it has been demonstrated that there will be not negative impacts on the habitat or its ecological functions, in accordance with polices 2.1.4 and 2.1.6 of the Provincial Policy Statement.

### 8.2.7 Significant Valleylands

Valleylands within the Township have not yet been evaluated to determine their significance. Prior to the next comprehensive review of the Plan, the Township will work with the Ministry of Natural Resources to identify significant valleylands within the Township. 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 meters) 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 meters) of significant valleylands unless it has been demonstrated that there will be no negative impacts on the valleyland or its ecological functions.

### 8.2.8 Environmental Impact Study

An Environmental Impact Study (EIS) will be completed to determine if proposed development will have a negative impact on significant features and functions of the Natural Heritage lands, and options for potential mitigation of these impacts so that a proposed development will not have a negative impact on significant features and functions of the Natural Heritage lands. These include significant wetlands, including significant coastal wetlands, significant habitat of endangered and threatened species, significant woodlands, significant valleylands, significant wildlife habitat and significant ANSIs.

The terms of reference and guidelines for Environmental Impact Study (EIS) will be determined by Council in consultation with the appropriate government agency.

A full site EIS must be prepared by a qualified professional with expertise in environmental science. The statement will:

- be conducted at the appropriate time of the year;
- include a description of existing on-site and adjacent condition and land uses (including Official Plan designations and zoning); define the nature and the boundaries (including Mapping of any significant features and ecological functions on or adjacent to the site including the identification of vegetation communities using the Ecological Land Classification (ELC) system. A description of wooded areas, if present, should also be included, along with the role of these wooded areas with respect to wildlife. Include a species list (species at risk, plants, birds, mammals, reptiles, amphibians, other wildlife, fish habitat etc.) on the EIS. This requires a level of inventory throughout the growing season (spring to late summer);
- identify if suitable habitat exists on the property for known species at risk, as

well as suitable habitat for any species at risk that may be observed during the preparation of the EIS; provide mapping of special features on the site including general location information regarding species at risk occurrences, important life and earth science features;

- describe the location, extent, and detailed description of development;
- describe the relationship of adjacent lands to any significant features or ecological functions;
- describe the relationship of these features and functions to the proposed development and adjacent lands;
- demonstrate how and where development can proceed without negative impact on the natural values which make the area significant, and if so, provide details regarding appropriate methods and locations for development;
- identify all land uses or activities that may negatively impact on the natural heritage features or their ecological functions;
- provide a description of storm water management associated with the development proposal; and
- describe any mitigation or compensation proposals designed to alleviate or eliminate impacts.

The Township may consider reducing an Environmental Impact Study to a scoped study if the proposal is:

- i. minor in nature (impact equivalent to a single severance);
- ii. located along the edge of a feature;
- iii. located in a previously disturbed area; or
- iv. located in an area where previous studies are sufficient to provide the necessary technical information to assess a proposal.

A scoped statement will involve a checklist that can be completed by the applicant in consultation with the Township or other appropriate approval authority.

If the scoped study indicates that there may be some potential impacts that warrant a more complete review, a full site Environmental Impact Study shall be prepared.

Where a full site Environmental Impact Study is required, the study must be prepared by a qualified professional with expertise in environmental science. The statement will:

- i) define the nature and the boundaries of any significant features and ecological functions on or adjacent to the site;
- ii) describe the location, extent, and nature of development;
- iii) describe the relationship of adjacent lands to any significant features or ecological functions;
- iv) describe the relationship of these features and functions to the proposed development and adjacent lands;
- v) demonstrate how and where development can proceed without negative impact on the natural values which make the area significant;
- vi) describe any mitigation or compensation proposals designed to alleviate or eliminate impacts.

Where land identified as Natural Heritage is under private ownership, there is no implication that the land is open to the general public or that it will be acquired by any public agency.

#### 8.2.9 Other Natural Heritage Areas

Nothing within this Section would preclude lands that have been deemed by the provincial government and/or the Municipality to have significant ecological functions or features that have or have not been designated on Schedule "A" from being recognized in the implementing Zoning By-law. These lands may include significant woodlands and valleylands, and significant wildlife habitat. Development in or within 120 metres (adjacent land) of these features may be permitted if it has been determined that there will be no negative impacts to the features or its ecological function via an Environmental Impact Study prepared in accordance with Section 8.2.5. Furthermore, the implementing Zoning By-law may establish permitted uses and appropriate setbacks from the natural heritage area based on the results of the Environmental Impact Study.

### 8.3 Zoning

Natural Heritage lands shall be placed in the appropriate zoning classification in the implementing Zoning By-law.

**8.4 Natural Heritage Area - Part Lots 25 and 26 Concession A – Mahabir (OPA No. 6 OMB Decision PL101236)**

Notwithstanding Policy 11.1 of the Official Plan, the entire property at 7875 County Road 2 (West ½ Lot 25 and East ½ Lot 26, Concession A, Township of Hamilton) shall be deemed to have frontage on County Road 2 and residential buildings associated with the farm use of the subject property are permitted to locate on the subject property south of the existing CN and CP railway lines, subject to zoning regulations applicable to such uses.

The implementing zoning by-law shall include provisions for the use and location of buildings and structures on the property that are consistent with the Environmental Impact Statement and the Lake Ontario Floodline Assessment prepared in support of this amendment.

Development of the property will be subject to Site Plan Control including appropriate agreements in accordance with the Planning Act RSO 1990.

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## **Section 9 - Land Use Policies - Oak Ridges Moraine Conservation Plan (ORMCP) Area**

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The ORMCP is a provincially enacted plan comprised of a complex set of policies and regulations which provides the basis for this section of the Official Plan. The ORMCP is attached as Schedule “D” and forms part of the Township Official Plan. The ORMCP must be referred to in determining the relevant land use policies which apply to any parcel of land within the Oak Ridges Moraine Conservation Plan Area.

### **9.1 Objectives of the ORMCP**

The Oak Ridges Moraine Conservation Act, 2001 establishes the following objectives for the Oak Ridges Moraine Conservation Plan:

- i) protecting the ecological and hydrological integrity of the Oak Ridges Moraine Area;
- ii) ensuring that only land and resource uses that maintain, improve and restore the ecological and hydrological functions of the Oak Ridges Moraine Area are permitted;
- iii) maintaining, improving or restoring all the elements that contribute to the ecological and hydrological functions of the Oak Ridges Moraine Area, including the quality and quantity of its water and its other resources;
- iv) ensuring that the Oak Ridges Moraine Area is maintained as a continuous natural landform and environment for the benefit of present and future generations;
- v) providing for land and resource uses and development that are compatible with other objectives of the Plan;
- vi) providing for continued development within existing urban settlement areas and recognizing existing rural settlements;
- vii) providing for a continuous recreational trail through the Oak Ridges Moraine Area that is accessible to all including persons with disabilities;
- viii) providing for other public recreational access to the Oak Ridges Moraine Area; and
  - i. any other prescribed objectives.

### **9.2 How to Use the ORMCP in the Context of the Official Plan**

To determine how this section of the Official Plan affects a specific area or land

use, the Official Plan and the ORMCP must be read in its entirety as follows:

- i) Consult the Official Plan Land Use Designation Map - Schedule "A" to determine what designation applies to the area.
- ii) Consult Section 9.4 of this Plan and Part II of the ORMCP to determine the policies for that designation and consult Section 9.5 of this Plan and Part III of the ORMCP to determine any restrictions or requirements that shall be considered to protect ecological and hydrological integrity.
- iii) Consult Section 9.7 of this Plan and Part IV of the ORMCP to determine any additional restrictions or requirements that may apply for the specific use or activity being considered.
- iv) Consult Part II of the ORMCP to determine the prescribed provisions to apply pursuant to subsection 15(2) of the ORMCP.
- v) Part I (General) of the ORMCP applies to all development proposals and land uses, including site alteration.

In the case of any conflicts between the ORMCP and this Official Plan, the policies and requirements of the ORMCP shall prevail.

### **9.3 Policies for Existing Uses, Buildings and Development Applications**

- i) Existing Uses, Building and Structures

Section 6(1) of the ORMCP shall apply.

- ii) Expansion, Reconstruction and Conversion of Existing Buildings, Structures and Uses

Sections 6(2), (3), (4), (5), (6), (7) and (8) of the ORMCP shall apply.

6(1) Nothing in this Plan applies to prevent:

- (a) the use of any land, building or structure for a purpose prohibited by this Plan, if the land, building or structure was lawfully used for that purpose on November 15, 2001 and continues to be used for that purpose; or
- (b) the erection or use for a purpose prohibited by this Plan of a building or structure for which a permit has been issued under subsection 8 (2) of the *Building Code Act, 1992* on or before November 15, 2001 if,
  - (i) the permit has not been revoked under subsection 8 (10) of the *Building Code Act, 1992*, and
  - (ii) the building or structure when erected is used and continues to be used for the purpose for which it was erected.

- 6(2) Nothing in this Plan applies to prevent the expansion of an existing building or structure on the same lot, if the applicant demonstrates that,
- (a) there will be no change in use; and
  - (b) the expansion will not adversely affect the ecological integrity of the Plan Area.
- 6(3) Despite subsection (2), an existing mineral aggregate operation or an existing wayside pit within a Natural Core Area may not be expanded beyond the boundary of the area under license or permit.
- 6(4) Nothing in this Plan applies to prevent the expansion of an existing institutional use, if the applicant demonstrates that,
- (a) there will be no change in use; and
  - (b) the expansion will not adversely affect the ecological integrity of the Plan Area.
- 6(5) Nothing in this Plan applies to prevent the reconstruction, within the same location and dimensions, of an existing building or structure that is damaged or destroyed by causes beyond the owner's control, and the reconstructed building or structure shall be deemed to be an existing building or structure if there is no change in use and no intensification of the use.
- 6(6) Nothing in this Plan applies to prevent the conversion of an existing use to a similar use, if the applicant demonstrates that the conversion,
- (a) will bring the use into closer conformity with this Plan; and
  - (b) will not adversely affect the ecological integrity of the Plan Area.
- 6(7) If an existing use has adverse effects on the ecological integrity of the Plan Area, any application to expand the building, structure or use or to convert the existing use to a similar use shall be considered with the objective of bringing the use into closer conformity with this Plan.
- 6(8) In this section,
- "existing" means lawfully in existence on November 15, 2001, and for greater certainty does not include a use, building or structure that is in existence on that date without being lawful;
- "institutional use" includes, without limitation, a long-term care facility, hospital, school, university or college.
- iii) Previously Authorized Single Dwelling
- Nothing in the ORMCP applies to prevent the use, erection or location of a single dwelling and related accessory uses and structures if:

- a) the use, erection and location would have been permitted by the Zoning By-law No. 3137 on November 15, 2001; and
- b) the applicant demonstrates, to the extent possible, that the use, erection and location will not adversely affect the ecological integrity of the moraine.
- iv) Building or Structure Previously Authorized Under Section 17(1) of the ORMCP Section 8 of the ORMCP shall apply.
- v) Exception, Site Plan Approval  
Section 9 of the ORMCP shall apply.

## **9.4 Land Use Designations and Policies**

### **9.4.1 Land Use Designations**

The lands affected by the ORMCP contain the following three land use designations as shown on Schedule “A”, Land Use Designations to this Official Plan.

Natural Core Areas, which are areas with a high concentration of key natural heritage features, hydrologically sensitive features or landform conservation areas.

Natural Linkage Areas, which are areas forming part of a central corridor system that support or have the potential to support movement of plants and animals among the Natural Core Areas, Natural Linkage Areas, river valleys and stream corridors.

Countryside Areas, which are areas of rural land use such as agriculture, recreation, residential development, Rural Settlements, mineral aggregate operations, parks and open space. Rural Settlements, which form part of Countryside Areas are existing small communities, generally long-established and identified in this plan, are also shown on Schedule “A”.

### **9.4.2 Natural Core Areas**

#### **i) Purpose**

The purpose of the Natural Core Area is to maintain and, where possible, improve and restore the ecological integrity of the Plan Area by:

- a) maintaining and, where possible, improving or restoring the health, diversity, size and connectivity of key natural heritage features, hydrologically sensitive features and the related ecological functions;
- b) maintaining or restoring natural self-sustaining vegetation and wildlife habitat;
- c) maintaining the quantity of quality of groundwater and surface water;

- d) maintaining groundwater recharge;
- e) maintaining natural stream form and flow characteristics;
- f) protecting landform features;
- g) accommodating a trail system through the Plan Area and trail connections to it; and
- h) providing for limited economic development that is compatible with a trail system and the nature of the Natural Core Area.

ii) Permitted Uses

Within the areas identified as Natural Core Area, the following uses are permitted subject to Part III and IV of the ORMCP:

- a) fish, wildlife and forest management;
- b) conservation projects and erosion control projects;
- c) agricultural uses;
- d) transportation, infrastructure and utilities as described in Section 41 of the ORMCP, but only if the need for the project has been demonstrated and there is no reasonable alternative;
- e) home businesses;
- f) home industries;
- g) bed and breakfast establishments;
- h) farm vacation homes;
- i) low intensity recreational uses as described in Section 37 of the ORMCP;
- j) unserviced parks;
- k) uses accessory to the uses set out in paragraph a) to j).

### 9.4.3 Natural Linkage Areas

i) Purpose

The purpose of Natural Linkage Areas is to maintain and, where possible, improve or restore the ecological integrity of the Plan Area, and to maintain and, where possible, improve or restore regional-scale open space linkages between Natural Core Areas and along river valleys and stream corridors by:

- a) maintaining and, where possible, improving or restoring the health, diversity, size and connectivity of key heritage features, hydrologically sensitive features and the related ecological functions;
- b) maintaining and, where possible, improving or restoring natural self-sustaining vegetation over large parts of the area to facilitate movement of plants and animals;

- c) maintaining a natural continuous east-west connection and additional connections to river valleys and streams north and south of the Plan Area;
- d) maintaining the quantity and quality of groundwater and surface water;
- e) maintaining groundwater recharge;
- f) maintaining natural stream form and flow characteristics;
- g) protecting landform features;
- h) accommodating a trail system through the Plan Area and trail connections to it; and
- i) providing for limited economic development that is compatible with a trail system and the nature of the Natural Linkage Areas.

ii) Permitted Uses

Within the areas identified as Natural Linkage Areas, the following uses are permitted subject to Parts II and IV of the ORMCP:

- a) Fish, wildlife and forest management;
- b) Conservation projects and erosion control projects;
- c) agricultural uses;
- d) transportation, infrastructure and utilities as described in Section 41 of the ORMCP, but only if the need for the project has been demonstrated and there is no reasonable alternative;
- e) home businesses;
- f) home industries;
- g) bed and breakfast establishments;
- h) farm vacation homes;
- i) low-intensity recreational uses as described in Section 37 of the ORMCP;
- j) unserviced parks;
- k) mineral aggregate operations;
- l) wayside pits;

m) uses accessory to the uses set out in paragraphs a) to l).

#### 9.4.4 Countryside Areas

##### i) Purpose

The purpose of Countryside Areas is to encourage agricultural and other rural uses that support the Plan's objectives by:

- a) protecting prime agricultural areas;
- b) providing for the continuation of agricultural and other rural land uses and normal farm practices;
- c) maintaining the rural character of the Rural Settlements;
- d) maintaining and, where possible, improving or restoring the ecological integrity of the Plan Area;
- e) maintaining and, where possible, improving or restoring the health, diversity, size and connectivity of key natural heritage features, hydrologically sensitive features and the related ecological functions;
- f) maintaining the quantity of groundwater and surface water;
- g) maintaining groundwater recharge;
- h) maintaining natural stream form and flow characteristics;
- i) protecting landform features;
- j) accommodating a trail system through the Plan Area and trail connections to it;
- k) providing for economic development that is compatible with the intent of the Countryside designation and clauses (a) and (g).

##### ii) Permitted Uses

Within the areas identified as Countryside Areas, the following uses are permitted subject to Parts III and IV of the ORMCP:

- a) fish, wildlife and forest management;
- b) conservation projects and flood erosion control projects;
- c) agricultural uses;

- d) transportation, infrastructure and utilities as described in Section 41 of the ORMCP;
  - e) home businesses;
  - f) home industries;
  - g) bed and breakfast establishments;
  - h) farm vacation homes;
  - i) low-intensity recreational uses as described in Section 37 of the ORMCP;
  - j) unserviced parks;
  - k) mineral aggregate operations;
  - l) wayside pits;
  - m) agriculture-related uses;
  - n) small-scale commercial, industrial and institutional uses as described in Section 40, subject to subsection (5) of the ORMCP;
  - o) major recreational uses as described in Section 38, subject to subsection 5 of the ORMCP;
  - p) uses accessory to the uses in paragraphs a) to o).
- iii) **Uses Prohibited in Agricultural Areas**
- The uses described in paragraphs n) and o) of Section 9.3.4 ii) are prohibited in Agriculture areas, as shown on Schedule “B”.
- iv) **Previously Authorized Uses, Buildings and Structures in Countryside or Rural Settlement Areas**

Nothing in this Plan applies to prevent a use on the erection or location of a building or structure with respect to land in a Countryside Area or Rural Settlement Area subject to the provision of sections 17(1), 17(2) and 17(3) of the ORMCP.

## **9.5 Protecting Ecological and Hydrological Integrity**

### **9.5.1 Supporting Connectivity**

Every application for development or site alteration shall identify planning, design and construction practices that ensure that no buildings or other site alterations

impede the movement of plants and animals among key natural heritage features, hydrologically sensitive features and adjacent land within Natural Core Areas and Natural Linkage Areas.

### 9.5.2 Key Natural Heritage Features

The Key Natural Heritage Features (KNHF) are listed in Section 22 (1) of the ORMCP and Table 1 to this plan. The KNHFs includes wetlands, significant portions of the habitat of endangered, rare and threatened species, fish habitat, areas of natural and scientific interest, significant valleylands, significant woodlands, significant wildlife habitat and sand barrens, savannahs and tall-grass prairies. Known KNHFs in the Township are identified on Schedule "B" to the Official Plan. The delineation of KNHFs is to identify the areas in which the policies of Part III of the ORMCP apply to development in Natural Core Areas, Natural Linkage Areas and Countryside Areas. Development in or adjacent to KNHF shall be guided by Table 1 as well as other relevant sections of the ORMCP.

### 9.5.3 Hydrologically Sensitive Features

The Hydrologically Sensitive Features (HSF) are listed in Section 26 of the ORMCP and Table 1 to this plan. HSFs include permanent and intermittent streams, wetlands, kettle lakes, seepage areas and springs. Known HSFs in the Township are identified on Schedule "C". The delineation of HSFs is to identify the areas in which the policies of Part III of the ORMCP apply to development in the Plan area. Developed in or adjacent to HSF shall be guided by Table 1 as well as other relevant policies of the ORMCP.

Table 1

Key Natural Heritage Features, Hydrologically Sensitive Features and Areas of Natural and Scientific Interest (Earth Science): Minimum Areas of Influence and Minimum Vegetation Protection Zones.

Column 1	Column 2	Column 3	Column 4
Item	Feature	Minimum Area of Influence (21)	Minimum Vegetation Protection Zone (21, 23, 26 (4), 30 (12))
1	Wetlands	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature subject to clause 23 (d) if a natural heritage evaluation is required
2	Significant portions of habitat of endangered rare and threatened specified	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under section 23
3	Fish Habitat	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 23 (1) (d) if a natural heritage evaluation is required

4	Areas of natural and scientific interest (life science)	All land within 120 metres of any part of feature	As determined by a natural heritage evaluation carried out under section 23
5	Areas of natural and scientific interest (earth science)	All land within 50 metres of any part of feature	As determined by an earth science heritage evaluation carried out under subsection 30 (12)
6	Significant valleylands	All land within 120 metres of stable top of bank	All land within 30 metres of stable top of bank, subject to clause 23 (1) (d) if a natural heritage evaluation is required
7	Significant woodlands	All land within 120 metres of any part of feature	All land within 30 metres of the base of outermost tree trunks within the woodland, subject to clause 23 (1) (d) if a natural heritage evaluation is required
8	Significant wildlife habitat	All land within 120 metres of any part of feature	As determined by natural heritage evaluation carried out under section 23

9	Sand barrens, savannahs and tallgrass prairies	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 23 (1) (d) if a natural heritage evaluation is required
10	Kettle lakes	All land within 120 metres of the surface catchment area	All land within the surface catchment area or within 30 metres of any part of feature, whichever is greater, subject to clause 26 (4) (c) if a hydrological evaluation is required.
11	Permanent and intermittent streams	All land within 120 metres of meander belt	All land within 30 metres of meander belt, subject to clause 26 (4) (c) and subsection 26 (5) if a hydrological evaluation is required
12	Seepage areas and springs	All land within 120 metres of any part of feature	All land within 30 metres of any part of feature, subject to clause 26 (4) (c) and subsection 26 (5) if hydrological evaluation is required

#### 9.5.4 Areas of High Aquifer Vulnerability

Areas of high aquifer vulnerability are shown on Schedule “C” and the following uses are prohibited with respect to land shown as being in areas of high aquifer vulnerability:

- i) Generation and storage of hazardous waste or liquid industrial waste;
- ii) Waste disposal sites and facilities, organic soil conditioning sites and snow storage and disposal facilities;
- iii) Underground and above-ground storage tanks that are not equipped with an approved secondary containment device;

- iv) Storage of a containment listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

#### 9.5.5 Wellhead Protection

There are no municipal potable water wells located within the Oak Ridges Moraine in Hamilton Township. Should a municipal well be established in the Moraine the municipality will identify wellhead protection areas in accordance with Section 42 (2) of the ORMCP and prohibit and restrict the uses listed in subsections 28 (1) and (2) within the protection areas. In addition the municipality will prohibit or restrict other uses that could adversely affect the quality of groundwater reaching a well and include restrictions on haulage routes for transportation of chemicals and volatile materials in wellhead protection areas.

#### 9.5.6 Watershed Plans, Water Budgets and Conservation Plans

The Township of Hamilton, in conjunction with the Ganaraska Conservation Authority has commenced the preparation of watershed plans, water budgets and conservation plans, in accordance with Section 24 and 25 of the ORMCP. Once completed the objective and requirements of the plans and water budget study will be incorporated into the official plan.

#### 9.5.7 Sub-Watersheds

All development and site alteration with respect to land in a sub-watershed are prohibited if they would cause the total percentage of the sub-watershed that has impervious surfaces to exceed 10 percent or any lower percentage specified in a sub watershed plan.

#### 9.5.8 Rapid Infiltration Basins and Columns

Despite anything else in this section or the ORMCP, new rapid infiltration basins and rapid infiltration columns are prohibited.

#### 9.5.9 Partial Services

Development of partial services is prohibited unless it meets the exceptions provided under Sections 44(2), 44(3) and 44(4) of the ORMCP.

### 9.6 Landform Conservation

Landform Conservation Areas (Category 1) and Landform Conservation Areas (Category 2) have been identified on Schedule "C". Applications for development shall be subject to the policies of Section 30 of the ORMCP.

## 9.7 Specific Land Use Policies

### 9.7.1 Specific Land Use Policies

The following additional provisions of the ORMCP apply to land in the Natural Core Areas:

- i) Section 32 (Lot Creation), Section 33 (Restriction re: agricultural uses, mineral aggregate operations, wayside pits, and Section 34 (Uses accessory to agricultural uses);
- ii) Section 36 (Comprehensive rehabilitation plans), Section 37 (Low-intensity recreational uses) and Section 39 (Trail system);
- iii) Subsections (1), (3), (4), (5) and (6) of Section 41 (Transportation, infrastructure and utilities uses);
- iv) Section 42 (Official plan provisions, wellhead protection areas, areas of high aquifer vulnerability), Section 43 (Sewage and water services), Section 44 (Partial services), Section 45 (Stormwater management), Section 46 (Stormwater management plans) and Section 47 (Rapid infiltration basins and columns).

### 9.7.2 Natural Linkage Areas

The following additional provisions of the ORMCP apply to land in the Natural Linkage Areas:

- i) Section 32 (Lot creation), Section 33 (Restriction re: agricultural uses, mineral aggregate operations, wayside pits, Section 34 (Uses accessory to agricultural uses), Section 35 (Mineral aggregate operations and wayside pits), Section 36 (Comprehensive rehabilitation plans), Section 37 (Low-intensity recreational uses) and Section 39 (Trail system);
- ii) Subsections (1), (2), (4), (5) and (6) of Section 41 (Transportation, infrastructure and utilities);
- iii) Section 42 (Official Plan provisions, wellhead protection areas, areas of high aquifer vulnerability), Section 43 (Sewage and water services), Section 44 (Partial services), Section 45 (Stormwater management), Section 46 (Stormwater management plans) and Section 47 (Rapid infiltration basins and columns).

### 9.7.3 Countryside Areas

The following additional provisions of the ORMCP apply to land in the Countryside Areas:

- i) Section 32 (Lot creation), Section 33 (Restriction re: agricultural uses,

- mineral aggregate operations, wayside pits, and Section 34 (Uses accessory to agricultural uses);
- ii) Subsections (1), (4), (5) and (6) of Section 35 (Mineral aggregate operations and wayside pits);
  - iii) Section 36 (Comprehensive rehabilitation plans), Section 37 (Low-intensity recreational uses), Section 38 (Major recreational uses), Section 39 (Trail system) and Section 40 (Small-scale commercial, industrial and institutional uses);
  - iv) Subsections (1), (4), (5) and (6) of Section 41 (Transportation, infrastructure and utilities);
  - v) Section 42 (Official Plan provisions, wellhead protection areas, areas of high aquifer vulnerability), Section 43 (Sewage and water services), Section 44 (Partial services), Section 45 (Stormwater management), Section 46 (Stormwater management plans) and Section 47 (Rapid infiltration basins and columns).

## **9.8 Lot Creation**

New lots may be permitted within the lands affected by the ORMCP only in accordance with Sections 15, 16 and 32 of the ORMCP. In addition, lot creation in Rural Settlement Areas shall be limited to minor infilling and minor rounding out in accordance with the policies of this Official Plan and the ORMCP.

Section 14 of the ORMCP allows for municipalities in the eastern portion of the ORM to permit additional residential development in the Countryside designation. In order to permit this development, a number of studies are required to be completed including a growth management study, rural economic development strategy, water budget, and water conservation plan. The Township of Hamilton has decided not to pursue this type of development based upon the cost of these studies and the resulting benefits of this type of growth for this are of the Township.

## **9.9 Mineral Aggregate**

New or expanding mineral aggregate operation shall conform to Section 35 and 36 of ORMCP as well as Section 10 of this official plan.

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## Section 10 - Land Use Policies - Mineral Aggregate

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The Mineral Aggregate designation includes mineral aggregate operations as defined in Section 1.8 of this plan, licensed sand, gravel and other aggregate operations. Areas of aggregate reserve have been identified in studies by the Ministry of Natural Resources. In accordance with the Provincial Policy Statement, it is the intention of the Municipality to protect wherever possible the sand and gravel resources designated in this Plan for aggregate extraction and to ensure that the resources are utilized in accordance with proper controls.

### 10.1 Permitted Uses

On Schedule "A", the areas designated as Mineral Aggregate include existing licensed operations only. An overlay designation referred to as Deposits of High Mineral Aggregate Resources is also shown on Schedule "A" which identifies areas of aggregate deposits which should be protected for future pit or quarry uses. In the areas identified as Mineral Aggregate, pit or quarry operations together with accessory uses such as crushing facilities, stockpiles, offices and storage and screening operations shall be permitted. Asphalt plants, ready-mix concrete plants and aggregate transfer stations may be permitted within the land designated as Mineral Aggregate, subject to the provisions of the Zoning By-law. Within the Deposits of High Mineral Aggregate Resources area, land uses may be permitted in accordance with the underlying land use designation provided that these do not include buildings or activities which would preclude the establishment of a pit or quarry.

### 10.2 Policies

- i) The concept of an influence area is recognized as a means of protecting against incompatible land uses in the vicinity of areas designated as Mineral Aggregate and to protect existing pits and quarries from encroachment from other incompatible land uses. In accordance with this concept, it will be the policy of the Municipality to discourage incompatible land uses in areas surrounding Mineral Aggregate areas by careful review of any severance application, rezoning application or other development proposal in consultation with the appropriate government agency. This area of influence is generally 300 metres for a pit and 500 metres for a quarry. In these areas, development which would preclude or hinder the establishment of new operations or access to the resources will only be permitted if:
  - a) resource use would not be feasible; or
  - b) the proposed land uses or development serves a greater long term public interest; and
  - c) issues of public health, public safety and environmental impact are

addressed.

- ii) The concept of an influence area will also apply to new or expanding pits and quarries to protect existing residential uses from encroachment of pits and quarries. In accordance with this concept it will be the policy of the municipality to discourage new or expanding pits and quarries in areas of concentrated residential uses while having regard to noise, dust, traffic and groundwater issues.
- iii) Within the Deposits of High Mineral Aggregate Resources area, land uses may be permitted in accordance with the underlying land use designation provided the uses do not include buildings and activities which would preclude the establishment of a pit or quarry.
- iv) Only existing licensed pit and quarry operations licensed under the Aggregate Resources Act will be zoned in the Zoning By-law to permit such uses.
- v) Within the areas designated Mineral Aggregate in the Official Plan, the establishment of a new pit or quarry or the expansion of an existing operation onto lands not zoned for such use shall require an amendment to the Official Plan and the Zoning By-law.
- vi) The Municipality is designated under the Aggregate Resources Act. All pit and quarry operations must be licensed by the Ministry of Natural Resources and must meet the requirements of that Act. Through the Official Plan Amendment and Re-zoning Process, the Municipality may request that appropriate conditions be placed on the license and may also require the operator/owner to enter into a development agreement to address such issues as hours of operation, haul routes or any other issue deemed appropriate by Council.
- vii) All pits and quarries must satisfy the requirements of the Ministry of the Environment with respect to pumping and dewatering, water supply, waste water, solid and liquid waste disposal, dust and all emissions to the atmosphere including noise and vibrations.
- viii) The removal of a Mineral Aggregate designation from Schedule "A" shall require an amendment to this Plan. Such an amendment will provide justification for the change in designation and clearly demonstrate and document the need for the alternate land use. In considering such amendments, the Municipality shall take into account the following:
  - a) evidence provided by the applicant that aggregate extraction is not feasible due to quality, quantity or other development constraints;
  - b) the necessity of the alternate land use in comparison to the necessity of the mineral aggregate resource;
  - c) the reason for the choice of the location and consideration given to alternate

locations on non-aggregate lands;

- d) the consideration given to the option of sequential land use in which the mineral aggregate is removed prior to development of land for the proposed use.
- ix) The establishment of any new Mineral Aggregate designations will require an amendment to the Official Plan. In proposing any such amendment, the applicant must provide sufficient information for the Municipality and any appropriate government agency to properly evaluate the proposal. Information provided by the applicant may include, but not necessarily be limited to, the following:
- a) the type and location of any neighbouring land uses;
  - b) location of access routes, including consideration of upgrading of existing roads;
  - c) pit or quarry site plan;
  - d) reports from qualified professionals regarding noise, blasting, hydrogeology, drainage, environmental impact, archaeological assessment and any other relevant matters.
- x) Where any mineral aggregate operation takes place within areas comprised of specialty crop areas or Class 1, 2 or 3 soils according to the Canada Land Inventory of Soil Capability for Agriculture rehabilitation of the site will be carried out whereby substantially the same areas and same average soil quality for agriculture are restored. On these agricultural lands, complete agricultural rehabilitation is not required if:
- a) there is 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) other alternatives have been considered by the applicant and found unsuitable; and
  - d) agricultural rehabilitation in remaining areas will be maximized.

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## **Section 11 - General Development Policies**

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The policies of this Section deal with development considerations that are common to a number of land use categories. These policies apply, where relevant, in addition to the policies under the specific land use designations identified on Schedule "A".

### **11.1 Access to Public Road**

All new development shall have frontage on and direct access to an improved public road which is maintained year round by the Municipality or other public authority and has sufficient capacity to accommodate traffic generated by new development. An exception to this policy will be allowed for agriculture, forestry and conservation uses not having an accessory dwelling or to any building or structure to which the public shall have access.

The relevant access and setback policies and guidelines and requirements of the Ministry of Transportation or the County of Northumberland and the Township shall apply to any new development abutting a highway or road under the jurisdiction of the relevant public road authority.

Any new access connections located on a municipal crossroad and within 800 metres of a provincial highway intersection or interchange ramp terminal shall meet MTO's access management practices and principles.

### **11.2 Community Improvement**

It is the Municipality's intention to encourage improvements to the quality of existing development, community facilities, infrastructure and public services, particularly within the Settlements Areas to provide those additional community facilities as circumstances and finances permit. When considered appropriate, it is the intention of the Municipality to prepare background studies, to develop more detailed community improvement policies and to amend the Official Plan to include these policies when the work has been completed.

### **11.3 Development Philosophy**

It is the intention of the Municipality to encourage development to take place primarily in the Settlement Areas. A limited amount of development will be permitted to take place within the Rural area provided that it is in accordance with scheduled improvements to roads and the availability of community services and other relevant policies of this Plan. In certain circumstances, the Township may decide to restrict development in particular areas where it is deemed that the proposal may be premature in the context of the overall development of the Municipality. In determining whether any development is premature, the Township will take into consideration, among other things, such factors as the condition of

the existing roads, the amount of previous development activity in the immediate area, the number of undeveloped lots, accessibility and availability of Township services.

## **11.4 Division of Land**

The policies for the creation of new lots in the Township are outlined below. The division of land in all land use designations must conform to these policies as well as other applicable policies contained in the Plan. However, new lot creation on lands within the Oak Ridges Moraine shall be guided by the policies in Section 9 to this Plan only.

The division of land takes place in two ways: by consent to land severance and by plan of subdivision. The division of land by consent to land severance is intended for the creation of not more than three new lots in areas outside of the Settlement Areas and up to four new lots on lands within the Settlement Areas, lot boundary adjustment or a technical amendment. Where the division of land results in the creation of five or more lots it may be necessary for development to occur by plan of subdivision. However, development by plan of subdivision shall only be permitted within those designations that allow this development form.

There are certain general policies that apply to all divisions of land in all land use designations as well as additional policies that apply specifically to each land use designation.

### **11.4.1 General Consent Policies Applicable to all Land Use Designations**

- i) The frontage, size and shape of any lot created shall be appropriate for the proposed use and conform to the provisions of the Zoning By-law.
- ii) An application shall not result in the landlocking of any parcel of land.
- iii) The severance of land for legal or technical reasons is permitted.
- iv) Where the creation of a lot requires the extension of an existing municipal road, such extension will only be permitted provided:
  - a) Council is satisfied that there is a positive cost/benefit analysis over the long term;
  - b) the extension creates a through road connecting one existing year-round maintained road to another year-round maintained road; and where Council is satisfied that the property adjacent to the extended through road has sufficient development potential.

Road extensions will not be considered:

- a) if a dead-end road is being created; or
- b) if a dead-end road is being extended; or

- c) if the property adjacent to a road has limited development potential; or
  - d) if the road extension/improvement has grades in excess of 8%; or
  - e) if the road extension/improvement has drainage issues/problems; or
  - f) if the road extension/improvement is in or adjacent to a natural hazard designation; or
  - g) if the road extension/improvement is within the Oak Ridges Moraine area (excluding Rural Settlement areas).
- v) The extension or the creation of strip residential development on roads in the Rural areas shall not be permitted. Strip development is defined as a series of 4 or more developed or undeveloped residential lots located on one side of a public road within a 300 metre length along the public road. The 300 metre distance shall be measured between the two lot lines located at either end of the strip. No new residential lot shall be created within a 300 metre distance of a strip residential development located on the same side of the road. However, the afore-referenced shall not preclude infilling where such is permitted by this Plan.
  - vi) The creation of a lot for residential purposes having access only to a county road will generally be discouraged. In special circumstances where there is no other alternative available, such lot may be considered provided that the County has approved the proposed entrance. The policies and guidelines of the County of Northumberland will apply in such circumstances.
  - vii) Any division of land must respect the separation distances for land uses as set out in this Plan and in the Zoning By-law.
  - viii) All division of land for new farm and non-farm uses shall comply with the Minimum Distance Separation Formulae I or II as amended.
  - ix) Road widenings may be required as a condition of any division of land.
  - x) The Township is entitled to a dedication of land for park purposes as a condition on any division of land in accordance with the Planning Act (5% for residential development and 2% for commercial/industrial development). Cash-in-lieu of land may be requested by the Municipality in situations where there is a public park in the area which is adequate for existing and future population. Cash-in-lieu may also be requested where the amount of land involved is small and therefore unsuitable for park development. Where lands are dedicated for park purposes, the Municipality will accept only those lands suitable for park use.
  - xi) Parks Canada Trent Severn Waterway shall be consulted as a review agency for all severances and subdivisions adjacent to Rice Lake.
  - xii) For any division of land, the Municipality will impose certain conditions to the approval of the severance or subdivision. An agreement relating to the conditions may be required.

- xiii) In considering applications for division of land, the Municipality may consult with the School Boards and any other Boards or Committees which must plan for future growth.
- xiv) The cumulative effect of development and the resulting financial implications for the Municipality will be monitored on an on-going basis.
- xv) The municipality, on an annual basis, shall monitor the number, type and location of rural residential lots created by consent.
- xvi) A division of land will not be allowed for a parcel of land subject to flooding or other physical condition which would make it unsuitable for the intended use unless the proposed lots contain sufficient suitable land outside the flood risk or hazardous area to safely accommodate all buildings, structures and sewage disposal facilities.
- xvii) The Township will consider applications for the severances in light of the number of accesses being created on Township roads. Generally, each lot shall have a direct individual access; however, in order to ensure the proper functioning of the road system, the Municipality may require the use of shared entrances along common lot lines by abutting property owners or other such measures satisfactory to the Township.
- xviii) New lots should not be created in areas where an extension of any major services is required.
- xix) Where applicable, the applicant will provide sufficient information to substantiate that all lots created are suitable for wells and septic systems in accordance with current regulations to the satisfaction of the Township and the appropriate approval authority.
- xx) Where applicable, no new lots shall be created where there is not sufficient municipal water and/or electrical capacity available to accommodate the proposed use.
- xxi) The creation of new lots located on lands within the Oak Ridges Moraine shall conform with the policies of Section 9 of this plan only.

#### 11.4.2 Consent Policies Applicable to Specific Land Use Designations

In addition to the general policies for consents outlined in Section 11.4.1 of this Plan, the following specific policies will apply:

- i) Consent Policies for Land within the Agriculture Designation

Within the Agriculture designation, lot creation is discouraged and will only be

permitted for the following uses in accordance with the Agricultural policies of this plan:

- a) agricultural uses, provided that the severed and retained lots are of a size appropriate for the type of agricultural use(s) common in the area and are sufficiently large to maintain flexibility for future changes in the type or size of agricultural operations. This should generally not be less than 40 hectares;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and appropriate sewage and water services;
- c) a residence surplus to a farming operation as a result of farm consolidation, provided that that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance; and
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.
- e) Lot adjustments in prime agricultural areas may be permitted for *legal or technical reasons*.

The creation of new residential lots in prime agricultural areas shall not be permitted, except in accordance with policy 11.4.2 i) c).

ii) Consent Policies for Land within the Rural Designation

The division of land in the Rural designation shall take place through the consent process. Subdivisions are not permitted in the Rural designation. In the Rural Designation, a maximum of three severances may be created from an existing land holding. For the purposes of this section, an existing land holding is defined as a property existing as of October 21, 2003.

The creation of new farm lots in the Rural designation shall be permitted in accordance with the policies of Section 11.4.2 i) a).

New residential lots shall have minimum lot area of 0.4 hectares, a minimum lot frontage of 45 metres, unless otherwise permitted through the applicable Zoning By-law. The 0.4 hectare minimum area must be free of any physical constraints.

Consents to land severance for lot adjustments or technical amendments which do not create new lots shall not make lot ineligible for a consent so long as the intent of the Plan is maintained.

iii) Consent Policies for Land within the Settlement Area Designations

Division of land in the Settlement Area designation shall take place primarily by registered plan of subdivision. However, a maximum of four consents to land severance may be permitted from a lot existing on the day of adoption of this Plan by Council on an infilling basis or as a logical extension of existing development. Infilling shall be considered in accordance with the policies of Section 11.4.1, the general consent and subdivision policies and the policies of the Settlement Area designation.

Severances for the creation of new lots for the development of industrial and commercial uses in the Settlement Area designation shall only be permitted in accordance with the policies of Section 11.4.1 and the relevant policies of the Settlement Area designation.

iv) Consent Policies for Land within the Natural Heritage and Natural Hazard Designation

Consents shall only be permitted within the Natural Heritage and Natural Hazard designations if the Municipality has reviewed the application and have determined that the result of the consent will not have a negative impact on the natural heritage feature of its ecological function and will not be incompatible with the intent of the Natural Heritage and Natural Hazard designation.

v) Consent Policies for Land within the Mineral Aggregate Designation or Deposits of High Mineral Aggregate Resources

Division of land within the Mineral Aggregate or designation or Deposits of High Mineral Aggregate Resources shall not, in the opinion of the Township and the appropriate government agencies, preclude the extraction of the aggregate resource. No severance of land shall be permitted within licensed pits or quarries.

11.4.3 Policies for Plans of Subdivision

- i) The proposed development shall be at a scale which is compatible with the existing or anticipated scale of development in the area.
- ii) Access roads shall have the capability to support the additional traffic loads anticipated from the proposal. Where upgrading and additional maintenance may be required, the Municipality will assess the financial impact of these additional expenditures and may request a contribution from the developer to offset these costs.
- iii) In areas utilizing private services, lots shall have sufficient area so that a private well for water supply can be located without danger of contamination by the sewage system and so that a draw down of groundwater levels

beyond the boundaries of the lot itself can be avoided.

An application for a privately serviced plan of subdivision shall be accompanied by a detailed hydrogeological study and terrain analysis and impact assessment of septic system effluent on the groundwater completed in accordance with Ministry of the Environment guidelines, all of which shall be prepared by a qualified professional and satisfactory to the Municipality.

An application for a privately serviced plan of subdivision shall be in accordance with the Ministry of the Environment's guidelines.

- iv) Lots shall have access on an interior road, developed to standards satisfactory to the Municipality. A limited number of lots may be permitted access on an existing road of an appropriate standard where the Municipality and the authority having jurisdiction is satisfied that such access is appropriate. Nothing in the aforementioned shall be construed as encouraging access to existing roads. Generally, new power and telecommunication services will be located underground.
- v) As many trees as possible shall be preserved, particularly mature and healthy stands of trees and reforestation shall take place where appropriate.
- vi) Topography and/or vegetation shall be maintained and augmented to create an appropriate or desirable environment and buffering may be requested to ensure compatibility with adjacent uses.
- vii) Plans of subdivision shall be designed to allow for the appropriate integration of the subject lands with the adjacent lands.
- viii) The proposal shall be appropriately served by existing levels of municipal services such as fire protection, police protection, waste collection and school facilities. Any proposal requiring substantial upgrading to existing services will generally not be permitted unless it is determined by the Municipality and any pertinent agencies to be appropriate.
- ix) The Municipality shall enter into a subdivision agreement with each developer as a condition of the approval of a Plan of Subdivision. This agreement will set out the internal and external services and obligations that shall be required of the developer.
- x) The developer should provide background information satisfactory to the Municipality demonstrating the appropriateness of the location for the plan of subdivision.
- xi) Plans of subdivision shall be compatible with adjacent areas and the general intent of this Plan.
- xii) Subdivision proposals will also be reviewed in terms of the policies set forth

- in Section 12.4 regarding Storm Water Management.
- xiii) A cultural heritage resource assessment may be required for any lands to be subdivided. The assessment and any recommendations for the conservation of significant cultural heritage resources identified through the assessment may be a condition of subdivision approval and may be included in the subdivision agreement.
  - xiv) The specific provisions of the Planning Act relating to plans of subdivision will apply in addition to the policies set out in this Plan.
  - xv) Where a draft plan of subdivision is proposed adjacent to a provincial highway, the layout of the subdivision should be designed such that the lots back onto the provincial highway and front onto a local internal street.

## **11.5 Group Homes and Special Needs**

- i) A group home is a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving household) live as a household under supervisory care and/or receive medical care consistent with the particular requirements of its residents. The home is regulated, licensed, funded or approved under provincial statutes and in compliance with municipal by-laws.
- ii) The municipality will encourage development of special needs housing in appropriate locations throughout the township and ensure that access to all public facilities and, where applicable, access to all other development is in accordance with the Persons with Disabilities Act and the Ontario Building Code.

## **11.6 Cultural Heritage and Archaeological Resources**

### **11.6.1 Built Heritage Resources and Cultural Heritage Landscapes**

- i) Council may, pursuant to the Ontario Heritage Act, and in consultation with the Municipal Heritage Committee:
  - a) designate properties to be of cultural heritage value or interest;
  - b) define the municipality, or any area or areas within the municipality as an area to be examined for designation as a heritage conservation district; and
  - c) designate the municipality, or any area or areas within the municipality as a heritage conservation district.
- ii) The municipality shall maintain a register of all property designated under Part IV of the Ontario Heritage Act and that the register may contain properties that are not designated but have been identified as being of

- iii) Council shall endeavour to ensure that it has accurate adequate architectural, structural and economic information to determine the feasibility of rehabilitation and reuse versus demolition when considering demolition applications of designated heritage properties.
- iv) A heritage impact assessment shall be conducted by a qualified professional whenever a development has the potential to affect a protected heritage property/cultural heritage resource.
- v) Council shall lead by example by conserving municipally-owned heritage resources and conserving and mitigating impacts to all significant cultural heritage resources, when undertaking public works.

#### 11.6.2 Archaeological Resources

- i) The municipality recognizes that there are many archaeological remains of prehistoric and historic habitation and areas containing archaeological potential with the boundaries of the Township and aims to protect and conserve all archaeological resources with its jurisdiction.
- ii) Areas of archaeological potential shall be determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record with the Township and developed by a licensed archaeologist. Such criteria include features such as proximity to water such as current or ancient shorelines, rolling topography, unusual landforms, and any locally known significant heritage areas such as portage routes or other places of past human settlement.
- iii) Wherever feasible, Council shall require archaeological preservation “in situ”, to ensure that the integrity of the resource is maintained.
- iv) Any alteration to known archaeological sites shall only be performed by licensed archaeologist, as per Section 48 of the Ontario Heritage Act.
- v) In considering applications for waterfront development, Council shall ensure that cultural heritage resources both on shore and in the water are not adversely affect. When necessary, Council will require satisfactory measures to mitigate any negative impacts on significant cultural heritage resources.
- vi) Any marine archaeological resource that is identified must be report to the Ministry of Tourism and Culture immediately. The Ministry shall determine whether the resource shall be left in situ or may be removed, through excavation, by licensed marine archaeologists under the direction of the Ministry of Culture.
- vii) Council shall ensure adequate archaeological assessment and consult

appropriate government agencies, including the Ministry of Tourism and Culture and the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services, when an identified and marked or unmarked cemetery is affected by land use development. The provisions under the Ontario Heritage Act and the Cemeteries Act shall apply.

- viii) Council, with the advice of the Ministry of Tourism and Culture, may undertake the preparation of an Archaeological Management Plan. The Plan will identify and map known archaeological sites registered with the Provincial Archaeological Sites Database, as well as areas within the municipality having archaeological potential. The Management plan may also outline policies, programs and strategies to protect significant archaeological sites.

### **11.7 Zoning and Holding By-laws**

The implementing Zoning By-law shall be amended to conform to the policies and designation of this Plan. However, areas may be zoned otherwise in the By-law for their existing uses or in a holding zone category as provided for in the Planning Act, and in accordance with the following objectives and criteria:

It is the intention of the Township to place certain lands within a holding category in the implementing Zoning By-law when the principle of development has been established, in order to:

- i) to prevent or limit the use of land in order to achieve orderly phased development;
- ii) to ensure that the private or municipal servicing and design criteria established by the Municipality have been met and any required special studies completed prior to removing the holding symbol;
- iii) to allow for the implementation of special design features in specific locations or developments;
- iv) where development is to occur by registered plan of subdivision;
- v) where a site plan agreement is a requirement of the development process as outlined in Section 13.2 of this Plan; and
- vi) to ensure that all conditions of development including financial requirements and agreements in accordance with the provisions of this Plan and/or the Planning Act have been complied with.

Lands throughout the Municipality may be zoned in a holding zone in accordance with the objectives set forth above.

Lands which are subject to holding provisions will be identified in the Zoning By-

law by the symbol 'h' in conjunction with the appropriate zone symbol denoting the eventual usage of the land and will be subject to the following policies:

- i) Lands in a holding zone will generally be limited to existing uses or uses which will not preclude the future development of the lands such as agricultural uses, forestry uses, conservation uses, park and open space uses.
- ii) New development proposed on land zoned for holding purposes will not be permitted until the Municipality deems it appropriate to remove the holding symbol through an amending By-law in accordance with the conditions outlined below.

An application for removal of the holding symbol will be reviewed by the Municipality in consideration of the following criteria:

- i) the proposed use of lands is in conformity with the requirements of the Zoning By-law;
- ii) the required services are provided or can be provided;
- iii) any required tests or reports are completed to the Municipality's satisfaction;
- iv) the financial requirements of the Municipality have been fulfilled;
- v) the phasing and design of the proposed development is approved by the Township;
- vi) any agreements have been completed to the Municipality's satisfaction.

When the Township is satisfied that the above criteria have been met in full, the Township will consider a proposal to remove the 'h' symbol. Notice shall be given of the Township's intention to consider removing the holding symbol in accordance with the requirements of the Planning Act.

## **11.8 Home Occupations and Home Industries**

### **11.8.1 Home Occupations**

Home occupations have an important role in the creation of employment and for the incubation of new businesses and shall be permitted by this Plan and the implementing Zoning By-law to be conducted as accessory to a permitted dwelling unit. Home occupations are intended to refer to those economic activities which are conducted on residential dwelling lands by the occupants. Home occupations are intended to permit people to conduct small-scale, or part-time or occasional businesses or offices from their homes. Limited inert business materials and

products may be stored on-site. Home occupations are not intended to permit economic activities that are more appropriately located in industrial or commercial zones where full-scale parking, traffic, signage, storage, shipping, customer service, and employee complements can be accommodated.

In permitting a home occupation, it is the intent of the Township that a floor area devoted to the home occupation be limited to an appropriate percentage of the total habitable floor area of the dwelling and that there is limited visible indication from the exterior of the dwelling unit to show that a home occupation is being conducted on the premises.

### 11.8.2 Home Industries

Home industries which are accessory to a residential use may be permitted. Such use will be small scale and may be conducted from an accessory building or structure and may employ persons not resident on the property. However, at least one person residing on the property shall be employed in the home industry establishment. The requirements for such uses will be established in the Zoning By-law.

## 11.9 Community Facility Uses

Community facility uses such as schools, public parks, day care centres, hospitals, museums, churches, libraries, community centres, service clubs and similar public or quasi-public uses should be directed to Settlement Areas but will generally be permitted in all land use designations except Mineral Aggregate, Agriculture, Natural Hazard and Natural Heritage provided that the design and siting of the buildings and structures are in keeping with the character of the surrounding area and the community facility use will not detract from the primary function and use of the area. Community facility uses will be subject to the following policies:

- i) the land is suitable for the proposed use;
- ii) adequate off-street parking, buffering, screening and loading space shall be provided; and
- iii) consideration will be given to locating any institutional use that generates a significant amount of traffic in an appropriate location so that surrounding uses are not adversely affected by it.

The location and site development of institutional uses will be regulated through the Zoning By-law.

## 11.10 Land Use Compatibility

In reviewing any development application, the Township shall be satisfied that the proposed use will be, or can be made to be compatible with surrounding uses.

Compatibility may be achieved in a variety of ways. It may be a separation distance which is appropriate to the particular uses. It may be buffering features such as a berm, wall, fence or landscaping or a combination of these features. It may also consist of an intervening land use which would be compatible with both of the conflicting uses. Where buffering provisions are the means to be used to ensure compatibility, such provisions will be determined through the implementing Zoning By-law and site plan approval process. Buffering may also be achieved by the natural physical features of the land. Ministry of Environment guidelines for land use compatibility should be used to determine appropriate setbacks and other buffering techniques.

## **11.11 Noise Assessment Studies**

Any development proposals within 500 metres of Highway 401 or an operational rail line shall require a noise study and where required, incorporate suitable noise control measures to reduce the effects of noise generated from the highway and/or rail line in accordance with MOE guidelines. The appropriate noise control measures will be recommended as part of a noise impact study prepared by a qualified professional. Any residential development may require a noise assessment and impact study prior to the approval of the development proposal by the Municipality. The study should take into account the form of development anticipated and the appropriate noise and attenuation measures to be implemented. Specific noise control measures will be established, to the satisfaction of the Municipality, on a case-by-case basis, according to applicable Noise Guidelines.

### **11.11.1 Rail Noise, Vibration and Safety Impact Policy**

Noise and vibration sensitive areas may be considered to be those areas of land abutting or adjacent to rail rights-of-way having a passive recreation, public assemblage, or residential component. Sensitive areas for noise generally include lands lying within 500 m of rail rights-of-way and for vibration, generally include lands lying within 75 m of rail rights-of-way.

Specific land use controls respecting rail impacts shall be exercised on lands abutting or adjacent to rail rights-of-way and the following policies shall apply:

- i) Prior to approval of applications for Official Plan or Zoning By-law Amendments, consents, subdivisions or condominium control that result in or permit the creation of a new residential unit or lot or the conversion of rental residential units to freehold, co-operative or condominium ownership.
  - a) said application(s) shall be circulated to the appropriate rail company for comments with regard to the recommended noise, vibration and impact mitigation measures; and
  - b) the Municipality may require that the owner/developer engage a consultant to undertake an analysis of noise and/or vibration and to

recommend abatement measures necessary to achieve the maximum noise level limits set by the Ministry of Environment to the satisfaction of the Municipality and in consultation with the appropriate rail company and the Ministry of the Environment.

- ii) As a condition of approval of applications as detailed in i) above, provision shall be made where possible, for the registration on title and insertion in Agreements of Purchase and Sale or Lease of a warning clause with regard to the existence of and potential impacts of rail use and operations and mechanisms to ensure the ongoing maintenance of the required measures.

As a condition of approval of application as detailed in i) and as outlined hereafter, setbacks to address rail safety concerns shall be required for any new residential dwelling or building, an addition to an existing residential structure or a place of public assemblage from the railway right-of-way. The appropriate safety setback will be determined in consultation with the railway company and will take into account provision for safety berms, topography and intervening structures between the railway right-of-way and the new residential dwelling or building, addition to an existing residential structure or place of public assemblage.

### **11.12 Non-conforming Uses**

Any existing use which does not comply with the relevant policies contained in this Official Plan will be deemed non-conforming in terms of this Plan.

Such uses may be zoned in any implementing Zoning By-law in accordance with their present use provided that:

- i) the zoning will not permit any change of use or performance standard that will aggravate any situation detrimental to adjacent complying uses;
- ii) they do not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or the traffic flow they generate;
- iii) they do not pollute the air, water or soil to the detriment of health, comfort and property; and
- iv) they do not interfere with the development or enjoyment of adjacent areas in accordance with this Plan.

Where an existing use does not meet with the criteria set out above, it may not be zoned in accordance with its present use.

Where an existing non-conforming use is discontinued, any rezoning may only take place in conformity with this Official Plan.

Where an existing use has been zoned as a non-conforming use, but there is merit in granting permission to extend or enlarge the use either within the lands held in ownership or on adjacent properties, the Township may amend the Zoning By-law or approve a minor variance to permit such extension or enlargement without the necessity of amending the Official Plan if it complies with the general intent and purpose of this Plan. The Committee of Adjustment also may, based on merit, permit the extension or enlargement of a non-conforming use on lands owned at the time of passing of the By-law, provided that the intent and purpose of the Official Plan are maintained.

The Committee of Adjustment shall use the following guidelines when assessing any application for an extension or enlargement of a use which is zoned as a non-conforming use:

- i) The extension or enlargement should not aggravate the non-conforming situation for neighbouring uses.
- ii) The extension or enlargement should be in reasonable proportion to the existing use and to the land on which it is to be located.
- iii) Any extension or enlargement involving land should be minor in relation to the total property. Any major change shall require an amendment to the Plan.
- iv) The compatibility of the extension or enlargement to surrounding uses with regard to noise, vibration, fumes, smoke, dust, odours, lights and traffic generation will be examined carefully.
- v) Adequate buffering, setbacks and any other measures necessary to reduce the nuisance will be required and where possible shall be extended to the existing use.
- vi) Proper access to the site will be provided to ensure that no traffic hazards are created.
- vii) Adequate on-site parking and loading space will be provided.
- viii) Applicable services such as storm drainage, water supply, sewage disposal and roads, etc. are adequate or will be made adequate.
- ix) Neighbouring uses will be notified of the proposed extension or enlargement of the non-conforming use before the final decision on the application is made.

The Committee of Adjustment may permit a change in use to a similar use or more compatible use.

Where an existing building or structure which has been zoned as a non-conforming use is destroyed, such building or structure may be reconstructed to its former dimensions and location provided work is commenced within twelve months of the date of destruction. An existing building or structure which is zoned as a non-conforming use may be reconstructed or strengthened to a safe condition provided the external dimensions and use of the building or structure are generally not changed.

The development of existing undersized lots on private services may be permitted in accordance with the relevant provisions of the Zoning By-law and this Plan provided that the lot is of an adequate shape and size with soils appropriate for a well and sewage disposal system approved by the appropriate authority. The minimum lot size for private services development will be 2,000 m<sup>2</sup>. A lot addition or enlargement to an existing undersized lot may be permitted even though the addition does not bring the lot up to the standard required in the Zoning By-law. In such a case, the lot does not lose its non-conforming status and may be developed in accordance with the relevant provisions of the By-law.

### **11.13 Parks and Recreational Trail System**

Public parks may generally be permitted within all land use designations except Mineral Aggregate. On lands designated as Agriculture, passive recreational uses may be permitted provided that there are no recreational buildings, the land is left in parcels suitable for commercial farming and the use does not alter the soil and topography adversely. It is intended that parkland be acquired partly by dedication in accordance with the Planning Act and partly through a program developed by the Municipality which may include such things as acquiring additional land, building appropriate facilities, establishing recreation program and developing municipally-owned water-oriented facilities. It is an important priority that whenever possible, waterfront lands be acquired by the Township.

It is the intent of this Plan that the concept of recreational trails connecting various parts of the Township be considered as an integral part of the Township's future development. Recreation trail systems are a unique community resource providing opportunities for public waterfront access, outdoor leisure and recreational activities, interpretation of the natural environment and historic context of the community, and diversity of tourism activities. The Township may consider preparing a comprehensive approach or plan for a recreation trail system to provide a framework of acquiring lands for such purposes. The plan should be prepared in conjunction with other stakeholders including but not limited to the Province of Ontario, County of Northumberland Ganaraska Region Conservation Authority, adjacent municipalities as well as the Lake Ontario Waterfront Trail and Oak Ridges Moraine Trail Alliance to ensure an integrated and coordinated approach to trail development.

### **11.14 Public Infrastructure Uses and Utilities**

Public infrastructure uses and utilities, such as power, water services, roads, railways, telecommunications but not including waste disposal sites will generally be permitted in all land use designations provided that such use or utility is necessary and appropriate in the location and can be made compatible with surrounding uses. New power and telecommunication services shall be encouraged to be located underground wherever possible. Municipal water treatment plants, will be permitted in any land use designation subject to all necessary provincial and/or federal approvals being obtained and be appropriately zoned in the implementing Zoning By-law. In areas designated Agriculture, public uses and utilities, alternative energy systems and renewable energy systems will be encouraged to locate, wherever possible, in areas of lower agricultural capability or in a manner so as to minimize any negative impacts on agricultural activities.

### **11.15 Separation Distances**

Residential dwellings and public uses will be located an appropriate distance away from any use or facility which would be a potential source of nuisance such as railways, airports, and major highways, industrial uses, waste disposal sites, wrecking yards, mineral aggregate areas and livestock operations. Separation distances specific to the particular use will be established in the Zoning By-law or through development approval processes. Where appropriate, Ministry of Environment guidelines and the Minimum Distance Separation Formulae, as amended, will also apply. Separation distances or appropriate remedial measures may also be incorporated into subdivision agreements or other agreements.

### **11.16 Servicing Requirements**

#### **11.16.1 Municipal Sanitary Sewer and Water Systems**

Portions of the Township are serviced with Municipal water systems. The Settlement Area of Baltimore and portions of Camborne are serviced with water systems that are owned and operated by the Township of Hamilton while areas on County Road 45 and areas east of Ontario Street are serviced with Municipal water extensions from the Town of Cobourg. There are no Municipal sanitary sewer systems within the Township.

There is limited reserve water system capacity in the Baltimore water system. Therefore, Baltimore will primarily be developed with private water and private sewage disposal systems subject to the appropriate hydrogeological and terrain analysis. Development by plan of subdivision may occur with municipal water and private sewage disposal systems with upgrades and expansion to the existing municipal water system at the full cost of the developer. Minor infill development may be considered for connection to the water system to be determined on a case by case basis. Council will carefully monitor the effect of partial municipal services on the natural environment to determine the need for a

municipal sewage treatment system to service the Baltimore area. (OPA No. 11) In Camborne, the Municipal water system may be expanded to accommodate growth, subject to approval from the Ministry of Environment. As in Baltimore, the Township will carefully monitor the effect of partial services on the natural environment to determine the need for a municipal sewage disposal system. As an alternative to partial services development in Camborne may be permitted on full private services subject to all other policies of this plan. A servicing options report shall be prepared by the proponent in support of all new subdivision development in Camborne to determine the most appropriate method of servicing the area.

Development in the Settlement Area north of Highway 401 currently serviced through extensions of the Cobourg municipal water system will be limited to infilling and rounding out of existing concentrations of development by severance approval only provided agreements between the Township and the Town of Cobourg include adequate water capacity allocations to accommodate the development. Private sewage disposal systems shall be permitted in these areas subject to the approval by the appropriate authority. A site specific hydrogeological and terrain analysis may be required for individual severance applications in order to determine impacts of development on groundwater resources. No new subdivision applications should be approved in this area until a Secondary Plan and long-term servicing strategy has been completed.

A Settlement Area/Employment Area has been identified in the Township extending north of Highway 401 along Burnham Street and west along Highway 401. Any new large scale development proposed for this area shall be accompanied by a servicing options report outlining the method of sanitary sewage disposal and water systems. The servicing option report shall explore the possibility of extending the municipal sanitary sewer and water systems from the Town of Cobourg. The preferred method of servicing these lands is with full municipal sewer and water systems. The next preferred method is through communal systems constructed and operated in accordance with MOE regulations. Private on-site services will only be considered if full municipal or communal services are not feasible following the completion of a servicing options report.

Development in this area will be permitted on a small scale and shall be subject to a site specific zoning by-law to limit the types of uses permitted relative to the method of servicing identified through a servicing options report. No new subdivision application or major commercial/industrial/community facility uses will be approved in this area until a Secondary Plan long term servicing strategy has been completed.

#### 11.16.2 Private Individual Services

Within the majority of the Settlement Areas, and Rural designations, development has taken place and will continue to take place on the basis of

private individual services. All development on private services must receive approval from the appropriate approval authority. The minimum lot size for such development will be in accordance with any relevant Sections of this Plan and the Zoning By-law although the municipality or the subdivision approval authority may increase these minimum standards and impose other conditions or restrictions where necessary in the interests of the health and safety of the residents of the Township. Any required servicing studies, including servicing options reports, will be provided by the developer to the satisfaction of the Municipality and appropriate approval agency.

#### 11.16.3 Private Communal Services

All lands within the Settlement Area or Rural designations may be developed on the basis of private communal services. Any such system will have to meet the requirements of the Municipality and this Plan and the Ministry of Environment, as well as the approval processes under the Environmental Assessment Act and the Planning Act. Such systems will be owned by the Municipality although the Township could choose to enter into operating agreements with the developer under terms and conditions set out in an agreement between the parties. The Township, in approving any private communal system, will have particular regard for the documented performance of the proposed systems, the financial securities which are to be provided, the long term maintenance requirements and the operation and administration requirements for the systems. In reviewing proposals for development on private communal systems, the Township will also determine the number and types of communal systems that will be accepted by the Township. In general, the Municipality shall only accept developments on communal systems when it can be clearly demonstrated that such systems will not create an unacceptable financial burden on the Township and when it deems it appropriate to do so.

#### 11.16.4 Other Services and Facilities

Development will be encouraged to take place in Settlement Areas where other services are already available or can be readily provided. Such services and facilities include public roads, garbage collection and disposal, fire protection, police protection, education, school busing and parks. In general, new development should not create an undue financial burden for the Municipality unless the Township is satisfied that the long term benefits outweigh the costs.

#### **11.17 Setbacks From Water**

All buildings and structures, except for electric power transmission lines and other public utilities, marinas and marine facilities, should generally be set back a minimum of 30 m from the high water mark of any permanent waterbody or watercourse in order to minimize visual disruption to the land and to help avoid water pollution and protection of environmental and natural heritage features. This requirement may be increased or, in special circumstances such as on

existing lots of record, decreased depending on site conditions and the particular use proposed. Natural vegetation should be maintained on the lands between the high water mark and the building/structure to ensure the effectiveness of this setback. Decreases will only be considered where it is deemed appropriate by the Township and when there is no other practical alternative for development of the land, but will not require an amendment to this Plan.

Furthermore, development and site alteration shall not be permitted within 120 metres of potential fish habitat unless it has been demonstrated that there will be no negative impact on the feature or its ecological function.

Notwithstanding the above, this policy does not apply to lands adjacent to a watercourse where such lands are designated Natural Heritage. In such cases, the setback shall be determined through the completion of an Environmental Impact Study prepared in accordance with Section 8.2.5.

#### **11.18 Wayside Pits and Quarries, Portable Asphalt Plants and Portable Concrete Plants**

Wayside pits and quarries and portable asphalt plants and portable concrete plants are temporary operations established by or on behalf of a public road authority on short notice solely to fulfill an immediate road construction or maintenance. Wayside pits and quarries and portable asphalt plants and portable concrete plants are permitted throughout the Municipality without the need to amend this Official Plan or the Zoning By-law, provided the site is not within a residential zone, wetland, floodplain or watercourse. Prior to the establishment of a wayside pit or quarry for provincial purposes, the Municipality will be advised by the Ministry of Natural Resources that the proposed operation qualifies as a wayside pit or quarry and a rehabilitation plan and estimate of capacity will be filed with the Township.

The Township shall require a rehabilitation plan as a condition of approval. Where the wayside pit or quarry is on land designated as Agriculture, rehabilitation will be in accordance with Section 10.2 x) of this Plan.

#### **11.19 Development Studies**

The Township may require, prior to development as defined in Section 13, a proponent to submit those studies deemed appropriate by the Municipality, completed by qualified professionals, indicating that the proposed development is safe, environmentally and financially sustainable and in the long term best interest of the Township. Requested studies may include, but are not limited to, hydrogeological terrain analysis, species at risk assessments, natural environmental impact studies, hazard evaluations, servicing studies, traffic impact studies and stormwater management or pavement design reports.

## 11.20 Site Decommissioning and Clean-up

It is the intent of the Municipality to ensure the proper decommissioning and clean-up of contaminated sites prior to their redevelopment or reuse. Prior to the Municipality's approval of an Official Plan Amendment and prior to the approval of a Zoning By-law amendment, subdivision, condominium, consent or other planning application by the appropriate approval authority on a site that is potentially contaminated or is contaminated, the proponent shall document, through Phase 1 and Phase 2 Environmental Site Assessments the present and past use of the site and surrounding lands, engage professional assistance in the analysis of soils, ground waters and surface waters as required in consultation with the Ministry of the Environment and shall prepare a remedial action plan in accordance with the Ministry of the Environment's "Guidelines for the Decommissioning and Clean-up of Sites in Ontario" where the contaminants are in concentrations above Ministry established acceptable concentrations. A Ministry of the Environment "Record of Site Condition" may be required to confirm that a site is suitable for its intended use. The proponent shall ensure the supervision of excavation and soil handling activities during site clean-up.

Where planning applications are not required, the Municipality may require a proponent of development to consult with the Ministry of the Environment on the suitability of site development.

Mandatory filing of a record of site condition in the Registry, by a qualified person, as defined in O.Reg 153/04 is required for a change in use of a property from industrial or commercial to residential or parkland and is acknowledged by the Ministry of the Environment. If necessary, a site clean-up plan is designed and the site is cleaned up in accordance with the O. Reg 153/04 and with MOE Guideline "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.

### 11.20.1 Re-use of Potentially Contaminated Sites

- i) Potentially contaminated sites include lands where contaminants may be present due to previous industrial, transportation, utility or similar uses. Sources of site contamination can include disposal of waste materials, raw material storage, residues left in containers, maintenance activities and spills. Some commercial uses such as gasoline stations and automotive repair garages have a similar potential.
- ii) Where there is evidence that development is being proposed on lands that may be contaminated, the Municipality shall require that a soil study be prepared, in accordance with Provincial guidelines for the decommissioning and clean up of the contaminated site, and submitted along with the development application.

- iii) Residential development and/or uses will not be permitted until the site has been restored in accordance with provincial guidelines and legislation.
- iv) Development of any contaminated site shall not be permitted until the site is decommissioned or cleaned up to the satisfaction of the municipality, and subject to the submission to the municipality of a Ministry of the Environment acknowledged Record of Site Condition.

## **11.21 Ground Water Protection**

### **11.21.1 Municipal Wellhead Protection**

Wellhead Protection Areas (WHPAs) are zones around wells where land uses must be planned to protect the quality and quantity of the water supply. In these areas, it may be necessary to restrict or even prohibit certain land uses due to their potential to impact ground water quality and drinking water quality.

The objective of wellhead protection is to ensure that municipal water quality is protected from contamination from incompatible land uses.

It is the policy of Council that:

- i) The Wellhead Protection Areas shown on Schedules F-1 and F-2 are based on time travel zones as follows:
  - A 100 metre pathogen zone around each wellhead – WHPA-A
  - Time of travel zone of 0-2 years – WHPA-B
  - Time of travel zone of 2-5 years – WHPA-C
- ii) For all development and planning applications within WHPA-A, WHPA-B and WHPA-C, a Section 59 Notice made under the Clean Water Act, 2006 from the Risk Management Official will be required for an application to be deemed complete.

The Section 59 Notice is required because certain activities, as set out in the approved Ganaraska Source Protection Plan, within WHPA-A, WHPA-B and WHPA-C may be prohibited or require a risk management plan.

- iii) A by-law will be established to require existing sewage systems (as defined in Ontario Regulation 350/06 under the Building Code Act, 1992) within WHPA-A to connect to a municipal sewage collection system, where financially and technically feasible.
- iv) Where a connection to a municipal sewage collection system is feasible given financial and technical constraints and where a sewage system may be needed (as defined in Section 1 of Ont. Reg 350/06 made under the Building

Code Act, 1992), new development within WHPA-A is required to be serviced by municipal sewage collection system.

- v) Where a connection to a municipal sewage collection system is demonstrated not to be feasible and a sewage system is needed (as defined in Section 1 of Ont. Reg 350/06 made under the Building Code Act, 1992), new development within WHPA-A will be required to be serviced by a sewage system constructed to standards of the Ontario Building Code to ensure that the activity is not a significant drinking water threat.
- vi) Wastewater collection facilities that collect or transmit sewage containing human waste that could be future significant drinking water threats and would require a Prescribed Instrument are required to comply with construction standards that will ensure that the activities are not a significant drinking water threat.
- vii) Planning applications shall include a description of the impervious surfaces (roads, other impervious land surfaces used for vehicular traffic and parking, and all impervious pedestrian paths) associated with the proposed development and demonstrate how impervious surfaces shall be minimized to reduce the impact of the application of road salt where it could be a future significant drinking water threat.
- viii) Storage structures for road salt that could be a future significant drinking water threat will not be permitted (prohibited under the Ganaraska Source Protection Plan).
- ix) No new sewage and/or waste disposal facilities that could be a significant threat (as per the Ganaraska Source Protection Plan) and would require a prescribed instrument are permitted within WHPA-A, with the following exceptions:
  - New wastewater collection facilities that would improve the protection of drinking water,
  - Replacement of an existing facility, and
  - Mobile PCB waste destruction units.

For the purposes of Section 11.21, the following definitions shall apply:

“Wellhead Protection Area (WHPA)” means the area around the wellhead where land use activities have the potential to affect the quality of water that flows into the well.

“Significant Drinking Water Threat” means a drinking water threat which poses or has the potential to pose a significant risk to drinking water.

“Prescribed Instrument” means an instrument that is issued or otherwise created under a provision prescribed by the regulations of:

- The *Aggregate Resources Act*
  - The *Conservation Authorities Act*
  - The *Crown Forest Sustainability Act (1994)*
  - The *Environmental Protection Act*
  - The *Mining Act*
  - The *Nutrient Management Act (2002)*
  - The *Oil, Gas and Salt Resources Act*
  - The *Pesticides Act*
  - Any other *Act* or Regulation prescribed by the Regulations
- (Source: Ganaraska Source Protection Plan)

### **11.22.2 Identification of New Groundwater Information**

If new information becomes available concerning the identification of groundwater features and related *surface water features* (including *sensitive* groundwater features and *sensitive* surface water features), *hydrologic functions* and natural heritage features, and areas which are necessary for the ecological and hydrological integrity of *watersheds*, the Township will work with the appropriate provincial ministries and the local Conservation Authorities to prepare more detailed policies and mapping and incorporate such policies and mapping into the Official Plan by amendment.

### **11.22.3 Highly Vulnerable Aquifers and Significant Groundwater Recharge Areas**

Areas in the Township have been identified as Highly Vulnerable Aquifers (HVAs) and Significant Groundwater Recharge Areas (SGRAs) in the Ganaraska Source Protection Plan and the Ganaraska Source Protection Plan. These areas are shown on Schedule D-1 to this Plan.

In HVAs, groundwater is vulnerable to surface contaminants; therefore the Township will work with the appropriate Source Protection Authority to ensure the property consideration of the HVA when reviewing development applications. In SGRAs, groundwater is vulnerable to depletion; therefore the Township will work with the appropriate Source Protection Authority to ensure the proper consideration of the SGRA when reviewing development applications.”

### **11.22 Site Alteration**

Site alterations such as filling, grading and excavation that would change the landform characteristics of a lot should not be undertaken without the prior approval of the township and/or Conservation Authority in accordance with the Township’s Site Alterations By-law.

### **11.23 Normal Farm Practices**

Nothing in this plan shall prevent any use or activity conducted on a farm that is considered to be normal farm practices as defined herein.

### **11.24 Special Needs**

The municipality will ensure all new development takes place in accordance with Accessibility for Ontarians with Disabilities Act 2005.

### **11.25 Alternative and Renewable Energy Systems**

Alternative energy systems and renewable energy systems shall be permitted throughout the Township in accordance with the Green Energy Act, RSO 2009 and associated regulations.

### **11.26 Endangered and Threatened Species**

In order to determine the presence of threatened or endangered species and to assess the impacts proposed activities may have on the threatened and endangered species, a site assessment is required to be completed at the appropriate time of year, and should identify if the proposed activities will have any impact on endangered or threatened species. The assessment should also propose appropriate mitigation. MNR can be contacted for further information regarding site specific proposals.

### **11.27 Lapsing of Draft Plan Approval**

The Township shall require that approvals of draft plans of subdivisions include a lapsing date in accordance with Section 51(23) of the Planning Act. If approval of a draft plan lapses, the growth management objectives of this plan shall be considered as a key component of the development review process. If a draft plan or part thereof has been registered for eight years or more, and does not meet the growth management objectives of this plan, Township Council may use its authority under Section 50(4) of the Planning Act to deem it not to be a registered plan of subdivision.

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## **Section 12 - Transportation, Stormwater Management, Utilities and Communications**

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A safe, convenient and functional transportation, drainage and utility service network is of great importance to the Municipality. The transportation network includes roads, railways, cycling paths, trails, sidewalks and parking, while the stormwater management system includes drainage ditches, swales and retention/detention facilities. The utility network consists of hydro, gas, cable and telecommunications facilities which provide the necessary electronic linkages to assist and encourage business, telecommunications and home-based business.

Therefore, the Township shall work toward the maintenance and improvement of the transportation, stormwater management, utility and communication systems within the financing capability of the Township and in co-operation with the private sector, utility companies, County of Northumberland, Conservation Authority and the Ministry of Transportation.

### **12.1 Roads**

The road system in the Township is under the jurisdiction of three levels of government. The three levels and the roads within each jurisdiction are as follows:

#### **12.1.1 Provincial Highways**

Highway No. 401 is under provincial jurisdiction and subject to the Ministry of Transportation (MTO) policies and regulations. In this regard, the Ministry of Transportation regulates building and land uses within 45 metres of the highway right-of-way and the areas within 395 metres of the centre point of the intersection of Highway 401 and any intersecting road. In addition, the Ministry also regulates up to 800 metres from the limit of the highway for any land use that will cause people to congregate in large numbers. Traffic studies may be required for any development proposal within the Ministry of Transportation regulated area. All development proposals within the permit control area of the MTO must be circulated to the Ministry for their review and approval. MTO building/land use permits must be obtained from the Ministry prior to any construction being undertaken.

#### **12.1.2 County Roads**

County Roads 2, 9, 15, 18, 28, 45 and 74 presently serve the Township and are under the jurisdiction of the County of Northumberland.

Where development is proposed adjacent to a County road, approval for an entrance must be obtained from the County in accordance with the County guidelines and the policies of this Plan. The County guidelines and policies shall also be used in determining building setbacks from County roads.

### 12.1.3 Township Roads

The Township roads are under Municipal jurisdiction and for the most part are maintained year round. Some Township roads are seasonally maintained with no winter maintenance. Direct access to these roads will only be permitted in locations which can accommodate traffic in a safe manner. Where sight deficiencies exist because of curves or grades, no new access will be permitted unless the deficiency is corrected in a manner acceptable to the Municipality, at the proponent's expense.

New entrances will not be established unless a permit is issued by the Municipality. Where the Township determines that a culvert is necessary, it may be installed by the Township at the owner's expense or by the owner under the supervision of the road superintendent to the satisfaction of the Municipality.

### 12.1.4 Private Roads

Where a private road exists within the Municipality, there is no legal obligation on the part of the Municipality to maintain, repair or otherwise service any development located on that private road or right-of-way. If a private road is reconstructed by landowners to acceptable municipal standards and the road allowance on which it is located is deeded to the Municipality, the Municipality may assume the road by By-law when it is deemed appropriate to do so. Any reconstruction of private roads shall ensure that the travelled surface of the road is at an elevation of not less than .3 metres (1 foot) below the regulatory flood elevation.

Prior to undertaking any such work, the landowners will obtain the approval of the Municipality. The work may be supervised by the Township and shall be to the standards determined by the Municipality.

The Municipality may preclude new development on lots accessing onto private roads. In this regard, no development shall be approved that has the effect of extending existing private roads or creating new private roads.

### 12.1.5 Design Criterion

The Municipality shall have regard for, but not be limited to, the following road related considerations when reviewing new development proposals:

- i) where new roads are required to serve a developing area, a logical hierarchy of roads shall be identified and designed with the capacity to accommodate anticipated traffic generated by the development;
- ii) the design of the road provides for the safe movement of vehicles and pedestrians;
- iii) the carrying capacity of the adjacent roads is sufficient to accommodate the

anticipated traffic generated by the proposed development, as well as anticipated growth in levels of background traffic; and

- iv) the carrying capacity of existing and proposed roads shall be protected by:
  - a) the use of shared access, where appropriate, for new development;
  - b) limiting the number of entrances/exits for non-residential developments located adjacent to these roads;
  - c) the new roads shall provide access to lands designated for development which are currently underdeveloped or underutilized and are required to meet the future needs of the Township.
- v) The Municipality shall ensure that all roads in its jurisdiction are maintained in a safe condition. Priority for road repair shall be given to those roads where such repair reduces the need for major reconstruction of the roads, as determined through the Township Capital Budgeting process. Priority shall also be given to the special road maintenance needs of cycles.

## **12.2 Rights-of-way Widening**

The County or Municipality may require land to be conveyed to the appropriate road authority at no cost for the purpose of widening the existing road right-of-way as a condition of severance, subdivision or site plan control approval. The required lands for road widening shall be in accordance with the functional classification of the road outlined in Section 12.1.5.

Land for widening of the road rights-of-way shall generally be sought equally from both sides of the right-of-way. In certain situations, exemptions or modifications to the requirements may be necessary to reflect site constraints, existing physical development or encroachments, placement of buildings, heritage structures, scale of proposed development and pedestrian safety.

## **12.3 Parking**

Parking is an integral component of the road transportation system. Therefore, it is the policy of this Plan to ensure that the location and design of parking facilities encourage the efficient and safe functioning of the transportation system.

The Municipality shall have regard to the following factors when considering the approval of individual parking lots and the parking component of a larger development:

- i) access and exit to parking areas shall be located so that:
  - a) visibility of other vehicles is not hindered by inadequate sight triangles or buildings set too close to public streets or the internal road system;

- b) visibility is maintained between vehicles entering/exiting the site and pedestrians along the property frontage in order to minimize conflict between the two modes of travel;
  - c) there is minimal disruption to the function of the adjacent road by providing turning lanes where required; and
  - d) where practical, adjoining land uses on arterial, major collector and collector roads shall share access points in order to minimize traffic hazards.
- ii) where possible, parking facilities shall be sited on a property such that large expanses fronting on public streets are avoided;
  - iii) parking for persons with disabilities is provided within oversized parking stalls with ramped sidewalks nearby and is well located in respect to convenience for the user, proximity to the building access points or public sidewalks and is protected, where possible, from adverse climatic elements;
  - iv) illumination of all areas to increase the safe, secure use of parking facilities;
  - v) light spill-over or glare from any lighting source onto residential uses and public streets shall be minimized, but not to the detriment of safety concerns;
  - vi) for mixed use development containing residential units, parking areas shall be dedicated for the exclusive use of residents and separated by design or distance from parking areas for other uses except where parking facilities can be shared with these other uses so as to provide adequate, safe, secure and convenient parking for residential use;
    - i) parking areas shall be designed to incorporate proper storm water management, and use permeable surfaces, where feasible;
    - ii) pedestrian circulation routes through parking areas shall respect natural pedestrian travel routes, minimize hazards and inconvenience and maximize pedestrian security;
    - iii) the design and layout of parking areas shall ensure the safe and efficient operation of the facility; and
    - iv) parking facilities shall be designed, located and operated in such a manner which maximizes the security of motor vehicles and cycles from theft and vandalism and their users from assault or personal injury. In the case of cycle parking, the design and operation shall minimize the risk of physical damage to the cycle from the parking facilities or from other cycles sharing the facility.

- v) The Municipality shall require the provision of on-site loading facilities for development that may regularly receive or dispatch goods. The loading spaces shall be located to minimize the effects of noise and fumes on adjacent uses and shall not interfere with customer/employee parking or pedestrian movement.
- vi) As a condition of approval of applications as detailed in i), the developer may be required to install and maintain combined security and acoustical fencing of a minimum height necessary to prevent trespass onto the adjacent railway right-of-way and attenuate noise to acceptable levels. As a minimum requirement, chain-link security fencing will be required along the common property boundary with the railway right-of-way.

#### **12.4 Storm Water Management**

Storm water management is an important part of the Township's broader interest in protecting water quality. Due to the fact that development affects the quality and quantity of storm run-off, the Township will ensure that adequate consideration is given to storm water management, including off-site impacts.

The Township acknowledges the need to plan on a watershed basis. To this end, the Municipality shall co-operate with other agencies in the preparation of appropriate watershed studies for those areas deemed by the Township requiring such. The Municipality will also have regard to the recommendations and conclusions of these studies in making planning decisions. Specifically, the Municipality may use the development of master drainage plans as a mechanism to co-ordinate the installation of new and the improvement of existing stormwater management facilities.

- i) Prior to approval of any development concept, the Municipality may request that storm water plans be prepared for review by the local Conservation Authority, the Township and, if located within the Ministry of Transportation permit control area. The plan will include a statement of the design objectives to be applied and a description of the storm water management practices to be applied, in accordance with the relevant Provincial policies and guidelines. Applicants are encouraged to consult with the relevant ministries and agencies prior to submitting a draft plan of subdivision.
- ii) Prior to approving any development proposal, the Municipality, in consultation with the local Conservation Authorities, shall be satisfied that adequate storm water management and drainage to a suitable outlet are provided.

- iii) For any development proposal, increases in runoff from the development shall be minimized. The impact of any proposed development on local and area-wide drainage patterns shall be identified. An appropriate method of managing surface runoff shall be developed in consultation with the local Conservation Authorities and implemented as a condition of approval according to the following policies:
  - a) developments shall incorporate methods of on-site storm water best management practices in accordance with the quality and quantity standards of the Municipality and the local Conservation Authorities to ensure that post-development flow rates do not exceed pre-development rates;
  - b) in order to meet stormwater quality objectives, the retention of existing tree cover or natural vegetation and the provision of significant grassed and natural areas shall be encouraged to facilitate absorption of surface water into the ground and erosion and siltation control measures will be incorporated into any grading and drainage scheme;
  - c) developments which could have a significant impact on surface drainage shall provide comprehensive drainage plans showing methods of surface water disposal and any impacts on adjacent or affected properties; and
  - d) prior to approving an Official Plan amendment, Zoning By-law amendment or entering into a site plan control agreement, the Municipality may circulate the proposal to the following agencies for review: the local Conservation Authorities, Parks Canada and the Ministry of Transportation, where required. This review should determine the degree to which the proposal meets the above policies. In reviewing the proposal, the Parks Canada, Ministry, the Conservation Authority and the Township may recommend additional specific requirements on a case-by-case basis.
- iv) In the long term, the Township may complete a master drainage plan for the urban serviced area. A master drainage plan is a comprehensive plan for handling storm water runoff for the whole or part of a watershed. The master drainage plan will provide policies for the management of storm water quality and quantity in order to control flooding, erosion, sedimentation and pollution; to minimize impacts from designated growth on the natural environment; and will ensure that a co-ordinated approach is adopted for the planning and approval of new development in accordance with appropriate storm water management principles.
- v) The following policies shall apply when developing and implementing a master drainage plan:
  - a) the Municipality shall consult with the local Conservation Authority and

Parks Canada, as appropriate;

- b) prior to the preparation of a master drainage plan, the terms of reference will be reviewed by the Municipality, in consultation with the Conservation Authority and Parks Canada, if required, and master drainage plans will, when completed, be reviewed by all relevant agencies;
  - c) once a master drainage plan has been approved by the Municipality and adopted for a watershed, proposals for plans of subdivision and new industrial and commercial development will be required to include a storm water design plan showing layout of ditches, drainage channels and retention ponds in conformity to the requirements of the master drainage plan and master drainage plans will be implemented through draft plans of subdivision, consents to land severance and site plan approval; and
  - d) the extent and type of information required in the storm water design plan shall be set out in the master drainage plan.
- vi) Prior to final approval of any development plan, detailed storm water design plans will be required. Such plans will be prepared in accordance with the requirements of the local Conservation Authority, the Ministry of the Environment, the Township and the Ministry of Transportation, as applicable. Design criteria will be based upon methods and procedures contained in the relevant Provincial planning and design manuals used by these agencies. This policy will apply to all commercial, industrial and institutional development and residential development of five units or more and to all forms of development proposed within or adjacent to a Natural Heritage designation.

## **12.5 Utilities**

Existing uses throughout the Township and any new development rely upon the provision of a number of utilities including telephone, cable television, hydro, natural gas, etc. Many of these utilities are located on roads or other public rights-of-way. The improvement of these utilities is an ongoing process requiring replacement of existing facilities and creation of new sites for utility related functions such as transformer stations, pumping stations, valve stations, etc. In addition, the Township should actively seek to co-ordinate the siting of these utilities within rights-of-way and the co-ordination among utilities in order to avoid the unnecessary duplication of rights-of-way or easements. Further, where existing above ground utilities can be relocated underground, the Township shall encourage such relocations.

Each utility company should be consulted in the development, design and approval stages for new development or redevelopment in order to provide the maximum time for pre-planning of utility provision.

## **12.6 Recreational Trail Network**

The Township encourages the development of an integrated multi-purpose trail network to promote tourism and the principles of an active and healthy lifestyle. In conjunction with other jurisdictions such as the Ganaraska Region Conservation Authority, Lake Ontario Waterfront Regeneration Trust, Oak Ridges Moraine Trails Alliance and the County of Northumberland, the Township will assist in the identification of trail routes that utilize the natural beauty of the municipality. These features could include the shorelines of Lake Ontario and Rice Lake, stream corridors and valleylands and woodland areas.

The Township in conjunction with other above identified stakeholders should complete an Integrated Multi-purpose Trail Master Plan to identify, among other things, proposed routes, user groups, development standards, land acquisition strategy, phasing as well as capital costs and long term maintenance.

## **12.7 Telecommunication Facilities**

Telecommunication facilities play an important role in the maintenance and improvement of quality of life as a part of an integrated communication network for business, education, public health, individuals, commercial radio and television broadcasting and emergency communications. Existing telecommunication facilities sites shall, where possible, be protected from incompatible uses. New telecommunication facilities will be encouraged where possible to locate adjacent to existing facilities. New telecommunication facilities will require consideration of the visual impact on adjacent land uses, and provision of access from a publicly maintained road allowance. Further, in co-operation with the appropriate utility company, the Township shall encourage the relocation of existing above ground utilities to underground service.

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## Section 13 - Implementation

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### 13.1 Zoning By-law

Following approval of the Official Plan, the Municipality shall enact new Zoning By-law provisions to implement this Official Plan.

Zoning shall be the primary means for implementing the Official Plan. As set out in Section 34 of the Planning Act, the Zoning By-law will regulate the use of land, the erection and use of buildings and structures, yard requirements, setbacks, parking and loading space requirements and to protect significant wildlife habitat, wetlands, hazard lands, significant woodlands, significant valleylands, significant habitat of endangered and threatened species, and areas of natural or scientific interest.

#### 13.1.1 Interim Control By-laws

The Municipality may pass Interim Control by-laws to control the use of land, buildings or structures within designated areas of the Township and in accordance with the provisions of Section 38 of the Planning Act in order to prevent or limit development until detailed planning studies for the subject lands are completed and approved by the Municipality. Any Interim Control by-law approved by the Municipality shall initially be in effect for a period of up to one year from the date of passing of the by-law but may extend for a maximum of one additional year.

#### 13.1.2 Temporary Use By-laws

Pursuant to Section 39 of the Planning Act, the Municipality may authorize the temporary use of land, buildings or structures for any purpose otherwise prohibited by the Zoning By-law. The temporary use may be initially authorized for a period of time up to three years from the date of the passing of the by-law, except in the case of garden suites which may be authorized for up to ten years. A Temporary Use By-law may be extended by by-law for further periods of not more than three years each. Upon the expiry of a Temporary Use By-law, the use authorized by the by-law shall cease, unless extended by by-law.

Where deemed appropriate by the Municipality, a Temporary Use By-law may be adopted for a purpose which does not conform to the Official Plan, provided that the long-term objectives and policy direction of the Plan shall not be adversely affected by the by-law.

#### 13.1.3 Holding Provision

- i) The municipality may, in a By-law passed pursuant to the provisions of Section 36 of the Planning Act, R.S.O., 1990, as amended, zone lands for

their intended use while at the same time imposing a holding provision by the use of the Holding “H “ symbol. This allows a municipality to plan for future development of land while delaying the actual development until such time as deemed appropriate. The use of holding provisions shall be in accordance with one or more of the following criteria:

- a) to prevent or limit the use of land in order to achieve orderly phased development;
  - b) to ensure that the servicing and design criteria established by the municipality have been met and any required special studies completed prior to removing the holding symbols;
  - c) to allow for the implementation of special design features in specific locations or developments;
  - d) where development is to occur by registered Plan of Submission;
  - e) to ensure that all conditions of development including financial requirements and agreements in accordance with the provisions of this Plan and/or the Planning Act, R.S.O., 1990, as amended, have been complied with.
- ii) In accordance with the provisions contained within Section 36 of the Planning Act, R.S.O., 1990, as amended, the municipality may pass an amending By-law to remove the holding symbol and permit development to proceed in accordance with the zoning category assigned. Prior to adopting a By-law to remove the holding symbol, the municipality shall be assured that the proposed development is orderly and timely, that all the necessary agreements have been registered on title according to the provisions of this Plan, and as may be applicable, the conditions of draft plan approval have been complied with and any required special studies completed.

### 13.2 Site Plan Control By-law

Various land uses as set out in this Plan are proposed site plan control areas.

For these areas, the Municipality may pass a Site Plan Control By-law pursuant to the Planning Act. Where a Site Plan Control By-law is in effect, the applicant will submit for approval such plans or drawings as required by the Municipality. The applicant may also be required to enter into an agreement with the Municipality to provide and maintain those facilities required on the site plan. Such agreements may be registered against the land to which it applies.

Site plan control is intended to be used where the type of development proposed or the features of the particular site require the assurance of a consistent standard of development, safe and efficient vehicular and pedestrian movement, compatibility between land uses and appropriate placement and provision of

services and drainage regarding the development of buildings, structures and other proposed features.

All uses and proposed development are described as proposed site plan control areas. Mineral Aggregate sites are also included as proposed site plan control areas; however, only development as defined by Section 41 of the Planning Act, such as buildings or structures, parking lots or a grouping of three or more trailers may be subject to site plan control.

Lands subject to development that may have or create an adverse impact on the natural environment or may be subject to the effects of a man-made or natural hazard due to the lands close proximity to such a hazard are also included as proposed site plan control areas.

The Township shall use site plan control to obtain road widenings where necessary, especially where the proposed use will generate significant volumes of traffic or where the entrance on to the public road would otherwise be deemed insufficient by the Township. This policy applies to all roads under Township jurisdiction.

### 13.3 Building By-law

A Building By-law has been passed by the Municipality pursuant to the provisions of the Building Code Act.

### 13.4 Maintenance and Occupancy

It is the intent of the Municipality to encourage the maintenance of the Township as a pleasant environment for living, working, shopping and recreation. Continued maintenance of property is essential to the welfare of the Township.

It is the intention of the Township to support the private efforts of property maintenance and to eliminate any existing hazards to building occupants through the introduction of by-laws specifying standards for all properties within the Town for property maintenance and occupancy under Section 15.1(3) of the Building Code Act.

The Municipality will endeavour to support further property maintenance and safe occupancy by:

- i) Utilizing available government programs, where applicable, to provide financial and administrative support to individuals seeking to improve their properties.
- ii) Undertaking education and public relations programs as needed to demonstrate the benefits of property maintenance.
- iii) Maintaining municipally-owned buildings, properties and community facilities, and providing or maintaining municipal services in good repair.

Upon adopting a maintenance and occupancy by-law, the Municipality will appoint a Property Standards Officer who will be responsible for administering and enforcing the by-law.

The Municipality will also appoint a Property Standards Committee in accordance with Section 15.1(3) of the Building Code Act, for the purpose of hearing appeals against an order of the Property Standards Officer.

The by-law will be administered using a standard recording form for building or property condition to provide a clear and equitable procedure for evaluating building condition.

The maintenance and occupancy by-law will prescribe standards for the following matters and any others that may be considered necessary:

- i) The keeping of yards, vacant lands, parks, waterfront areas, laneways and passageways, free from debris, rubbish, weeds, trailers, boats, barges, mechanical equipment, unlicensed vehicles or similar material.
- ii) The adequacy of sanitation control, including garbage disposal, sewage and drainage.
- iii) The maintenance of parking and storage areas.
- iv) The maintenance of all buildings and structures, including structural standards of walls, floors, ceilings, foundations, insulation, electrical systems, plumbing, heating, adequacy of protection from weather, natural lighting and ventilation, condition of chimneys, fire protection standards and general cleanliness and upkeep.
- v) The maintenance of fences, swimming pools, accessory buildings and signs.
- vi) The establishment of occupancy standards including pest prevention, adequacy of food preparation facilities, access, ventilation, maximum number of persons per dwelling unit, minimum floor spaces and room heights.

### **13.5 Other By-laws**

By-laws passed by the Municipality under the authority of the Municipal Act or any other Act may implement the policies of this Plan. For instance, By-laws dealing with the regulation of derelict motor vehicles, wrecking yards, pits and quarries, trailers or signs may be passed by the Municipality where considered appropriate. Any such By-law shall conform to this Official Plan.

### **13.6 Subdivision of Land**

The Municipality will use subdivision and consent approval processes to ensure control over the subdivision of land. All plans of subdivision and consent

applications must conform to the requirements of this Plan. As part of the approval process, certain requirements may be imposed as a condition to the approval of a plan of subdivision or a consent and the owner may be required to enter into an agreement with the Municipality before final approval.

### **13.7 Construction of Public Works**

Certain policies of this Plan will be implemented through the construction of public works. No public works will be undertaken that do not conform to the intent and purpose of the Official Plan.

### **13.8 Land Acquisition**

The Municipality may acquire and hold land within the Township for the purpose of developing any feature of the Official Plan. The Municipality may also sell, lease or otherwise dispose of such land when no longer required in accordance with the Municipal Act and other relevant provisions of this Plan.

### **13.9 Amendments**

Amendments may be made to the Official Plan when such changes are warranted. A complete application for an amendment to the Official Plan of the Township of Hamilton and/or the Comprehensive Zoning By-law of the Township of Hamilton shall contain the prescribed information as required under Sections 22(4) and 34(10.1) of the *Planning Act* as applicable for each application.

Applicants are required to consult with the Municipality before submitting an Official Plan amendment. In addition, and in accordance with 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: Planning Justification Report, including discussion of consistency with Provincial legislation and municipal planning documents:

- i) Servicing options report
- ii) Traffic Impact Study
- iii) Archaeological Assessment
- iv) Servicing Options Report
- v) Environmental Impact Study
- vi) Hydrogeological Assessment
- vii) Stormwater Management Report
- viii) Heritage Impact Assessment
- ix) Market Justification Report
- x) Parking Study
- xi) Financial Impact Assessment
- xii) Natural Heritage Evaluation
- xiii) Market analysis/justification report

- xiv) Natural Resource Analysis
- xv) Noise Impact Study
- xvi) Agricultural land use justification
- xvii) A Section 59 Notice made under the *Clean Water Act, 2006* from the Risk Management Official, in accordance with Section 11.21 ii) of this Plan”

### **13.10 Committee of Adjustment**

When a Zoning By-law is in effect, a Committee of Adjustment may be appointed to rule on applications for minor variance from the provisions of the Zoning By-law. In granting a variance, the Committee will be satisfied that such variance is minor, is desirable for the appropriate development or use of the land, building or structure and that the intent and purpose of the Official Plan and Zoning By-law are maintained.

In addition, the Committee of Adjustment has the power to permit an extension or enlargement for a building or structure which is a non-conforming use and to grant consents for land severances. The Committee will have regard for the policies of this Plan in reviewing such applications.

### **13.11 Review Procedure**

It is the intention of the Municipality that a comprehensive review of the Official Plan take place at least every five years, should it be deemed warranted. The Township will monitor the Plan annually to determine if the objectives of the Plan are being met. If any of the assumptions on which this Plan is based were to change substantially, a partial or complete review of the Plan may be undertaken at that time in order to determine whether the policies of the Plan are still appropriate. In accordance with the Planning Act, as part of this review, the Municipality will hold a special public meeting to discuss the need for revisions to the Official Plan. If changes are warranted, appropriate amendments will be made following the review.

### **13.12 Procedural Guidelines**

From time to time, the Municipality may adopt procedural guidelines in order to assist the Municipality, Municipal staff and the public in effectively dealing with such matters as subdivisions, consents and site plan control. These guidelines, while not forming a part of the Official Plan, will assist with its implementation.

### **13.13 Telecommunication Facilities**

Council will endeavour to hold a public information meeting on a telecommunication facility proposed for the Township.

### **13.14 Alternate Notice Provisions for Planning Act Applications OPA No. 13**

(Official Plans, Community Improvement Plans and Zoning By-laws or amendments to an Official Plan, Community Improvement Plan and Zoning By-law)

If the proposed amendment, plan or by-law affects a large area or the posting of an on-site notice is, for whatever reason, not appropriate, instead of using the notification provisions provided in the *Planning Act*, the Municipality may give notification in accordance with the following:

- a) Sent by e-mail to all individuals who have registered on the Township's planning notification portal; and
- b) Posting the notice on the Township's website; and
- c) Posting the notice at the Township Municipal Office; and
- d) Posting the notice at the Township Library Branches in Gores Landing and Bewdley; and
- e) Posting the notice on the Township's social media pages

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## Section 14 - Interpretation

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- i) It is intended that the boundaries of any land use areas shown on Schedules “A” or “B” be considered as approximate only, except where bounded by such features as existing roads, railways, rivers or other natural features on the Oak Ridges Moraine boundary. Where the boundary is meant to reflect the boundary of a natural hazard designation or natural heritage feature, the edge of the natural hazard designation or natural heritage feature is the boundary. It will not be necessary to make amendments to the Official Plan for minor variations in the approximate boundaries provided that the intent of the Plan is preserved.
- ii) It is intended that all figures and quantities contained in the Plan be considered in the metric and imperial equivalent. Amendments will not be required for any
- iii) Reasonable variation from these figures and quantities provided such variations meet the intent of this Plan.
- iv) Minor changes to correct spelling, formatting or grammatical errors that do not have an impact on the intent of the policies contained herein do not require an amendment to this Plan. It is intended that buildings, structures and uses that are normally incidental, accessory and essential to a permitted use will also be allowed even though not specifically stated in the land use policies. Further examples of permitted uses for the designations are intended to indicate the possible range of uses considered appropriate and not to be interpreted as all-encompassing unless otherwise stated as such. All permitted uses shall be in conformity with the intent and policies of this Plan.
- v) Any significant change from the policies contained herein will require an amendment to the Official Plan and implementing By-law. If a change is major, particularly if it will cause changes in the way in which an area is developing, then the Official Plan should be reviewed in whole.
- vi) Where any Act or portion of an Act is referred to in this Plan, such references will be interpreted to include any subsequent legislation that may replace the specified Act.
- vii) For the purposes of this Plan, it shall be interpreted that the word “existing” when used in this Plan shall mean existing as of the date of the adoption of this Plan by the Township.
- viii) For the purposes of this Plan, it shall be interpreted that the words “Township” and “Municipality” shall mean the Township of Hamilton.
- ix) For the purposes of this Plan, the word “development” shall be 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.