



# OFFICIAL PLAN 2014 REVIEW

As approved with modifications by  
The Ontario Municipal Board on Jan 10, 2017

February 27, 2017



## MUNICIPALITY OF PORT HOPE

### OFFICIAL PLAN APPROVAL AND APPEAL

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Updated February 2017

#### **Official Plan Amendment No. 7**

In 2014, the Official Plan for the Municipality of Port Hope (adopted by Municipal Council in 2006 and subsequently approved by the Province in 2008), underwent the required five-year review update to reflect changes to applicable Provincial legislation and any local land-use issues. Official Plan Amendment No. 7 (OPA #7), aiming to update the entire Municipal Official Plan, was adopted by Council of the Municipality of Port Hope on November 25, 2014. OPA #7 amended the policies of the Municipal Official Plan and all Schedules except for the Schedules relating to the Oak Ridges Moraine. Subsequently, OPA #7 was submitted to the Ministry of Municipal Affairs and Housing (Ministry) in December 2014 for formal approval.

#### **Appeal (OMB File No. PL150785)**

Pursuant to subsection 17(40) of the Planning Act, 1670272 Ontario Limited appealed to the Ontario Municipal Board (OMB) the failure of the Ministry (as the approval authority) to make a decision with respect of all of OPA #7 within 180 days after the date the Municipal Official Plan was received by the approval authority.

#### **OMB Decision**

Through the decision dated September 6, 2016 the OMB partially approved OPA #7. On November 21, 2016 the parties entered into Minutes of Settlement to resolve the appeal of 1670272 Ontario Limited.

On November 23, 2016 hearing, the Board Member orally granted the request for approval of the unapproved sections and schedules of the Port Hope OPA #7. The formal written Order by the Board was issued on January 10, 2017.

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** January 10, 2017

**CASE NO(S):** PL150785  
PL150811

**PROCEEDING COMMENCED UNDER** subsection 17(40) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Appellant:** 1670272 Ontario Limited  
Failure of the Ministry of Municipal Affairs to announce a decision respecting Proposed Official Plan Amendment No. 7

**Municipality:** Municipality of Port Hope

**OMB Case No.:** PL150785

**OMB File No.:** PL150785

**OMB Case Name:** 1670272 Ontario Limited v. Ontario (Municipal Affairs)

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

**Appellant:** 1670272 Ontario Limited

**Appellant:** Remington Group Inc.

**Appellant:** Judith Stamm

**Subject:** County of Northumberland Official Plan

**Municipality:** Upper Tier of Northumberland

**OMB Case No.:** PL150811

**OMB File No.:** PL150811

**OMB Case Name:** Stamm v. Ontario (Municipal Affairs)

**Heard:** November 10 and 23, 2016 in Cobourg, Ontario

**APPEARANCES:**

**Parties**

1670272 Ontario Limited

**Counsel**

S. Leisk

County of Northumberland	S. Waqué, P. Morley
Ministry of Municipal Affairs	K. Hare, E. Hou (student-at-law)
Municipality of Port Hope Town of Cobourg	W. Fairbrother

**MEMORANDUM OF ORAL DECISION DELIVERED BY SYLVIA SUTHERLAND ON  
NOVEMBER 23, 2016 AND ORDER OF THE BOARD**

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[1] This was a settlement hearing in relation to appeals of the adoption of the inaugural Official Plan of the County of Northumberland (“NOP”) and of Official Plan Amendment No. 7 (“OPA 7”), regarding the five-year review of the Official Plan of the Municipality of Port Hope (“PHOP”) by 1670272 Ontario Limited (“Appellant”).

[2] At the commencement of the hearing, counsel for the County of Northumberland (“County”) requested that the Board adjourn until November 23, 2016 so that settlements of the two issues before it could be finalized.

[3] When the hearing reconvened on November 23, 2016, the Board heard expert affidavit and oral land use planning evidence and opinion from Nick McDonald in support of the settlements.

**BACKGROUND**

[4] The County is an upper tier municipality that, prior to the approval of the NOP on July 29, 2015, did not have an Official Plan. Neither did it have any planning functions. The Council of the County adopted the NOP on September 17, 2014, and Ministry of Municipal Affairs approved it, following modifications, on July 29, 2015.

[5] There were three appeals of the NOP: Judith Stamm, Remington Group Incorporated and 167272 Ontario Limited. On February 11, 2016, Ms. Stamm withdrew her appeal at a Pre-hearing Conference and by Board Order issued on March 10, 2016,

the appeal of Remington Group Incorporated was completely resolved. The only remaining appeal is that of the Appellant.

[6] In a letter dated April 29, 2016, the Appellant scoped its appeal and partially withdrew the appeal with respect to certain policies.

[7] On August 18, 2016, the Board granted a Motion for Partial Approval brought by the County on May 24, 2016, but withheld the Order until the parties confirmed the accuracy of the agreed upon approval for policies that were no longer under appeal by the Appellant.

[8] The County has subsequently revised the Schedules A, B, and C that were approved as part of the Motion for Partial Approval based on updated Geographic Information System information provided by the Ministry of Municipal Affairs. These included minor changes that allowed the Schedules to be more accurate, and provide greater clarity with respect to the County's intent regarding such items as the updating of the built boundaries and the changing of land use designations on the Appellant's lands.

[9] Also, the Board ordered partial approval of OPA 7, with certain exceptions, in a decision issued September 6, 2016.

[10] Mr. McDonald stated in his affidavit evidence (Exhibit 2) that, subsequent to the preparation of the revised Schedules A, B, and C, it was determined that the settlement area boundaries of four Rural Settlement Areas in Port Hope approved in accordance with OPA 7 were different than the settlement area boundaries for these areas in the NOP. It was his understanding that, in accordance with the *Planning Act* ("Act") a full public process was undertaken that led to the adoption of OPA 7 by Port Hope, and that the proposed changes to the boundaries for the four rural settlement areas were part of that process.

[11] It was Mr. McDonald's uncontested expert opinion that, as it was always the intent of the County that the Rural Settlement Area boundaries in the NOP should match that in the PHOP, that it would be appropriate for the Board to modify the Rural Settlement Area boundaries as part of the final approval of the NOP.

[12] It was also Mr. McDonald's opinion that OPA 7 of the PHOP (Exhibit 3, Tab C) is consistent with the Provincial Policy Statement 2014, and conforms to the Growth Plan for the Greater Golden Horseshoe and the NOP.

[13] Having considered Mr. McDonald's expert opinion and at the request of the parties and with their consent, the Board's order setting out the approval of the unapproved sections and schedules of the NOP is found in Attachment 1 to this Order.

[14] Likewise, the Board's order setting out approval of the unapproved sections and schedules of OPA 7 of the PHOP is found in Attachment 2 to this Order.

*"Sylvia Sutherland"*

SYLVIA SUTHERLAND  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

A constituent tribunal of Environment and Land Tribunals Ontario  
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ATTACHMENT 1

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PL150811  
PL150785

**ONTARIO MUNICIPAL BOARD**  
**Commission des affaires municipales de l'Ontario**

IN THE MATTER OF Subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: 1670272 Ontario Limited  
Subject: County of Northumberland Official Plan  
Municipality: Upper Tier of Northumberland  
O.M.B. Case No.: PL150811  
O.M.B. File No.: PL150811  
O.M.B. Case Name: Stamm v. Ontario (Municipal Affairs and Housing)

IN THE MATTER OF Subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: 1670272 Ontario Limited  
Subject: Failure of the Ministry of Municipal Affairs and Housing to announce a decision respecting Proposed Official Plan Amendment No. 7  
Municipality: Municipality of Port Hope  
O.M.B. Case No.: PL150785  
O.M.B. File No.: PL150785  
O.M.B. Case Name: 1670272 Ontario Limited v. Ontario (Municipal Affairs and Housing)

**ORDER**

**THIS MATTER** was convened before the Board on November 23, 2016. The County of Northumberland, on consent, is seeking approval of the County of Northumberland Official Plan ("NOP"), as modified.

**WHEREAS** by Board Order issued on March 10, 2016, the appeal commenced by Remington Group Inc. of the NOP was completely resolved;

**AND WHEREAS** Judith Geraldine Stamm withdrew her appeal of the County of Northumberland Official Plan at the Pre-hearing conference held on February 11, 2016;

**AND WHEREAS** the only remaining appellant of the County of Northumberland Official Plan is 1670272 Ontario Limited;

**AND WHEREAS** on August 18, 2016 the Board issued a Memorandum of Oral Decision which granted the County's Motion for Partial Approval but withholding the Order until the parties confirmed the accuracy of the agreed approvals;

**AND WHEREAS** the County of Northumberland has subsequently revised the Schedules that were approved as part of the Motion for Partial Approval based on updated GIS information that was provided by the Ministry of Municipal Affairs and Housing;

**AND WHEREAS** it was subsequently determined that the boundaries of four Rural Settlement Areas in Port Hope as approved following the adoption of the NOP do not match the older boundaries in the NOP;

**AND WHEREAS** the Board in accordance with Rule 108 of the Board's Rules of Practice and Procedure, notes the following:

*The Board may at any time and without prior notice of the parties correct a technical or typographical error, error and calculation or similar minor error made in a decision or order. There is no fee for party request this type of correction.*

**AND WHEREAS** the Board in accordance with Section 88 of the *Ontario Municipal Board Act*, R.S.O. 1990, C.0.28, notes the following:

*Upon any application to the Board, the Board may make an order granting the whole, or part only, of the application, or may grant such further or other relief in addition to, or a substitution for, that applied for as to the Board may appear just and proper as fully in all respects as if the application had been for such partial, other, or further relief.*

**AND WHEREAS** the County of Northumberland would prefer to correct this minor administrative error presently so that the Port Hope OPA 7 Schedules are in conformity with the NOP Schedules, rather than wait until the next official plan review process;

**AND WHEREAS** 1670272 Ontario Limited, the Municipality of Port Hope, the County of Northumberland, the Town of Cobourg and the Ministry of Municipal Affairs and Housing have entered into Minutes of Settlement to resolve the appeal of 1670272 Ontario Limited;

**AND WHEREAS** the parties have agreed to certain modifications to the to the NOP text;

Upon hearing the evidence of Nick McDonald, MCIP, RPP:

#### **THE BOARD ORDERS**

- a) the unapproved sections and schedules of the NOP are approved;
- b) as a consequence of the earlier partial approval on August 18, 2016 and the approval made today NOP, as modified, is in force and effect in the form set out in Attachment 1 of the Minutes of Settlement.

SECRETARY

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PL150785

ATTACHMENT 2

**ONTARIO MUNICIPAL BOARD**  
**Commission des affaires municipales de l'Ontario**

IN THE MATTER OF Subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Appellant: 1670272 Ontario Limited  
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O.M.B. Case No.: PL150785  
O.M.B. File No.: PL150785  
O.M.B. Case Name: 1670272 Ontario Limited v. Ontario (Municipal Affairs and Housing)

**ORDER**

**THIS MATTER** was convened before the Board on November 23, 2016. The Municipality of Port Hope, on consent, is seeking approval of Port Hope OPA #7, as modified in its entirety.

**AND WHEREAS** the only appellant of Port Hope OPA #7 is 1670272 Ontario Limited;

**AND WHEREAS** by decision dated September 6, 2016, the Ontario Municipal Board partially approved OPA #7 as set out in a Schedule attached to the Order of Sylvia Sutherland;

**AND WHEREAS** 1670272 Ontario Limited, the Municipality of Port Hope, the County of Northumberland, the Town of Cobourg and the Ministry of Municipal Affairs and Housing have entered into Minutes of Settlement to resolve the appeal of 1670272 Ontario Limited;

Upon hearing the evidence of Nick McDonald, MCIP, RPP:

**THE BOARD ORDERS:**

- a) the unapproved sections and schedules of the Port Hope OPA #7 are approved;

- 10.
- b) As a consequence of the earlier approval on September 6, 2016 and the approval made today, Port Hope OPA #7 is in force and effect in accordance with Attachment 2 of the Minutes of Settlement.

SECRETARY

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Schedule J	Oak Ridges Moraine - Mineral Aggregate

## SECTION A INTRODUCTION

### A1. INTRODUCTION

**Location** The Municipality of Port Hope is situated in southeastern Ontario within the County of Northumberland. The Municipality is bounded by Lake Ontario to the south, the Township of Cavan Monaghan to the north, the Township of Hamilton to the east and the Municipality of Clarington, within the Region of Durham, to the west.

**Municipality of Port Hope** The Municipality of Port Hope, which forms the most westerly boundary of the County of Northumberland, is approximately 100 kilometres from the Metropolitan Toronto area and 50 kilometres from the Oshawa-Whitby urban areas. The Town of Cobourg is approximately 16 kilometres to the east.

With its historic downtown core, the Ganaraska River and vibrant farming community, the Municipality of Port Hope was incorporated on January 1, 2001. It is the result of the amalgamation of the former Town of Port Hope and the former Township of Hope.

**Township of Hope** The Township of Hope was formed in 1792 when Governor Simcoe issued a proclamation dividing part of Upper Canada into two townships. The Township was named after Colonel Henry Hope, the former Lieutenant Governor of Quebec. Settlement began in the late 1700's and early 1800's. A number of thriving communities were developed with mills in the mid 1800's and the population peaked in 1861 at 5,883. With the opening of the west in the late 1800's, many of these mills closed and the population steadily declined over the next 100 years. Many of the homes, churches and schoolhouses that were developed during that time in the former Township of Hope continue to exist to this day.

**Town of Port Hope** On August 26, 1797, a Crown Patent of the land on which the former Town of Port Hope stands was granted to Elias Smith and Jonathon Walton, subject to conditions that required the patentees to build a grist mill and a saw mill on site. The first grist mill was erected on the west side of Mill Street and a saw mill was erected on the east side of the Creek. In addition, Mr. Smith and Mr. Walton laid out the village plot which continued to be held by them until July 25, 1815.

**Naming of Port Hope** By 1817, the first post office was established in the settlement originally named Toronto. By 1834, it was agreed that the town should be renamed Port Hope, and on March 6, 1834 the legislature of Upper Canada passed an Act defining the limits of the town and establishing

a village. The population of the Village of Port Hope at that time was 1,517.

Historic  
Growth

As the result of the presence of rail lines and an excellent port, the town became a major trading centre in this area. A number of buildings were erected, six large distilleries were established and factories producing wool, malt and chairs were constructed. The Town Hall and Market House was built in 1867. By 1877, the urban area was lighted with gas and had a population of 5,700 people, which is a little less than 50% of the 13,000 people who now call the former Town of Port Hope their home.

Heritage  
Resources

Recognizing the importance of this historic community in the development of rural eastern Ontario, previous Municipal Councils embarked on a program to conserve its cultural heritage resources. This pioneering work has resulted in the designation of over 200 residential buildings as well as community and commercial buildings as heritage properties under Part IV of the Ontario Heritage Act. It has also resulted in the designation of Walton Street, from Mill Street to Pine Street as a Heritage Conservation District and the John, Ontario and Queen Street Heritage Conservation District, both under Part V of the Ontario Heritage Act. The community's continuing commitment to the conservation of its heritage has helped define its unique character and charm.

## **A2. PURPOSE OF THE OFFICIAL PLAN**

Planning  
Act

The Municipality of Port Hope Official Plan is a policy document adopted under the provisions of the Planning Act. As such, it reflects matters of provincial interest in the context of local circumstances.

Purpose

The purpose of this Official Plan is to provide a framework for the physical development of the Municipality over a 20-year period, while taking into consideration important social, economic and environmental matters.

Reduce  
Uncertainty

In establishing a framework for future land use planning decisions, the Plan serves to reduce the uncertainty for both the public and private sectors as normally arise in the speculation of future land use development alternatives. To this end, the land use planning principles and policies enunciated in this Official Plan provide for a reasonable degree of compatibility between dissimilar land use activities which establish different priorities for the use of lands in close proximity to one another. The effect of such policies is to minimize potential conflicts and to allow for reinforcement of the existing community structure.

Area of Application

This document constitutes the Official Plan for the Municipality of Port Hope. It is the result of a 5-year review of the 2008 Official Plan. The Official Plan applies to the entire Municipality of Port Hope and provides the policy framework that will direct:

- a) where new development can locate;
- b) how existing urban areas and hamlets will be strengthened;
- c) how the rural area and agricultural base will be strengthened;
- d) how the natural environment, including the Oak Ridges Moraine will be protected; and
- e) the planning of services, such as roads, watermains, sewers, parks, trails and recreation facilities.

Secondary Plans, CIP's

Using this Plan as a guide, Council may adopt more detailed planning documents such as secondary plans and community improvement plans to manage and direct development in specific areas of the Municipality of Port Hope. The primary tool to implement the policies and land use designations of this Plan on a day-to-day basis is the comprehensive zoning by-law.

5 Year Review

The Official Plan shall be reviewed at intervals of not less than five years in accordance with the Planning Act. This review shall ensure the Plan remains relevant to changing circumstances within the Municipality of Port Hope and consistent with provincial legislation, regulations, policies and associated guidelines.

### **A3. BASIS FOR THE OFFICIAL PLAN**

Technical Analysis and Public Consultation

The Municipality of Port Hope Official Plan is based on background information concerning growth management, the natural environment, built and cultural heritage as well as municipal services and transportation. It is also based on the results of a comprehensive public involvement program that provided residents and other stakeholders with the opportunity to review and comment on background reports, policy directions and draft versions of this Plan.

### **A4. ORGANIZATION OF THE OFFICIAL PLAN**

Organization

The Municipality of Port Hope Official Plan is organized into eight parts. These are:

1. **Section A – Introduction** contains the purpose of the Plan and the basis upon which it was prepared. Section A does not form part of the Official Plan.
2. **Section B – Goals and Objectives** provides a direction statement, principles and growth concept and articulates the

long-term objectives for the Municipality of Port Hope, based on the direction statement. The goals and objectives of this section apply to the Municipality as a whole.

3. **Section C – General Development Policies Provisions** provides the general policies that, for the most part, apply to all the land within the Municipality, rather than to any one land use designation.
4. **Section D – Land Use** provides detailed policies related to the organization and land uses of all the land within the Municipality.
5. **Section E – Implementation** describes the mechanisms and processes to implement and interpret the policies and schedules.
6. **Section F – Secondary Plans** provides detailed policies and schedules for specific geographic areas and is intended to complement the more general policies of Sections B to E.
7. **Appendix – Definitions**, defines some terms used in the policies of the Plan.
8. **Schedules**, maps/schedules that provide a graphic representation of the information described in the policies. The schedules are intended to enhance an understanding of the Plan and are as follows:

<b>Schedules</b>	<b>A, A-1</b>	<b>Settlement Structure, Intensification Areas</b>
<b>Schedules</b>	<b>B, B-1, B-2, B-3</b>	<b>Development Constraints</b>
<b>Schedules</b>	<b>C, C-1</b>	<b>Land Use</b>
<b>Schedules</b>	<b>D, D-1</b>	<b>Transportation</b>
<b>Schedule</b>	<b>E</b>	<b>Community Character</b>
<b>Schedule</b>	<b>F</b>	<b>Land Use</b>
<b>Schedule</b>	<b>G</b>	<b>Key Natural Heritage Features</b>
<b>Schedule</b>	<b>H</b>	<b>Hydrologically Sensitive Features and High Aquifer Vulnerability</b>
<b>Schedule</b>	<b>I</b>	<b>Landform Conservation Areas</b>
<b>Schedule</b>	<b>J</b>	<b>Mineral Aggregates</b>

**Note:** Schedules F-J refer to the Oak Ridges Moraine Secondary Plan

## SECTION B GOALS AND OBJECTIVES

### B1. INTRODUCTION

Planning for the Future

In support of the first Official Plan for the new Municipality of Port Hope, Council took a significant step in planning for the future of the Municipality by preparing a Growth Management Strategy (GMS) in 2001 and then carrying out an update of that strategy in 2006 and 2009. This initiative reflects community values to maintain the Municipality of Port Hope's quality of life as well as its caring and prosperous nature.

Strategic Direction

The desired future for the Municipality of Port Hope is expressed in this Plan through a direction statement, goals and objectives which articulate where the community intends to be in 20 years. It consists of three parts:

Direction Statement

A **Direction Statement** clearly expresses what the Municipality of Port Hope wants to become. This umbrella statement is the foundation for all municipal decisions that will guide the development of the community over the next 20 years.

Goals

**Goals** that reflect an ultimate desired state and are representative of the long-range purpose of the Plan.

Objectives

**Objectives** that are short-range measures directed toward attainment of the Goals.

The Goals and Objectives set forth herein are not intended to be read individually, but rather in a collective sense.

General Intent

Normally it is accepted that Goals and Objectives, by their inherent nature, represent expressions of general intent and, although usually expressed in a positive sense, are not intended to be interpreted or misconstrued as direct statements of planning policy. Rather, they are to be regarded as the basis for the formulation of subsequent policy statements contained in this Plan. To this end, the Goals and Objectives provide the visionary framework from which the land use designations and their respective policies are derived.

### B2. DIRECTION STATEMENT

Direction Statement

The direction statement for the Municipality of Port Hope is:

*“The Municipality of Port Hope will continue to be a community of strong and distinct urban and rural areas, with a vibrant economy and a healthy, sustainable environment, and one that will be committed to the conservation of its cultural heritage resources for the appreciation and enjoyment of future generations.”*

The strategy (goals and objectives) to achieve this direction is developed around six interrelated themes:

- a) Environment;
- b) Agriculture;
- c) Natural Resources;
- d) Economic and Financial;
- e) Social and Housing; and
- f) Transportation and Public Services.

These six themes provide the basis for the organization of the goals and objectives as well as the policies (Part D) of the Plan.

### **B3. KEY FORECASTS**

The Municipality of Port Hope undertook a comprehensive study of its growth potential in advance of the development of this Plan.

This study, referred to as the Growth Management Strategy or GMS, provides a detailed assessment of population, housing, employment and land supply and demand expectations. An update to the GMS was carried out in 2006, to deal specifically with the demand for residential and employment uses in the urban area.

Schedule 3 to the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) projects the population of the County of Northumberland will be approximately 110,000 people in 2041. In addition, it is anticipated that employment will grow to 39,000 jobs in the County in that time period. These projections may be reviewed by the Province in the future. The Places to Grow Act, 2005 requires that municipal decisions be in conformity with the Growth Plan. The Growth Plan requires the population and employment forecasts be used for planning and managing growth.

In 2006, the Municipality of Port Hope updated its Growth Management Strategy. This work was carried out to make a determination on whether the Urban boundaries in the Municipality are appropriate for planning purposes at this time. Factors that were considered in developing population and employment projections included:

- The expectations of the Province as articulated in the Growth Plan;
- Historic building activity;
- Port Hope's share of the County's population; and,

- Port Hope's location in the County relative to the Greater Toronto Area.

The Growth Plan for the Greater Golden Horseshoe was approved by the Province in 2006. It contains forecasted population and employment growth in the Greater Golden Horseshoe, which includes the County of Northumberland to the year 2041. The Plan allocates population and employment growth to Northumberland County. A subsequent Growth Management Strategy prepared on behalf of the County of Northumberland and its Member Municipalities has developed allocations for each Municipality in the County. The Province requires that these, together with related policies with respect to development, form the basis for planning, recognizing that the Provincial forecasts will be reviewed at least every five years.

The Municipality's population is forecasted to increase to 22,145 people by 2034 and 24,299 by 2041. The number of jobs is expected to increase by 1,370 jobs, between 2011 and 2034, given that there are enough lands designated to accommodate expected population and employment growth to 2034, no additional land is required to be designated in Port Hope for population or employment uses. A more detailed policy framework to bring this Plan into conformity with the GPGGH by implementing the County of Northumberland and its Member Municipalities Growth Management Strategy is provided in Section B12 of this Plan.

On the basis of a number of assumptions regarding the number of employees per square metre of floor space and the amount of coverage buildings occupy on a lot, it was estimated that there is a need for between 15 and 27 hectares of serviced urban land for industrial purposes to 2034.

A detailed review of the supply of land for urban residential and employment uses in the urban area was carried out by the Municipality in 2006. Factors considered included:

- The land use designations in this Official Plan;
- The permitted densities development;
- The number of units permitted by approvals that have already been granted;
- The location and nature of constraints to development;
- The configuration of the parcel fabric; and,

- The nature and location of existing land uses.

On the basis of this work, the potential exists to accommodate between 9,000 and 11,000 people on lands that are designated for residential development in this Official Plan in the Urban Area. With respect to the supply of urban land for employment, a supply of 38 hectares of land was available, which exceeds the expected demand for 27 hectares.

#### **B4. GROWTH CONCEPT**

**Growth Concept** The growth concept for the Municipality is based on the recommendations of the Growth Management Strategy and modified, where appropriate, in response to agency and public input received over the course of preparing this Plan.

The growth concept is as follows:

**Land Use Management Strategy** The Municipality of Port Hope shall accommodate new growth through practical and efficient land use management strategies that promote a more compact pattern of development within the existing Urban Area and Hamlet boundaries.

**Land Use Allocation** Compatible residential, commercial and employment-generating uses shall be directed to appropriate locations within existing and planned neighbourhoods to minimize municipal costs and enhance the character of the existing urban area.

**Rural Employment Areas** The Rural Employment Area is planned strictly for employment generating uses, in keeping with the strategic direction of this Plan to focus development in the Urban Area considering the economic, social and environmental implications associated with a dispersed settlement pattern.

**Growth in Hamlets** Growth of the Hamlets shall be carefully managed, with particular consideration given to the intent of the Official Plan to focus the majority of new development in the Urban Area and the municipal financial implications associated with communal and private services.

**Urban Area Boundary** The Urban Area and Hamlet boundaries shall not be expanded unless the residential, employment-generating and commercial land supply dwindles more rapidly than projected. Any proposal to expand the Urban or Hamlet Settlement Area boundaries requires a municipal comprehensive review. The municipal comprehensive review must conform to the County of Northumberland Official Plan and utilize the population and employment projections contained in the County Official Plan.

Rural Area The Rural Area of the Municipality of Port Hope shall be promoted and protected as the Municipality’s focus for agriculture as well as a natural refuge. Rural land shall be actively protected for agricultural uses. Development that would compromise the ability to farm shall be directed to other locations within the municipality.

Key Natural Features and Functions Key natural features and functions, such as the Oak Ridges Moraine and the Ganaraska River Watershed, shall be actively conserved and enhanced through a strategy to interconnect these resources and limit the type and extent of development within and adjacent to these areas.

Key Heritage Features Key cultural heritage resources such as Heritage Conservation Districts shall be actively conserved and enhanced through a strategy that interconnects these resources and limits the type and extent of development within and adjacent to them. Where appropriate, future growth shall be designed to be compatible with such resources and be consistent with the historic context, in terms of scale and architectural design.

Key cultural heritage resources shall be conserved and enhanced through a strategy that interconnects these resources and controls the type and character of development within and adjacent to cultural heritage resource areas.

Infrastructure and Public Services Infrastructure and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs. Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning so that they are:

- financially viable over their life cycle, which may be demonstrated through asset management planning; and
- available to meet current and projected needs.

Public service facilities should be co-located in community hubs, where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and active transportation.

## **B5. ENVIRONMENT**

### **B5.1 GOAL**

Provide for the enhancement and preservation of the environment in cooperation with the Ministry of Natural Resources and Forestry and the Ganaraska Region Conservation Authority by establishing policies and guidelines which serve to optimize the quality of the environment by minimizing energy use and pollution of air, water and land. All

objectives should attempt to satisfy the environmental goal so as to improve the quality of life for residents of the Municipality of Port Hope.

## **B5.2 OBJECTIVES**

Protect Areas	To protect land demonstrating inherent environmental characteristics such as flood susceptibility, erosion, steep slopes or other similar physical conditions or limitations, which, under certain conditions, could endanger human life and property, by applying current Provincial Policy.
Sustainable and Healthy	To achieve a sustainable and healthy environment that represents a balance between human activities and natural features and functions.
Climate Change	To anticipate the effects of climate change by ensuring development is not approved without considering long-term impacts that may occur as a result of climate changes.
Correct and Prevent Pollution	To undertake programs, in conjunction with the various agencies of the provincial and federal governments, which serve to correct existing sources of pollution and to prevent potential pollution of the environment from occurring, by applying acceptable standards.
Radioactive Waste	To endeavour to consolidate and clean up low-level radioactive waste through the community based Port Hope Area Initiative (see Low Level Radioactive Waste Management D4.4) and to do so in a manner that promotes fair and equitable compensation for homeowners and business, minimizes community disruption, and promotes the protection of health and safety for the community.
Green Infrastructure	To encourage the use of green infrastructure, as defined in this plan, where feasible.
Retain Water Recharge Areas	To endeavour to retain, wherever possible, the natural state of all water recharge or headwaters areas, wetlands, or other similar environmentally sensitive areas which, if developed, could result in the degradation of the environment.
Water Quality	To ensure that the quantity and quality of surface and ground water are protected, maintained and enhanced, in accordance with the approved Ganaraska Source Protection Plan.
Lake Ontario Shoreline	To conserve and enhance the Lake Ontario shoreline as a unique and important natural feature.
Appropriate Form of Development	To formulate planning policy which shall encourage appropriate forms of land use in all areas, so that the impact of development does not lead to the deterioration of the natural environment.

Wildlife, Fish & Waterfowl	To ensure that wildlife, fish and waterfowl habitats of the Municipality are protected from all forms of development that could detrimentally affect their environment.
Recreational Open Space	To endeavour to ensure sufficient land is preserved for recreational open space purposes adjacent to Lake Ontario and the Ganaraska River and other smaller streams throughout the Municipality, and thereby provide for maximization of benefits to be derived from the natural recreational resource base.
Protect and/or Maintain Natural Heritage Features	To protect, maintain and/or enhance natural heritage features/areas and the ecological functions associated with wetlands, ANSI's, endangered and threatened species habitat, woodlands, valleylands, wildlife habitat and fish habitat.
Oak Ridges Moraine	To protect from development and to maintain the ecological and hydrogeological integrity of the Oak Ridges Moraine.
Source Water Protection	To endeavour to protect vulnerable surface and ground water areas, such as intake protection zones, from development that may adversely affect the quality and quantity of ground and surface waters, and to implement the approved Ganaraska Source Water Protection Plan.
Natural Heritage Strategy	To recognize and implement the Terrestrial Natural Heritage Strategy, as it applies to the Municipality of Port Hope, developed by the Ganaraska Regional Conservation Authority.

**B6. AGRICULTURE**

**B6.1 GOAL**

Protect Agriculture  
 Ensure the continuation of a strong agricultural community in the Municipality through sound land use planning policy in such a manner as to minimize the impacts of non-agricultural uses.

**B6.2 OBJECTIVES**

Preserve Resource  
 To preserve the rural area for agriculture and other compatible uses.

High Agricultural Capability  
 To preserve areas demonstrating high capability for agricultural production for that purpose and develop land use policies which do not allow for the further fragmentation of farmland, nor its adoption by dissimilar, non-compatible forms of land use, and thereby reinforce the agricultural function.

**B7. NATURAL RESOURCES**

**B7.1 GOAL**

Optimize Use  
 Provide for optimum use and development of the natural resource base of the Municipality through the use of sound resource

management practices and land use planning policy in such a manner as to minimize disturbance to the environment.

## **B7.2**

### **OBJECTIVES**

Protect Resource Areas

To protect areas exhibiting reasonably high potential in terms of aggregate resources from encroachment and adoption by dissimilar, non-compatible forms of land use, so as to ensure future possible extraction of such deposits.

Manage the Aggregate Industry

To encourage proper management and development of the aggregate industry in such a fashion as to minimize its negative environmental and social impacts while allowing for extraction of important aggregate resources.

Forest Industry

To encourage the proper management and development of the forestry industry and thereby provide an opportunity for an optimum contribution to the economy of the Municipality by forest-based industries consistent with sound environmental practices, and to provide for alternative uses which benefit from and utilize the recreational, aesthetic and conservation values of forest areas.

Preserve Open Space & Recreation

To preserve and enhance the quality of open space and recreational resources throughout the Municipality in cooperation with the Ministry of Natural Resources and Forestry and the Ganaraska Region Conservation Authority.

## **B8.**

### **ECONOMIC AND FINANCIAL**

#### **B8.1**

#### **GOAL**

Provide for the economic development of the Municipality to its fullest potential and in a manner consistent with the resources of the Municipality with due consideration for the environment and social needs of the Municipality and its sustainability over the long term.

#### **B8.2**

#### **OBJECTIVES**

Diversity

To provide for a more diversified economic base within the Municipality.

Location of Growth

To direct growth to the Urban Area and Hamlets in order to protect and preserve the agricultural community, an important component of the economy of the area.

Strong Natural Resource Industries

To ensure the strengthening and future development of natural-resource base industries within the Municipality, particular emphasis being placed on agriculture, forestry, resource extraction and related industries.

Orderly Development	To promote the orderly development of land in a manner that is consistent with the financial abilities of the Municipality.
Retention of Existing Employment Uses	To promote the retention of existing employment uses and the utilization of the vacant and underdeveloped lands in the urban area.
Municipal Finance	To consider the municipal financial viability of providing efficient infrastructure and community facilities when assessing any development proposal.
Minimize Municipal Costs	To minimize long term municipal costs by directing the majority of new residential, commercial and employment generating uses to the Urban Area and limited residential and commercial development uses to the Hamlets. Municipal costs will be further reduced by ensuring that all feasible energy-saving measures are followed.
Land Use Planning Framework	To create a land use planning framework which establishes a hierarchy of settlement areas and provides for the future growth and development of such areas consistent with both the physical and socio-economic ability of the communities to sustain such growth.
Future Residential Development	To encourage future residential development to locate within close proximity of existing community facilities and services so as to optimize the use of such facilities and minimize energy-related transportation costs associated therewith.
Future Commercial & Industrial Development	To encourage the future development of commercial and industrial uses by the provision of suitably located areas for a wide range of economic activities.
Wesleyville	To encourage and coordinate the development of employment-based activities on the land assemblages in the Wesleyville area with a view to balancing the benefits to be derived from the unique potential of the sites and the infrastructure investments in this area with the inherent value of the natural and cultural resources associated with these lands.
Agriculture	To acknowledge the importance of agriculture and that the Official Plan shall be read and construed such that agricultural usage shall have priority over other uses.
Assessment Ratio	If any proposed form of residential development is likely to change the existing ratio of commercial/industrial assessment (i.e. municipally profitable from a cost-and-benefit perspective) to residential assessment (i.e. municipally unprofitable from a cost-and-benefit perspective) so as to have a significant negative impact upon the tax burden of agriculture, such proposed development shall be deemed to be premature.

Cultural heritage resources

To protect the built cultural heritage resources and at the same time encourage rehabilitation of residential development within the Heritage Conservation District

## **B9. SOCIAL AND HOUSING**

### **B9.1 GOAL**

Resident Well-being and Safety

Create an environment which promotes the well-being and safety of the residents of the Municipality, and which offers a range of opportunities in terms of the work place and living, recreational and cultural pursuits.

### **B9.2 OBJECTIVES**

Housing Supply

To encourage the provision of an adequate supply of housing accommodation, by type and tenure, in relation to the needs and demands of both present and future inhabitants of the Municipality as identified in the County of Northumberland 10-year Housing and Homelessness Plan in a form that generates a choice of life styles.

Intensification

To encourage intensification within the Urban Area in a manner that is compatible with surrounding development.

Affordable Housing

To encourage the provision of affordable housing and endeavor to achieve a 25% share of affordable housing units broadly within new developments.

Secondary Residential Units

To permit secondary residential units as a way to achieve housing affordability, compact development, and intensification.

Residential Development

To direct new residential development in the form of new subdivisions to the Urban Area and, to a limited extent to the Hamlets.

Compact Development

To ensure that all residential areas of the Urban Area are compact, pedestrian friendly, offer a mix of housing types and are accessible to a range of amenities such as community facilities and commercial uses.

Scattered Development

To limit residential development in the form of scattered residential lots in the Rural Area.

Government Co-operation

To cooperate with other relevant agencies and levels of government in the provision of an adequate level of educational, recreational, protection, health and welfare facilities and services in response to the needs of the Municipality's population.

Existing Community Structure

To promote the maintenance and reinforcement of the existing community structure consistent with historic trends and the ability of the community to manage further growth, so as to minimize disruption to the community.

Cultural Heritage	To protect and conserve the Cultural Heritage of the Municipality as an integral component of the community.
Aboriginal Interests	To engage with Aboriginal groups in an appropriate manner that promotes understanding and consensus.
Arts and Culture	To implement the Cultural Plan and support a thriving and diverse arts and culture community.
Design Standards	To ensure that a high standard of design is achieved in all development.
Access to Open Space	To ensure future access to leisure facilities, including parks and open space for the citizens of the Municipality, and wherever possible, design such facilities in such a manner as would also complement facilities provided by other agencies, in order to improve and enhance the services and facilities available to all residents of the Municipality.
Linkages	To achieve an interconnected public open space, trail and natural system.
Accessibility	To ensure accessibility to all public buildings and facilities and further encourage all private development to be accessible to all residents of the Municipality, in accordance with the Facility Accessibility Design Standards.

**B10. TRANSPORTATION AND PUBLIC SERVICES**

**B10.1 GOAL**

Safe and Efficient	Provide for the continued development of a safe and efficient road network, and to provide for a level of public services consistent with the needs of the residents of the Municipality, with minimum disruption to the environment.
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**B10.2 OBJECTIVES**

Minimize Disruption	To develop transportation and utility corridors that minimize disruption to adjacent communities, land uses and environmentally sensitive areas.
Utilities	To ensure the co-operation of design and placement of utility infrastructure for all utilities.
Efficient System	To provide for the efficient movement of people and goods throughout the Municipality and surrounding region.
All Surface Modes	To provide a transportation system that will accommodate all surface modes of travel including trains, boats, automobiles, truck, transit and active transportation. <del>buses, bicycles and pedestrians.</del>

Waste Disposal To provide for the proper and efficient management, disposal and treatment of domestic, industrial, low level radioactive and solid wastes in conjunction with the County of Northumberland, the Province of Ontario and the Government of Canada.

Urban Infrastructure To ensure that publicly owned sewer and water infrastructure are designed and developed to service the Urban Area with maximum efficiency and minimum waste.

To ensure that all infrastructure and community services required to serve the rural Employment areas are constructed prior to, or in conjunction with development.

## **B11 WATERFRONT**

### **B11.1 GOALS**

Central Area To ensure that the central area of the waterfront, focused on the Centre Pier, the Ganaraska River, and the harbor, form the southern extension of downtown Port Hope with an active and built presence and strong linkages to the existing commercial core.

East and West Beach To ensure that the east and west beaches realize their potential as recreational and leisure amenities for the residents of Port Hope, having regard to the Consolidated Waterfront Master Plan (CWMP).

### **B11.2 OBJECTIVES**

Social and economic vitality To ensure that the Centre Pier and adjacent lands in the central waterfront make a positive contribution to both the social and economic vitality of downtown Port Hope.

Active built presence To ensure that the Centre Pier in particular and other developable lands adjacent to the central waterfront maintain an active and built presence, both public and private sector.

Economic policies To develop economic policies to facilitate both private and public investment in the publicly owned lands.

Public access To ensure that the water's edge in these areas remains publicly accessible, and where possible to incorporate this water's edge into the overall Lake Ontario Waterfront Trail.

Design guidelines To develop more detailed and comprehensive land use policies and design guidelines. Such physical guidelines should have regard to the scale, materials and general character of the site's historical presence.

Networked public space To create a great network of public space with water's edge that is public and accessible.

Connections	To strengthen the connections to downtown.
Diversity	To create a diverse and dynamic waterfront with new public facilities and opportunities for private sector investment.
Appropriate services	To consider the appropriate range of services for a boating centre to welcome all boaters – including seasonal and transient, sailors and power boaters, anglers and charter operators.
Marina Business Plan	To review and consider the Marina Business Plan recommendations related to the proposed Marina Development in the inner basin and opportunities which may be available to align with the development of the Centre Pier.
Public engagement	To facilitate the public engagement process and proposed concept end use plan, including an active and built form presence on the Centre Pier and to supplement the recommendations contained in the CWMP related to the inner basin, east beach and west beach area.
Well-being	To support community and individual well-being through a collaborative system comprised of sustainable parks, recreation and culture opportunities, utilizing the Consolidated Waterfront Master Plan as a guiding document.
Long range planning	To support the development and implementation of long range Waterfront and Harbour plans having regard for the Leisure Services Master Plan, CWMP, Corporate Strategic Plan and Marina Business Plan, as well as new and emerging information.
Cooperation	To actively participate and cooperatively work together in the planning of the Centre Pier and related designated waterfront lands inclusive of stakeholders and community consultation.
East and West beaches	To be cognizant of the east beach and west beach plans as outlined in the Consolidated Waterfront Master Plan, excluding the Marina Development at the east beach.
Downtown Revitalizations Project	To be cognizant of outcomes of the Downtown Revitalizations Project and its outcomes to be connected and or compatible with the overall plans.
Heritage Landscape	To have regard to the heritage landscape of the harbour in the development of land policies and design guidelines.
Natural Heritage	To protect and preserve the natural heritage features along the Lake Ontario waterfront.

**B12 CONFORMITY WITH THE GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE AND IMPLEMENTATION OF THE COUNTY OF NORTHUMBERLAND AND ITS MEMBER MUNICIPALITIES GROWTH MANAGEMENT STRATEGY**

**B12.1 GROWTH MANAGEMENT IMPLEMENTATION**

In accordance with the policies on Section B3 of this Plan, the Municipality's Urban Settlement Area Boundary (as identified on Schedule "A-1") is fixed, and no changes to the boundary are anticipated during the planning period. Any such change in the future would only be considered in the context of a Municipal Comprehensive Review of the Plan. The following structural elements form the basis for the Municipality's growth management strategy.

**B12.2 BUILT BOUNDARY**

Schedule "A-1" identifies the "Built Boundary" as determined by the Province. Lands within the boundary are considered to be those parts of the Municipality that are already developed as of June 2006. Any development within the Built Boundary is considered intensification and contributes to the intensification target of this Plan.

**B12.3 DESIGNATED GREENFIELD AREAS**

The lands between the Built Boundary and the Municipality's Urban Settlement Area Boundary as designated on Schedule "A-1" are considered "designated greenfield areas". These are largely undeveloped lands and are subject to the policies contained in Section 2.2.7 of the GPGGH.

Development in these areas is required to contribute to the achievement of the minimum designated greenfield area density target of 35 residents + jobs per hectare (r+j/ha) for the 48.86 ha of land designated as Greenfield in the Municipality (generating a total of approximately 1,710 r+j). This target is not intended, however, to be considered a minimum target on every parcel of land. In addition, increases in density for individual developments which conform to the other policies of this Plan shall be permitted.

**B12.4 MUNICIPAL INTENSIFICATION POLICIES**

The Municipality's intensification target is for 50% of new residential dwelling units to be provided within the Built Boundary. However,

intensification proposals which exceed this target shall be considered based on conformity with the policies of this Plan.

The County GMS study notes that the existing capacity in the Municipality to service lands within the 'Built Boundary' and already designated for development is sufficient to accommodate approximately 11,000 people in the Municipality.

To achieve the Municipality's intensification target, the Municipality shall implement the following Intensification Strategy:

- a) Establish six Major Intensification Areas in the Municipality, as further detailed in Section B12.4.1 of this Plan;
- b) Permit limited intensification within Established Residential Areas at a scale and built form that reflects the established neighbourhood, including encouraging the creation of accessory apartments;
- c) Permit limited intensification in the Heritage Conservation Districts subject to the policies of contained within the Heritage Conservation District Plans;
- d) Permit mixed use development within the Waterfront Area subject to the policies of the Consolidated Waterfront Master Plan; and,
- e) Monitor both Municipal and County-wide intensification rates in relation to the respective intensification target for each.

#### **B12.4.1 Major Intensification Areas**

In addition to the applicable policies pertaining to each specific designation in this Plan, the following policies are intended to provide a guide for development and redevelopment proposals within the Major Intensification Areas. These areas are delineated on Schedule A-1 of this Plan and are generally labeled as:

- Toronto Road Employment & Commercial Lands
- Central Commercial Area (excluding Heritage Conservation Districts)
- Croft Street Extension Residential Lands
- Croft Street Employment Lands
- Philips Farm Residential Lands
- Peter Street Employment & Commercial Lands

Within all Major Intensification Areas, Council may determine the following development incentives, particularly regarding proposals for mixed-use development:

- a) additional density and height permissions in conjunction with re-development proposals;
- b) reductions to parking requirements if appropriate to the development;
- c) reduction to Development Charges;
- d) minimum 3-storey building height for intersections of arterial or collector roads

#### **B12.4.2 Potential Density Reduction**

The Municipality will not accept *Planning Act* applications that propose the ‘down-designation’ of lands that have been designated for Medium and High Density Residential development, in favour of lower density development unless they are considered as part of a Municipal Comprehensive Review or as part of a larger plan for a Major Intensification Area which improves the Municipal housing mix or density targets outlined in this Plan.

#### **B12.5 ESTABLISHED RESIDENTIAL AREAS**

Established Residential Areas, generally as designated “Low Density Residential” on Schedule “C-1” of the Plan, consist of existing residential neighbourhoods where intensification potential would be modest, incremental and where municipality servicing capacity is sufficient.

#### **B12.6 HERITAGE CONSERVATION DISTRICTS**

The most culturally and economically significant areas of the Municipality, these areas are delineated on Schedule “A-1” of this Plan (including the Walton Street and John, Ontario and Queen Street Heritage Conservation Districts) and are subject to Heritage Conservation District Guidelines.

#### **B12.7 WATERFRONT AREA**

Development within the Municipal Waterfront Area (as identified on Schedule “A-1” of this Plan) is subject to the Consolidated Waterfront Master Plan. Intensification potential exists in this area subject to specific policies which reflect GRCA floodplain policies as noted in the CWMP and opportunities for the redevelopment of lands for mixed-uses following the PHAI clean-up.

**B12.8****PRESERVATION OF EMPLOYMENT LANDS**

The Municipality's current designated land exceeds the land required to accommodate these allocations, however, in accordance with the Growth Plan and recommendations of the County Growth Management Strategy, conversion of employment land to non-employment uses, including major retail uses, is discouraged and shall be subject to a municipal comprehensive review in accordance with the policies of this Plan.

## SECTION C GENERAL DEVELOPMENT POLICIES

Applies to all Designations

The General Development Policies in this Plan include policies which apply to all designations, and more specific policies which apply to certain land uses which may occur in a variety of designations. The General Development Policies must be read in conjunction with the specific land use policies set forth in Section D of this Plan. The General Development Policies have been divided into four categories – General, Environment, Social and Housing and Infrastructure.

### C1. SETTLEMENT STRUCTURE

Schedule A Settlement Structure

**Schedule A – Settlement Structure** geographically defines the areas referred to as the Urban Area, Hamlet, Rural Employment Area, Countryside Area and Oak Ridges Moraine. For the purpose of this Plan, these terms mean:

#### Settlement Area

- a) **Urban Area:** The largest urban centre in the Municipality of Port Hope is planned to be the location of the widest range of commercial, employment-generating, and community facilities serviced by municipal water and sewer services;
- b) **Hamlet:** The hamlet clusters in the Municipality of Port Hope, are planned to be the site of limited residential development with a limited range of commercial and community services as well as employment-generating uses. Municipal water and sewerage services are not provided in these areas and therefore future growth shall be commensurate with that level of service.
- c) **Rural Employment Area:** This area is planned to be the site of employment generating uses.

#### Countryside Area

- a) **Countryside Area:** This area is the site of agricultural land in the Municipality of Port Hope, which is primarily associated with farming activities, as well as resource based uses, such as forestry and aggregate operations, and natural amenities; and
- b) **Oak Ridges Moraine:** This area is subject to the Province's Oak Ridges Moraine Conservation Plan, which is predominately in an undisturbed natural state in the Municipality of Port Hope;

## C2.

### USES PERMITTED IN ALL LAND USE DESIGNATIONS

Permitted  
Uses in all  
Designations

The following uses shall be permitted in all land use designations except in significant wetlands and habitat of endangered and threatened species subject to the relevant policies of this Plan and the provisions of the implementing Zoning By-law:

- a) public roads, in accordance with the provisions of Section C13.2 of this Plan;
- b) public parkettes, tot lots, neighbourhood parks (except in the Prime Agriculture land use designation) and open spaces and open space linkages in accordance with the provisions of Section D6 of this Plan;
- c) public utilities and services, such as collection, treatment and distribution of sanitary sewage, storm water, gas, telephone and cable services;
- d) as per Section 114.6(1) of the Electricity Act, which recognizes the primacy of transmission uses on hydro corridor lands, and in keeping with Policy 1.6.6.1 of the Provincial Policy Statement, which speaks to the protection of infrastructure corridors: Any undertaking or an electrical supplier which has been approved under the Environmental Assessment Act, existing electric power facilities and transmission lines, undertakings which have been granted an exemption under the Environmental Assessment Act, but excluding such facilities as municipal works yards, transportation terminals or garages, postal stations or commercial wind energy conversion systems.
- e) any public facilities, operated by a public authority such as fire, ambulance and police stations, schools and recreational uses (except in the Prime Agriculture land use designation), subject to the following:
  - i the site has frontage on, and access to, major roadways with transit, and active transportation infrastructure where appropriate;
  - ii the site access shall not create traffic hazards on surrounding roads;
  - iii the site area is sufficient to provide all necessary parking and other required facilities on-site;
  - iv the site is functionally accessible to the area which the use is intended to service;

- v the site is adequate in size to incorporate all necessary buffering or screening in order to minimize potential conflicts between land uses, in accordance with the provisions of this Plan;
  - vi the site promotes the clustering or co-location of public facilities; and
  - vii the site is zoned appropriately in the implementing Zoning By-law.
- f) nursery schools and day care centres (except in the Prime Agriculture land use designation), subject to the following:
- i the site has direct access to a major roadway;
  - ii the traffic generated shall not create traffic hazards on surrounding roads;
  - iii the site is served by public transit, where feasible;
  - iv adequate on-site parking and drop-off facilities are provided so as not to interfere with traffic movements on surrounding roads;
  - v the facilities are connected to municipal water and sewer services within the Urban Area;
  - vi landscaping and screening are provided to minimize potential conflicts with adjacent land uses;
  - vii nursery school and day care facilities may be permitted within multiple-family residential and non-residential buildings, provided the provisions of subsections i through v above are satisfied. Where such facilities are located in non-residential buildings in an industrial or commercial area, direct access to major roadway may not be required; and
  - viii the site is zoned appropriately in the implementing Zoning By-law.

Notwithstanding the above policies, the uses permitted in all land use designations shall only be permitted in close proximity to areas of natural heritage significance where it has been demonstrated that no negative impacts to the features or ecological functions would occur.

Oak Ridges  
Moraine

Notwithstanding the above, such uses may be prohibited within the Oak Ridges Moraine where such uses are not in conformity with the provisions of the Oak Ridges Moraine Conservation Plan or the Oak Ridges Moraine policies of this Plan.

### **C3.**

### **OPEN SPACE LINKAGES**

#### Open Space Linkages

Open space linkages may be permitted in any land use designation but are encouraged in the Urban Area as a first priority. Where practical, the Municipality may acquire and develop natural linear features in the Rural Area as open space linkages but not at the expense of productive agricultural land. Open space linkages are permitted in accordance with the following policies:

- a) Open space linkages may be acquired and developed to provide:
  - i physical and visual linkages within the municipality;
  - ii pedestrian and bicycle paths;
  - iii connection between parks and open spaces; and
  - iv access to valleys and waterfront area.
- b) These areas may comprise:
  - i pedestrian walkways;
  - ii bicycle paths;
  - iii pedestrian grade separations;
  - iv valley lands;
  - v channelized storm water drainage areas;
  - vi waterfront greenway and trail;
  - vii hydro and utility corridors;
  - viii protective buffer areas between conflicting land uses; or
  - ix abandoned rail lines.
- c) The Municipality may develop a system of pedestrian and bicycle paths within open space linkages for recreational walking, jogging and cycling, and to provide access to other community facilities;
- d) The Municipality shall encourage the use of utility corridors, rights-of-way, and easements for open space linkages;
- e) Wherever possible, open space linkages shall be conveyed to the Municipality or other public agencies;
- f) Privately owned lands shall not be construed as to imply that such areas are free and open to the general public to be used for recreational purposes; and
- g) An east-west link along the Lake Ontario Shoreline is desired to provide public access to the waterfront. Such a trail would extend generally east of Hope Street and west of Alexander Street.

#### **C4. EXISTING NON-CONFORMING LAND USES**

Definition Existing uses which are not consistent with the land uses permitted in the land use designation in which they are located are deemed to be non-conforming uses.

Limitations In order that non-conforming uses are adequately controlled and are not encouraged to expand to an unacceptable degree, non-conforming uses shall be subject to the following:

- a) Any intensification of a non-conforming use shall be discouraged, unless deemed desirable by Council, or by the Municipality's Committee of Adjustment;
- b) Any building or structure in which a non-conforming use is being undertaken may be renovated in order to bring it to a safe condition, provided that the use and overall dimensions do not change; and
- c) If a non-conforming building, structure, or land use other than a seasonal residence that existed prior to the day of passing of this Plan is abandoned for a continuous period of greater than one year, then the non-conforming use shall not be resumed.

Intensification or Renovation Where it is deemed desirable by Council that a non-conforming use be intensified, or buildings and structures in which the non-conforming use is being renovated, or enlarged, Council may consider the passing of an amendment to the Zoning By-law, pursuant to the Planning Act. Such a By-law may be passed without amending this Plan.

Criteria for Intensification or Renovation Upon receipt of an application to amend the Zoning By-law, Council shall take into account the following:

- a) The proximity and nature of adjacent land uses and the nuisance or obnoxious effects that may result from the expansion. Provision of berms and screening may be deemed necessary by Council;
- b) The proposed building extension can be physically accommodated on the site with the provision of adequate building setbacks, parking spaces, and landscaping;
- c) Additional traffic generated by the expansion of the use and buildings can be adequately accommodated by existing roads and highways, without creating undue traffic hazards;
- d) The proposed intensification or extension of use and buildings can be serviced, either with full municipal services, or individual self-contained services acceptable to the approval authority; and

- e) All applicants for other than single detached dwellings shall enter into Site Plan Agreements with Council prior to the further development of non-conforming uses.

Other Non-conforming Uses

Notwithstanding Policies of this section, where an existing use of land does not conform to the land use designations shown on Schedules C or C1 of this Plan, or its related policies, Council may recognize this use or other non-conforming uses in the Zoning By-law provided that such a use was legally permitted at the time the use was established, and satisfies the provisions of this section of the Plan.

**C5. ENVIRONMENT**

Sustainable and Balanced

The natural heritage policies in this Plan are premised on the belief that a sustainable and healthy environment represents a balance between human activities and natural features and functions. However, nothing in Section C5 is intended to limit the ability of existing agricultural uses to continue.

**C5.1 NATURAL HAZARDS**

**C5.1.1 Flood Plains**

The Flood Plain Areas, including those areas along the Ganaraska River and Gages Creek, subject to the following policies were determined in consultation with the Ganaraska Region Conservation Authority. The general boundaries of the Flood Plain Areas designated on Schedule B-2 reflect the regulatory flood line. In areas where flood information is unavailable, an engineering report in support of a development application proposed within 30 metres of an undesignated stream shall be required to determine the flood plain. Proponents shall consult the Ganaraska Region Conservation Authority for the exact boundary of the flood plain. Revised regulatory flood lines, as a result of new or more accurate information may be incorporated into this Plan without notice or amendment.

**C5.1.1.1 Special Policy Area – Ganaraska River – Urban Area**

**C5.1.1.1.1 Defined Area**

Defined Area Schedule-B1

The Ganaraska River flood plain policy area designation shall apply to those lands within the Regulatory Flood Plain adjacent to the Ganaraska River within the Municipality of Port Hope, as shown on Schedule B1.

**C5.1.1.1.2 General Policies**

Filling, Construction, Alteration

Prior to any filling, construction or alteration to waterways, a permit shall be obtained from the Ganaraska Region Conservation Authority.

Floodproof New Buildings

All new buildings where permitted shall be floodproofed to the Regulatory flood level except where it is not technically practical or

economically feasible. In these circumstances, the minimum acceptable level of floodproofing shall in no case be less than the 100 Year Flood level plus 0.3 metres, as determined by the Municipality of Port Hope and in consultation with the Ganaraska Region Conservation Authority.

Any new building or structure shall be designed such that its structural integrity is maintained during a Regulatory Flood.

Building Replacement

Where a building or structure has been destroyed or demolished by fire or causes other than flooding, the building or structure may be constructed or erected on the footprint of the previous building provided the re-development occurs within two (2) years of the structure's demolition or destruction and, where the opportunity exists, a degree of floodproofing shall be carried out to the replacement structure, as determined by the Municipality and the Conservation Authority.

Replacement Limitation

After the said two (2) year period, any such redevelopment shall be considered as new development. The flood plain policies for the Ganaraska River shall then apply. Any change in the use of the building shall require the approval of the Municipality of Port Hope and the Ganaraska Region Conservation Authority prior to construction.

Use Limitation

New development associated with the manufacture and storage of substances of a chemical, hazardous or toxic nature which might pose an unacceptable threat to public safety or significant environmental features if damaged as a result of flooding or failure of floodproofing measures, shall not be permitted to locate in the Ganaraska River flood plain policy area.

New nursing homes, hospitals, homes for the aged, senior citizen apartments, group homes, day care centres, schools or other similar institutional facilities for which flooding could pose a significant danger to the inhabitants shall not be permitted to locate in the Ganaraska River flood plain policy area.

Protective services such as police, fire, ambulance and public work yards and major electrical substations shall not be located in the Ganaraska River flood plain policy area. Existing facilities shall not be allowed to expand or extend without approval from the Municipality of Port Hope and the Ganaraska Region Conservation Authority and any major renovation shall meet the Provincial requirements for safe ingress/egress for emergency vehicles.

Building Limitation

New building services such as electrical and heating systems should be located above the Regulatory Flood level, but where this is not

feasible, building services shall be floodproofed to the Regulatory Flood level. The replacement of existing building services within a building shall be permitted, however, where it is practical, or feasible, the replacement building services should be either located above the Regulatory Flood level, or floodproofed to the Regulatory Flood level.

No new basements or expansion of existing basements shall be permitted.

Continuation  
of Existing  
Uses

Existing development within the 100 Year Flood plain, as determined by the Municipality of Port Hope, in consultation with the Ganaraska Region Conservation Authority, may continue in its current form notwithstanding non-compliance with the policies in this section. Minor renovations, as defined in Appendix – Definitions to this Plan, shall comply with dry floodproofing and wet floodproofing requirements, as applicable.

Provincial  
Policies

All applicable Provincial policies pursuant to the Planning Act shall apply within the Ganaraska River flood plain policy area.

#### **C5.1.1.1.3**

#### **Commercial Uses**

Commercial  
Use  
Limitations

Commercial development, redevelopment and major renovation/addition of new commercial structures shall be permitted in areas so designated provided:

- a) the building is floodproofed to the highest extent practical and the building is designed such that structural damage shall not result in the event of a Regulatory Flood;
- b) the minimum floor level shall be the 100 Year Flood level plus 0.3 metres, as determined by the Municipality of Port Hope, in consultation with the Ganaraska Region Conservation Authority;
- c) new mechanical, electrical, heating and air conditioning equipment shall be located above the Regulatory Flood level or floodproofed to the Regulatory Flood level; and

Minor  
Renovation  
and Addition

Minor renovations/additions to existing commercial uses shall be permitted subject to floodproofing which shall be to the highest extent possible and to the satisfaction of the Municipality of Port Hope and the Ganaraska Region Conservation Authority and in no case shall the proposed floor level be lower than the existing ground floor level.

New  
Residential in  
Commercial  
Buildings

New residential uses in upper stories shall be permitted provided:

- a) the habitable floor space shall be located above the Regulatory Flood level; and

- b) safe ingress/egress and parking can be achieved, as defined in this Plan.

**C5.1.1.1.4 Residential Uses**

Cavan Street  
& Highland  
Drive

New development shall not be permitted within the Regulatory Flood Plain located north of the existing residential development west of Cavan Street and north of Highland Drive as identified as Zone 1 in Schedule B1.

Infilling

New residential uses shall be permitted on an infilling basis within the Regulatory Flood Plain, but outside of the 100 Year Flood Plain for that area located south of that area identified above, and north of the foot bridge in the vicinity of the library (Zone 2 in Schedule B1). Where possible any such development shall be floodproofed to Regulatory Flood levels and under no circumstances shall be less than the minimum standard as established (100 year + 0.3 m.).

South of  
Rotary  
Bridge

New development shall be permitted south of the Rotary Bridge, to Lake Ontario (Zone 3 in Schedule B1) subject to floodproofing to Regulatory Flood levels as approved by the Municipality of Port Hope and the Ganaraska Region Conservation Authority.

Safe Ingress  
and Egress

Where permitted, new residential uses considered within the Ganaraska River flood plain policy area (as shown on Schedule B1) must ensure that safe ingress and egress and parking can be achieved, as defined in this Plan.

**C5.1.1.1.5 Implementation**

Implementation  
Measures

It is the policy of Council that the Ganaraska River flood plain policies shall be implemented in the following ways:

- a) The Municipality's Zoning By-law shall be amended to add an (f) symbol as a suffix to the zone symbol to identify all the lands below the regulatory flood plain as flood susceptible. The (f) suffix indicates that the lands are subject to the Ganaraska River flood plain policies and the Ganaraska Region Conservation Authority regulations for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation under the Conservation Authorities Act. In addition, for those areas which are below the floodway, a more restrictive zoning category may be applied;
- b) Applications for development within the Ganaraska River flood plain policy area shall not be approved until such time as the Municipality of Port Hope has been notified of the approval of the Ganaraska Region Conservation Authority as required

under their Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation;

- c) The proponent of any new development, redevelopment, or major renovation, shall be required to submit to council for approval, a site plan in accordance with Section E11, Site Plan Control;
- d) Approval of site plans shall conform to the Ganaraska Region Conservation Authority Permit with respect to matters such as lot grading and drainage;
- e) Upon completion of the building or structure, the Municipality or the Ganaraska Region Conservation Authority may require a letter of compliance by a professional engineer verifying that the floodproofing measures have been implemented as required and are in conformity to the policies of this plan;
- f) Building permits within the Ganaraska River flood plain policy area shall not be issued until such time as the Municipality of Port Hope has been notified of the approval of the Ganaraska Region Conservation Authority; and
- g) The Municipality shall continue to maintain the flood emergency plan and to cooperate with the Ganaraska Region Conservation Authority in the operation of the Port Hope flood warning system.

**C5.1.1.1.6 Changes to the Special Policy Area – Ganaraska River – Urban Area**

Changes or modifications to this section or the associated mapping on Schedule B1 require approval by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications.

**C5.1.1.2 Ganaraska River – Rural Area**

**C5.1.1.2.1 Defined Area**

Defined Area  
Schedule B-2

The Ganaraska River flood plain policy area designation shall apply to those lands within the Regulatory Flood Plain adjacent to the Ganaraska River within the Municipality of Port Hope, as shown on Schedule B-2 and B1.

**C5.1.1.2.2 General Policies**

Filling,  
Construction,  
Alteration

Prior to any “development” as defined in the Conservation Authorities Act (i.e. grading, filling, excavation, construction), or to any alteration of or interference with a watercourse or wetland, a permit shall be obtained from the Ganaraska Region Conservation Authority. Among other things, any new building or structure shall be floodproofed, and

designed such that its structural integrity is maintained during a Regulatory Flood.

### **C5.1.1.3 Gages Creek**

#### **C5.1.1.3.1 Defined Area**

Defined Area  
Schedule B1

The Gages Creek flood plain policy area designation shall apply to those lands within the flood fringe and floodway of Gages Creek within the Municipality of Port Hope as shown in Schedule B1 – Development Constraints - Gages Creek.

#### **C5.1.1.3.2 General**

Permit  
Required

Any filling, construction or alteration to waterways proposed within the Gages Creek flood plain policy area shall require a permit from the Conservation Authority prior to the issuance of a building permit.

Existing  
Development  
Rights

Notwithstanding Schedule B1, where approvals have been given to a site specific development proposal prior to March 30, 1998 in the form of an Official Plan Amendment, Zoning By-law amendment and Draft Plan of Subdivision, the development rights as defined by the approvals shall be provided. However, the approved development must be designed so as not to increase the flooding of properties adjacent to the development or block the flow of flood waters necessary to safely convey the regulatory flood event. All approved development must be floodproofed to the satisfaction of the Municipality in consultation with the Conservation Authority.

#### **C5.1.1.3.3 Construction**

##### ***Flood Fringe***

Flood Fringe  
Development

Development shall be allowed to occur within the flood fringe subject to any structure being flood proofed to the Gages Creek 100 Year Flood Level plus 0.3 metre freeboard.

Flood  
Proofing

Any proposal for flood proofing must be approved by the Municipality in consultation with the Conservation Authority prior to a building permit being issued.

Dry Flood  
Proofing

For residential structures, dry flood proofing must be carried out. Wet flood proofing shall only be allowed under exceptional circumstances, and only for non-residential uses.

Additions to  
Structures

Additions can be made to existing structures subject to the above flood proofing requirement. Additions of less than twenty percent (20%) of the first floor area (to a maximum of 30 sq. m.) are exempt from this flood proofing requirement. The addition of up to twenty percent (20%) shall only be allowed once during the life of the building. Any further additions shall be treated as a new structure and

shall be required to meet the flood proofing requirements. Additions to existing structures shall not be allowed where there is potential for structural damage associated with flooding, as determined by the Municipality in consultation with the Conservation Authority.

Building Conversions Conversion of non-residential buildings to residential uses can only take place where the building to be converted is properly flood proofed according to the above standards.

Building Replacement Replacement of structures, demolished by whatever means, shall be allowed within the flood fringe. However, the new structure shall be required to be flood proofed as recommended above.

Access to New Development New development where access must occur across the flood plain must have safe ingress and egress. Proposals that require such access, where flood depths exceed 0.3 metres, must demonstrate that safe access can be provided prior to approval. Any such works required to ensure safe access must be approved by the Municipality in consultation with the Conservation Authority and must not adversely affect adjoining properties. New development must not adversely affect adjoining properties or increase the extent of the flood plain.

Parking Lots Parking lots can occur in the flood fringe without a provision for flood proofing provided that the flood depths do not exceed 0.5 metres.

Open Storage Open storage shall normally be allowed within the flood fringe, without flood proofing, provided that the material to be stored is not considered hazardous to the environment. Open storage for any materials can take place within the flood fringe provided that the storage site has been flood proofed.

Underlying Land Use Designation The Official Plan and Zoning By-law shall maintain the underlying land use designation (reflecting the existing or proposed use) but shall incorporate a prefix to identify that the property is flood susceptible and shall specify the minimum requirements for flood proofing (i.e. elevation).

### ***Floodway***

Limitations on New Development No new development shall be allowed within the floodway with the exception of that required for flood and erosion control, essential municipal services or public utilities.

Additions to Structures Additions to structures presently within the floodway shall only be allowed if under twenty percent (20%) of the existing first floor area (up to a 30 sq. m. maximum). Where this occurs it is suggested that flood proofing be carried out to a reasonable level. No additions shall be allowed greater than twenty percent (20%). This addition shall be allowed to occur once during the life of the structure. No further

additions shall be allowed. Additions shall not be allowed where there is potential for structural damages during a flood event.

No new lots shall be allowed to be created within the floodway. Individual severances shall be allowed to incorporate a portion of the floodway provided that there is sufficient area outside of the floodway on which to place the proposed development. Where land severance is proposed via the subdivision process, no lot lines shall be allowed to extend into the floodway.

Existing Lots	An existing lot of record must have sufficient area outside of the floodway to allow any proposed development to take place. Such development must occur outside of the floodway.
Building Replacement	Where a building or structure in the floodway has been destroyed or demolished by fire or causes other than flooding, the building or structure may be constructed or erected on the footprint of the first floor area of the previous building provided the re-development occurs within two (2) years of the structure's demolition or destruction and, where the opportunity exists, a degree of floodproofing shall be carried out to the replacement structure, as determined by the Municipality and the Ganaraska Region Conservation Authority. Where possible, the new structure shall be placed further away from the watercourse and shall be flood proofed to whatever level is possible.
Replacement Limitation	After the said two year period, any such redevelopment shall be considered as new development. The flood plain policies for the Gages Creek shall then apply. Any change in the use of the building shall require the approval of the Municipality of Port Hope and the Ganaraska Region Conservation Authority prior to construction.
Replacement Prohibition	Where flooding has destroyed the structure, reconstruction shall not be allowed to occur.
Parking	Parking may be allowed to occur within the floodway provided that flood depths are less than 0.5 metres and provided that flood plain characteristics are maintained.
Conversion to Residential	No conversion of a non-residential use to a residential use shall be allowed within the floodway.
Parks and Open Space	Parks and open space uses that do not require construction of facilities or large scale modifications to the flood plain shall normally be allowed within the floodway.
Open Storage	Open storage associated with commercial or industrial uses shall not normally be allowed within the floodway.

Underlying Land Use Designation The floodway shall be designated as Open Space within the Official Plan and Zoning By-law. Existing structural development within the floodway shall be allowed to maintain the underlying land use designation (reflecting the existing use) subject to a prefix being added identifying the lot as being flood susceptible.

### ***Watercourse Alteration***

Limitation on Alteration No alteration to the watercourse shall be allowed except for the purpose of flood or erosion control or when necessary to protect existing development and subject to approval of the Conservation Authority. Any proposal for watercourse alteration must also be approved under other Federal and Provincial statutes.

Maintain Water Quality Stormwater inputs into the watercourse must not degrade water quality, increase the potential for erosion or increase the flood hazard. As such, the Municipality in consultation with the Conservation Authority must review and subject to satisfactory details being submitted, approve any stormwater management plans, which propose to discharge into the watercourse. Sub watershed planning may be required for any future development proposals in this area.

Location of Facilities Stormwater management facilities (excluding storm sewers) shall not be allowed to occur within the floodway.

## ***C5.1.1.4 Lake Ontario Shoreline and Floodprone Areas***

### ***C5.1.1.4.1 General Policies***

Location Schedule B-2 The Lake Ontario Shoreline and Floodprone Areas are subject to the following policies, and were determined in consultation with the Ganaraska Region Conservation Authority and follow the general boundaries shown on Schedules B-2 and B1. These include areas within the 100 year flood line.

Development Limitation Council may permit development in the Floodprone Area, but not in the 100 Year Flood Line or the 100 Year Erosion Limit, whichever is greater, provided:

- a) the effects of the proposal on wave and current patterns, water flows and levels, and water quality are considered by Council, in consultation with the Ganaraska Region Conservation Authority, to be acceptable;
- b) that adequate flood proofing measures, determined in consultation with the Ganaraska Region Conservation Authority, are incorporated in the development;
- c) that the development be set back an appropriate distance from the shoreline. The setbacks for development shall be

determined in consultation with the Ganaraska Region Conservation Authority on a site specific basis; however setbacks shall be a minimum of 30 metres from the high water mark. Setbacks may be incorporated into secondary plans and/or the zoning by-law as appropriate. When determining such setbacks, consideration shall be given to:

- i the type of shoreline;
- ii bank stability;
- iii angle of bank slope;
- iv degree of erosion protection; and
- v other relevant aspects.

d) that the development is not within a dynamic beach area.

No development shall be permitted within 30 metres of Lake Ontario. However, trails that implement the Waterfront Strategy may be permitted. This 30 metre setback shall remain in a natural vegetative state with non-disturbance of soil.

Evaluation  
of Alteration

Any alterations and other related works within the Lake Ontario Shoreline and Floodprone Areas shall be evaluated based on the following:

- a) the potential negative impact of the proposal on the natural features and functions of the area, including fish habitat;
- b) any proposed measures to mitigate potential negative environmental impacts;
- c) the potential negative impacts upon archaeological resources in accordance with the Heritage Conservation policies of this Plan;
- d) the effects of the proposal on wave and current patterns, water flows and levels, and water quality are considered by Council, in consultation with the Ganaraska Region Conservation Authority and/or federal or provincial governments, to be acceptable;
- e) the extent to which the proposal provides for maintaining the desirable natural features and functions; and
- f) how the site layout and project design relate to the adjacent land uses.

### **C5.1.2 Steep Slopes**

Definition

Steep Slopes shall be those slopes with horizontal to vertical gradients steeper than 3:1 and with a height greater than 3.0 meters.

Location	Schedule B1 identifies the lands within the Urban Area with Steep Slopes. Outside of the Urban Area steep slopes have not been identified on Schedule B; however, this does not imply that such areas are not bound by the policies of this section. Schedule C1 also identifies these areas as a Constraint Area.
Determination of Steep Slope	The extent and exact location of a Steep Slope shall be determined during consideration of development applications in accordance with detailed contour mapping or fill regulation and in consultation with the Ganaraska Region Conservation Authority. In the absence of such mapping or fill regulations, Council, in consultation with the Ganaraska Region Conservation Authority, shall use such Steep Slopes illustrated on Schedule B1 as general guidelines in the consideration of development applications in the Urban Area.
Development Requirement	Development within or adjacent to Steep Slopes is expected to conserve, where feasible, the natural elements, which assist in maintaining slope stability, soil conditions, and surface drainage. Accordingly, development shall be carried out in such a manner as to prevent slope instability, erosion, and disruption of the existing drainage patterns. All applications for development on lands of which any portion(s) includes Steep Slopes may be required to submit a steep slope analysis in keeping with the Implementation section of this Plan, to indicate how development may be appropriately designed and located. This requirement shall be met prior to any approval, or as a condition of any such approval.
Development Prohibition	<p>Development in accordance with the land use designations on Schedules C or C1, or any other land use schedule forming part of this Plan, shall be prohibited if the land has been identified through a steep slope analysis as having physical conditions which cannot be overcome through appropriate mitigating measures.</p> <p>Development within areas of Steep Slope shall generally only be permitted on municipal sanitary sewage services. Where development is permitted to proceed on the basis of private sewage disposal systems, in accordance with Section C12.1 of this Plan, Council or the Committee of Adjustment shall be satisfied that the physical requirements of such systems do not impact on the steeply sloped areas and the steep slope analysis identified in this section shall address this matter.</p> <p>Areas of Steep Slope which are not suitable for development shall generally not be accepted as part of the parkland dedication required under the Planning Act.</p>

Public Acquisition

Nothing within this Plan is deemed to require the Council, or any authority having jurisdiction, to acquire Steep Slope lands.

### **C5.1.3 Hazardous Forest Types for Wildland Fire**

Definition

Hazardous forest types for wildland fire are forest types assessed as being associated with the risk of high to extreme wildland fire using risk assessment tools established by the Ontario Ministry of Natural Resources and Forestry, as amended from time to time.

Development Limitations

Potential risk areas for wildland fire within the Municipality of Port Hope have been provided to the Municipality by the Ministry of Natural Resources and Forestry (MNR). MNR is working on more detailed guidance for hazard assessment and mitigation that may inform additional policies for development in these areas. Once more detailed guidance is available, an amendment to this Plan may be required. In the meantime, the following policies will apply:

- a) Development shall generally be directed to areas outside of lands that are unsafe for development due to the presence of hazardous forest types for wildland fire.
- b) Development may be permitted in lands with hazardous forest types for wildland fire where the risk is mitigated in accordance with wildland fire assessment and mitigation standards.

## **C5.2 NATURAL HERITAGE OUTSIDE OF THE OAK RIDGES MORAINES**

### **C5.2.1 General**

Natural Heritage Classification

The Natural Heritage classification on Schedules B and B1 identifies lands that are recognized by the Province, Ganaraska Region Conservation Authority and Council as containing one or more of the following significant or sensitive natural features or functions:

Areas of Natural and Scientific Interest

- a) Areas of Natural and Scientific Interest (ANSI) - are areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. ANSI's that have been determined to be both provincially and regionally significant have been specifically identified on Schedules B and B1;

Wetlands

- b) Wetlands - are lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric soils and has favoured the dominance of either hydrophytic plants or water tolerant plants. Wetlands that have been determined

to be significant coastal wetlands as well as others that have not been evaluated have been specifically identified on Schedules B and B1. However, agricultural lands that are periodically soaked or wet and do not exhibit wetland characteristics are not considered to be wetlands for the purposes of this policy;

Significant Woodlands

c) Woodlands - are treed areas that provide environmental and economic benefits to the private landowner and the general public, such as erosion prevention, hydrogeologic and nutrient cycling, provision of clean air and long term storage of carbon, provision of wildlife habitat, outdoor recreation opportunities and the sustainable harvest of woodland products. These areas are specifically identified on Schedule B;

Fish Habitat

d) Fish Habitat - are spawning grounds and nursery, rearing food supply and mitigation areas on which fish depend directly or indirectly in order to convey out the life process. These areas have not been specifically identified on Schedule B; however, all watercourses, waterbodies and drainage channels throughout the Municipality will be assumed to have potential to be fish habitat and they will be considered in all proposals for development and site alteration to ensure appropriate protection;

Significant Wildlife Habitat

e) Wildlife Habitat - are areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Significant Wildlife Habitat may include seasonal concentrations of animals (e.g. deer wintering areas, heronries), specialized habitats of rare vegetation communities, and habitat of species of special concern. Specific wildlife habitats of concern may also include areas where species concentrate at a vulnerable point in their life cycle; and areas that are important to migratory and non-migratory species. Known areas of Significant Wildlife Habitat are limited, and are shown on Schedule B to this Plan. However the entire Municipality shall be considered to have the potential for Significant Wildlife Habitat. All proposals for development and site alteration will therefore be assessed for these habitats and provided with appropriate protection. The Ministry of Natural Resources and Forestry's Significant Wildlife Habitat Technical Guide and Ecoregion Criterion Schedules for the Identification of Significant Wildlife Habitat should be used by proponents to identify Significant Wildlife Habitat.

The Municipality will require that proponents proposed the following types of development to assess the site for the presence of significant wildlife habitat:

- Creation of more than three lots through either consent or plan of subdivision;
- Change in land use, not including the creation of a lot, that requires approval under the Planning Act;
- Shoreline consents along a large inland lake or large river (denoted on 1:50,000 National Topographic System maps as being two-lined) that is within 120 metres along the shoreline of an existing lot of record or a lot described in an application for subdivision or consent; and of an existing lot of record or a lot described in an application for subdivision or consent; and
- Construction for recreational uses (e.g. golf courses, serviced playing fields, serviced campgrounds and ski hills) that require large-scale modifications of terrain, vegetation or both.

Significant Valleylands

- f) Valleylands - are natural areas that occur in valleys or other landform depressions that have water flowing through or standing for some period of the year. These areas have not been specifically identified on Schedule B; however, all proposals for development and site alteration will be assessed for these areas and provided with the appropriate protection.

Threatened and Endangered Species

- g) Threatened and Endangered Species Habitat - With respect to Endangered Species, is a species, listed or categorized as Endangered Species on the Ontario Ministry of Natural Resources and Forestry's official species at risk list, as updated and amended from time to time. With respect to Threatened Species: is a species listed or categorized as Threatened Species on the Ontario Ministry of Natural Resources and Forestry's official species at risk list, as updated and amended from time to time. These areas have not been specifically identified on Schedule B in order to protect Threatened and Endangered Species habitats from disturbance. However, the municipality will:
- i require the protection of Endangered/Threatened Species habitat, in compliance with the requirements of the Provincial Policy Statement, Section 2.1.7;
  - ii review development applications or changes in designation using the best available information on

Endangered/Threatened Species location that is available from the Ministry of Natural Resources and Forestry and will do so in a confidential manner so as not to disclose the location information related to the species; and,

- iii accept updates of the Endangered/Threatened Species information for the purpose of the above point, as it becomes available from the Ministry of Natural Resources and Forestry.
- iv in order to determine the presence of Threatened or Endangered Species and to assess the impacts that proposed activities may have on the habitat of Threatened or Endangered Species, a site assessment by a qualified professional is required to be completed at the appropriate time of year. The assessment must identify whether any endangered or threatened species are present and whether the proposed activities will have any impact on Threatened or Endangered Species or their habitat. The Ministry of Natural Resources and Forestry can be contacted for further direction regarding site specific proposals.

**C5.2.2 Policies**

Incompatible Development

Council shall protect lands classified as Natural Heritage from incompatible development. No development or site alteration will be permitted within a provincially significant wetland. Provincially significant and evaluated wetlands, as identified on Schedule B, will be similarly designated in the implementing zoning by-law as no development zones. Further, development or site alteration shall not be permitted in fish habitat or the habitat of endangered and threatened species except in accordance with provincial and federal requirements. Existing uses, including agricultural operations will be permitted to continue. Development within natural heritage features shall meet the requirements laid out in Table 1.

No Negative Residual Impacts

Without forgoing the above noted policy, any proponent of development or site alteration within or adjacent to lands classified as Natural Heritage shall demonstrate in accordance with provincial legislation, policies and appropriate guidelines and to the satisfaction of Council that there shall be no negative impacts on the natural feature or the ecological function for which the area has been identified, that cannot be mitigated. Proponents proposing development within or adjacent to natural heritage features as defined in Table 1 shall complete an environmental impact study in accordance with Section C20.3 of this Plan. For all development

applications proposed within or adjacent to a Natural Heritage area, the Ganaraska Region Conservation Authority will be consulted. The Municipality may scope the requirements of an environmental impact study where appropriate, based on consultation with the Ganaraska Region Conservation Authority or other appropriate agency.

Connection of  
Natural  
Features

Council will encourage the diversity of natural features in an area, and the maintenance and improvement of natural connections between them as opportunities arise through the planning approvals process as described in Section C11.3 of this Plan or through other measures as may be appropriate.

Private  
Ownership

Such connections are not intended to compromise the ability to farm or infer a commitment to purchase areas not under public ownership, nor is it implied that such areas under private ownership are available for public use.

Unevaluated  
Wetland

In the case of development within 120 metres of an unevaluated wetland, an evaluation of the wetland must be completed by a qualified individual trained in the Ontario Wetland Evaluation System and submitted to MNRF for approval as part of any development application.

Application of  
Policies

When determining the application of the above policies and the need to demonstrate that a particular development proposal within and/or adjacent to a Natural Heritage designation area will not result in negative impacts to the feature or its ecological function, Table 1 below sets out how the boundary is defined, the extent of the adjacent lands and the conditions under which development and site alteration may be permitted:

**Table 1  
NATURAL HERITAGE FEATURES**

Feature	Boundary Definition	Extent of Adjacent Lands	Conditions under which development and site alteration may be permitted
Wetlands	<p>Prov. Significant wetlands, based on evaluation carried out in accordance with the Ontario Wetland Evaluation System and approved by the Ministry of Natural Resources and Forestry.</p> <p>Coastal wetlands identified in accordance with the definition in the Provincial Policy Statement (PPS)</p>	120 metres	<p>Development within a significant wetland shall not be permitted.</p> <p>Development adjacent to a significant wetland, or within or adjacent to a non-Provincially Significant Wetland coastal wetland may be permitted provided that an Environmental Impact Study (EIS) demonstrates no negative impacts on the natural features and their sustaining ecological or hydrologic functions.</p>
Habitat of threatened or endangered species	As defined by Provincial or Federal authorities or an accredited professional and approved by the Ministry of Natural Resources and Forestry.		Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.
Fish and their habitat	All water features – including permanent or intermittent streams, headwaters, seasonally flooded areas, municipal or agricultural surface drains, lakes and ponds (except human-made off-stream ponds) will be considered fish habitat unless otherwise demonstrated by the proponent.	120 metres from the high-water mark	<p>EIS indicates no negative impact to the fish habitat features or functions, or where authorization has been obtained under the Fisheries Act.</p> <p>A minimum setback of 30 metres for all development or site alteration from the high-water edge of an aquatic habitat or as defined through the EIS will be required.</p>
Locally significant wetlands	Wetlands other than provincially significant wetlands defined using a Wetland evaluation carried out according to procedures established by the MNRF.	50 metres	EIS demonstrates no negative impacts on the natural features and the ecological or hydrologic functions that sustain them.
Woodlands	<p>In addition to the Significant Woodlands shown on Schedule B and Woodlands shown on Schedule B-1, all woodlands 4 hectares or greater in area and all woodlots of any size straddling or immediately adjacent to a watercourse will be considered significant woodlands.</p> <p>For the purposes of development of aggregate resources, significant woodlands will be defined based on the criteria in the Natural Heritage Reference Manual.</p>	120 metres	EIS demonstrates no negative impacts on the natural features of the woodlands and the ecological functions that sustain them.
Valley lands (not included in Schedules)	Natural areas found within Ganaraska Region Conservation Authority regulatory lines, flood plain mapping or stable top-of-bank, determined in consultation with the Conservation Authority, whichever is greater	120 metres	EIS demonstrates there will be no negative impacts on the natural features of the valley lands and the ecological functions that sustain them.

Feature	Boundary Definition	Extent of Adjacent Lands	Conditions under which development and site alteration may be permitted
Watercourses and Municipal drains without mapping or regulations from GRCA	The top of bank of the watercourse or drain as defined in consultation with the GRCA.	Lands within 15 metres of the top of bank, or a feature defined by Section C5.2.1 of this Plan.	EIS demonstrates no negative impacts upon any present natural feature and their sustaining ecological functions.
Areas of natural and scientific interest (ANSI)	as defined by MNRF	120 metres for a Life Science ANSI  50 metres for an Earth Science ANSI	EIS demonstrates no negative impacts on the ANSI and the ecological or geological functions that sustain them.
Significant Wildlife Habitat	as defined by GRCA in accordance with MNRF criteria for significance	120 metres	EIS to demonstrate no negative impacts on the significant wildlife habitat and the ecological functions that sustain them

### **C5.2.3 Surface and Groundwater Policies**

Quantity and Quality of Ground Water

New development must ensure that the quality and quantity of surface water and groundwater used by municipal or private commercial wells is protected and maintained. Accordingly, proponents of development in or near sensitive surface water features and sensitive ground water features shall be required to complete all necessary hydrogeological investigations to the satisfaction of Council prior to approvals being granted indicating that these features and their related hydrologic functions will be protected, improved or restored. Study requirements for such investigations shall be determined in consultation with the Province and Ganaraska Region Conservation Authority.

Watershed Plans or Groundwater Management Studies

Council may authorize the preparation and implementation of a watershed plan and/or a groundwater management study to further define specific development constraints, best management practices and other water-related issues as appropriate.

Ganaraska River Watershed Plan

New development must be consistent with the objectives and policies in the Ganaraska River Watershed Plan, as amended and updated from time to time. This will be ensured through consultation with the Ganaraska River Conservation Authority.

Source Water Protection

New development must, through consultation with the Ganaraska Region Conservation Authority, be consistent with the objectives and recommendations of the approved Ganaraska Source Protection Plan.

Creeks

Within the Municipality there are a number of warm and cold water creeks. In order to protect these watercourses, a 30 metres setback shall be maintained within which natural vegetation with no disturbance of soil will be permitted.

The policies of this section are to be read in conjunction with the stormwater management policies of Section C12.1.3.

Intake  
Protection  
Zones

The Urban Area of the Municipality of Port Hope draws its drinking water from Lake Ontario. As a result, there are three Intake Protection Zones that extend into the municipal boundary of the Municipality. These Intake Protection Zones are considered designated vulnerable areas within the Municipality of Port Hope and are identified on Schedule B-3 to this Plan. Council may impose necessary restrictions on proposed development and site alteration to protect the municipal drinking water supply.

#### **C5.2.4 Target Natural Heritage System**

The Natural Cover Short and Long Term Target areas identified in Schedule B and B-1 are recognized by the Ganaraska Region Conservation Authority as desirable for the expansion of existing Natural Cover in the Municipality. New development should have regard for these areas, which should be considered when opportunities arise to improve natural areas. Consultation with the GRCA is encouraged early in the development process to minimize impacts which would hinder the ability to complete the target natural heritage system.

Development that may have impacts on natural heritage features may look to areas within the Long Term Target to provide new plantings.

New infrastructure, such as roadways and roadway improvements, will remain subject to the Class EA process as applicable.

### **C6. POTENTIALLY CONTAMINATED SITES**

Definition

For the purpose of this Plan, potentially contaminated sites include lands, buildings and/or structures where it is reasonable to suspect that substances, either individually or collectively, are present in excess of regulatory standards, including areas commonly known as 'brownfield' sites and Low-Level Radioactive Waste sites, as set out in Section D4.4.

Development  
Requirements

Planning Applications for a potentially contaminated site shall not be approved by the Municipality until the site has been assessed and/or remediated in a manner consistent with Ontario Regulation 153/04, Record of Site Condition, which outlines requirements related to site assessment and clean up, and with MOECC Guideline "Records of Site Condition - A Guide on Site Assessment, the Cleanup of Brownfield Sites and the Filing of Records of Site Condition" dated October 2004.

In addition, a Record of Site Condition must be provided by the applicant. Accordingly, at the time of submission, the proponent of development shall be required to demonstrate that development is feasible having regard to the other provisions of this Plan and the following:

- a) when an application involves the change of use of a property from industrial or commercial to residential or parkland it is mandatory to file a Record of Site Condition in the Registry. This will require the completion of a Phase I Environmental Site Assessment and may require additional Environmental Site Assessments as determined by a qualified professional; or
- b) when the application involves anything other than that outlined in a) above, Council may require the proponent to complete an environmental site assessment where there is a reasonable expectation that the site may be contaminated.

Environmental  
Site  
Assessment

When an environmental site assessment is required by this Plan, it shall be prepared by a qualified professional having regard to federal and provincial legislation, policies and appropriate guidelines.

Low-Level  
Radioactive  
Waste  
Management

For sites potentially having low-level radioactive soils, the site shall not be approved for a new use until the site has been assessed and/or remediated in a manner consistent with the Low-Level Radioactive Waste Management Office requirements as well as the policies of this Plan, in particular Section D4.4.

## **C7.**

### **WATERSHED AND SUBWATERSHED PLANS**

Watershed  
and Sub-  
watershed  
Plans

The Municipality shall protect, improve or restore the quality and quantity of water where feasible. Council may delineate watersheds and/or subwatersheds and authorize the preparation of watershed or subwatershed plans. Where such a plan is authorized, it should:

- a) take a broad ecosystem approach to water, water related natural features, terrestrial resources, fisheries, and water dependencies/linkages, including cross-jurisdictional and cross-watershed impacts;
- b) identify surface water features, ground water features, hydrologic functions and natural heritage features and areas which are necessary for the ecological and hydrological integrity of the watershed or subwatershed;
- c) provide policy and direction to:
  - i ensure ecological integrity and carrying capacity;

- ii protect all municipal drinking water supplies;
- iii maintain linkages and related functions among surface water features ground water features, hydrologic functions and natural heritage features and areas;
- iv protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;
- v the implementation of watershed policies and programs.

The recommendations made in an approved Watershed or Subwatershed Plan shall be incorporated into this Plan by way of Amendment.

## **C8. AGGREGATE RESOURCE AREAS**

Protection of  
Aggregate  
Resource  
Sites

Areas with high potential for aggregate extraction on which a licence for extraction has not been issued are identified on Schedule B. These areas include primary and secondary sand and gravel resources and selected bedrock resources, as mapped in the Aggregate Resources Inventory Paper for Port Hope and Hamilton Township. Deposits of tertiary significance or deposits surrounding existing aggregate operations or that are shown to be of high potential as a result of testing, and agreed to in consultation between the Municipality and the Ministry of Natural Resources and Forestry may also be shown on Schedule 'B' as the result of an Official Plan Amendment. Development and activities in these areas or on adjacent lands shall only be permitted if a land use compatibility study is completed to the satisfaction of Council and demonstrates that:

- a) the proposed use or development would not significantly preclude or hinder future extraction and/or operations or access to the resources; and
- b) resource extraction and/or operations would not be feasible; or
- c) the proposed use or development serves a greater long term public interest; and
- d) issues of public health, safety and environmental impacts are addressed; and
- e) the proposed use or development would be in keeping with provincial legislation, policy or guidelines and the policies of this Plan.

For the purpose of this policy, "adjacent" shall be defined as 300 metres for sand and gravel resources and 500 metres for bedrock resources.

Aggregate  
Resources in  
Agricultural  
Areas

In the Prime Agriculture and General Agriculture designated areas, and in the Oak Ridges Moraine area, extraction of mineral aggregates is permitted as an interim use provided that rehabilitation of the site will be carried out whereby the site is rehabilitated back to an agricultural condition. On these Prime Agricultural lands, complete agricultural rehabilitation is not required if:

- a) outside of a specialty crop area, as defined in the PPS, there is a substantial quantity of mineral aggregates below the water table warranting extraction; or
- b) in a specialty crop area, there is substantial quantity of high quality mineral aggregate resources below the water table warranting extraction, and 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. The consideration of other alternatives shall include resources in areas of Canada Land Inventory Class 4 through to 7 lands 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,
- d) agricultural rehabilitation in remaining areas shall be maximized.

Underlying  
Land Use  
Designation

The provisions of the land use designation, which underlays the Aggregate Resource Area shall apply to regulate the future development and use of such lands, provided the uses permitted shall not serve to preclude or hinder the future extraction of the mineral aggregate resource. Regard shall be had for the compatibility of the proposed use with potential resource uses, until either the aggregate deposit has been depleted, or the resource is no longer considered to be of economic significance.

Aggregate  
Resource  
Area  
Limitations

Where lands are identified as an Aggregate Resource Area on Schedule B, it shall not be the intent of this Plan to entitle the owner of such lands to make use of the property for extractive industrial purposes, nor shall it be construed to imply that the Municipality will amend the Plan to permit extraction of the aggregate resource. Rather, it is the intent of this Plan to monitor the future development and use of lands within Aggregate Resource Areas so as to ensure that such development shall not have the effect of precluding extraction of the resource at some future date.

Alterations to Boundaries

It shall be the policy of this Plan that minor alterations or deletions of the boundaries of those areas outlined on Schedule B as Aggregate Resource Areas shall not require an Amendment to this Plan. A minor alteration to the boundaries may be permitted, provided that justification for the redefinition of the lands is supported by appropriate documentation. Council, in considering a minor request to redefine the boundaries of Aggregate Resource Area lands, shall seek the technical assistance of the Ministry of Natural Resources and Forestry and have regard for the following:

- a) evidence to the effect that the extraction of the aggregate resource is infeasible due to quality, quantity or other physical or economic development restraints;
- b) the basis for choice of location and the consideration given to alternate locations of limited resource value;
- c) the consideration given to the option of sequential land use in which the aggregate resource is removed prior to development of the land for the proposed use; and
- d) the necessity of the land use change in comparison to the necessity to preserve the aggregate resource for possible future extraction.

Amendments to the Plan

Applications for a license to undertake aggregate extraction shall require an amendment to the Plan to the Extractive Industrial designation. Council shall consider the appropriateness of the amendment request in the context of the policies outlined in Section E1.2 of this Plan.

Existing Lots

Notwithstanding any other provisions of this Plan to the contrary, the Aggregate Resource Area shall not serve to preclude the issuance of building permits on existing legal lots of record for residential purposes, provided such lot complies with the provisions of the implementing Zoning By-law.

## **C9. SOCIAL AND HOUSING**

### **C9.1 POPULATION AND HOUSING**

#### **C9.1.1 Population**

Population Projections

It is forecasted that the population in the Urban Area will increase by 4,531 people by 2034. Limited residential growth is also expected in the rural area. The adequacy of the supply of residential, commercial, industrial and other lands to meet future demands shall be evaluated as part of each 5-year review of this Plan.

Location

Future population growth shall be concentrated in the Urban Area where hard and soft services are available. A limited amount of

growth is expected to occur in the Hamlets with an even more limited amount taking place in the Rural Area.

**C9.1.2 Housing**

**C9.1.2.1 Accessory Residential Dwellings, Granny Flats and Garden Suites**

The following policies shall apply to the development of accessory residential dwelling units, granny flats or garden suites.

- |                |   |
|----------------|---|
| Definition     | a) Accessory residential dwelling units shall be defined as separate and complete dwelling units that are contained within a structure of a single detached, semi-detached, or townhouse dwelling or in a building ancillary to a detached house, semi-detached house or townhouse, if the house, semi-detached house or townhouse contains a single residential unit. Granny flats and garden suites shall also be considered accessory residential dwellings, except that a granny flat does not contain a kitchen or cooking facilities and a garden suite shall be a small independent building, physically separate from the principal dwelling unit with which it is associated.  |
| Maximum Number | b) A maximum of one accessory residential dwelling unit per lot shall be permitted, unless specific approval for an additional one unit has been granted through the passage of an amendment to the implementing Zoning By-law.   |
| Compatibility  | c) The proposed unit shall have regard to the type of housing found in the surrounding residential area. Standards to ensure compatibility with the surrounding residential area shall be provided in the Zoning By-law.  |
| Services       | d) An accessory dwelling unit shall be connected to the same servicing system as the main dwelling on the lot. Adequate servicing shall be available to accommodate the accessory dwelling unit, including, but not limited to water, waste water and electricity. For lots in the rural area, it shall be demonstrated that sufficient well and septic capacity is available to accommodate the additional unit. The Municipality may require studies to demonstrate that servicing capacity exists to accommodate new units.<br><br>e) Where municipal services are available, secondary suites will be required to connect to the municipal water supply system and municipal sanitary sewage system to the satisfaction of the Municipality. Where municipal services are not available, secondary suites will only be permitted where sufficient well and septic capabilities exist to the satisfaction of the |

Municipality. In both cases proponents must be able to meet Ontario Building Code requirements.

Development  
Criteria

- f) Development of a garden suite shall be subject to the following criteria:
- i the exterior design of any proposed unit in terms of height, massing, scale and layout shall be consistent with the present land uses in the area;
  - ii the siting of the unit and any related features shall have a minimal effect on light, view and privacy of adjacent yards; and,
  - iii garden suites shall only be permitted by way of a Temporary Use By-law.

Accessory  
Dwelling Unit

- g) Development of accessory dwelling units within the principal building shall be subject to the following criteria:
- i the structural stability of the building to accommodate alterations for an additional dwelling unit;
  - ii exterior changes to the structure shall be minimal;
  - iii compliance with the provisions of the Ontario Building Code, Fire Code and all other relevant municipal and provincial standards, and
  - iv accessory units shall not be permitted in a residential dwelling unit situated within a floodplain.

Maximum  
Size

An accessory residential unit within a single detached dwelling is required to be incidental to the primary residential use, and is not permitted to exceed one-third of the total habitable floor space of the primary residential use.

### **C9.1.2.2 Group Homes**

Location

Group homes shall be permitted in all designations that allow residential uses in the Urban Area and Hamlets in accordance with the respective development criteria.

### **C9.1.2.3 Housing Intensification**

The intensification of residential development reduces the need to use vacant designated land on the periphery of the Urban Area. It also reduces the need for urban expansions into the rural area. Residential intensification of existing areas allows for the efficient provision of urban services thereby helping to minimize the costs of providing services while meeting an important component of the Municipality's housing needs.

The following shall be the policy of Council:

- a) Housing shall, in part, be provided through residential intensification, which shall include but not be limited to any of the following:
  - i small scale intensification through modifications to an existing dwelling to include a second unit or construction of a new building containing one or two units;
  - ii infilling development and residential development of vacant land or underutilized land in existing neighbourhoods; or
  - iii redevelopment which includes either the replacement of existing residential uses with compatible new residential developments at a higher density or the replacement of non-residential uses with compatible residential or mixed use development with a residential component.
- b) The Municipality shall consider applications for infill development, intensification and redevelopment of sites and buildings through intensification based on the following criteria:
  - i the development proposal is within the Urban Area;
  - ii the existing water and sanitary sewer services can accommodate the additional development;
  - iii the road network can accommodate the traffic generated;
  - iv the height and density of development is appropriate and compatible with the scale of adjacent development, and the character of the neighbourhood; and,
  - v the development proposal will not have a negative impact on cultural heritage resources or natural heritage features in the area.
- c) The Municipality shall monitor intensification activity and, through the development approvals and building permit process, ensure that such proposals can be satisfactorily integrated with the physical characteristics of residential and commercial areas and proper health and safety standards are maintained. An urban design assessment may be required as a component of a planning rationale report accompanying a development application.

**C9.1.2.4 Condominium Conversion**

Criteria for Conversion

Conversion of rental housing to condominium shall not be permitted unless the overall vacancy rate for the Municipality, as reported by the Canada Mortgage and Housing Corporation, exceeds three percent (3%). Conversion may proceed if Council is satisfied that the approval of such request will not negatively affect the overall available supply of rental accommodation. As necessary, Council shall consult with all agencies and governmental bodies involved in the provision of housing to assist in the consideration of any such proposal. All proposals shall conform to the Rental Housing Protection Act.

**C10. HOME OCCUPATIONS**

Promote

To promote and recognize the changing lifestyles and needs of the community, this Plan promotes home occupations, subject to the other policies of this Plan. The following policies apply to home occupations throughout the Municipality.

Location

a) Home occupations shall be permitted in any dwelling unit and permitted accessory buildings throughout the Municipality, except where the home occupation involves clients coming to the dwelling unit or regular deliveries to the dwelling unit in which case, the home occupation shall only be permitted in a single detached dwelling unit, subject to the policies of this Plan and the provisions of the Zoning By-law;

Scale

b) A home occupation shall be of a scale that is clearly accessory to the residential use;

Signage

c) Signage for home occupations shall be small in scale, neither luminous, illuminated nor flashing so as to not detract from the residential character of a lot and neighbourhood and shall be erected in conformity with the Sign By-law of the Municipality;

Storage

d) Outside storage associated with home occupations shall not be permitted;

Commercial Parking

e) There shall be no parking of commercial vehicles on the residential lot, where the definition of commercial vehicle includes tractor trailers, large trucks and busses, as defined in the Traffic By-law of the Municipality. Further, the home occupation shall not generate more than one commercial vehicle visit per day and shall not accommodate commercial vehicle visits between the hours of 8:00 p.m. and 8:00 a.m.;

Employees

f) The maximum number of non-resident employee positions allowed for a home occupation, on the same lot as the home occupation shall be set out in the Zoning By-law;

Parking	g)	One off-street parking space is to be provided for each non-resident employee vehicle, and the home occupation shall also comply with the Traffic By-law of the Municipality;
Electrical Interference	h)	Home occupations shall not interfere with television or radio reception of others in adjacent buildings or structures, nor shall it cause the emission of noise, as defined and regulated in the Noise By-law of the Municipality, odours, dust, smoke, fumes, light, or vibration onto adjoining properties where it becomes a nuisance;
Maximum Gross Floor Area	i)	Where the home occupation is conducted within the principal residence, not more than twenty five percent (25%) of the gross floor area of the dwelling shall be used for the purposes of the home occupation;
Accessory Building	j)	Where the home occupation is located within a permitted accessory building or structure, the maximum gross floor area associated with the home occupation shall be set out in the Zoning By-law;
Bed and Breakfast	k)	Bed and breakfast establishments shall be deemed to be a home occupation and are permitted in single detached dwellings in any land use designation where such a dwelling is a permitted use;
Not Home Occupations	l)	<p>The following uses are not deemed to be a home occupation:</p> <ul style="list-style-type: none"> <li>i a medical or dental clinic;</li> <li>ii a private hospital;</li> <li>iii a nursing home;</li> <li>iv an eating establishment;</li> <li>v a hotel or motel;</li> <li>vi a veterinary clinic;</li> <li>vii a kennel;</li> <li>viii automobile or vehicle maintenance, repairs, sales or rentals;</li> <li>ix an automobile body shop;</li> <li>x the painting of vehicles, trailers or boats;</li> <li>xi arcade or adult entertainment parlours;</li> <li>xii a convenience store, variety store or video store; and</li> <li>xiii a welding shop</li> </ul>

- Zoning m) The Zoning By-law and other by-laws or municipal licensing procedures may further regulate home occupations.

## **C11. COMMUNITY CHARACTER**

### **C11.1 GENERAL**

Unique  
Character

This section of the Official Plan provides policies that will assist in defining and maintaining the Municipality of Port Hope's unique character as a community of strong and distinct urban and rural areas. It is organized into two sections, namely;

- a) Cultural and Heritage Conservation, which addresses physical and cultural links to the Municipality of Port Hope's past; and
- b) Community Design, which provides key direction to maintain and enhance the Municipality of Port Hope's unique character as a community.

### **C11.2 CULTURAL AND HERITAGE CONSERVATION**

#### **C11.2.1 General**

Protect and  
Conserve

Cultural Heritage Resources in the municipality, including archaeological resources, cultural heritage landscapes, and built heritage resources shall be protected and conserved. In recognition of the concentration of cultural heritage resources in the downtown area of Port Hope, two Heritage Conservation Districts have been designated under the Ontario Heritage Act, as outlined on Schedule C1. In addition, more than 200 residential, community and commercial buildings have been designated under Part IV of the Ontario Heritage Act. There is also ongoing work to expand the Heritage Conservation District. The intent of these policies is to foster thoughtful and informed regard for the original context and intent of the Municipality's cultural heritage resources. The Ontario Heritage Act should be utilized wherever possible to conserve, protect and enhance the cultural resources of the Municipality and to implement the heritage policies of this Plan.

#### **C11.2.2 Principle**

Identify,  
Conserve,  
Protect,  
Restore,  
Maintain,  
Enhance

Council recognizes the importance of Cultural Heritage Resources within the Municipality. Therefore Council or its designate shall encourage the identification, conservation, protection, restoration, maintenance and enhancement of Cultural Heritage Resources in keeping with recognized conservation principles. All new development permitted by the land use policies and designations of this Plan shall have regard for Cultural Heritage Resources and shall, wherever possible, incorporate these resources into any new

development plans. In addition, all new development shall be planned in a manner that preserves and enhances the context in which Cultural Heritage Resources are situated. The Standards and Guidelines for the Conservation of Historic Places in Canada shall be used wherever possible to guide the implementation of the heritage policies of this Plan.

### **C11.2.3**

Manage  
Cultural  
Heritage  
Resources

#### **Policy**

Council shall ensure that Cultural Heritage Resources are identified, protected and managed in a manner that maintains their cultural heritage value and interest and benefit to the community. In order to achieve this goal, Council will:

- a) Limit the demolition, destruction or inappropriate alteration of Cultural Heritage Resources
- b) Encourage development adjacent to significant Cultural Heritage Resources to be of an appropriate scale and character;
- c) Require the preparation, by a qualified heritage consultant, of a Cultural Heritage Impact Assessment to evaluate proposed development and site alteration and to demonstrate that the cultural heritage value or interest of cultural heritage resources will be conserved;
- d) Encourage and foster public awareness, participation and involvement in the conservation of Cultural Heritage Resources;
- e) Support and maintain the existing Cultural Heritage Resource information base, resulting in comprehensive Heritage site inventories and master plans;
- f) Facilitate research into the Cultural Heritage of the Municipality and identify methods of its conservation and enhancement;
- g) Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected by the adjacent development or site alteration; and
- h) The Municipality of Port Hope will encourage the use of archaeological zoning by-laws under Section 34 (1) 3.3 of the Planning Act, to prohibit and land use activities or the erection of buildings or structures on land which is a site of a significant archaeological resource and to maintain its integrity.

Use of Ontario Heritage Act	Council may utilize the Ontario Heritage Act to conserve, protect and enhance property of cultural value or interest in the Municipality through designation by by-law of individual properties under Part IV and designation of a group of properties by by-law as a heritage conservation district under Part V.
Archaeological Resources	Council recognizes that there may be terrestrial or marine archaeological resources associated with historic occupation and settlement within the Municipality. Council will, therefore, require the preparation and undertaking of an archaeological assessment conducted by archaeologists licensed under the Ontario Heritage Act for properties with known archaeological sites and/or archaeological potential.
	Development and site alteration shall not be permitted on land containing archaeological resources or areas of archaeological potential unless significant terrestrial or marine archaeological resources have been conserved.
	The Municipality may require a marine archaeological assessment to be conducted by a licenced marine archaeologist to the Ontario Heritage Act if partially or fully submerged marine features such as ships, boats, vessels, artifacts from the contents of boats, old piers, docks, wharfs, fords, fishing traps, dwellings, aircraft and other items of cultural heritage value are identified and impacted by shoreline and waterfront developments.
Archaeological Assessment	Council shall ensure adequate archaeological assessment, consideration of the interests of the Aboriginal communities and consult the appropriate agencies, when an identified historic human cemetery, marked or unmarked human burial, is affected by land-use development. The provisions of the Ontario Heritage Act and the Funeral, Burial and Cremation Services Act, 2002 shall apply.
Regard for Existing Character	Council shall have regard to Cultural Heritage Resources, especially for the character of the landscapes, streetscapes, tree lines, bridges and prevailing pattern of settlement in considering development proposals and the construction of new roads and road improvements, including re-alignments and road widenings.
Municipal Works	Council shall have regard for all cultural heritage resources in the undertaking of municipal public works. Council will require satisfactory measures and may require an Impact Assessment to mitigate any negative effects on these significant heritage resources.
Lakeshore Road	Lakeshore Road has been identified as a cultural landscape and a Civic Way worthy of specific consideration. This area is a significant

landscape exhibiting a quality of rural landscape worthy of conservation. Notwithstanding the provisions of Section C13.3.1 of this Plan, new development, including road improvements in the vicinity of Lakeshore Road, shall have regard to this cultural landscape and the provisions of Section C11.2. Council may require the preparation of a study to demonstrate how proposed land use changes will complement the Lakeshore Road Historic Resource.

Municipal  
Heritage  
Committee

The Heritage Port Hope Advisory Committee has been established pursuant to Section 28 of the Ontario Heritage Act to advise and assist Council on matters related to Parts IV and V of the Act. In addition, Council may expand the role of the Municipal Heritage Committee to advise and assist Council in other matters of Cultural Heritage conservation.

Pursuant to the Ontario Heritage Act, Council may, by by-law:

- a) Designate a property to be of cultural heritage value or interest;
- b) Define the Municipality or any areas within the Municipality as a heritage conservation study area for a period of up to one year; and
- c) Designate the Municipality or any areas within the Municipality as a heritage conservation district.

The Clerk shall maintain a registry of all properties designated under Part IV and V of the Ontario Heritage Act.

Groups of  
Properties

Where groups of properties exist whose collective value makes them worthy of examination, Council will consider designation of such areas as Heritage Conservation Districts. The study and designation of these areas will be implemented in the following manner:

- a) Council will pass a by-law of intent to study a selected area for future designation as a Heritage Conservation District;
- b) a study will be undertaken of the selected area to determine what actions are required to retain and enhance the selected area's special character. Without limiting the generality of the foregoing, the study will consider the following aspects of the selected area:
  - i land and building use;
  - ii architectural and historic significance of individual properties and for groups of properties;
  - iii physical condition of the properties;
  - iv property ownership and tenancies;

- v current restorations and/ or improvements;
- vi visual environment;
- vii socio-economic environment;
- viii the input of the land owners and tenants as well as the general public; and
- ix the policies of this Plan and zoning by-law regulations and standards.

- c) based upon the conclusions of the study, the selected area may be recommended to Council for adoption and for subsequent submission to the Province for endorsement; and
- d) upon endorsement by the Province, Council may pass a by-law to designate the selected area as a Heritage Conservation District. Such a by-law will then be submitted to the Ontario Municipal Board, or its successor, for approval.

Technical and Financial Assistance

Council shall review available technical and financial assistance in advancing these Cultural Heritage Policies. Such assistance may include:

- a) technical assistance from other levels of government, other municipalities or private agencies or individuals;
- b) taking advantage of the Municipal Heritage Incentive program; and
- c) municipal tax incentives as may be approved and supported by provincial legislation.

Cultural Heritage Master Plan

Council may undertake a Cultural Heritage Master Plan, which is to include but not be limited to:

- a) comprehensive Cultural Heritage Resource mapping;
- b) identification and evaluation of Cultural Heritage Resources;
- c) cultural facilities;
- d) strategies for conserving and enhancing these identified resources; and
- e) programs to foster promotion, education and public participation in Cultural Heritage conservation.

Guidelines

Council may from time to time adopt guidelines to elaborate on the policies of this section. These guidelines shall not form part of this Plan.

### **C11.3 COMMUNITY DESIGN**

Quality of Development

This section is premised on the belief that the Municipality of Port Hope's identity and community pride shall be further improved through high quality developments that are integrated with the surrounding community.

#### **C11.3.1 Image of Port Hope**

Location Schedule E

The following community character designations appear on Schedule E:

- a) Heritage Conservation District;
- b) Gateway; and
- c) Civic Way.

Gateways

Council shall promote gateways at the major entry points into the Municipality of Port Hope as identified on Schedule E and at other strategic locations within the municipality as appropriate. Such gateways shall be designed to:

- a) provide a sense of welcome and arrival;
- b) assist in orientation;
- c) create a memorable image; and
- d) contribute to the social, cultural, historic or thematic character of the area being defined;
- e) provide a natural heritage image through coordinated planting; and
- f) provide linkages to the waterfront where appropriate.

Civic Ways

Council recognizes the significance of specific roads within the Municipality of Port Hope as Civic Ways as designated on Schedule E. Civic Ways shall be maintained to:

- a) promote and present an attractive and unifying image of the Municipality of Port Hope;
- b) maintain a sense of welcome and arrival for residents and visitors; and
- c) complement and enhance the municipality's investment in major infrastructure.

In maintaining Civic Ways, Council may embark on street beautification programs and shall ensure that all public works carried out along the Civic Ways contribute to their preservation and enhancement. Council shall also ensure that any private development

initiatives along the Civic Ways respect and are consistent with their character and image.

Infrastructure to Enhance Image

Council shall ensure that a proposed development or infrastructure undertaking enhances the image of the Municipality of Port Hope, its urban areas, hamlets and rural areas by complementing and contributing to:

- a) the activity and character of the area;
- b) the landmarks in the area;
- c) the consistency and continuity of the area with its surroundings;
- d) the planting of trees along right-of-ways where applicable;
- e) the edges of the area; and
- f) linkages within, to and from the area.

Design of Public Areas

Council shall promote the design of lands within public rights-of-way and parks to define and complement the image of the Municipality of Port Hope and its distinctive neighbourhoods and areas.

Views and Vistas

Council shall use the alignment, elevation and configuration of public right-of-ways and parks to maintain and enhance significant views and vistas within, to and from the Municipality of Port Hope.

Council shall ensure that significant views and vistas of landmarks and features, such as Lake Ontario and the Ganaraska River, are not obstructed, dominated or marred by a proposed development or infrastructure undertaking.

### **C11.3.2 Design for People**

All Ages

Council shall promote the design of buildings and spaces to be functional for people of all ages.

Pedestrian Scale

Council shall encourage buildings and spaces that establish a pedestrian scale by promoting:

- a) the placement of continuous horizontal features on the first two storeys adjacent to the road;
- b) the repetition of landscaping elements, such as trees, shrubs or paving modules; and
- c) the use of familiar sized architectural elements such as doorways and windows.

Street Furniture

Council shall support the provision of furniture, stairs, walls and benches in public spaces that provide comfortable rest areas for

pedestrians, provided such elements do not obstruct pedestrian movement.

Council shall encourage that barrier-free features are well integrated within existing and proposed pedestrian networks.

Council shall ensure that the retrofitting of buildings with barrier-free features is not detrimental to the architectural, historical or aesthetic value of cultural and heritage resources and buildings.

### **C11.3.3 Design with Nature**

Maintain  
Natural  
Heritage  
Features

Council shall encourage a proposed development or infrastructure undertaking in or adjacent to a Natural Heritage feature to maintain the integrity of the area through designs that:

- a) accommodate a full range of habitats;
- b) conserve the largest area of significant natural features and functions as possible;
- c) limit the amount of natural edge that is exposed to development;
- d) connect the area to other natural elements and open spaces;
- e) allow for the clustering of protected natural areas; and
- f) provide for the protection and restoration of the area.

Incorporate  
Natural  
Features and  
Function

Council shall encourage a proposed development or infrastructure undertaking to retain and incorporate natural features and functions with regard to, but not limited to, the following:

- a) its function as part of a larger vegetated area;
- b) its potential to adapt to post-construction conditions; and
- c) its contribution to shading and screening on-site and for adjacent properties.

### **C11.3.4 Design for Energy Conservation**

Energy  
Conservation

Consistent with federal and provincial policies, Council shall encourage energy conservation by approving developments that:

- a) incorporate energy efficient arrangements, such as through the orientation of buildings and the capacity to provide alternative energy supplies;
- b) provides for pedestrian and bike paths and facilities;
- c) have a compact pattern of development that clusters compatible uses within close proximity to one another;

- d) provide employment-generating uses within the Municipality, so as to reduce the need for commuting by residents to adjacent jurisdictions;
- e) convert and reuse of buildings; and
- f) provide a sustainable, effective and efficient transportation system, including a regional transit system.

**C11.3.5 Integration of Built Form**

Built Form

Council shall ensure that the design of new development:

- a) is complementary to adjacent development in terms of its overall massing, orientation and setback;
- b) provides links with pedestrian, cycling and road networks;
- c) extends the existing road pattern and character to enhance orientation and integrate newly developing areas of the Municipality of Port Hope; and
- d) maintains and enhances valued cultural and heritage resources and natural features and functions.

Redevelopment Principles

Council shall ensure that the design of extensive areas of redevelopment achieves the following:

- a) provides a development pattern that supports a range of uses;
- b) defined the perimeter of such an area by a distinct edge that may be formed by roads or other linear features;
- c) contains activity centres or nodes which are designed to serve the area and which may be identified by one or more landmarks;
- d) provides transportation connections to adjacent areas; and
- e) maintains and enhances valued historic development patterns and resources.

Complementary Redevelopment

Council shall ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

- a) massing;
- b) building height;
- c) architectural proportion;
- d) volumes of defined space;
- e) lot size;

- f) position relative to the road; and
- g) building area to size area ratios.

Building  
Facades

Council shall require new development to support continuous building facades in the downtown through the street level presence of:

- a) community facilities, retail shops and other frequently visited uses; and
- b) architectural features and elements which can be experienced by pedestrians.

Council shall encourage building facades to be visually interesting through extensive use of street level entrances and windows. Functions that do not directly serve the public, such as loading bays and blank walls, should not be located directly facing the street.

Exterior  
Signage

Council shall regulate the use of exterior signs and other exterior advertising devices within the Municipality of Port Hope according to a sign by-law that addresses, but is not limited to, the following:

- a) location;
- b) size;
- c) number; and,
- d) construction, alteration, repair and maintenance.

Postal Service

Council shall ensure that the design and development of new residential, commercial and employment-generating uses accommodate postal services. Accordingly, where centralized mail delivery is provided, such areas should be designed to provide focal points and amenity areas to the surrounding neighbourhood.

Utilities and  
Streetscape

All utilities shall be encouraged to locate in one common trench and to cluster services wherever possible in order to minimize impact on the streetscape.

## **C12. INFRASTRUCTURE**

### **C12.1. SERVICING**

Definition of  
Services

For the purpose of this Plan, infrastructure includes sewage and water works, stormwater management facilities, waste management systems, electric power, communications, telephone, cable television, fibre optic as well as oil and gas pipelines and associated facilities.

Provision of  
Services

The Municipality shall ensure that the sewage and water infrastructure under its jurisdiction is provided in a manner that will sustain the water resources upon which such services rely, is financially viable and

complies with all regulatory requirements and protects human health and the natural environment.

Monitor  
Annually

In order to plan for anticipated growth and to avoid limitations on development due to servicing constraints, the Municipality shall monitor on an annual basis, the performance of the water and sewage treatment plants to determine the reserve capacity of each. Council shall not approve proposed development if adequate uncommitted reserve hydraulic capacity is not available at the sewage and/or water treatment plant. In implementing this policy, reference to the Ministry of the Environment and Climate Change's "Guideline for Calculating and Reporting on Uncommitted Reserve Capacity at Sewage and Water Treatment Plants" is preferable.

Servicing  
Master Plan

Council shall authorize the preparation, implementation and monitoring of a long-range water and sewage master plan to help direct the development and operation of the municipal servicing systems. If the master plan addresses the extension of services beyond the existing Urban Area boundary, the master plan shall be prepared in support of, and in conjunction with a review of the urban boundary. Where such a plan is prepared, it is intended to:

- a) examine the long range servicing system requirements of the Municipality;
- b) provide a strategy which addresses long term servicing needs from a comprehensive perspective, consistent with the policies of this Plan;
- c) identify major problems or deficiencies in the existing systems;
- d) identify and evaluate various alternative solutions to solve long range servicing problems or deficiencies; and
- e) establish the preferred solution and corresponding implementation measures.

Servicing  
Standards

The Municipality may adopt public servicing standards, and all services shall be required to comply with these standards, as amended from time to time.

Local  
Improvement

The provisions of the Local Improvement Act may be utilized to provide services within the Urban Area.

Communal water supply and/or sewage disposal systems shall not be permitted anywhere in the Municipality.

**C12.1.1 Urban Area**

**C12.1.1.1 Water Supply**

Water  
Supply &  
Extension

All development within the Urban Area shall be serviced by the municipal water supply system, where available. However, an existing private water supply system shall be permitted to be used, subject to the necessary approvals. In the event that a private water supply system fails, the development shall connect to the municipal water supply system. The water supply system may be extended to areas beyond the Urban Area but only to address an existing water supply problem that represents a hazard to public health and safety.

Water  
Supply

Water supply facilities shall be designed, constructed and maintained to:

- a) provide adequate service to the proposed development;
- b) accommodate full development of the service area; and
- c) satisfy the servicing standards of the Municipality of Port Hope.

**C12.1.1.2 Sewage Disposal**

Connect to  
Sewage  
System

All development within the Urban Area shall be serviced by municipal sanitary sewage disposal facilities, where available. However, an existing private sewage disposal system shall be permitted to be used, subject to the necessary approvals. In the event that a private sewage disposal system fails, the development shall connect to the municipal sewage disposal system, where available.

Design &  
Maintain

Sanitary sewage disposal facilities shall be designed, constructed and maintained to:

- a) provide adequate service to the proposed development;
- b) accommodate full development of the drainage area;
- c) utilize gravity flow wherever possible;
- d) protect the natural characteristics of the landscapes in which they are located; and
- e) satisfy the servicing standards of the Municipality.

Sewage  
Plant  
Capacity

The Water Pollution Control Plant, which provides sanitary sewage treatment and disposal to the Municipality, shall service the development necessary to provide for the full development of the urban area.

Monitor  
Industrial  
Sewage

The Municipality shall monitor the quality and quantity of industrial sewage effluent entering the municipal sanitary sewage system, in

order to control its impact on the operation or capacity of the Water Pollution Control Plant. No hazardous material shall leave an industrial property by way of the sanitary sewage system.

Sanitary  
Sewage  
Extension

Council may consider extension of municipal sanitary sewer services beyond the Urban Area but only to address an existing sewage disposal problem that represents a hazard to public health and safety and provided that Council is satisfied that there is positive public benefit from such action for residents of the Municipality. Prior to any other extension of municipal sanitary sewer services beyond the Urban Area, a Master Servicing Plan shall be prepared to help determine location, extent and sequence of development.

### **C12.1.2 Hamlet and Rural Areas**

Private  
Servicing  
Systems

All development, except in areas specifically designated for municipal sewer and water systems shall be served by private sewer and water systems. Prior to approving a Zoning By-law amendment or issuing a building permit, Council, in consultation with the Ministry of the Environment and Climate Change (MOECC) and the applicable authority, shall ensure that there is an adequate on-site supply of potable groundwater and that on-site soils and lot sizes are adequate for the required sewage disposal system. Minimum lot sizes for lots with individual private sewer and water systems shall be set forth in the implementing Zoning By-law, although larger lot sizes may be required by the MOECC or the applicable authority, depending on groundwater or soil conditions in the area. MOECC approval is required under the Ontario Water Resources Act for large sub-surface sewage systems with a design capacity of greater than 10,000 litres per day. Where development is serviced by a subsurface sewage system with a design capacity of 10,000 litres per day or less, proponents should consult the appropriate MOECC guideline in order to assess the cumulative impact of development on the water supply and to protect the quality of groundwater.

Hauled  
Sewage

The creation of new lots is only permitted if there is sufficient treatment capacity of hauled sewage, other than the land application of untreated hauled sewage.

Hydrogeological  
Study

Prior to approving a Zoning By-law amendment for a plan of subdivision, Council shall require a detailed hydrogeological study to determine on-site soil and groundwater conditions; to determine if soils can suitably accommodate a septic system, and to determine if the proposed septic system and wells will have any negative impacts on surrounding uses. A detailed hydrogeological study shall be included as part of the background information accompanying submission of draft plans of subdivision.

The detailed hydrogeological study shall be undertaken by a qualified professional and shall consist of a detailed description of the nature, stratigraphy and drainage characteristics of the surface materials based on an analysis of grain size and test pit information, and of chemical and bacteriological water quality tests. Particular emphasis shall be placed on distinguishing poorly drained clay soils from well-drained clay soils and of identifying areas subject to periodic flooding.

In the case of all development by plan of subdivision, Council shall require the applicant to provide a hydrogeological study as part of the background information where an Official Plan amendment is required. The purpose of this study shall be to determine the degree to which groundwater supplies and soil conditions can support the proposed development.

Exemption Notwithstanding the foregoing, where the proposed development is a single-detached residence on a lot created by severance, Council may accept a report from the local Health Unit in lieu of the detailed hydrogeological study.

Upgrade Existing Systems The local Health Unit, under the *Health Protection and Promotion Act*, the Building Code and the Environmental Protection Act, as amended, may require property owners to upgrade or replace existing sewage disposal systems that do not meet MOECC and Health Unit standards.

**C12.1.3 Stormwater Management**

Appropriate Facilities Developments shall provide appropriate storm water management facilities in accordance with current Ministry of the Environment and Climate Change Guidelines as approved by the Municipality, the Ganaraska Region Conservation Authority and, where necessary, the Ministry of Transportation.

Protect Watercourses Stormwater management facilities shall be designed and constructed to protect receiving watercourses and adjacent land uses from any significant negative impacts of stormwater run-off by minimizing stormwater volumes and contaminate loads and maintaining or increasing the extent of vegetative and pervious surfaces.

Natural Stream Geomorphology Stormwater management facilities shall maintain natural stream geometry wherever possible and control the quantity and quality of storm water run-off entering the receiving watercourses, including the control of erosion and sedimentation during and after construction.

Minimize Ponding Storm water management facilities shall minimize surface ponding and flooding throughout the Municipality.

Environment Enhancement	The Municipality may require a development proponent to consider enhancing vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourse.
Public Access	The Municipality may require a development proponent to consider providing public access to and along the stormwater management system and receiving watercourse for recreational trails.
Master Drainage Plan	The Municipality may prepare a comprehensive Master Drainage Plan for specific watershed or development areas within the municipality.
Stormwater Management Plan	Where a Master Drainage Plan has not yet been prepared for an area of the Municipality proposed for development, the applicant(s) may be required to prepare a Stormwater Management Plan, in accordance with Section C20.2 of this Plan prior to final approval of the development subject to the approval of the Municipality, the Ganaraska Region Conservation Authority and, where necessary, the Ministry of Transportation. The Municipality may not require the applicant to prepare a Stormwater Management Plan where it considers the proposed development to be minor in nature.
	Low Impact Development techniques (LID) should be incorporated into stormwater management planning. Development applications should be evaluated for LID applicability.

**C13. TRANSPORTATION**

**C13.1 GENERAL**

Modes	For the purpose of this Plan, the transportation system refers to all surface modes of transportation and their corresponding facilities, including walking, cycling, public transportation, roads, rail and water transportation.
Transportation Master Plan	<p>Council shall authorize the preparation, implementation and monitoring of a long-range transportation master plan to direct the development and operation of the transportation system. Where such a plan is prepared, it is intended to:</p> <ul style="list-style-type: none"> <li>a) examine the long range transportation system requirements of the municipality as well as its adjacent interdependent municipalities and interconnecting highways;</li> <li>b) provide principles, policies and strategic plans which address long term transportation system needs from a comprehensive perspective, consistent with this Plan;</li> <li>c) identify major problems or deficiencies in the transportation system;</li> </ul>

- d) identify and evaluate various alternative solutions to solve long range transportation system problems or deficiencies;
- d) establish the preferred solution and corresponding implementation measures; and.
- f) identify and protect corridors and rights-of-way for transportation facilities and trails to meet current and projected needs.

Co-ordination  
of  
Transportation  
Systems

Council shall work to achieve the coordinated planning, expansion and maintenance of the transportation system in cooperation with other private and public organizations.

Council shall develop a more balanced transportation system by:

- a) adopting strategies and programs to increase public transportation use, cycling and walking;
- b) implementing the land use policies of this Plan that provide for a more compact urban form and are intended to reduce the growth in multiple automotive trip making;
- c) directing the extension of existing roads or the construction of new roads in keeping with the intent and direction of this Plan;
- d) seeking opportunities to extend trails through the approval of development applications; and,
- e) implementing the Community Character policies of this Plan that provide for an improved street environment.

## **C13.2**

### **ROADS**

Road  
Widenings,  
Extension,  
Improvements

It shall be in the policy of this Plan that the roads within the Municipality of Port Hope be classified according to their predominant functions. Where additional land is required for widening, extensions and intersection improvements, such land shall be obtained, wherever possible, in the course of approving of plans of subdivision or consents, in accordance with the provisions of the Planning Act, as amended. Right-of-way widths and geometric design standards shall be determined by the Municipality, County or Province, in consultation with the Ministry of Transportation.

Road  
Network  
Schedules  
D and D1

The road network delineated on Schedules D and D1 reflects the inter-relationship of land use and transportation in the Municipality of Port Hope. The road system is designed to enable the safe and efficient movement of people and goods within the Municipality as well as to facilitate through traffic movement. Roads are classified according to their predominate functions and any change in function should conform to the intent and purpose of this Plan, the

Northumberland County road system, and policies and criteria established by the Ministry of Transportation.

Access  
Limitations

It is recognized that due to restrictions imposed by the Ministry of Transportation vehicular access to properties and the creation of new, or access to municipal roads in the vicinity of the Highway 401 interchanges may be limited. Further, there are restrictions on access to County Roads.

### **C13.2.1 Provincial Highways**

MTO  
Responsibility

Within the Municipality, provincial highways are limited to Highway 401. This highway is under the jurisdiction of the Ministry of Transportation which has the sole responsibility for such matters as standards, design criteria and widening requirements. However, the Municipality shall review any proposed widenings, realignments or new construction and provide appropriate comments to the Province.

Highway 401

New residential development shall not be permitted immediately adjacent to Highway 401; and new residential development near Highway 401 shall be adequately buffered from the noise and visual impacts of the highway, to the satisfaction of the Municipality of Port Hope.

MTO Permits

Development proponents should consult the MTO Access Management Guidelines to ensure consistency with Provincial requirements. Prior to approving a development proposal or permitting the construction of a sign adjacent to Highway 401 or within the permit control area of the MTO, any required permits shall be obtained from the MTO prior to any construction being undertaken on the site and the issuance of municipal permits. Under the Public Transportation and Highway Improvement Act, the Ministry of Transportation controls all land use within 395 metres of the centre point of the intersection of any local road and Provincial Highway 401 and 800 metres for any land use considered to be a large traffic generator by the MTO. Permits will be required for all buildings/structures located within the MTO's area of permit control prior to any construction being undertaken.

For access connections along municipal crossroads in the vicinity of a provincial highway intersection or interchange ramp terminal, any proposed municipal road must meet MTO's access management practices and principles. MTO approval will be required in these instances.

### **C13.2.2 County Roads**

The main function of the County road system is to move traffic with access to abutting property being a secondary function.

Right-of-way  
Widths

Minimum road right-of-way widths have been established by the County and where the existing right-of-way width is less than the minimum, the County may acquire additional land through the approval of a draft plan of subdivision, a severance or a site plan.

The standard right-of-way width is 30 metres. In certain instances, portions of these highways are classified as Controlled Access.

Setbacks

The County has established minimum setbacks for buildings on lots that abut County roads. Council shall have regard for these minimum setbacks when considering development applications adjacent to a County road.

County Road  
28 Controlled  
Access

County Road 28 is a controlled access road and direct access is only permitted with the approval of Northumberland County. Direct access to other County roads shall be discouraged. Access by means of a municipal road is preferred. Where access to a County road is permitted, an entrance permit shall be obtained from the County.

### **C13.2.3 Arterial Roads**

Location  
Schedule D1

Arterial roads, as identified on Schedules D and D1 are either existing or proposed roads with 2 to 4 traffic lanes. The standard right-of-way width is 30 metres. These roads shall have a minimum right-of-way width of 26 metres for 2 lanes and 30 metres for 4 lanes, and are designed to facilitate high levels of trip making to and from major trip-generating sectors. Direct access to abutting properties should be restricted unless it is absolutely necessary to provide such access.

Access to  
Arterial Roads

Industrial, commercial, major institutional and predominantly higher density residential land uses may have access to arterial roads but in each instance, an attempt shall be made to group developments, in order to reduce the number of access points. Strip or extended linear development shall be discouraged. Where such conditions exist, the number of access points shall be reduced wherever possible.

New  
Development

In new developments, intersections of local streets or roads with arterial streets or roads shall be avoided where possible. Access to arterial roads shall be predominantly from collector roads.

Sidewalks

Sidewalks shall be provided on both sides of arterial roads in the Urban Area.

Road  
Function

Arterial Roads, as identified on Schedule D and D1, by virtue of their location and physical characteristics, are existing or proposed roads

which are designed to facilitate the inter-urban and through movement of a large volume of traffic at relatively high operating speeds to and from major traffic generating sectors. To facilitate this function, access to abutting properties should be very limited.

#### **C13.2.4 Collector Roads**

Location  
Schedule D1 Collector roads, as identified on Schedule D1 are existing and proposed roads with a minimum of 2 traffic lanes and a right-of-way width of 23 to 26 metres, which are designed to collect and carry local traffic to, and from the arterial roads and to provide access to land.

Access  
Limitations Access points onto collector roads shall be controlled so as not to interfere with their function of providing for through traffic movements.

Sidewalks Sidewalks shall be provided on both sides of collector roads in the Urban Area.

Rural  
Collectors  
Schedule D Rural Collector roads, as identified on Schedule D are either existing or proposed roads of 2 traffic lanes with a right-of-way width to 26 to 30 metres, which are designed to collect and carry medium volumes of traffic to Arterial Roads or distribute traffic to local roads, as well as to provide limited access to abutting properties.

Collector  
Road  
Extension The proposed collector road extending west from Marsh Road shall generally have a right-of-way width of 26 metres and shall allow for the distribution of industrial traffic generated by the Ontario Power Generation facilities and the general industrial development of the area. Wherever possible, limited access to abutting properties shall be attained.

#### **C13.2.5 Local Roads**

Right-of-way  
Widths Local roads are either existing or proposed roads with 2 traffic lanes that are designed primarily to provide access to land. The right-of-way width for a local road shall generally be 20 metres. In newer subdivision proposals, consideration shall be given to allowing local roads with rights-of-way less than 20 metres wide. Local roads should be designed to discourage the movement of through traffic and carry low traffic volumes at low speeds such that the quality of life along the road is good. Notwithstanding the above comments, all roads servicing industrial areas shall have a minimum right-of-way width of 26 metres.

Sidewalks Sidewalks shall be provided on one or both sides of local roads in the Urban Area.



## **C13.4 DEVELOPMENT POLICIES, ROAD IMPROVEMENTS AND SETBACKS**

Setbacks, Ingress, Egress, Screening In considering development or re-development along public roads, Council shall require appropriate setbacks, safe ingress and egress and screening where such is necessary to mitigate negative effects on surrounding land uses.

Assume Council shall not assume any roads which do not meet minimum municipal standards.

Setbacks Setbacks along Provincial Highways, County Roads and rail lines shall be in accordance with the requirements of the public authority having jurisdiction.

Road Improvements In order to maintain a satisfactory transportation system, Council shall pursue a program of improving alignments, surface treatment, proper signing, and acquiring adequate road allowances for existing and new roads as future development occurs. Consideration will be given to accommodate active transportation infrastructure, such as bike lanes or sidewalks, as appropriate. The locations for such infrastructure shall be guided by the Active Trails and Transportation Master Plan. Provisions shall be made in the Zoning By-law for adequate setbacks.

Road widening, re-alignments and minor by-passes shall not require an amendment to this Plan.

Consideration shall be given to the impact of road improvements on heritage features, especially the character of streetscapes and crossroads.

Ongoing Upgrades It is the intention of this Plan that, as traffic conditions warrant, improvements in the form of jog eliminations, regulation of turning movements, proper signing, installation of traffic signals, marking of traffic lanes and channelization construction shall be undertaken.

It is the intention of this Plan that, as future improvements are made to bridges, the improvements be so designed as to accommodate the type of road proposed.

Loading Areas and Outdoor Storage Development that includes loading areas or outdoor storage shall be visually screened or appropriately located to ensure they are not visible to highway traffic.

## **C13.5 ROAD ACCESS REQUIREMENTS**

Access to Public Roads No land shall be developed for residential, commercial, industrial, recreational, institutional or community facility purposes, unless such land is accessible by means of an improved public street or road,

maintained year-round, and provided further that such public street or road has sufficient capacity and levels of service to accommodate the traffic generated by new development.

### **C13.6 PARKING**

Physically  
Challenged  
& Seniors

Parking standards, including facilities for physically challenged persons, shall be established for all land uses in the implementing Zoning By-law and adequate off-street parking shall be provided for new development or redevelopment in accordance with these standards.

On-street

On-street parking facilities shall only be permitted where they do not interfere with traffic flows or create traffic hazards.

Buffering

Parking areas shall provide adequate buffering to adjacent land uses.

Central  
Commercial  
Area  
Parking

Where the Municipality provides centralized off-street parking facilities within or adjacent to the Central Commercial Area designation, Council may enact by-laws in accordance with enabling legislation including cash-in-lieu of parking, benefiting assessment areas, and reduced on-site parking requirements in accordance with the policies of this Plan.

Provision of cash-in-lieu of parking may be permitted within the Central Commercial Area, in accordance with the following criteria:

- a) the subject site has limitations to the provision of on-site parking such as, but not limited to, an irregular lot configuration, restricted lot area or difficult or dangerous access;
- b) the development of the subject site represents a rehabilitation or renovation of an existing development;
- c) the development of the subject site represents a development or infill development that is affected by adjacent existing developments;
- d) there are centralized off-street parking facilities existing or proposed in the area which are capable of serving the needs of the development on the subject site;
- e) the development of the subject site without the required on-site parking facilities is compatible with adjacent existing and proposed land uses with respect to built-form or intensity of utilization of the site; and
- f) the applicant enters into a financial agreement with respect to the cash-in-lieu of parking contributions.

### **C13.7 ACTIVE TRANSPORTATION**

Safe Accessible and Secure In all new development and redevelopment, provision shall be made for safe, accessible and secure pedestrian and cycling movements.

Link Activity Centres A system of safe, accessible and secure pedestrian walkways and/or bicycle routes linking activity centres shall be provided, where appropriate, including along waterfront areas, in conjunction with development proposals.

Walkways Pedestrian walkways shall be provided to connect sidewalks along road rights-of-way and bicycle ways, where appropriate.

Bicycle routes Bicycle routes and pedestrian walkways shall be provided on parklands and open space areas, where appropriate. Wherever possible, bicycle routes should be separated from the travelled portion of municipal roads. However, existing development patterns may necessitate the use of portions of existing roads to provide connecting links.

Physically Challenged Pedestrian and cycling facilities that encourage the mobility of physically challenged persons shall be provided, where appropriate.

Bicycle Parking Council shall encourage the provision of bicycle parking facilities where development generates the demand for such facilities.

Integrated Network Council shall support the development of an integrated network of on and off-road routes for active transportation.

Connections outside of the Municipality The development of trails will be coordinated with neighbouring Municipalities, where applicable, to ensure connectivity to existing and future trails in neighbouring jurisdictions.

### **C13.8 RAIL**

Location – Schedule D The general locations of railway rights-of-way through the Municipality of Port Hope are identified on Schedules D and D1.

Adequate Rail Service Council shall encourage the provision of rail service sufficient to meet the needs of employers and residents within the Municipality of Port Hope.

Minimize Conflicts Council shall minimize the conflict among rail, vehicle and pedestrian movements by working with various public agencies and private organizations for the appropriate use of:

- a) level crossing controls;
- b) grade separated crossings; and
- c) the construction of fencing adjacent to the railway right-of-way.

All proposed development adjacent to railway rights-of-way shall be required to incorporate appropriate safety measures, such as setbacks, berms and security fencing, to the satisfaction of the Municipality of Port Hope in consultation with the relevant public agencies and the appropriate railway company.

Noise Study Proponents of development within 500 metres of a main railway and 250 metres of a secondary railway may be required to complete a noise study to support the proposal to the satisfaction of Council in consultation with the appropriate railway company, and if the need for mitigation is determined by such a study, shall identify and recommend appropriate mitigation measures.

Vibration Study All proponents of development within 75 metres of railway rights-of-way shall complete a vibration study to support the proposal to the satisfaction of Council in consultation with the appropriate railway company, and if the need for mitigation is determined by such a study, shall identify and recommend appropriate mitigation measures.

Consult Railway Authority All proponents of development within 300 metres of railway rights-of-way are required to consult with the appropriate railway authority prior to the finalization of any development proposal or supporting study.

Abandoned Railway Lines Council encourages the reuse of abandoned railway rights-of-way for recreational trails, where appropriate.

### **C13.9 HARBOUR, MARINE AND WATERFRONT**

Port and Marina Facilities Council shall maximize the economic development potential provided by port and marina facilities within the Urban Area in keeping with the Waterfront Implementation Strategy, as amended over the planning period.

Marina Marina operations supplying such things as parking areas, docks, rental boats, launching facilities and small convenience commercial facilities are permitted on lands designated for such use and the regulations pertaining to this use shall be included in the implementing zoning by-law.

Marina Proposal Requirements Any proposal submitted for a marina shall be accompanied by a report indicating the off-shore facilities to be constructed, including pump-out facilities to empty the holding tanks of boats, the effectiveness of such a facility with regard to such things as longitudinal drift, the dredging required and the approval of the federal and provincial government, as appropriate.

Public Access In keeping with the intent of the Council to provide public access to the water's edge, pedestrian and cycling facilities and parks are to be provided, where appropriate.

## **C14. ELECTRICAL, TELEVISION AND COMMUNICATIONS**

Clustering  
of Utilities

New cabled services, including electrical and communications facilities, shall be located underground in the Urban Area, including the main grid wherever possible.

Consideration shall be given to the location of telecommunication and other utilities within the public rights-of-way as well as on private property. Telecommunication and other utilities shall be clustered or grouped together where possible to minimize visual impact. Telecommunication and other utilities shall be placed in such a manner that they will not visually detract from the streetscape. The Municipality encourages utility providers to consider innovative methods of containing utility services on or within streetscape features such as gateways, lamp posts and transit shelters.

Common  
Trenching

All telecommunication and other utility providers wanting to locate within a development area should be located within an initial common trench, wherever possible to avoid unnecessary digging and disruption of public rights-of-way.

## **C15. TELECOMMUNICATIONS**

Impact

The continued advancement of telecommunications technology, coupled with the need for rapid information transfer will have an impact on future development within the Municipality. Telecommunications technology has, and will continue to have, an impact on the local economy.

Transmission  
Corridors

To ensure the co-ordination between growth and transmission corridors and expansion of the technology sector, this Plan will:

- a) Protect and enhance existing communication and transmission corridors and networks, and encourage the development and maintenance of modern facilities to serve businesses and residents;
- b) Support the business community to establish a modern telecommunications network;
- c) Ensure that communication and transmission corridors are constructed, maintained and operated so as to minimize their impact on the community; and
- d) Encourage the multiple use of corridors for utility, transportation and trail uses.

Council recognizes that radio/television/communications towers are necessary facilities to provide various services to the public.

Location of Towers

Council shall require radio/television/communications towers to be located in areas where the visual impact of these facilities is minimized with special regard for adjacent residential property. Where possible, such facilities are to be located within or adjacent to industrial areas. Further, such facilities are to be co-located on a single tower where feasible.

Site Plan

Recognizing that the Municipality has limited jurisdiction over the location of towers, Council shall, through site plan review seek to mitigate the effect of any proposed tower through use of landscaping, screening, distance separation, or other techniques:

- a) towers shall be subject to site plan control;
- b) no new tower sites will be considered by Council unless the service provider(s) can provide access/co-location for at least two other service providers, unless not technically possible;
- c) shielding of light from residential areas;
- d) prohibition of strobe lights;
- e) requirements for dismantling old towers once no longer required.

Visual Analysis

Applications for installation of radio/television/communications towers shall be required to provide visual analyses of the proposed tower for consideration by Council.

## **C16. GAS AND OIL PIPELINES**

Gas and oil distribution pipelines shall be encouraged to locate within municipal road allowances.

Gas and oil distribution pipelines shall be encouraged to locate so not to impact on the function, amenity or safety of adjacent land uses.

Setbacks and Buffers

Council shall require sufficient setbacks and buffer zones between major physical service rights-of-way, associated facilities and adjacent land uses, in accordance with provincial standards and guidelines. In general, all development within 120 metres of a pipeline shall be circled to the respective pipeline.

## **C17. SOLID WASTE MANAGEMENT**

Solid Waste Management Responsibility

Northumberland County is responsible for solid waste management and operates sanitary landfill sites, transfer stations, Material recovery Facilities and collection/pickup in the Urban Area.

The sanitary landfill sites and waste transfer stations shall be operated to ensure compatibility with adjacent existing and planned land uses to

ensure minimal adverse impact on the natural environment and adjacent property uses.

Rehabilitate  
Sites

With completion of the sanitary landfill operations, the site is anticipated to be rehabilitated for recreational purposes in accordance with the land use designation on Schedule C. This may only occur after twenty-five years from the year in which such land ceased to be so used unless the approval of the minister for the proposed use has been given, in accordance with Section 46 of the *Environmental Protection Act*. In the interim, the sanitary landfill site may be used for purposes associated with the collection and transfer of municipal waste/recyclable materials. In addition, closed waste transfer stations shall be rehabilitated for a use or uses compatible with the surrounding uses.

New Sites

New solid waste management sites shall require an amendment to this Plan, in accordance with Section E1.2 of this Plan. Notwithstanding the general nature of the denotation of waste management sites in this Plan, the expansion of existing waste management sites shall proceed by way of Official Plan Amendment, in accordance with Section E1.2 of this Plan. Prior to approval of the Official Plan Amendment, new waste management sites or expansions, and new waste transfer stations shall obtain a Certificate of Approval from the Ministry of the Environment and Climate Change.

Development  
Within 500  
Metres

Development proposals within 500 metres of either an active or closed landfill/solid waste management site shall be accompanied by a study prepared by the proponent which evaluates the presence and impact of environmental contaminants including methane gas, leachate in soils and groundwater and the potential for noise, vectors, dust and odour impacts. The study shall address any mitigation measures required.

Government  
Co-operation

Council shall co-operate with all levels of government and other agencies to promote public awareness of waste issues and in promoting waste diversion strategies (reduce, reuse, recycle) as well as other alternative waste management techniques.

Site  
Redevelopment

Redevelopment of closed solid waste management sites may be permitted in accordance with the underlying land use designation or by way of Official Plan Amendment, upon the Municipality consulting with the Ministry of the Environment and Climate Change and/or other appropriate jurisdiction, and subject to the following policies:

- a) Written approval has been received from the Ministry of the Environment and Climate Change, and/or other appropriate

jurisdiction, that the development satisfies the provisions of the *Environmental Protection Act*;

- b) The studies required by the Ministry of the Environment and Climate Change shall be carried out to the satisfaction of the Municipality and shall demonstrate that development is compatible and can proceed without unmitigated negative impact;
- c) The Municipality shall require the construction and phasing of all development to coincide with the control of any problems identified by the engineering studies;
- d) The studies of gas, leachate and hydrogeology, shall be carried out by a qualified engineer; and
- e) The Municipality shall be satisfied with the required studies with respect to any matter regarding structural stability, safety and integrity of any and all structures.

Waste disposal sites referred to in this section exclude all low-level radioactive waste sites.

Appropriate Zoning

Lands associated with a solid waste management site shall be placed in a zone or be subject to a Holding provision in the Zoning By-law that does not permit buildings or structures as an interim measure. When such areas are deemed suitable for development, a Zoning By-law Amendment or a lifting of the Holding provision shall be considered, subject to the policies of this Plan.

## **C18. WIND ENERGY CONVERSION SYSTEMS**

Definition

Wind Energy Conversion Systems consist of mechanical devices designed to convert wind energy into electricity. These systems can occur at small or large scales in the Municipality. Small-scale systems are those that generate less than nameplate capacity rating of 50 kW and normally comprise only one generating device. Large-scale systems are more appropriately described as Commercial Generating Systems and involve one or more generating devices that collectively produce more than nameplate capacity rating of 50 kW. The latter systems are generally referred to as 'Wind Farms' and are usually located in areas where climate (i.e. wind) conditions create a conducive environment.

Regulation

Wind energy systems may be used for the production of electricity and will be regulated in accordance with provincial and federal regulations.

**C19. WAYSIDE PITS AND QUARRIES, PORTABLE ASPHALT PLANS AND PORTABLE CONCRETE PLANTS**

Location It shall be the policy of this Plan to permit the development of a wayside pit and quarries, including portable asphalt and concrete plants, as defined under the Aggregate Resources Act, in all the areas except those areas of existing development or particular environmental sensitivity which have been determined to be incompatible with extraction and associated activities, without the necessity of an Amendment to this Plan or to the implementing Zoning By-law. Such facilities shall be opened on a temporary basis, only by a public road authority or their agents for the purposes of road construction or associated road project or contract. Wayside pits and quarries shall be rehabilitated in accordance with the policies of Section C8 of this Plan.

Zoning By-law It shall not be necessary to amend the implementing Zoning By-law to permit the development of a wayside pit or quarry or portable asphalt plant in the land use designations as established in this Section.

**C20. COMPLETE APPLICATION REQUIREMENTS**

Criteria In order for an application for development to be considered complete, Council may require studies as part of the planning approval process or as part of a more detailed planning study in order to satisfy the strategic direction and policies of this Plan. The following policies provide guidance for some of the studies that may be required.

**C20.1 GENERAL POLICIES**

Pre-consultation In order to determine what studies will be required to be submitted as part of a complete application, Council may require proponents to consult with the municipality prior to submitting an application for development.

Site Specific Determination Council shall determine the need and the timing of studies on a site-specific basis having regard to the other provisions of this Plan and provincial legislation, policies and appropriate guidelines.

Qualified Professional All studies shall be prepared by a qualified professional to the satisfaction of Council and, where appropriate, in consultation with relevant public agencies and affected public.

Peer Review A study required under the provisions of this Plan shall be peer reviewed. The costs associated with such a review shall be borne by the proponent of the planning application.

Incomplete Applications Applications that are submitted without the required information or studies will be returned to the applicant as incomplete as per the provisions of the Planning Act.

## **C20.2 STORMWATER MANAGEMENT PLAN**

Purpose The purpose of a Stormwater Management Plan is to identify measures required to control the quantity, quality and velocity of runoff associated with the development of a specific area.

Matters to Address Where a Stormwater Management Plan is required, such a study should:

- a) be conducted by a qualified professional;
- b) assess the impacts of development on receiving waters, both before and after construction, with respect to flooding, pollution, erosion and sedimentation;
- c) describe the facilities required to manage stormwater runoff, including their size, location, and capacity;
- d) describe mitigation measures which would, if necessary, prevent adverse impacts on-site, or adjacent to the site, on the receiving waters, and on recreational uses; and
- e) should meet provincial guidelines as determined in consultation with the Ganaraska Region Conservation Authority and MTO, where appropriate and the GRCA's Stormwater Management Submission Guidelines.

## **C20.3 ENVIRONMENTAL IMPACT STUDIES**

Purpose The purpose of an Environmental Impact Study (EIS) is to determine whether a proposed development or infrastructure undertaking within or adjacent to lands identified as Natural Heritage on Schedules B or B1 or Natural Hazards on Schedules B2 or B1 will result in negative impacts to the feature or its ecological function and to determine whether a particular development is appropriate and to recommend necessary mitigation measures where development is deemed to be appropriate in accordance to the policies of this Plan.

Scope Environmental impact studies may vary in scope and may include cultural heritage aspects, hydrogeological and terrain analysis and impacts of nitrates on groundwater depending on size, nature and intent of the proposal and the environment under study as determined in consultation with the Ganaraska Region Conservation Authority.

Matters to Address Where an Environmental Impact Study is required, such a study should:

- a) identify existing natural features of the area, such as geomorphology, drainage, flora fauna, microclimate, air quality and soils;

- b) identify and evaluate the precise location and boundaries of all the natural features/areas and associated natural heritage corridors/linkages on, or adjacent (as defined by the Provincial Policy Statement, and the Natural Heritage Reference Manual) to the site on clearly legible, scaled maps, including identification of vegetation communities using the Ecological Land Classification (ELC) system;
- c) identify if suitable habitat exists on the site for known species at risk (those listed on the Species at Risk in Ontario list) as well as suitable habitat for any species at risk that were observed on site.
- d) be conducted by a qualified professional;
- e) describe the survey methods and level of effort undertaken including the dates, weather conditions and number of field visits/surveys to demonstrate that assessments were conducted using appropriate methodologies at the appropriate time of year;
- f) identify significant natural functions of the area, such as wildlife shelter habitat and corridors and natural recharge or discharge areas;
- g) describe the proposal in detail. For areas on and adjacent to the site, include descriptions and clearly legible, scaled maps of the existing land uses, existing Official Plan designations, and the proposed development and site alteration, including all proposed buildings, structures, driveways and parking areas, and sources of human intrusion, light, noise, dust, etc.;
- h) identify those natural features and functions likely to be affected by the proposal;
- i) assess the potential impacts and potential cumulative impacts of the proposal on key natural features and functions;
- j) identify, explain and recommend specific actions which would be undertaken to eliminate, reduce or compensate for the expected impacts consistent with accepted ecological, planning, engineering, and resource management techniques and practices;
- k) indicate the nature and extent of public consultation and/or input;
- l) demonstrate how a particular development proposal may occur so as to result in no negative impacts to a particular natural heritage feature/area or its ecological functions; and

- m) conclude with an independent professional opinion as to whether or not residual impacts (after mitigation) of the development and site alteration are negative, and whether the development proposal is consistent with the intent of the Provincial Policy Statement.

Proponents may consult with the Ganaraska Region Conservation Authority to see if opportunities exist to scope any required Environmental Impact Study.

Environmental  
Assessment  
Act

When an Environmental Assessment of a proposal is carried out under the Environmental Assessment Act, or other relevant federal or provincial legislation, that assessment may be considered by Council as fulfilling the Environmental Impact Study required by this Plan.

#### **C20.4 TRAFFIC IMPACT STUDIES**

Purpose

The purpose of a Traffic Impact Study is to demonstrate that a proposed development may proceed such that the amount of traffic generated by a proposal can be accommodated by the existing transportation network or a network expanded as part of the development and its impact on adjacent land uses is acceptable. For development located in the vicinity of a provincial highway, the Ministry of Transportation may require the submission of a traffic impact study.

Matters to  
Address

Where a Traffic Impact Study is required, such a study shall:

- a) include the collection, analysis and projection of traffic related data;
- b) assess trip generation, assignment and distribution;
- c) assess street or road and intersection capacity;
- d) assess the adequacy of the existing road network to accommodate the proposed development;
- e) identify the timing and cost of any road upgrades, extensions or expansions required to accommodate the proposed development;
- f) describe and recommend measures required to achieve the transportation policies set out in Section C13 of this Plan; and
- g) any road improvements required by the development shall be the financial responsibility of the proponent.

## **C20.5 MARKET IMPACT ASSESSMENT**

Purpose The purpose of a Market Impact Assessment is to determine what impact a proposed use may have on the planned function of the Commercial designations in this Plan. The intent of a Market Impact Assessment is not intended to reduce or limit competition.

## **C20.6 NOISE AND/OR VIBRATION AND/OR ENVIRONMENTAL STUDIES**

Purpose The purpose of a Noise and/or Vibration Study is to demonstrate that a proposed development may proceed in such a manner that the public is protected from unacceptable levels of noise, vibration and other fugitive emissions associated with uses such as industrial operations, public highways, rail corridors and airports.

Detailed noise studies may be required by the Municipality when reviewing sensitive land use applications located:

- 500 metres from a Provincial Highway and 100 metres from other roads.
- 500 metres from a main railway; and 250 metres from a secondary railway.

Studies may be requested by the Municipality when reviewing sensitive land use applications within 70m of a Class I industry, 300m of a Class II industry and 1000m of a Class III industry to assess the possible impact of air emissions, noise, vibration, odour and dust from the industry on the sensitive land use.

Matters to Address Where a Noise and/or Vibration and/or Environmental Study is required, such a study should:

- a) assess the existing and predicted noise, vibration, air emissions, odour and/or dust levels on the site;
- b) identify and recommend various abatement measures, warning clauses and other appropriate measures which can be implemented by way of zoning, site plan approval and/or development agreement;
- c) have regard to relevant provincial legislation, policies and appropriate guidelines; and
- d) be prepared by qualified individuals with experience in environmental acoustics; preferably Professional Engineers.

Certificate of Approval In circumstances where statutory provincial approvals for noise and vibration are required, Council shall ensure that a Certificate of Approval is sought and obtained before development proceeds.

## **C20.7 INFRASTRUCTURE STUDIES**

Matters to Address

Any development proposal that requires or will require the upgrading, expansion or extension of a municipal water and/or sewage system shall be accompanied by a study that addresses to the satisfaction of Council:

- a) the conformity of the upgrade, expansion or extension with an efficient and cost effective short-, medium- and long-term municipal servicing strategy;
- b) the adequacy of unallocated capacity in the trunk sewers and water mains and the water supply and sewage disposal plants to service the proposed development; and
- c) whether any required infrastructure upgrades are contained in the Development Charges By-law and if not how such infrastructure upgrades will be funded.

## **C20.8 MUNICIPAL COMPREHENSIVE REVIEW**

Purpose

The purpose of a Municipal Comprehensive Review is two-fold. It is a Municipally initiated study that comprehensively applies the policies of this Official Plan and the Growth Plan prior to considering the expansion of an Urban Area or hamlet. It is also required to determine the appropriateness of the conversion of Employment Lands for non-employment uses. The review must be in conformity with the County of Northumberland Official Plan and the most recent Comprehensive Review undertaken by the County. The scale of the review may be relative to the scale of the expansion or conversion being considered.

Employment Lands

The conversion of Employment Lands shall be in accordance with the requirements of Section 2.2.6.5 of the Growth Plan for the Greater Golden Horseshoe 2006.

Urban Area and Hamlet Boundary Expansion

Urban Area and Hamlet boundary expansions shall only proceed in accordance with the requirements of Section 2.2.8 of the Growth Plan for the Greater Golden Horseshoe 2006.

## **C20.9 ADDITIONAL STUDIES**

The Municipality may require additional studies to ensure appropriate concerns regarding development are addressed. Additional studies may include, but are not limited to:

- Aggregate Impact Assessment
- Arborist's Report
- Archaeological Assessment
- Air Quality/Dust/Odour Study

- Architectural Control Guidelines
- Commercial Inventory Assessment
- Comprehensive Employment Land Study
- Contaminated Site Assessment
- Control Plan for lot grading and drainage
- Cultural Heritage Evaluation Report
- Design Guidelines
- Emergency Management Plan
- Erosion and Sediment Control Plan
- Farm Viability Study
- Forest Management Plan
- Geotechnical Study
- Heritage Impact Statement
- Hydrogeological Report
- Landscaping Plan
- Lighting Plan
- Parking and/or Loading Study
- Record of Site Condition
- Shadow Impact Study
- Slope Stability Study
- Soil and Bedrock Analysis
- Surface Water Impact Study
- Traffic Impact Study
- Tree Inventory
- Water Modeling Study
- Viewplane Assessment

## SECTION D LAND USE

### D1. GENERAL

Distinct  
Character

The land use section is directed to ensuring the distinct urban and rural character of the Municipality of Port Hope is maintained. Land use designations are shown on Schedules C and C1.

### D2. RESIDENTIAL

#### D2.1 URBAN RESIDENTIAL

##### D2.1.1 General Policies

##### *D2.1.1.1 Land Use Categories*

Densities

Within a Residential designation as shown on Schedule C, the predominant use of the land shall be for residential dwellings in accordance with the more specific provisions of Sections D2.1.2, 2.1.3 and 2.1.4 of this Plan. The Municipality of Port Hope has the following residential designations within the Urban Area:

- a) Low Density;
- b) Medium Density; and,
- c) High Density.

##### *D2.1.1.2 Secondary Uses*

Secondary uses which may be permitted in all Residential Area designations include:

- a) Home occupations, in accordance with the provisions of Section C10 of this Plan;
- b) Parkettes and Tot Lots, in accordance with the following provisions:
  - i Parkettes and Tot Lots in accordance with the provisions of Section D6.1 c) of this Plan.

##### *D2.1.1.3 Minor Institutional Uses*

Minor institutional uses including elementary schools, religious institutions with a site area of less than 1 hectare, day care facilities and similar smaller-scale institutional facilities provided it can be demonstrated through an amendment to the comprehensive Zoning By-law that:

- a) fencing and/or landscape buffering will reduce adverse noise and visual impacts on adjacent residential properties;

- b) signage and lighting of schools, parking areas and other facilities will not adversely affect adjacent residential properties;
- c) adequate on-site parking for staff and patrons and provision of drop-off and pick-up of children will be provided;
- d) parking areas and driveways will be paved and visually buffered from adjacent residential properties;
- e) on-site stormwater management is provided as appropriate; and,
- f) adequate water supply and sewage disposal facilities are available.

The re-use of a surplus minor institutional use for a non-institutional use shall be subject to an amendment to this Plan and the implementing Zoning By-law. The proposed use shall be compatible with the existing adjacent uses.

Where an elementary school is located adjacent to a municipal park, the site design shall ensure that the school and park facilities are integrated for pedestrian movement between the two sites.

**D2.1.1.4 Neighbourhood Commercial**

- a) Neighbourhood commercial facilities typically involving one or more small-scale retail stores and shops generally serving the day-to-day needs of residents within easy walking distance are permitted in areas designated for residential development, subject to an amendment to the comprehensive Zoning By-law and site plan approval.
- |                        |  |
|------------------------|--|
| Maximum Size           | b) Individual retail stores shall not generally exceed 280 m <sup>2</sup> in gross floor area and no neighbourhood commercial facility shall exceed 500 m <sup>2</sup> in gross floor area.  |
| Use Limitations        | c) Neighbourhood commercial uses shall not generally allow for automotive-related uses such as auto repair and gas bars, unless otherwise indicated in this section or by amendment to this Plan.  |
| Criteria for New Areas | d) When evaluating proposals for new neighbourhood commercial uses, the following site characteristics should be considered: <ul style="list-style-type: none"> <li>i. direct access to arterial or collector roads, preferably located at the intersection of two public streets or roads;</li> </ul> |

- ii. sufficient site area to allow for appropriate measures of landscaping and buffering to avoid incompatibilities with adjacent land uses;
- iii. adequate area and public road frontage to allow for proper driveway, parking and loading facilities; and
- iv. the new use will not contribute to the creation of strip retail development.

**D2.1.1.5 Density Ranges**

Residential density is expressed as a range of units per net residential hectare. Adjustments to these densities may be permitted where the intent of this Plan is maintained. An increase in residential density and/or a decrease in the relevant on-site parking standards may be considered for senior citizens housing within Residential Medium Density and High Density designations, relative to the age of the occupants and automobile ownership trends of the residents. Decreases in the minimum density for medium and high density development may only be considered if the reduction will have less of an impact on environmental features, such as woodlands and steep slopes.

**D2.1.1.6 Variety of Visual Effects**

Residential development shall be designed to achieve a variety of visual effects which may be produced by roads, topography, existing vegetation, and open spaces. Residential development shall be carried out in such a manner as to not have a detrimental impact on the natural environment. Residential development located adjacent to major roads and highways shall be designed to be aesthetically pleasing and sensitive to road conditions.

**D2.1.2 Low Density Residential**

Unit Types	Within areas identified as Residential - Low Density as designated on Schedule C1, the main permitted uses shall include single-detached, semi-detached, linked, duplex, and triplex residential dwellings.
Maximum Density	Maximum net residential density for residential development shall generally not exceed 20 units per net residential hectare.
Variety of Lots	A variety of lot and dwelling unit sizes shall be provided within these designations, in order to reflect the character usually associated with low density residential development.

### **D2.1.3 Medium Density Residential**

Unit Types	Within Residential - Medium Density as designated on Schedule C1, the main permitted uses shall include townhouse, rowhouse, fourplex, low-rise apartments, and other forms of low-rise multiple dwellings.
Maximum Density	The net residential density for residential development shall generally be between 20 and 60 units per net residential hectare.
New Areas Require OPA, Criteria	Designation of additional Residential - Medium Density shall require an amendment to the Official Plan. Applications shall be reviewed on the basis of general conformity with the following criteria:  a) Location adjacent to a major roadway; b) Proximity to commercial facilities; c) Location where the development provides a physical transition between lower density and higher density residential uses or non-residential uses or major roadways; d) Reasonable accessibility to public transit, if applicable; e) Site area is adequate to provide all necessary parking and other required facilities on-site; f) Proximity to natural amenities, parks and open spaces, and other community facilities; and g) Effect on natural features of the property and adjacent properties.
Comprehensive Development Plans	Lands designated Residential - Medium Density shall be developed on the basis of conformity with comprehensive development plans which are intended to indicate layout of buildings, parking and landscaping areas, and access points, over all lands under the designation, such that development on individual properties can be integrated where possible with that of adjacent properties, with particular regard for common elements such as access points, driveways, landscaping, and parking areas.
Buffer from Low Density Residential	Where development within a designated Residential - Medium Density designation is adjacent, or in immediate proximity to, development within a Residential Area - Low Density designation, potential adverse impacts between the developments shall be mitigated through building setbacks, visual screening, landscaping, fencing, and other forms of buffering, in accordance with the provisions of this Plan.

## **D2.1.4 High Density Residential**

Unit Types Within Residential - High Density as designated on Schedule C1, the main permitted uses shall include apartments and other forms of multiple dwellings.

Maximum Density The net residential density for the high density residential developments shall generally be between 40 and 140 units per net residential hectare.

Comprehensive Development Plans Lands designated Residential - High Density shall be developed on the basis of comprehensive development plans which are intended to indicate the layout of buildings, parking and landscaping areas, and access points over all lands within the designation, such that development on individual properties may be integrated with that of adjacent properties, with particular regard for common elements such as access points, driveways, landscaping, and parking areas.

Buffer from Low Density Residential Where development within a Residential - High Density designation is in proximity to development within a Residential Area - Low or Medium Density designation, potential adverse impacts between the developments shall be mitigated through building setbacks, visual screening, landscaping, fencing, and other forms of buffering, in accordance with the provisions of this Plan.

## **D2.2 HAMLET**

### **D2.2.1 General Policies**

Extent of Growth It is the policy of this Plan to provide for the maintenance and reinforcement of the existing community structure and to define and encourage the in-depth development of certain selected hamlets in accordance with their ability to sustain growth. Other hamlets shall be recognized as Hamlet areas capable of sustaining only limited growth in the form of minor internal infilling or as minor extensions to existing development within the designated Hamlet boundary. There shall be no expansions to the Hamlet boundaries.

Mix of Land Uses A mix of suitable residential, commercial, community facilities and small scale industrial uses, developed on private sewage and water systems, at appropriate densities, shall be encouraged within the Hamlet designation. The future growth of hamlet areas should be consistent with environmental, physical and socio-economic conditions. Surrounding land uses, intensity of existing development and potential soil or ground water constraints should be considered in assessing new development proposals. Clustered growth around existing areas of concentration shall be encouraged, although new development on private sewage and water services shall require larger lot sizes than is common in many of the older Hamlet areas. It

is the policy of this Plan to allow for development within the hamlets on this basis in the future. Strip development adjacent to a Hamlet boundary shall be discouraged.

### **D2.2.2 Permitted Uses**

Residential  
Uses

The predominant form of land use shall be single detached dwellings. Other residential permitted uses shall include: multiple-unit residential development; apartments units above the first floor of a retail commercial use; bed and breakfast establishments, and senior citizen housing, provided that a detailed hydrogeological study confirms an adequate supply of groundwater and the ability of the site soils to assimilate the wastes from the septic systems. A home occupation shall also be permitted as an accessory residential use.

Limited commercial and industrial uses, which are of a dry nature in that the subsurface sewage disposal systems are used solely for the disposal of domestic waste generated by the employees, and can be satisfactorily developed on the basis of private services, shall be permitted. Such industrial uses may include manufacturing, warehousing and storage facilities, building supply yards, farm implement dealership or other similar uses of limited size and scope which primarily serve the needs of the surrounding rural areas.

Other Uses

In addition, such other uses as community facilities, including schools, places of worship, assembly halls and fraternal association meeting halls shall also be permitted provided that a detailed hydrogeological study confirms an adequate supply of groundwater and the ability of the site to assimilate the wastes from the septic systems.

### **D2.2.3 Policies**

Limited  
Growth in  
Hamlets

Garden Hill, Canton, Osaca and Campbellcroft are hamlets capable of sustaining limited growth in terms of in-depth development contiguous to and as a natural expansion of areas of existing development within the existing settlement area, rather than as a linear extension along major roads. Development of the hamlets of Garden Hill, Canton, Osaca and Campbellcroft shall be encouraged by registered plan of subdivision wherever possible. Development in that portion of Campbellcroft located within the Oak Ridges Moraine shall be in accordance with the policies of the Oak Ridges Moraine Secondary Plan.

It is the policy of this Plan to encourage the in-depth expansion of Garden Hill, Canton, Osaca and Campbellcroft. Provision shall be made in appropriate locations to allow access from the main road to a second or third tier of development within the existing hamlet. In considering an application for consent to a land severance within

these hamlets, Council and the Committee of Adjustment shall assess what effects the proposed severances would have on future in-depth development. In particular, internal road and lot layouts, proposed access locations, parkland allocations, etc. should be strongly considered.

Minor  
Growth and  
Infilling

It shall be the policy of the Plan that the hamlets of Welcome and Elizabethville are hamlets intended for minor growth in the form of internal infilling or as minor extensions to existing development within the settlement area boundary primarily by means of consent to a land severance. It is not intended that such communities shall develop in a linear or strip manner along main roads, but rather remain as compact settlement areas. New lot creation by means of a consent or plan of subdivision, within the Hamlet of Welcome shall only be permitted after the completion, to the satisfaction of Council, of a master servicing plan pursuant to Section C12.1.2 of this Plan. Prior to any significant in-depth development taking place within a hamlet, a Secondary Plan or Concept Plan may, at the discretion of Council, be required to indicate detailed future landuse patterns, the density of development, the road pattern and storm water management and the extent, method and staging of services that may be required. If a Secondary Plan is completed, it shall be adopted as an Amendment to this Plan.

Secondary  
or Concept  
Plan

Determination  
of Density and  
Minimum Lot  
Size

Density of single residential development by plans of subdivision shall be determined through a detailed hydrogeological report. Where lots are to be created through the consent granting process, the minimum lot size shall be determined in consultation with the Health Unit. A hydrogeological assessment may be required to support an application for consent and the findings of that assessment shall assist in determining minimum lot size.

Reports to  
Support Plan  
of Subdivision

An application for development by registered plan of subdivision shall, at the draft plan approval stage be accompanied by a detailed hydrogeological and soil analysis report with regards to the availability and adequacy of ground water supplies, surface drainage characteristics and the ability of the soils to sustain development on the basis of private services. All private water supply and sewage systems shall conform to the standards and regulations of the authority responsible for their approval. Development shall not be permitted if underground water supplies are not sufficient and/or contaminated and/or the soils are not capable of supporting the existing and the proposed level of development on the basis of private services.

Access to Lots	Access to individual lots within a plan of subdivision shall generally be from internal subdivision roads, the construction of which shall be in accordance with Municipal standards and the responsibility of the developer. It is further intended that such roads shall be maintained by the developer for such period as specified in the subdivision agreement and subsequently assumed by the Municipality at no cost.
No Noxious or Incompatible Uses	Regard shall be had for the nature of commercial and industrial uses permitted within the Hamlet areas to ensure that such uses are not noxious, nor incompatible with the residential function of the community. The degree to which these uses shall be separated from adjacent residential uses and the requirements for buffer planting or screening and fencing shall be in accordance with the nature of the commercial or industrial use and its offensive characteristics.
New or Expanded Industrial Areas	New industrial development or the major expansion of existing industrial uses should not be permitted in areas which have developed predominantly for residential purposes or in the logical path of future residential expansion. New industrial uses or existing industrial activities undergoing major expansion should be encouraged to locate adjacent to other industrial uses where the adverse effects on surrounding land uses are minimized.
Objectionable Uses	Industrial uses which are considered objectionable in the context of noise, smoke, odour, heat radiation, vibration or other similar characteristics should not be encouraged within the hamlet areas.
Private Services	In the absence of complete municipal services only those commercial and industrial uses that are of a dry nature, in that the subsurface sewage disposal systems are used solely for the disposal of domestic waste generated by the employees, shall be permitted. Council may require a hydrogeological and soil analysis report prior to approving an application for commercial or industrial development in order to assess the environmental impact of the proposal.
Commercial Nodes	Commercial uses, wherever possible, should be grouped with similar uses to form a commercial node. Adequate off-street parking, loading and unloading facilities and buffers shall be provided by means of appropriate separation distances and screening consisting of grass strips, berms, trees and shrubs, and/or fences, where a commercial use abuts a residential zone or area specifically designated for residential purposes under this Plan or any Amendments hereto.
Parking, Loading, Buffering	Industrial uses shall provide sufficient off-street parking, loading and unloading facilities together with adequate buffer or screening where such uses abut a residential zone or area designated for such purposes under this Plan or any Amendments hereto.

Implementing Zoning The uses permitted within the Hamlet designation may be zoned in separate zoning categories in the implementing Zoning By-law. The implementing Zoning By-law shall establish appropriate provisions and regulations to govern the development of lands within the hamlet areas.

Existing Waste Transfer Station The site of the existing waste transfer station located in Part of Lot 12, Concession V (Canton) is zoned to recognize the existing use. Prior to rezoning to permit redevelopment on these lands, Council shall be satisfied that the site's soil and groundwater quality meets provincial guidelines for the proposed use.

Existing Extractive Industrial Facility The existing Extractive Industrial facility, owned by the Municipality of Port Hope (Class "A" Licence ID #3199) located in Part of Lot 12, Concession V (Canton), shall be permitted to continue operations in accordance with the Provincial Licence.

## **D2.3 ESTATE RESIDENTIAL**

### **D2.3.1 General Policies**

No New Estate Residential Development Land designated Estate Residential is intended for low-density single-detached residential use developed by means of a registered plan of subdivision. Land designated Estate Residential recognizes existing development. It is not the intent of Council to designate any additional land for estate residential development or to permit the expansion of existing estate residential developments.

### **D2.3.2 Permitted Uses**

The uses permitted shall be restricted to single-detached dwellings developed by registered plan of subdivision. Other uses permitted may include public parkland, common open space and public recreational facilities, which form an integral component of the overall design concept.

## **D3. COMMERCIAL**

### **D3.1 CENTRAL COMMERCIAL**

#### **D3.1.1 General**

Location The Central Commercial area has been identified on Schedule C1 and includes the Heritage Conservation District.

Historic Commercial Centre The Central Commercial area is designated as a separate commercial category to identify the business district of the Municipality as a unique historic centre to be maintained and enhanced in a manner consistent with the functional and architectural qualities exhibited today.

### **D3.1.2 Permitted Uses**

Retail, service, and office establishments that serve the needs of the Municipality and surrounding area and tourist-related activity shall be permitted and encouraged throughout this area.

Mix of  
Commercial  
and  
Residential

The Central Commercial area shall also contain, where possible, a mix of commercial and residential uses with the main focus of commercial use at-grade. Recognizing the benefit of and opportunity for housing in the Central Commercial area, Council may pass by-laws to allow residential only buildings provided that the residential uses shall not interfere with or impair the linear pedestrian commercial activities at-grade.

### **D3.1.3 Policies**

Enhance  
Existing  
Function

The enhancement of the function of the Central Commercial area shall be accomplished by the enlargement and extension of the commercial area to include lands located within the area under consideration in the Waterfront Implementation Strategy and through the continued allowance for residential development within and adjacent to the Central Commercial area.

Natural  
Amenities

The enlargement of the Central Commercial area continues Council's commitment to capitalize upon the amenity of the Ganaraska River and the Lake Ontario Shoreline, while strengthening the market opportunity for the historical core and waterfront-related activity area.

Peripheral  
Residential

It is also anticipated that areas within the established core area, peripheral to the main shopping streets, will be encouraged and permitted to provide for residential units only, as provided in this section of this Plan.

Lands  
Adjacent to  
King Street

For those lands located adjacent to King Street, a high standard of building and site design will be required in the implementing Zoning By-law and through site plan approval to ensure that any proposed development of these lands is compatible with the existing physical character of the adjacent properties and surrounding neighbourhood. In particular, the maximum height, and massing, of new buildings shall be in keeping with the adjacent residential area to the west.

Improved  
Access and  
Parking

Council recognizes that the Central Commercial area needs particular attention to maintain and establish a solid foundation in the ever changing commercial marketplace. To that end, Council shall continue to pursue means to improve upon access and parking for the area, and shall pursue the development of urban design guidelines for this area which shall contribute to the heritage landscape.

Consultation  
with  
Conservation  
Authority

Council recognizes the need to provide for future development of the Central Commercial area in conjunction with the objectives and mandate of the Ganaraska Region Conservation Authority. To that end, Council shall seek the advice and cooperation of the Ganaraska Region Conservation Authority in establishing appropriate development controls.

## **D3.2 GENERAL COMMERCIAL**

### **D3.2.1 General**

Location Lands designated General Commercial have been identified on Schedule C1.

### **D3.2.2 Permitted Uses**

Form of  
Commercial

General Commercial shall mean that the predominant use of the lands in the areas so designated shall be for retail and service commercial uses which are owned and operated and designed to function as a unit, with common access points and parking facilities or clusters of individually owned retail and service commercial uses. Apartment dwelling units may also be permitted in conjunction with a General Commercial use.

### **D3.2.3 Policies**

Principles

In determining the suitability of any particular site for General Commercial uses, the following principles shall govern:

- a) Buffering shall be provided between a General Commercial area and any adjacent residential area. Such buffering shall include the provision of grass strips, berms, screening, appropriate planting of trees and shrubs, or other suitable screening material;
- b) Preference shall be given to General Commercial sites located on major roads, adequately buffered from predominantly residential areas;
- c) Adequate off-street parking facilities shall be provided for all permitted uses and access points to such parking areas shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic;
- d) Open storage of goods or materials for sale shall be permitted provided that such area is clearly incidental and accessory to a permitted use, and properly located and screened so as not to dominate the frontage of the property or interfere with vehicular and pedestrian activity; and

- e) Every proposal for new General Commercial development in excess of 1,400 m<sup>2</sup> gross floor area or the redesignation of land to General Commercial may need to be supported by a market analysis study that, reviews the impact of the proposal on the planned function of the General Commercial Area and the other Commercial designations within the Municipality.

Redesignation of lands to General Commercial, other than those shown on Schedule C1 shall be by amendment to this Plan.

Zoning General Commercial uses shall be zoned in a separate classification in the implementing Zoning By-law.

Zoning Limitations Where appropriate, Council may in an implementing zoning by-law limit the size, number, and type of retail and commercial uses on a site-specific basis.

### **D3.3 HIGHWAY COMMERCIAL**

#### **D3.3.1 General**

Location Lands designated Highway Commercial have been identified on Schedules C and C1.

Range of Uses Lands designated as Highway Commercial are primarily intended for those uses and activities which place a heavy reliance upon vehicular traffic and the motoring public to maintain their economic existence. It is the policy of this Plan to encourage the development of such uses and activities adjacent to similar uses in accordance with good design principles. Specific regard shall be had for the means of ingress and egress to such areas so as to not create a traffic hazard or result in the disruption of through traffic movements.

Proximity to Major Roads Highway Commercial areas shall be located on major transportation routes to conveniently serve the needs of the travelling public.

Consolidate Uses Highway commercial uses shall not be permitted to locate throughout the rural areas in an indiscriminate manner. It is the policy of this Plan to encourage highway commercial uses to consolidate within or immediately adjacent to areas designated for such purposes on Schedule C.

#### **D3.3.2 Permitted Uses**

Permitted Uses The uses permitted within the Highway Commercial designation shall be primarily oriented to those which rely upon vehicular traffic and the motoring public for their economic existence and may include but shall not necessarily be limited to: motels, hotels, eating establishments inclusive of drive-in or take-out restaurants, motor vehicle service stations and dealerships or other similar uses, farm implement sales

and service establishments, recreational vehicle sales and service establishments, a builder's supply outlet, garden nursery sales and commercial greenhouses and auction barns.

Other  
Commercial  
Uses

Council recognizes that in certain circumstances the size, configuration, and location of the Highway Commercial areas lend themselves to other forms of commercial activity, some of which may otherwise be permitted in other Commercial land use designations in this Plan. To provide for such circumstances on a site-specific basis Council may allow limited retail or service commercial uses which may not be dependent solely on passing traffic. As necessary, Council may, in an implementing zoning by-law, limit the size and number of such additional uses.

### **D3.3.3 Policies**

Location of  
New  
Development

New Highway Commercial locations shall only be permitted where there is a demonstrable need for the proposed use and that the proposed use shall not produce traffic volumes which cannot be safely handled by the existing road system. Where feasible, provision of common access facilities for Highway Commercial uses may be provided.

Proposals for new Highway Commercial designations outside of Settlement Areas shall only be permitted for uses that are necessary for development related to the management or use of resources, resource-based recreational activities and rural land uses that cannot be located in settlement areas.

Accessory  
Apartments

Notwithstanding the above policies of this section, apartment dwelling units above the first floor level may be permitted in the Highway Commercial land use designation, as shown on Schedule C1, except where such lands abut either railway lines, lands designated for industrial use, or lands abutting Highway 401. Where residential uses are permitted, Council shall ensure that the necessary residential amenities are provided.

Site Plan

An application for an amendment to this Plan or the implementing Zoning By-law to allow for the development of a permitted use shall be accompanied by a site plan which outlines the location of and proposed uses of buildings, parking areas, ingress/egress locations and description of adjoining land uses.

Access, Off-  
Street Parking

Adequate off-street parking facilities shall be provided for all permitted uses and access points to and from such parking areas shall be limited in number and designed in a manner that will minimize the danger to both vehicular and pedestrian traffic.

Buffering	Adequate buffer planting shall be provided between the commercial use and any adjacent residential areas. Such buffer planting may include provision for berms and fencing and appropriate trees and shrubs.
Private Services	In the absence of municipal water supply and sewage systems, only those highway commercial establishments which place no demands for water supply or sewage disposal, beyond the requirements normally considered necessary for the personal use of employees, shall be permitted without a detailed hydrogeological and soil analysis report with respect to the adequacy of ground water supplies and the ability of soils to sustain development on the basis of private services. All private water supply and effluent treatment systems shall be installed in accordance with the standards and regulations of the authority responsible for their approval.
Land Use Compatibility	Regard shall be had for the compatibility of a highway commercial use with uses in adjoining areas so as to ensure that the use will not have a detrimental effect upon adjoining properties.
Grouping of Uses	Highway Commercial uses should be encouraged to develop in groups and should not be permitted to develop in an indiscriminate manner, particularly in those areas that demonstrate a high resource capability for agriculture or mineral aggregate resource extraction, or in areas that are environmentally sensitive.
Location	Wherever possible, highway commercial uses and activities should be encouraged to locate within or adjacent to the Hamlets along major roads and intersections.
Zoning	It shall be the policy of this Plan that highway commercial uses be included in a separate zoning classification in the implementing Zoning By-law.

**D4. EMPLOYMENT**

Types and Location	The land designated “General Employment”, “Service Employment” and “Power Generation Employment”, as shown on Schedules C and C1 is intended to provide the main locations for business and employment-generating activities.
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It is the policy of this Plan that the conversion of land within an ‘Employment’ land use designation to non-employment uses shall only occur as part of a municipal comprehensive review in accordance with Policy 2.2.6.5 of the Growth Plan for the Greater Golden Horseshoe and only where it has been demonstrated that the land is not required

for employment purposes over the long term and that there is a need for the conversion.

## **D4.1 GENERAL EMPLOYMENT**

### **D4.1.1 General**

The land designated “General Employment” shall be used primarily for uses that have one or more of the following characteristics:

- a) large physical size of site or facilities;
- b) outdoor storage of materials, products or equipment;
- c) large production volumes or large product sizes;
- d) frequent or continuous shipment of products and/or materials;
- e) long hours of production and shift operations;
- f) likelihood of nuisances, such as noise, odour, dust or vibration; and/or
- g) multi-modal transportation facilities.

### **D4.1.2 Permitted Uses**

Range of  
Uses

Uses permitted include manufacturing, processing, storage, assembly, fabricating of goods and materials and assembly, wholesale distribution centres, warehousing, building or contracting yards, transportation terminals, repair and service operations, existing automotive recycling facilities and similar uses, business and professional offices, and research and development facilities. In addition, accessory sales outlets, truck and machinery rental, and sales and servicing, equipment repair and service shops may be permitted.

### **D4.1.3 Policies**

Location

General Employment uses shall generally be located in industrial areas containing similar uses, isolated from residential areas and boundary roads but with good arterial road access.

Private  
Services

Land designated General Employment outside the Urban Area are expected to develop on the basis of private water supply and sewage disposal systems. It is not anticipated that municipal servicing systems will be extended to service General Employment land outside the Urban Area. The installation of all private water supply and sewage disposal systems shall be in accordance with the standards and regulations of the authority responsible for their approval. The developer/owner shall be required to complete a detailed hydrogeological and soil analysis report prior to the installation of the private services. The report shall address the adequacy of the ground

water supply and the ability of the soils to sustain development on the basis of private services. In this regard, the comprehensive Zoning By-law shall limit the uses permitted in the General Employment areas serviced by private services to those characterized as 'dry' industries, and the By-law may restrict permitted uses to those that exist when the By-law is passed by Council.

Criteria for  
Outdoor  
Storage

Outdoor storage of goods, materials and equipment may be permitted in the General Employment land use designation subject to the following policies:

- a) all storage areas will be located away from adjacent areas, or have adequate buffering that will visually screen the storage areas from adjacent areas;
- b) all buffering, fencing and screening is such that it visually enhances the site and is of permanent nature; and
- c) where natural landscaping is utilized as part of the buffering, it shall be of an adequate size and nature to screen the outdoor storage.

Accessory  
Retail

An accessory retail use shall be limited to 10% of the total floor area of the main use but in no case shall be greater than 75 square metres of gross floor area. This limitation may be reduced or eliminated by Council provided that the proponent demonstrates to the satisfaction of the Municipality that any market impacts on other commercial areas are acceptable.

Building  
Design

A high standard of building and site design, landscaping and signage will be encouraged in the implementing Zoning By-law and through site plan approval. Landscaping will be provided to define and enhance the appearance of roads and pedestrian spaces, to buffer adjacent dissimilar uses and to minimize the visual impact of parking and loading areas.

Prohibition

The following commercial uses shall be prohibited on land designated General Employment:

- a) automobile service stations;
- b) autobody paint and repair;
- c) commercial 'self-storage' warehouses; and
- d) residential uses.

## **D4.2 SERVICE EMPLOYMENT**

### **D4.2.1 Permitted Uses**

Range of  
Uses

The uses permitted in the Service Employment land use designation shall include:

- a) assembling, warehousing and wholesaling of goods and materials within wholly enclosed buildings;
- b) service commercial uses such as banks, restaurants, personal service stores and convenience commercial uses;
- c) business and professional offices;
- d) scientific, technological or communication establishments;
- e) research and development facilities;
- f) automobile, boat and recreational vehicle sales and service centres and automobile dealerships;
- g) hotels and motels;
- h) private and commercial schools;
- i) recreation, banquet halls and health clubs; and,
- j) an accessory retail use internally integrated as a component of a permitted use.

Accessory  
Retail

An accessory retail use shall be limited to 10% of the total floor area of the main use but in no case shall be greater than 75 square metres of gross floor area. This limitation may be reduced or eliminated by Council provided that the proponent demonstrates to the satisfaction of the Municipality that any market impacts on other commercial areas are acceptable.

### **D4.2.2 Policies**

All undeveloped parts of the lots shall be landscaped consistent with the intended high quality image.

Buffering may be required to ensure visual compatibility.

Building  
Design

A high standard of building and site design, landscaping and signage will be encouraged in the implementing Zoning By-law and through site plan approval. Landscaping will be provided to define and enhance the appearance of roads and pedestrian spaces, to buffer adjacent dissimilar uses and to minimize the visual impact of parking and loading areas.

Location

Service Employment uses shall generally be located along arterial roads that provide good visibility to such areas.

Private  
Services

Land designated Service Employment outside the Urban Area is expected to develop on the basis of private water supply and sewage disposal systems. It is not anticipated that municipal servicing systems will be extended to service Service Employment land outside the Urban Area. The installation of all private water supply and sewage disposal systems shall be in accordance with the standards and regulations of the authority responsible for their approval. The developer/owner shall be required to complete a detailed hydrogeological and soil analysis report prior to the installation of the private services. The report shall address the adequacy of the ground water supply and the ability of the soils to sustain development on the basis of private services. In this regard, the comprehensive Zoning By-law shall limit the uses permitted in the Service Employment areas serviced by private services to those characterized as 'dry' industries, and the By-law may restrict permitted uses to those that exist when the By-law is passed by Council.

The following commercial uses shall be prohibited on land designated Service Employment:

- a) automobile service stations;
- b) autobody paint and repair;
- c) commercial 'self-storage' warehouses; and
- d) residential uses.

#### **D4.3**

#### **POWER GENERATION EMPLOYMENT**

Ravine  
Systems

Council shall ensure the conservation of all ravine systems as part of the development of the Employment - Power Generation lands.

Main and  
Accessory  
Uses

The principle use of lands designated Power Generation Employment shall be electrical power generating facilities. Other industrial uses considered incidental and subordinate to an electrical power generating station (including workshops, warehousing, recycling facilities and utility functions), as well as agricultural operations, may also be permitted on these lands provided they will not interfere with the long-term development of the lands for their intended principal permitted use.

#### **D4.4**

#### **LOW-LEVEL RADIOACTIVE WASTE MANAGEMENT**

Federal  
Government  
Agreement

The Municipality of Port Hope has entered into a legal agreement with the Federal Government for the cleanup and safe long-term management of licensed and unlicensed low-level radioactive waste sites situated in the Municipality, which forms part of the Port Hope Area Initiative.

Location	Two sites were identified in the legal agreement as potential locations for long-term low-level radioactive waste management facilities.
Environmental Assessment	A Federal environment assessment study to address the long-term management requirements for low level radioactive waste located in the Municipality has been completed and has recommended consolidation of all low level radioactive waste into one site identified on Schedule C. Accordingly, the implementing Zoning By-law shall be amended to incorporate specific development controls on the selected site.
Low-Level Radioactive Waste Management Evaluation Area	Until the construction of the proposed long term management facility is completed, Council will prohibit a change of use of this site and the encroachment of new sensitive land uses within the evaluation areas delineated around the low-level radioactive waste management site identified as Low Level Radioactive Waste Management on Schedule C. Such a restriction shall be implemented through the holding provisions of this Plan under Section E7. The terms for the removal of the holding shall be established in consultation with the LLRWMO and the Canadian Nuclear Safety Commission (CNSC).
Other Sites	Within Ward 1 of the Municipality of Port Hope there are several licensed and unlicensed low-level radioactive waste sites, which are not identified on Schedule C1. Development or redevelopment of these sites shall be in accordance with the provisions of Section C6 of this Plan.
Importation	Council shall not support initiatives that would result in the importation of low-level radioactive wastes of any kind into the Municipality of Port Hope from other jurisdictions for disposal or long term management.

**D4.5           EXTRACTIVE INDUSTRIAL**

**D4.5.1        General**

Use            It is the intent of this Plan to protect this non-renewable resource and provide for its extraction in an orderly manner in relation to local and regional needs with minimal negative impacts. It is the further policy of this Plan to recognize only those areas licensed under the Aggregate Resources Act, as amended. The establishment of new operations, or the major expansion of existing operations, shall only be allowed by Amendment to this Plan. The provisions of Section C8 of this Plan shall also guide activities within the Extractive Industrial land use designation.

**D4.5.2        Permitted Uses**

Permitted Uses        The uses permitted within the Extractive Industrial land use designation shall include the extraction of sand, gravel and stone and

such other uses as are essential to the primary operation such as the blasting, dewatering, crushing, screening, washing and stockpiling of aggregate material.

Asphalt plants and concrete batching plants shall be permitted within the Extractive Industrial land use designation, provided the use is compatible with surrounding land uses and is recognized in the implementing Zoning By-law and provided such uses are accessory to the primary use of the site for extraction purposes and cease when extraction has been completed.

Accessory Uses Other accessory uses such as offices, weigh scales, equipment, recycling facilities, conveyors, parking and garage areas for trucks, as well as a mobile structure for the temporary living accommodations for security, or operations management staff, shall be permitted.

Alternative Uses Lands designated Extractive Industrial may also be used for agriculture, forestry, conservation and outdoor recreation, provided the use of the lands for such purposes does not preclude the extraction of the aggregate resource.

### **D4.5.3 Policies**

#### ***D4.5.3.1 General***

Licensed The Municipality of Port Hope is included within the area designated under the Aggregate Resources Act. All pit and quarry operations must be licensed by the Ministry of Natural Resources and Forestry and must meet the requirements of that Act.

MOECC Requirements All pit and quarry uses must satisfy the requirements of the Ministry of the Environment and Climate Change with respect to pumping and dewatering, water supply, solid and liquid waste disposal and control of emissions such as noise, dust and vibrations.

Designate Operations It shall be the policy of this Plan to designate only those areas that are currently licensed by the Ministry of Natural Resources and Forestry under the Aggregate Resources Act. Major expansion of existing operations beyond the boundaries of lands designated Extractive Industrial on Schedule C or the development of a new pit, shall require an Amendment to this Plan and the implementing Zoning By-law.

Holding Zone The lands within the Extractive Industrial designation which are not zoned for a pit or quarry shall be placed in a "holding" zone which will protect the lands from any incompatible development.

If aggregate operations will be occurring within 40 metres of an oil or gas pipeline right-of-way, the owner of the extractive operation shall

be required to make application to the National Energy Board pursuant to Section 81 of the National Energy Board Act.

Blasting

If blasting will be occurring within 300 metres of the right-of-way, the owner of the extractive operation shall be required to make application for approval to the oil or gas pipeline company prior to commencement of any blasting operations.

No pit shall be allowed to excavate so that the edge or rim of excavation is at a point less than 30 metres from the limit of any public road or 15 metres from any other property boundary, except as may be specifically permitted by the implementing Zoning By-law and licensed by the Ministry of Natural Resources and Forestry.

Incompatible  
Land Uses

It shall be the policy of Council that development adjacent to existing aggregate operations which would preclude or hinder their expansion or continued use or be incompatible for reasons of public health, public safety, or environmental impact shall not be permitted. Incompatible land uses in areas immediately surrounding Extractive Industrial areas and areas identified as having high mineral aggregate potential will only be permitted upon careful review of any severance application, rezoning application or other development proposal within the following distances:

- a) 300 metres of any sand or gravel pit above the water table;
- b) 300 metres for a pit below the water table; and
- c) 500 metres of a quarry.

Proponents may be required to complete a land use compatibility study to demonstrate consistency with the above policy.

Appropriate separation distances for proposed and existing aggregate operations are usually determined on a site specific basis. However, the Ministry of the Environment and Climate Change considers the influence areas noted above to have the greatest impact on sensitive land uses from the pit or quarry operation. Environmental studies (i.e. hydrogeological, noise) should be required to assess the impact if development occurs within these influence areas. These influence areas should be applied in reciprocal fashion to new sensitive land uses encroaching upon an existing extraction operation or lands committed for future extraction.

Consultation

Both the Ministry of Natural Resources and Forestry and the Ministry of the Environment and Climate Change shall be consulted in reviewing these applications.

Rehabilitation Council shall encourage the progressive rehabilitation of all operating pits in a manner that is compatible with adjacent land uses and mitigate negative impacts to the extent possible in a timely manner.

Prime Agricultural Land Rehabilitation in agricultural areas shall be subject to the policies of Section C8 of this Plan.

Redesignation and Rezoning After Extraction It shall be the policy of this Plan that once removal of the aggregate resource material has been completed, the lands shall be redesignated and rezoned through the submission of applications, to a land use designation and a zone classification reflective of the surrounding land use designations and zones.

Zoning Category It is the policy of this Plan that Extractive Industrial areas be zoned in a separate zoning category in the implementing Zoning By-law. In accordance with the provisions of this section of the Plan, asphalt plants and concrete batching plants shall be specifically restricted to those areas zoned for such purposes in the implementing By-law.

#### **D4.5.3.2 Expanded or New Extractive Industrial Sites**

Criteria for New or Expanded Operations In considering an application for an amendment to this Plan to permit a major expansion to an existing Extractive Industrial site or to establish a new Extractive Industrial site, Council shall only approve such application where:

- a) the use is in keeping with provincial legislation, policies and appropriate guidelines, including the Oak Ridges Moraine Conservation Plan where applicable;
- b) the proponent mitigates potential negative impacts of the extraction and/or operation on surrounding and/or sensitive land uses;
- c) the effects on the quality and quantity of groundwater and surface water are shown to be acceptable;
- d) the impact on significant or sensitive natural features and functions are shown to be acceptable or can be mitigated or compensated;
- e) the traffic impacts of the proposed use, including haulage routes and traffic creation, are shown to be acceptable; and
- f) a zoning by-law amendment is approved by Council.

Protection of Dissimilar Uses In considering an application for an amendment to this Plan or the implementing Zoning By-law to permit a major expansion to an Extractive Industrial site or to establish a new Extractive Industrial site, Council shall ensure a reasonable degree of protection for adjacent,

dissimilar land uses. In this respect Council shall have regard for the following matters:

- a) extractive operations shall generally be separated by a buffer zone from adjacent residential uses. Council shall set these separation distances, in consultation with the Ministry of the Environment and Climate Change and Ministry of Natural Resources and Forestry so as to limit land use conflicts with surrounding uses;
- b) Council, in consultation with the Ministry of Natural Resources and Forestry, the Ganaraska Region Conservation Authority and the Ministry of the Environment and Climate Change, shall consider the impact of the proposed pit on the physical environment, with particular emphasis on groundwater and surface drainage patterns, noise, vibration, dust or other contaminants;
- c) Council shall consider the effects of haulage routes and the traffic generated by the extractive operation on surrounding land uses;
- d) Council shall consider the financial impact of road maintenance and upgrading which may be required as a result of traffic generated by the pit;
- e) the proposed manner in which the site is to be rehabilitated; and,
- f) such other matters as Council may consider necessary.

Site Plan

In considering an application for an amendment to this Plan to permit a major expansion of an existing Extractive Industrial site or to establish a new Extractive Industrial site, Council shall require that the application be accompanied by drawings containing the following information:

- a) a survey plan of the property and a sketch map of the topographic contours, dimensions, area and location of the property, together with the delineation of adjacent property holdings intended for future extractive operations, as is normally required by the Ministry of Natural Resources and Forestry;
- b) a site plan indicating the extent and location of tree cover, fences, wells and other significant natural features on the site and within 150 metres thereof;
- c) the existing use of all land and the location and use of all buildings and structures within 150 metres and all wells within

300 metres of the extractive operation, diagrammatically represented on a sketch attached to the site plan;

- d) a description of the location, height, dimension and use of all buildings or structures proposed to be erected on the site, as well as existing and anticipated final grades of excavation, cross sections shown by contours where necessary, excavation setbacks, stockpiles, drainage provisions, and proposed entrances and exits to and from the operation;
- e) the proposed location and extent of fences, tree cover, earthen berms and landscape buffer planting as well as a description of trees as to type and species;
- f) the depth of the existing water table and the maximum depth of excavation;
- g) the sequence and direction of extractive operations and progressive rehabilitation; and
- h) a description of the proposed rehabilitation of the property with the termination of operations as to levelling, grading and replacing of topsoil, and if possible, the intended sequential use of the land.

Site plans prepared in accordance with the Aggregate Resources Act are acceptable for the purposes of this policy.

## **D5. MAJOR INSTITUTIONAL**

### **D5.1 GENERAL**

Institutional land uses are considered to be supportive of and complementary to other uses within the Municipality. Institutional uses are classified into two functional categories - Major Institutional and Minor Institutional - based on potential land use impacts and potential conflicts with residential and other land uses. Minor Institutional land uses are permitted as-of-right on land designated for residential uses, subject to certain conditions set out in this Plan and subject to an amendment to the comprehensive Zoning By-law.

### **D5.2 PERMITTED USES**

Permitted  
Uses

The primary uses permitted in the areas designated Major Institutional on Schedules C and C1 are cultural, educational, health, welfare, religious and government activities and related uses. Residential uses in the form of nursing homes, retirement homes, homes for the aged, senior citizen apartments or similar institutional facilities shall also be permitted.

### **D5.3**

### **POLICIES**

Major institutional uses such as clinics, nursing and rest homes, homes for the aged, funeral homes, community centres, arenas, religious institutions with a site area of 1.0 ha. or greater, large-scale cemeteries, private schools, secondary schools and civic buildings can, by reason of their size and scale, the nature of activities or parking requirements constitute major centres of activity. The nature of these uses is such that sensitive integration of new or expanded uses is required to minimize potential effects of Major Institutional uses on adjacent land uses.

In recognition of the difficulties associated with attempting to predict land requirements for institutional uses, the following policies provide guidance to evaluate proposals to expand or to add new major institutional uses. Proposals to amend the Official Plan to permit a new or expanded major institutional use shall be evaluated according to the following criteria:

- a) The compatibility of the proposed development with surrounding land uses having regard to proposed height, setbacks, parking requirements and location, site coverage, the bulk, scale and layout of buildings, and the ability to implement planned future land uses in the area.
- b) The potential impact of traffic from the proposed use on the public road system and surrounding land uses and any necessary functional transportation improvements required to support the use.
- c) The availability and adequacy of utilities and sewer and water facilities to service the site shall be assured.
- d) The effect of the proposal on Natural Heritage Features or the effect of environmental constraints on the development shall be minimized.

Where full municipal water and sewerage services are not available, nursing homes, rest homes, home for the aged or similar institutional uses providing multiple residential accommodation shall only be permitted where adequate long term water supply and sewage disposal systems have been approved by the approval authority.

## **D6. PARKS AND OPEN SPACE**

### **D6.1 PARKS**

The land designated “Parks” on Schedules C and C-1 is intended to provide the main locations for recreation and leisure activities and facilities.

Types of  
Parks

For the purpose of this Plan, Parks are further classified as follows:

- a) Community Parks that are designed for the recreation and leisure activities of all residents and/or the broader regional population;
- b) Neighbourhood Parks that are designed for the recreation and leisure activities of the residents in a specific residential neighbourhood; and,
- c) Parkettes and Tot Lots that are designed for the recreation and leisure activities of residents within a defined service radius smaller than that of a residential neighbourhood.

Priority

Parks will be encouraged to have an area of 0.8 hectares or larger and meet the requirements of Neighbourhood Parks. Parkettes may be considered on a case by case basis subject to appropriate design and assessment of cost effective, limited maintenance functions.

Community  
Parks

Council shall provide Community Parks in accordance with the following standards:

- a) Community Parks shall be developed for the enjoyment of a diverse population and provide opportunities for all types of recreations, social and cultural activities, such as athletic fields, with lighting, facilities and community gardens;
- b) Community Parks shall be accessible by emergency services and generally be located with frontages along arterial roads to improve the visibility and accessibility of the site and provided with pedestrian and cyclist linkages;
- c) Community Parks may vary in size depending on the nature and extent of the facilities being provided and the purpose of the park. However, they should not be less than 8 hectares in size; and
- d) Community Parks may also include areas for passive recreation.

Neighbourhood  
Parks

Council shall provide Neighbourhood Parks in accordance with the following standards:

- a) Neighbourhood Parks shall be developed to serve the recreational needs of the people in the surrounding area and provide more limited opportunities for recreation than found in a Community Park and may include athletic fields without lighting, active play areas and areas for passive recreation;
- b) Neighbourhood Parks shall be accessible by emergency services and generally be located with frontages along arterial and collector roads, so as to improve the visibility and accessibility of the site and provided with pedestrian and cyclist linkages;
- c) Neighbourhood Parks may vary in size depending on the nature and extent of the facilities being provided and the purpose of the park. However, they should not be less than 0.8 hectares in size; and
- d) Neighbourhood Parks shall be located in the Urban Area and Hamlets and shall be designed to complement and contribute to the character of the surrounding neighbourhoods.

Parkette/Tot  
Lot Standards

Council shall provide Parkettes and Tot Lots in accordance with the following standards:

- a) Parkettes and Tot Lots shall be developed for the recreation and leisure needs of residents located generally within a 0.8 kilometre radius, such as playgrounds for young children and landscaping displays;
- b) Parkettes and Tot Lots should have frontages along a collector or local road and be provided with pedestrian and cyclist linkages;
- c) Parkettes and Tot Lots may vary in size depending on the nature and extent of the facilities being provided and the purpose of the park. However, they should generally not be less than 0.4 hectares in size; and
- d) Parkettes and Tot Lots shall be distributed throughout the Municipality of Port Hope and shall be designed to complement and contribute to the character of the neighbourhood it serves.

Adjacent  
Community  
Uses

Council shall encourage community facilities as well as emergency services to be located adjacent to parks where:

- a) there is direct access to an arterial or collector road;

- b) appropriate physical services can be provided;
- c) the use shall be compatible with the surrounding area in terms of scale, massing, height, siting, orientation and setbacks; and
- d) adequate off-street parking can be provided.

Private Lands Privately owned lands that are designated as Parks shall not be construed as implying that such areas are free and open to the general public, nor that they shall necessarily be purchased by the Municipality of Port Hope.

Master Plan Council may authorize the preparation of a parks master plan that:

- a) examines the long-range recreation and leisure requirements of residents;
- b) assesses the current supply of available facilities and services; and
- c) provides principles, policies and actions that address long terms parks and open space needs.

**D6.2 OPEN SPACE**

Intent The land designated Open Space on Schedule C-1 is intended to provide for the protection and conservation of watercourse systems within the Urban Area, specifically the Ganaraska River, Gages Creek and Little’s Creek, as well as other areas identified as Flood Plain and Lake Ontario Shoreline and Flood Plain on Schedule B-1 and to recognize other pockets of land requiring protection from development. Accordingly, uses permitted in such areas are nature reserves and passive recreation and leisure activities and facilities.

The land designated Open Space on Schedule C is limited to an undeveloped area east of Baulch Road, north of Marsh Road, currently owned by the Federal Government that is expected to remain undeveloped due to the potential impacts from nearby land uses.

Council shall protect environmentally sensitive land designated Open Space from incompatible development. Accordingly, any proponents of development adjacent to lands designated Open Space on Schedule C-1 may be required to complete an environmental impact study to the satisfaction of Council. The identification of adjacent lands subject to this requirement shall be determined on a site-specific basis by Council, in consultation with the province and/or the Ganaraska Region Conservation Authority.

Private Lands Privately owned lands that are designated as Open Space shall not be construed as implying that such areas are free and open to the

general public, nor that they shall necessarily be purchased by the Municipality of Port Hope.

Flexibility To maintain a reasonable degree of flexibility for the use of lands adjacent to these watercourses, Council shall use the implementing zoning by-law and other regulatory powers to protect against incompatible development in these areas and allow for appropriate activities which are properly designed and located to maintain these corridors and functions. Building setbacks and other forms of buffering shall be required to minimize the potential impacts on the development of these areas.

## **D6.3 NATURAL ENVIRONMENT**

### **D6.3.1 General**

Intent The land designated Natural Environment outside of the Urban Area is intended to provide for the protection and conservation of the Municipality of Port Hope's most environmentally significant and sensitive natural areas, including flood plains and provincially significant wetlands, excluding those on the Oak Ridges Moraine, which are subject to other specific policy provisions in this Plan.

### **D6.3.2 Permitted Uses**

Uses permitted in the Natural Environment designation are nature reserves and wildlife management. In addition, Council may permit ancillary passive recreation and leisure facilities, such as non-motorized trail uses and nature appreciation facilities, provided:

- a) the ancillary use is clearly incidental and secondary to, and complementary with, the main Natural Environment use; and
- b) the ancillary use does not negatively impact upon the natural features and functions of the site.
- c) Existing agricultural uses are permitted to continue in or adjacent to the Natural Environment designation.

### **D6.3.3 Policies**

Private Lands Privately owned lands that are designated Natural Environment shall not be construed as implying that such areas are free and open to the general public, nor that they shall necessarily be purchased by the Municipality of Port Hope.

Incompatible Development Council shall protect lands designated Natural Environment from incompatible development. Accordingly, any proponents of development adjacent to lands designated Natural Environment may be required to complete an environmental impact study to the satisfaction of Council. The identification of adjacent lands subject to

this requirement shall be determined on a site-specific basis by Council, in consultation with the province and/or the Ganaraska Region Conservation Authority.

Council shall encourage the designation of lands located within the municipality that are environmentally significant or sensitive natural areas as Natural Environment lands to provide for their protection and conservation.

## **D7. AGRICULTURE**

### **D7.1 PRIME AGRICULTURE**

#### **D7.1.1 General**

Protect  
Agricultural  
Land

It is the policy of this Plan to maintain a permanent and viable agricultural industry throughout the Countryside Area. Agriculture is recognized as an important component of the economic base, a source of employment, and the basis of the rural way of life. It is therefore the intent of this Plan to protect prime agricultural land suitable for agriculture production from scattered development and land uses that are unrelated to agriculture. The predominant form of land use within the Prime Agriculture designation shall be agricultural and agriculture-related uses. All types, sizes and intensities of agricultural uses and normal farm practices are to be promoted and protected.

Soil  
Classification

The Prime Agriculture areas represent soils primarily within Classes 1, 2 and 3 of the Canada Land Inventory, Soil Capability for Agriculture; and Class 4 soils that are adjacent to Classes 1 through 3, and which form part of a large and contiguous block of better agricultural lands.

#### **D7.1.2 PERMITTED USES**

Permitted  
Uses

The predominant use of land within those areas designated as Prime Agriculture shall be agriculture and agriculture-related uses inclusive of associated residential dwellings. It is the intent of this Plan that agriculture uses include the use of lands, buildings, and structures for the purpose of livestock production, poultry and poultry products, the raising and training of horses including riding and boarding stables, and raising of other animals for fur, food and fibre, orchards, tobacco crops, maple syrup operations, biomass, and other similar forms of crop production, aquaculture and fish hatcheries, aviaries, apiaries, market gardening, nurseries and nursery gardens or other similar uses, and activities as are normally carried on in the field of agriculture. Permitted uses include associated on-farm buildings and structures, including but not limited to livestock facilities, manure storages, value-retaining facilities, and accommodation for full-time

farm labour when the size and nature of the farm operations requires additional employment. Other uses permitted may include conservation, forestry, agro-forestry, and reforestation, and bed and breakfast establishments and related passive recreational uses, as on-farm diversified uses.

Associated  
Uses

Notwithstanding any other provision of this Plan to the contrary, within the Agricultural - Prime land use designations, limited agricultural service and supply industries such as a farm implement dealer, a feed mill or seed cleaning plant, an agricultural produce warehouse, an abattoir or other similar agri-business may be permitted without an amendment to this Plan provided alternative locations within areas designated other than Prime Agriculture are not available and there are no reasonable alternative locations in the Prime Agriculture designation with lower priority agricultural land. Agriculture-related uses shall be compatible with, and shall not hinder surrounding agricultural uses.

Additionally, on-farm diversified uses that are secondary to the principal agricultural use of the property, and are limited in area may be permitted. These may include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products. On-farm diversified uses shall be permitted only if they are compatible with, and do not hinder surrounding agricultural operations.

It shall further be the policy of this Plan that such uses shall only 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.

Agriculture-related uses may also be permitted which may include farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity, such as grain drying, handling, and storage facilities.

### **D7.1.3**

#### **Policies**

Non-farm  
Development

It shall be the policy of this Plan to limit the development of non-farm development within the Prime Agriculture area designation and to prohibit scattered development leading to the unnecessary fragmentation of farmland. Non-farm related uses and residential uses shall generally be required to locate within hamlets or in other areas where such uses are permitted.

Such uses shall generally be encouraged to consolidate into groups within or adjacent to existing communities or in areas of marginal agricultural value. Regard shall be had to the following matters in reviewing applications for the development of such uses:

- a) the compatibility of the proposed use with surrounding land uses; and
- b) the siting and design of the proposal so as to ensure the provision of adequate off-street parking and loading facilities, appropriate setbacks, landscaping and buffering, and that any lighting or signs are arranged so as to blend in with the character of adjacent uses.

Any non-farm related development, such as commercial or industrial uses, must be shown to be compatible with adjacent agricultural operations and impacts on surrounding agricultural operations mitigated to the extent feasible.

Applications for the erection, extension or enlargement of non-farm uses, shall comply with the provisions of the Minimum Distance Separation formulae as established by the Province in order to minimize odour conflicts between livestock facilities and development, as amended from time to time. Limited residential infill construction on existing lots of record must be within an existing rural residential or cluster of non-farm residential development. Residential infilling is not otherwise permitted in the Prime Agriculture designation.

Non-farm  
Related  
Development

The establishment of non-farm, non-residential uses may be permitted within the Prime Agriculture designation subject to demonstrating there is a need for additional land to be designated to accommodate the proposed use; the proposed development complies with the Minimum Distance Separation formulae, there are no reasonable alternative locations which avoid Prime Agriculture designated areas; and there are no reasonable alternative locations in the Prime Agriculture designated areas with lower priority agricultural land. The establishment of such uses may only be permitted subject to the approval of an amendment to the Official Plan and implementing Zoning By-law. The amendments will specify the exact uses to be permitted in the Prime Agriculture designation at the subject location, while allowing agricultural uses to continue without amendment to this Plan.

New or  
Expanded  
Livestock  
Operations

New livestock or expansions to livestock facilities will only be established adjacent to existing or approved development in accordance with the Minimum Distance Separation formulae established by the Province in order to minimize odour conflicts

between livestock facilities and development, as amended from time to time.

Second Dwelling

A bona-fide farmer may be permitted to establish a second dwelling unit on a farm when the size of and nature of the operation requires additional employment, provided that such dwelling unit is to be occupied by persons engaged on a full-time basis on such farm. It shall further be the policy of this Plan that the unit shall be encouraged to locate in the existing residential structure in order to use existing services, e.g. septic tanks. An assessment of the adequacy of services may be required prior to the issuance of a building permit. Alternatively, the second dwelling house may take the form of a mobile home dwelling unit. No land severance shall be granted for such farm-related dwelling.

For purpose of determining a bona-fide farmer, reference may be had to their membership in a legitimate farm organization, eligibility for a property tax reduction and the definition contained in the Appendix to this Plan.

Temporary Housing

An individual farmer, who derives a substantial portion of their yearly income from the on-going operation of the farm, may be permitted to establish temporary housing in the form of a mobile home, provided that such a unit is to be occupied by persons engaged on a full time basis on such a farm or who significantly assists in the day-to-day operation of the farm. In no case shall a land severance be granted for such a temporary dwelling.

Lot Consolidation

Council and the Committee of Adjustment shall encourage existing lots of a size too small to be viable agricultural units to be consolidated with adjacent farm properties.

Home Occupation

Home occupation uses shall be permitted as an accessory use to a permitted residential use within the Prime Agriculture land use designation.

On-farm Diversified Uses

On-farm diversified uses may be permitted on a farm property as part of the farm unit. On-farm diversified uses are intended to provide the farm family with a secondary or supplementary means of income. The uses permitted are to be small scale in nature and they should be clearly secondary to the principal use of the farm property for farming purposes. Such uses include farm-related commercial activity such as pick-your-own operations, attractions which rely on normal farm materials, farm vacations, and other uses which do not detract from the farming activities or adjacent properties.

Criteria

Before an on-farm diversified use shall be permitted it must satisfy all of the following criteria:

- a) An on-farm diversified use can be conducted only by residents of the farm property in question, or employees who are employed full-time in the farm operation;
- b) The types of uses permitted as on-farm diversified uses should be limited to those involved in the manufacture or fabrication of goods (e.g. farm gates, hay bale elevators, animal feeders), uses considered to be trade occupations (e.g. electrician, plumber, carpenter, welder) and those occupations that are related to agriculture and farming;
- c) The uses proposed must be clearly secondary and incidental to the principal use of farming on the subject property. It must be such that the activity does not result in the loss of good and/or productive farmland. It cannot occupy a building area that is necessary for, or essential to, the ongoing farm operation, and it must in no way impede or interfere with the ability of the farmer to conduct his/her farming operation;
- d) All on-farm diversified uses shall be conducted inside buildings and/or structures unless the nature of the use requires an outdoor component. These buildings shall all either be conversion from existing farm buildings, or shall be buildings that can be converted to farm use. Further, all buildings and structures used in connection with the on-farm diversified use must be located in proximity to the principal farm buildings;
- e) An on-farm diversified use must be operated as part of the farm unit and must cease if the farm operation is discontinued. Secondary farm occupation uses shall not be permitted as a separate or independent use from the farm operation. Any proposal to separate or sever an on-farm diversified use from a farm property shall not be permitted;
- f) The use must be such that it does not generate vehicular traffic beyond that which is normally associated with a farming activity on a farm unit. Vehicular access to the use shall be by a driveway that serves the farm unit. A separate access driveway serving an on-farm diversified use shall not be permitted; and
- g) An on-farm diversified use shall not be placed in a separated zone category in the implementing Zoning By-law, but rather shall be considered as a permitted use in the Agricultural Zones established in the Zoning By-law. The Zoning By-law

shall establish provisions for on-farm diversified uses that are consistent with the criteria contained in this section.

Existing Legal  
Lots of  
Record

Notwithstanding any other provision of this Plan to the contrary, the Prime Agriculture designation shall not serve to preclude the issuance of building permits on existing legal lots of record for residential purposes, provided such lot complies with the provisions of the implementing Zoning By-law, and the new dwelling will comply with the Minimum Separation Distance I formulae established by the Province, as amended from time to time.

Forest  
Resources

Where lands are designated as Prime Agriculture on Schedule C, landowners shall be encouraged to recognize the forest resource as an integral part of their total agricultural operation, both as a source of income from various forest products, and as an important agent in providing essential soil and water conservation benefits. In this respect landowners shall be encouraged to:

- a) manage forest resources in accordance with proper forest management practices, in consultation with the Ministry of Natural Resources and Forestry;
- b) retain existing tree cover, in so far as it is practical;
- c) as appropriate, maintain and establish tree and shrub cover on low agriculture capability soils, and in hazardous areas such as steep slopes, major drainage swales, and flood prone areas, in order to reduce run-off rates and minimize soil erosion;
- d) encourage the retention and establishment of windbreaks to reduce wind erosion; and,
- e) encourage reforestation on non-productive farmland.

Utility &  
Transportation  
Corridors

If utility and transportation corridors intrude on Prime Agriculture areas, Council shall attempt, wherever possible, to ensure the continuation of the existing networks while minimizing the disruption on farm units and households, and ensuring the continuity of the agricultural community as a whole.

Zoning

The implementing Zoning By-law shall establish an appropriate Zone(s) with standards and controls to implement the policies established for the Prime Agriculture designation.

## **D7.2**

## **GENERAL AGRICULTURE**

### **D7.2.1**

### **General**

It is the policy of this Plan to maintain a permanent and viable agricultural industry throughout the Municipality. Agriculture is

recognized as an important component of the economic base, a source of employment and the basis of a rural way of life.

Protect  
Agricultural  
Land

Therefore, it is the intent of this Plan to also protect agricultural land less suitable for agricultural production than the land found in the Prime Agriculture land use designation from scattered development and land uses which are unrelated to agriculture. However, the Municipality may permit limited non-farm growth in the General Agriculture areas, provided it shall not interfere with or limit surrounding farm activity and appropriate infrastructure is available or will be made available. The development in the General Agriculture area shall be primarily by consent to a land severance.

Soil  
Classification

The General Agriculture area represent soils primarily within Classes 5, 6 and 7 and Organic Soils of the Canada Land Inventory, Soil Capability for Agriculture; Class 4 soils which are adjacent to Classes 5, through 7 and form part of a large and contiguous block of poorer agricultural land; and areas where previous non-farm development has effectively limited the future of intensive farm activity.

### **D7.2.2 Permitted Uses**

Permitted  
Uses

The predominant use of land within the General Agriculture designation may include all agricultural uses outlined in Section D7.1.2 of this Plan, and the following provided they do not interfere with agricultural operations:

- The management or use of resources;
- Resource-based recreational uses (including recreational dwellings);
- Limited residential development;
- Home occupations and home industries;
- Cemeteries; and
- Other rural land uses that may include community facilities, outdoor recreational facilities such as golf courses, hiking and cross country ski trails and bed and breakfast establishments.

Notwithstanding any other provision of this Plan to the contrary, within the General Agriculture use designations, limited agricultural service and supply industries such as a farm implement dealer, a feed mill or seed cleaning plant, an agricultural produce warehouse, an abattoir or other similar agri-business may be permitted without an amendment to this Plan.

### **D7.2.3 Policies**

Non-farm  
Related Uses

It shall be the policy of this Plan to discourage the development of non-farm related uses within the General Agriculture areas and to prevent scattered development leading to the unnecessary

fragmentation of farmland. The policies of Section D7.1.3 also apply to those lands designated as General Agriculture on Schedule C.

Notwithstanding any other provision of this Plan to the contrary, the General Agriculture designation shall not serve to preclude the issuance of building permits on existing legal lots of record for residential purposes, provided such lot complies with the provisions of the implementing Zoning By-law and the new dwelling will comply with the Minimum Separation Distance I formulae established by the Province, as amended from time to time.

Where lands are designated as General Agriculture on Schedule C, landowners shall be encouraged to recognize the forest recourse as an integral part of their total agricultural operation, both as a source of income from various forest products, and as an important agent in providing essential soil and water conservation benefits. In this respect landowners shall be encouraged to:

- a) manage forest resources in accordance with proper forest management practices, in consultation with the Ministry of Natural Resources and Forestry;
- b) retain existing tree cover, in so far as it is practical;
- c) as appropriate, maintain and establish tree and shrub cover on low agriculture capability soils, and in hazardous areas such as steep slopes, major drainage swales, and flood-prone areas, in order to reduce runoff rates and minimize soil erosion;
- d) retain and establish windbreaks to reduce wind erosion; and,
- e) reforest non-productive farmland.

## **D8 SPECIAL SITE POLICIES**

Areas identified on Schedule C – Land Use and Schedule C1 - Land Use - Urban Area Detail by a \* followed by a number are subject to site specific policies, as outlined below. The underlying land use designation and policies related to these lands as indicated on Schedule C – Land Use and Schedule C1 – Land Use Urban Area Detail should be read in conjunction with the special site policies outlined below.

- \*1 Lands located on the south side of Young Street west of Hope Street North.

Notwithstanding anything in this Plan to the contrary the lands identified as \*1 shall be used only for the purposes of a residential apartment building, have a maximum height of one

storey and not containing more than eight residential apartment dwelling units.

- \*2 Lands located on the east side of Cavan Street between Highland Drive and Bedford Street (former file factory).

Notwithstanding anything in the Plan to the contrary, the lands identified as \*2 shall also be subject to the following policies:

1. automobile, boat and recreational vehicle sales and service centres and automobile dealerships are prohibited;
2. uses pursuant to Section D2.1.4 High Density Residential of this Plan are permitted provided that the implementing Zoning By-law amendment and Site Plan Agreement contains appropriate provisions to regulate the development of the subject lands and without limiting the generality of the foregoing, shall include provisions to ensure flood-proofing to a level acceptable to the Municipality and the Ganaraska Region Conservation Authority.

- \*3 Lands located at the southwest corner of Hamilton Road and Burnham Street.

Permitted uses shall only include limited office and small scale retail and personal service uses which serve the needs of the nearby residential area.

These uses would include:

- a) Retail stores such as convenience stores, drug stores, florist, specialty stores;
- b) personal service stores, such as barber shops, hair stylists, dry cleaning depots and tailors;
- c) certain service commercial uses such as banking machines only if included with the main permitted use.
- d) business and professional offices.

All permitted uses shall be limited in size in the implementing by-law in accordance with a site plan to be approved by Council.

The maximum height of buildings shall not exceed one storey.

Adequate buffering shall be provided between these lands and adjacent residential areas, such buffering shall include the provision of grass strips, berms, screening, appropriate

planting of trees and shrubs, or other suitable screening material.

- \*4 Lands located west of Hope Street North generally between Howard Street and Bennett Court (Ministry of Transportation lands).

Notwithstanding anything in this Plan to the contrary, on the lands identified as \*4 a Ministry of Transportation yard, buildings, structures and uses accessory thereto and civic/municipal offices, shall be permitted and placed in an appropriate category in the Municipality's Zoning By-law. Any change in the use of these lands, or a portion thereof, for a use other than 'Medium Density Residential', shall be by amendment to this Plan. Where appropriate, in consultation with the GRCA and MNR, the Municipality may wish to provide for public access to the Ganaraska River through the redevelopment of these lands.

- \*5 Lands located between Ontario Street and Wellington Street, generally between Croft Street and Oxford Street.

Notwithstanding anything in the Plan to the contrary, the lands identified as \*5 shall be subject to the following policies:

1. the following uses are prohibited:
  - a) assembling, warehousing and wholesaling of goods and materials within wholly enclosed buildings;
  - b) automobile, boat and recreational vehicle sales and service centres and automobile dealerships.

- \*6 Lands located between the Rose Glen Road and the Gages' Creek, south of the CNP rail line.

Notwithstanding anything in this Plan to the contrary, the lands identified as \*6 may be used for public works and facilities related to the operation of the Municipality's Water Pollution Control Plant (WPCP). Appropriate expansion of the facilities shall be permitted without need for amendment to the Plan. Enlargement of the land area identified as part of the WPCP should recognize the significance of adjacent natural areas, and may be subject of further amendment to this Plan.

\*7 Centre Pier and Central Waterfront

Notwithstanding anything in this Plan to the contrary, the lands identified as 7 adjacent to and abutting the Lake Ontario Shoreline, including the west side of the harbour and the east side of the Ganaraska River, may be used for a variety of marina, tourist, public sector and commercial activities, as limited by the constraints of the flood plain and other constraints as identified by the GRCA. Such uses should constitute an active and built presence on the Centre Pier, and should contribute to a dynamic extension of the urban area from Walton Street to the waterfront.

Any lands created by lake fill operations or shoreline modifications shall be subject to the review and approval of appropriate federal and provincial authorities.

Guidance for use of this area will have regard for the Consolidated Waterfront Master Plan as a starting point. Goals, objective and design guidelines to be developed by the Waterfront and Harbour Working Group in consultation with the Department of Parks, Recreation and Culture and approved by Council. All land uses in this area to be considered in conjunction with the CIP for the area and permitted by way of amendment to the Zoning By-law.

Policy 7A & 7B: East Beach and West Beach

Notwithstanding anything in this Plan to the contrary, the publicly owned lands adjacent to and abutting the Lake Ontario Shoreline, known as East Beach and West Beach respectively, shall be used primarily for public recreation and leisure purposes, and shall include access, parking and supportive amenities. The privately owned lands within Special Site Areas 7A and 7B shall be limited to uses which are compatible with the adjacent public recreational uses.

Any lands created by lake fill operations or shoreline modifications shall be subject to the review and approval of appropriate federal and provincial authorities.

Guidance for use of this area will have regard for the Consolidated Waterfront Master Plan as a starting point and from new goals, objective and design guidelines to be developed by the Waterfront and Harbour Working Group, in consultation with the Department of Park, Recreation and Culture, and approved by Council. All land uses in this area shall be used in accordance with the Zoning By-Law and may require an amendment if necessary.

- \*8 Lands located between the Lake Ontario Shoreline and west of the Centre Pier (Cameco).

Notwithstanding anything in this Plan to the contrary, on the lands identified as \*8 on the Lake Ontario Shoreline, the use of the lands for the purposes of the processing, manufacturing, and storage of uranium or other process related products shall be permitted. In addition to the permitted industrial activities, administrative, research, and scientific offices and facilities shall also be permitted. Use of the lands for alternate purposes shall be subject to further review by amendment to this Plan. Decommissioning of the lands will be subject to prevailing standards and requirements of the appropriate Federal and/or Provincial authorities having jurisdiction.

- \*9 Penryn Park Estate

Notwithstanding anything in this Plan to the contrary, the land identified as \*9 on Schedule C1 Land Use-Urban Area Detail, shall be developed in accordance with the approvals granted by the Ontario Municipal Board (OMB) as outlined in OMB Decisions/ Orders 1463, 1075, 1900, 0027 and 2292 issued on October 30, 2003, June 16, 2004, December 8, 2004, January 10, 2005 and August 29, 2005 respectively. Any further development approvals required for these lands shall therefore be addressed and considered in the context of those approvals only.

- \*10 28 Ellen Street

Lands described as Parts 1 and 2, Plan 9R-1611, municipally known as 28 Ellen Street in Ward 1 of the Municipality of Port Hope.

- a) In addition to the permitted uses in the Residential – Low Density designation, on the lands identified as \*10 a “Business or Professional Office - Medical” may be permitted.
- b) Adequate vehicular parking shall be provided on the subject lands in accordance with the Zoning By-law.
- c) It shall be a policy of this Plan that Council will utilize the holding “H” symbol within the Implementing Zoning By-law for those lands designated “Special Site Policy 10”.

The holding provision on Special Site \*10 was removed by By-law 33/2008 and a site plan was approved by By-law 32/2008.

\*11 Lands located in Part of Lot 2, Concession 2

For those lands designated Highway Commercial and located in part of Lot 2, Concession 2, the uses permitted shall include a factory outlet mall which shall be for the purposes of offering for sale by the manufacturer, goods produced by the manufacturer. Other permitted uses of a service or retail nature shall be accessory and incidental to the factory outlet mall. In addition these lands may be used for a farmers market, a craft and flea market, as well as for associated parking and uses accessory to County Road 28 Service Centre. The development of these lands may be phased. The Municipality shall use a holding zone in accordance with Section E7 of this Plan. Servicing requirements of the site shall be subject to Municipal water supply and Municipal sanitary sewer services, in accordance with the Servicing policies (Section C12) of this Plan. Any change in retail use from that described in this section shall require a market analysis to demonstrate that there will be limited impact on the existing retail structure of the Municipality.

\*12 Lands located in Part of Lots 13 and 14, Concession 2

Notwithstanding the policies of the Plan, for those lands designated “Low-Level Radioactive Waste Management” and located in Part of Lots 13 and 14, Concession 2, as identified on Schedule C Land Use – development shall be permitted with Municipal water and sewer services, without further amendment to the Plan, to the satisfaction of the Municipality of Port Hope.

\*13 Part of Lot 12, Concession Broken Front and Concession 1, formerly in the Township of Hope

Notwithstanding anything in this Plan to the contrary, the land identified as \*13 on Schedule C- Land Use, shall be used for golf course and uses, buildings and structures accessory thereto in accordance with approvals granted by the Ontario Municipal Board (OMB) as outlined in OMB Decisions/ Orders 1463, 1075, 1900, 0027 and 2292 issued on October 30, 2003, June 16, 2004, December 8, 2004, January 10, 2005 and August 29, 2005 respectively. Any further development approvals required for these lands shall therefore be addressed and considered in the context of those approvals only.

\*14 Notwithstanding Section D6.2 on those lands designated Open Space on Schedule C1 Land Use - Urban Area Detail, generally located south of Victoria Street South and north of the CPR Line and east of Special Policy Area \*9, a golf course and uses, buildings and structures accessory thereto shall be permitted.

\*15 Wesleyville Employment-General Lands

These lands shall only permit uses existing as of the day of the Council adoption of the Official Plan Amendment (with provisions for minor expansion or extensions to these uses), and that these lands shall be prohibited from further development until such time as a detailed Secondary Plan process has been completed to the satisfaction of Council and shall include components such as: land use designations, future development pattern, archaeological assessment, agricultural opportunities, a Cultural Heritage Master Plan, and Natural Heritage mapping and policies; for clarification, the lands owned by 'Ontario Power Generation' shall not be included in this Special Site Policy area.

\*16 Former CAMECO lands in Part Lot 35, BFC; Part 1, Plan 9R-813

Special Site "\*16" identifies lands owned by the Government of Canada and a former plan of subdivision which does not have access to open and maintained Municipal roads.

The Municipality's goal is to see the establishment of a nature reserve on the lands surplus to the Port Granby Project as set out in the March 2010 report of the End Use Advisory Committee and the Management Plan for the Port Granby Nature Reserve.

## **SECTION E IMPLEMENTATION**

This part of the Official Plan provides the various tools through which the policies of the Plan shall be implemented and interpreted.

### **E1. THE OFFICIAL PLAN**

#### **E1.1 MONITORING**

5-Year  
Update

Council shall hold a public meeting at least once every five years to consider the need for a complete review of the Official Plan or components of it. Public input shall be encouraged and received at a public meeting.

#### **E1.2 OFFICIAL PLAN AMENDMENTS**

The Plan is intended to be amended periodically as may be necessitated by changing conditions or the need to address matters considered important to the protection of the public interest.

Council  
Initiated  
Amendments

Council may initiate amendments to this Plan in response to changing conditions in the planning and development context in and around the Municipality and particularly in respect to the five-year review set out in Section E1.1, as a result of Provincial Policy Statement issued under Section 3 of the Planning Act.

Privately  
Initiated  
Amendments

Private requests for amendment to the Plan shall be considered in view of the policies and criteria set out in this Plan, as it relates to a particular land use activity. All proponents of applications for amendment to this Plan shall be required to provide information and materials satisfactory to the Municipality, and may be required to submit relevant studies referred to in Section C20 to evaluate and address the following matters:

- a) conformity to the overall intent and goals of this Plan;
- b) suitability of location for the proposed use;
- c) land use compatibility with surrounding lands, both existing and future;
- d) need for the proposed use;
- e) impact on hard and soft services including the availability of sufficient capacity at the Municipality's water treatment plant and sewage treatment plant;
- f) economic impact on the Municipality;
- g) impact to significant natural environmental features;

- h) establishment of precedent, if approved;
- i) comments available from the public and agencies involved in circulation; and,
- j) evaluation criteria outlined in the existing and proposed land use designations.

Where appropriate, Council may request reports from properly qualified professionals to address the above matters.

**E1.3 SECONDARY PLANS**

Location Secondary plans may be used to guide the development or redevelopment of portions of the urban area, hamlets, or rural employment areas within the Municipality of Port Hope. These plans are intended to provide specific schedules and policies for those areas where more detailed directions for land use, transportation, infrastructure or similar issues are required beyond the general framework provided by this Plan. Certain studies, as set out in Section C20 of this Plan shall be prepared in support of a secondary plan.

More Detailed Planning Secondary plans shall be prepared as required for portions of the urban area or hamlets in need of more detailed planning direction. Where such plans are prepared, the boundaries shall be identified on Schedules C and C1.

Conflicts Secondary plans shall be prepared to implement this Plan and may amend it as necessary. In the event of a conflict between a secondary plan and this Plan, the secondary plan shall prevail provided the strategic direction of this Plan is maintained.

Terms of Reference Prior to preparing a secondary plan Council shall approve terms of reference which shall set out the need for the secondary plan, the intended scope, the process for the plan preparation and the opportunities for public participation.

Amendments to the Plan Secondary plans shall be adopted as amendments to this Plan and incorporated into Section F of this Plan. The provisions of this Plan and the Planning Act regarding adoption, notification and appeal of amendments shall apply.

Review and Update Secondary plans shall be reviewed and updated in accordance with the monitoring and review provisions of this Plan.

## **E2. COMMUNITY IMPROVEMENT PLANS**

**Purpose** Community improvement plans shall be used to revitalize existing neighbourhoods, hamlets, corridors or any identified area in decline or in transition from one land use to another, such as brownfield sites, and for economic development.

**Objectives** Community Improvement Plans may be adopted to accomplish the following goals and objectives:

- To promote cultural, social, economic, and environmental sustainability
- To facilitate the redevelopment, intensification, construction, reconstruction and rehabilitation of lands and buildings
- To promote a healthy, active, safe, and accessible community
- To implement the goals of the Consolidated Waterfront Master Plan
- To promote the remediation and redevelopment of brownfield sites
- To promote community economic development and innovation
- To upgrade and improve municipal infrastructure
- To promote energy efficiency and accessibility improvements
- To improve on and off-street parking, and safe and efficient transportation
- To encourage the improvement of the built environment through façade and streetscape enhancements
- To improve social conditions and support services
- To preserve heritage resources
- To facilitate the restoration and enhancement of the natural environment
- To facilitate the construction of a range of housing types including affordable housing
- To enhance opportunities for recreation
- To promote any other goal or objective of this Plan or for any other environmental, social or community economic development reason
- To promote the provision of affordable housing

**Location** For the purpose of this Plan, the entire Municipality of Port Hope is designated as a Community Improvement Area.

Council may by by-law declare any specific area within the Municipality of Port Hope a Community Improvement Area under the Planning Act in order to carry out the maintenance, construction or improvement of services or facilities.

Criteria

A Community Improvement Project Area may include any neighbourhood, hamlet, corridor or other identified area of the Municipality of Port Hope including the rural area and shall be encouraged for:

- a) residential areas where the housing stock is in need of maintenance, rehabilitation and/or repair;
- b) declining commercial areas where there are a number of vacant or underutilized properties;
- c) areas in which there are land use conflicts as a result of incompatible uses;
- d) areas that have deficient municipal services such as parks, sewers and roads; and
- e) areas that have the potential to be new employment areas.

Council shall solicit public input on the Community Improvement Plan in accordance with the provisions of the Planning Act and this Plan.

Implementation

Council may implement community improvement policies by the following means:

- a) participation in senior government programs that provide financial assistance for community improvement;
- b) creation of a Comprehensive Development Plan and Urban Design Guidelines;
- c) the provision of public funds by the Municipality through grants, loans, and other financial instruments to the owners of land and their assignees;
- d) the waiving of Municipal fees
- e) the provision of tax assistance under Section 365.1 of the *Municipal Act*;
- f) the encouragement of public participation in the preparation of community improvement plan(s);
- g) the provision of Municipal infrastructure and other Municipal programs that support community improvement;
- h) the Municipal acquisition of land and/or buildings within the Community Improvement Area and the subsequent:

- clearance, grading, or environmental remediation of the buildings and land
  - repair, rehabilitation, construction, or improvement of the buildings and land
  - sale, lease, or other disposition of the buildings and land;
- i) encouragement of the continuation and enlargement of the business areas to enhance and maintain the viability of the area;
  - j) use of municipal authority granted under the provisions of the Planning Act to designated Community Improvement Project Areas, adopt Community Improvement Plans and acquire and develop land;
  - k) enforcement of the property standards by-law(s);
  - l) cooperation with local agencies, businesses and residents to promote and facilitate the use of existing facilities and, where feasible, to rehabilitate these facilities to offer new and/or better service to the community;
  - m) encourage the rehabilitation of private buildings by advising property owners of government subsidies and programs, and assisting where possible, the property owners obtaining grants;
  - n) where conflicting land uses occur in Community Improvement Areas, endeavouring to limit the expansion of these uses and encouraging and/or assisting in the relocation of the conflicting use; and
  - o) support the historic preservation of significant buildings and sites individually or as heritage conservation districts through the application of the Ontario Heritage Act.

The use of these tools shall be subject to criteria as determined by the Municipality. Council shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the Municipality.

### **E3. LAND DIVISION**

Authority

Land may be divided through the subdivision, consent or part lot control process in accordance with the Planning Act. Land division by plan of subdivision is the preferred method for creating new lots within the Municipality of Port Hope.

#### **E3.1 PLANS OF SUBDIVISION**

Plan of Subdivision

Unless otherwise determined by Council or its designate, a plan of subdivision is generally required when more than four (4) new lots in addition to one retained lot are being created in the Urban Area or more than two (2) new lots in addition to one retained lot in all other areas, or when a new municipal road will be created, or when municipal water and/or sewer services will be provided.

Studies and Criteria

In considering a draft plan of subdivision, Council may require that studies, as set out in Section C20 of this Plan be prepared and shall have regard for, among other matters, the health, safety and welfare of the present and future inhabitants of the Municipality of Port Hope and:

- a) the Planning Act, other provincial legislation, policies and guidelines;
- b) whether the proposed subdivision is premature or in the public interest, as determined by Council;
- c) the suitability of the land for the purposes for which it is to be used considering the land use and environmental policies of this Plan;
- d) the dimension and shapes of the proposed lots;
- e) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be built on it and the restrictions, if any, on adjoining land;
- f) the proposal's feasibility with regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses within or adjacent to any development constraint;
- g) the area of land that is to be conveyed or dedicated for public purposes; and
- h) the financial impact on the Municipality of Port Hope.

Conditions Council shall attach such conditions, as it deems appropriate to the approval of a plan of subdivision.

## **E3.2 CONSENTS**

Purpose General policies for consents have been established to direct, manage and ensure consents are only granted in the appropriate circumstances in keeping with Part B – Goals and Objectives of this Plan. Further, recognizing the settlement structure provisions of this Plan, detailed consent policies are also provided for each area identified on Schedule A.

Accordingly, applicants seeking consent are required to fulfill both the general consent policies as well as the specific provisions relevant to the location of their land holdings within the settlement structure.

### **E3.2.1 General Policies Applicable to All Land Use Designations**

The Municipality of Port Hope Committee of Adjustment has been delegated Council's consent granting authority.

#### ***E3.2.1.1 Consents - Types***

Types of  
Consents

Development within the Municipality of Port Hope, particularly for residential uses, shall, where possible, occur by a registered plan of subdivision or registered plan of condominium. A consent may only be granted where a plan of subdivision or condominium is deemed by Council or its designate not to be necessary for the proper and orderly development of the Municipality of Port Hope and it complies with the policies of this Plan. Accordingly, unless otherwise specifically permitted by other policies in this Plan, consents are limited to:

- a) mortgaging of land beyond 21 years;
- b) partial discharge of a mortgage;
- c) minor lot boundary adjustments;
- d) new lot creation in accordance with the policies of this section;
- e) separating existing legal uses;
- f) easements, right-of-ways and leases over 21 years; and
- g) minor corrections to deeds or property descriptions, where:
  - i the size, dimensions and configuration of the severed and/or retained parcels of land are appropriate to accommodate the proposed use or uses; and,
  - ii the relevant provisions of Section E3 have been satisfied.

Minor  
Boundary  
Adjustment

Notwithstanding any other provisions of Section E3, a consent may be made for one or more minor lot boundary adjustments or lot additions in any land use designation and that any time limit related to land ownership or length of time since the last certificate of consent was granted on the lands under consideration that would otherwise apply, do not apply to the application.

Boundary  
Adjustment

Consents may be considered that have the effect of changing the boundary between two existing parcels of land but the size of the changes are beyond the intent of Section E3.2.1.1 c). When considering the appropriateness of such an application, the Committee shall be guided by the provisions of Section E3.2.1.3. In the event such an application is granted, it shall be made conditional upon the inclusion of appropriate conditions.

### **E3.2.1.2**

#### ***Consents – Preliminary Site Plan***

Preliminary  
Site Plan

Consent to sever land shall only be considered where a preliminary site plan is submitted. Such a preliminary site plan shall indicate:

- a) the true dimensions of the lot plus the existing and/or proposed location, height, floor area and dimensions of any building or structure proposed for such lot;
- b) the dimensions of any yards, setbacks, landscaped open space; and
- c) the location of all existing buildings or structures located on the neighbouring lot(s).

### **E3.2.1.3**

#### ***Consents - Limitations***

Limitations

Consents to sever land shall only be granted where it has been determined that:

- a) the intended use of the severed and retained parcels conform with the intent and policies of this Plan;
- b) the size and dimensions of the severed parcel(s) and the retained parcel are appropriate to accommodate the proposed use or uses;
- c) the proposed lot(s) shall not have a detrimental effect on the Municipality of Port Hope's financial status. Accordingly, a consent shall generally not be granted where the extension of any road or public facility or service may be required for the proposed consent;

- d) the proposed use of the lot(s) to be severed and retained are compatible with the adjacent or adjoining land uses;
- e) the proposed use of the lot(s) will not restrict options for future development on adjacent land;
- f) the proposed development will not have an adverse effect on farm operations and will not create fragmentation of farmland;
- g) the proposed and retained lot(s) front directly onto an improved public street or road, excluding a Highway, which is maintained year-round and is of a reasonable standard of construction (with the exception of lots created for conservation purposes);
- h) the development of the proposed lot(s) shall not create a traffic hazard or further an existing traffic hazard as a result of limited sight lines, curves or grades;
- i) the proposed lot(s) shall not have the effect of creating or extending a form of development deemed to be inappropriate to the land use designation, such as strip development for example in the Rural Area;
- j) the development shall not landlock or limit the potential use or redevelopment of the property;
- k) the severed parcel(s) and retained parcel outside the Urban Area and Hamlets comply with the Minimum Distance Separation (MDS) formulae;
- l) adequate sewage and water servicing can or will be provided in accordance with Part C of this Plan;
- m) adequate community services, emergency services, and other similar services, can or will be provided;
- n) the severed and retained parcels will be connected to municipal services, wherever available;
- o) comments related to the application have been received from the applicable Municipal Departments, the Conservation Authority, Health Unit and other Ministries, as deemed appropriate; and,
- p) the proposed lot(s) will be suitable for the use(s) proposed with respect to flooding, erosion, steep slopes, other hazardous conditions or constraints, as identified by the Municipality in consultation with the Conservation Authority.

#### **E3.2.1.4 Consents - Conditions**

Conditions

The Committee of Adjustment may attach such conditions as it deems appropriate to the approval of a consent. Such conditions may include, but are not limited to, the following:

- a) the fulfillment of any financial requirement to the Municipality of Port Hope;
- b) the conveyance and/or dedication of lands for public park purposes or payments-in-lieu thereof;
- c) the conveyance and/or dedication of lands for public streets or roads or widenings or reserves as may be required;
- d) the conveyance of appropriate easements;
- e) being subject to site plan control;
- f) the provision of municipal infrastructure or other services;
- g) the connection to municipal water and sewer services within the Urban Area;
- h) the submission of a registered reference plan to the Committee of Adjustment prior to the consent being finalized;
- i) the successful rezoning of the subject lands, as necessary to implement the consent;
- j) the time period for the fulfillment of the conditions prior to the lapsing of the consent;
- k) an agreement with the Municipality to caution persons that the land is in or adjacent to an agricultural area and may be subject to usual noise, dust and odour from farming practices; as outlined in the Farming and Food Protection Act; and,
- l) other such matters as the Committee of Adjustment considers necessary and appropriate.

#### **E3.2.2 Specific Policies Applicable to Urban Area**

Number and Type

Consent(s) to sever land within the Urban Area are permitted in the following situations:

- a) facilitating the disposal of a second legal dwelling;
- b) infilling in accordance with the relevant provisions of Section E3.2.6.5;
- c) separating existing legal uses; and
- d) where the extension of municipal services is not required.

### **E3.2.3 Specific Policies Applicable to Hamlets**

Number and  
Type

Consent(s) to sever land within a Hamlet are limited to no more than two (2) new lots in addition to one retained lot being created in the following situations:

- a) facilitating the disposal of a second legal dwelling;
- b) infilling in accordance with the relevant provisions of Section E3.2.6.4;
- c) separating existing legal uses; and,
- d) where new road construction is not required to access the new lots.

For that portion of the Hamlet of Campbellcroft within the Oak Ridges Moraine, consents shall be granted only in accordance with the consent policies found in Section F - Oak Ridges Moraine Secondary Plan of this Plan.

### **E3.2.4 Specific Policies Applicable to Rural Employment Areas**

Number and  
Type

Consent(s) to sever land within a Rural Employment Area are limited to no more than two (2) new lots in addition to one retained lot being created in the following situations:

- a) facilitating the disposal of a second legal dwelling;
- b) separating existing legal uses.

When considering the appropriateness of a consent application to sever land in a rural Employment Area, the Committee of Adjustment shall be guided by any specific provisions as may be defined in the secondary plan for the subject area. Further, the Committee of Adjustment may attach such conditions, as it deems appropriate.

### **E3.2.5 Specific Policies Applicable to Prime Agriculture Areas**

An application for consent to sever land within the Prime Agriculture Area may be considered only for:

- a) agricultural uses, provided that the lots are of a size (both the severed and retained parcel are generally forty (40) hectares or greater) appropriate for the type of agricultural uses common in the area and are sufficiently large to maintain flexibility for future changes in the type of size of agricultural operations;
- b) agriculture-related uses, provided that any new lot will be limited to a minimum size needed to accommodate the use and approved sewage and water service;

- c) a residence surplus to a farm operation as a result of farm consolidation, provided that any vacant remnant parcel of farmland created by the severance is rezoned to prohibit a new residential dwelling; and
- d) infrastructure, where the facility or corridor cannot be accommodated through the use of easements or rights-of-way.

A retirement lot for a bona fide farmer is not permitted in the Prime Agriculture Area but is permitted in the General Agriculture Area, subject to the provisions of this Plan.

### **E3.2.6 Specific Policies Applicable to General Agriculture Areas**

#### Conditions

In the General Agriculture area, an application for consent to sever land within the rural area may be considered for any property as it existed on January 1, 1974 in the following situations:

- a) the size of the proposed residential lot shall be between 0.4 and 0.8 ha. subject to the findings of a hydrogeological assessment, which may require a larger lot size;
- b) an applicant(s) may only apply for one (1) consent to a land severance at a time provided that the lot subject to the application has been owned in its current form for at least five (5) years; and,
- c) No more than two (2) lots may be created from any parcel as it existed as of January 1, 1974.
- d) where the proposed lot conforms to the Minimum Distance Separation formulae.

#### **E3.2.6.1 The Severance of an Existing Dwelling**

#### Severance of Existing Dwellings

In the General Agriculture area, a consent to a land severance may be granted to a bona-fide farmer for a dwelling constructed prior to 1978 where the existing farm contains more than one residence upon a legal lot of record provided that no other surplus dwelling has been severed from the property as it existed on January 1, 1974.

When considering the appropriateness of the following types of applications, the Committee of Adjustment shall be guided by the appropriate provisions of Section E3. In the event such an application is granted, it shall be made conditional upon inclusion of appropriate conditions and:

- a) a zoning by-law amendment to prohibit the construction of any additional residences on the retained land, including retirement lots;
- b) an agreement with the Municipality for the severed dwelling to caution that the residence is in an agricultural area and may be subject to usual noise, dust and odour from farming practices as outlined in the Farming and Food Production Protection Act.

**E3.2.6.2 Severance of Surplus Dwellings Related to Land Acquisition**

Severance of Surplus Dwellings

In the General Agriculture and the Prime Agricultural areas, a consent to a land severance for a dwelling may be granted to a bona-fide farmer for:

- a) a dwelling constructed prior to 1978 and deemed surplus as the result of the acquisition of lands that have merged on title and the existing farm contains more than one residence upon a legal lot of record, provided that no other surplus dwelling has been severed from the property as it existed on January 1, 1974, subject to a rezoning to prohibit the construction of any additional dwelling unit on the retained land; or
- b) a dwelling deemed surplus as the result of the acquisition of lands by a bona-fide farmer who has acquired additional lands that cannot be consolidated with the existing farm, subject to a rezoning to prohibit the construction of any new dwelling unit.

In addition, an agreement shall be entered into with the Municipality for the severed dwelling to caution that the residence is in a agricultural area and may be subject to usual noise, dust and odour from farming practices as outlined in the Farming and Food Production Protection Act.

**E3.2.6.3 New Agricultural Parcels**

Criteria

In the General Agriculture area, the creation of a new parcel of land for agricultural purposes is permitted, provided that both the severed and retained parcel are generally forty (40) hectares or greater and the land has been owned for five (5) years, except in the case of for a bona-fide farmer. Agriculture and farm-related uses, requiring smaller lots, shall be encouraged to locate on existing smaller lots located throughout the Rural Area.

**E3.2.6.4 Infilling**

Minimum Size

In the General Agriculture area, a residential lot created by consent shall be no less than 0.4 ha in size subject to the findings of a hydrogeological assessment which will assist in determining lot size.

Number The creation of more than two (2) infilling lots shall require a plan of subdivision.

Criteria The infilling of lands within an existing cluster of homes zoned for residential use is permitted where:

- a) the parcel of land under consideration is located between existing residential buildings or existing residential lots and is not an extension to existing development;
- b) the parcel of land under consideration has been owned for five (5) years unless the owner is a bona-fide farmer;
- c) two or more residential dwellings are located on the same side of the road; and
- d) are within 150 metres of one another.

Notwithstanding Section E3.2.6.4 b), if the infilling lot is the retirement lot for a bona-fide farmer, then the farmer shall have owned the land for at least ten (10) years.

**E3.2.6.5 Oak Ridges Moraine**

Consent policies related to the Oak Ridges Moraine are found in Section F - Oak Ridges Moraine Secondary Plan of this Plan.

**E3.2.7 Specific Policies Applicable to Employment-Generating or Commercial Purposes**

Criteria The division of land subject to the appropriate provisions of Section E3.

**E3.3 PART LOT CONTROL**

Exemption Council may pass by-laws to exempt all or parts of registered plans of subdivision from part lot control to permit re-subdivision in accordance with the Planning Act.

Use Council will limit the use of part lot control by-laws to the following:

- a) the splitting of lots upon which semi-detached dwellings or street rowhousing is or is intended to be built; and
- b) the re-subdivision of older registered plans of subdivision where no new rights-of-way are to be created.

#### **E4. CONDOMINIUMS**

Land and/or buildings may be developed by plan of condominium.

Criteria In considering a draft plan of condominium regard shall be given to the following:

- a) the Condominium Act, other provincial legislation, policies and guidelines;
- b) provision of adequate sewer and water services, amenities and public facilities;
- c) impact on the transportation system and adjacent land uses;
- d) the condominium, condominium units, and the common elements are suitable for their intended purpose and meet the requirements of the implementing Zoning By-law(s); and
- e) the feasibility of the proposal with regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses within or adjacent to any development constraint.

Conditions Council shall attach such conditions, as it deems appropriate to the approval of a plan of condominium.

#### **E5. MINOR VARIANCES**

Delegated Authority The Municipality of Port Hope Committee of Adjustment has been delegated Council's authority to grant minor variances.

Criteria When reviewing an application for minor variance the Committee shall be satisfied that:

- a) the general intent and purpose of this Plan is maintained;
- b) the general intent and purpose of the implementing Zoning By-law(s) being varied is maintained;
- c) the variance is minor in nature; and
- d) the variance is desirable for the appropriate use of the land, building or structure such that:
  - i the resulting development would be compatible with adjacent uses and in character with the established or planned development in the area;
  - ii adequate provision is made for vehicular access and off-street parking on the lot;

- iii adequate buffering, screening and landscaping can be provided; and
- iv the application deals with circumstances particular to the site in which design of the building or structure in conformity with the by-law is not feasible or possible.

Conditions The Committee may impose such terms and conditions, as it deems appropriate to the approval of the application for a minor variance.

**E6. ZONING**

Council regulates the use and development of lands, buildings and other structures through the zoning provisions of the Planning Act.

Implement This Plan Zoning shall be used to implement the appropriate provisions of this Plan.

Purpose The implementing Zoning By-law(s) shall be used to regulate the use of land, and the character, location and use of buildings and structures in the Municipality of Port Hope in accordance with the provisions of the Planning Act and this Plan.

Conformity to This Plan All implementing zoning by-laws and amendments thereto shall be in conformity with the provisions of this Plan. Council shall, on each occasion of approving a change to the implementing Zoning By-law(s), specify that conformity with this Plan is maintained or that the change shall be in conformity upon approval of an amendment to the Official Plan by the approval authority.

Limitations It is not intended to zone all lands at the outset for the use designated on Schedules C and C1.

Matters Regulated The implementing Zoning By-law(s) shall specify the uses permitted in all areas of the Municipality of Port Hope and shall contain regulations with respect to matters such as:

- a) the use of land;
- b) the type of construction, height, size, floor area, character, spacing, erection, location and use of buildings;
- c) the construction of buildings or structures and accessory buildings, structures and uses;
- d) the minimum elevation of building openings such as doors and windows;
- e) the percentage of the lot area that any building or structure may occupy;

- f) minimum lot frontage on a public road of a parcel of land;
- g) parking requirements and loading facilities; and,
- h) minimum lot area and other provisions.

The implementing Zoning By-law(s) may require Certificates of Occupancy for the establishment of specified uses of land, buildings or structures and for any subsequent changes to those uses.

## **E7. HOLDING ZONES**

**Identify** In accordance with the provisions of the Planning Act, Council may zone lands to a specific zone category and include as a suffix, the holding symbol '(H)' or '(h)'. This identifies the specific uses of the lands at such time as the holding symbol is removed by an amendment to the appropriate implementing Zoning By-law(s).

**Permitted Uses** When passing a by-law to utilize the holding symbol, the by-law shall specify the uses that may be permitted while the '(H)' or '(h)' is in place. Generally, such uses shall be limited to existing uses and/or other uses that would not have a detrimental effect on the intended future uses of the land.

**Purpose** The holding symbol may be used anywhere in the Municipality of Port Hope in situations where the specific future use of the land is known, but development is premature until one or more of the following requirements are met:

- a) adequate sewage, water, and/or stormwater services and facilities are available to serve the development;
- b) low level radioactive waste and industrial waste has been remediated and remediation activities are completed;
- c) any adverse environmental effects or constraints, or archaeological or cultural heritage resources or transportation considerations have been resolved;
- d) draft plan of subdivision approval has been given;
- e) a subdivision agreement has been entered into with the Municipality and is registered on the title to the land; and,
- f) that site plan approval has been granted by Council and a site plan agreement has been entered into, pursuant to the provisions of the Planning Act.

A by-law to remove the holding symbol shall be passed by Council at such time as the relevant requirement or requirements have been met.

## **E8. BONUS PROVISIONS**

Purpose Council may use bonus provisions to allow increases in the height and intensity of a development beyond those generally permitted by the implementing Zoning By-law(s) in exchange for facilities, services or matters of public benefit as are set out below.

Criteria Council shall encourage the use of bonus provisions with regard to the following:

- a) parkland conveyance beyond the minimum requirements of this Plan and/or parkland improvements beyond the minimum standards;
- b) protection and enhancement of natural features and functions;
- c) provision of public areas and trails;
- d) provision of public parking;
- e) provision of community facilities; and
- f) conservation of heritage resources.

Council shall only consider bonus provisions where such an increase would be in conformity with the intent of this Plan and compatible with the surrounding area.

## **E9. TEMPORARY USES**

Purpose Council may pass by-laws to permit the temporary use of land, buildings or structures for a specified time period for any purpose that is otherwise prohibited by the implementing Zoning By-law(s), in accordance with the provisions of the Planning Act.

Criteria In considering a request for a temporary use by-law, Council will consider the following:

- a) the proposed use is in general conformity with the intent and policies of this Plan;
- b) the proposed use is temporary in nature and appropriate for a limited time span and can be terminated when the authorizing by-law expires;
- c) the temporary use shall not hamper the ability of the land, building or structure to subsequently be used in accordance with the provisions of this Plan;
- d) circumstances which are unique or particular to the subject property or proposed use;

- e) the proposed use is generally compatible with the surrounding area;
- f) representations by the public; and,
- g) any required capital expenditures.

**E10. INTERIM CONTROL BY-LAWS**

Purpose	Council may pass Interim Control By-law(s) in accordance with the Planning Act to control and restrict the use of land, buildings or structures within an area, which is, or shall be, the subject of a planning study.
Time Limit	The Interim Control By-law shall be in force for a specified time period in accordance with the Planning Act, which may be amended by Council to extend the time period that it shall be in effect.
Specific Uses	The Interim Control By-law shall specify the uses to which the affected land, buildings or structures may be put during the time the by-law is in effect.
Subsequent By-laws	Where an Interim Control By-law ceases to be in effect, Council shall not for a period of three years pass a further Interim Control By-law that applies to any lands to which the original Interim Control By-law applied, unless the by-law relates specifically to a use which was not previously affected.

**E11. SITE PLAN CONTROL**

Site Plan Control may be used to regulate the design of a development in accordance with the provisions of the Planning Act.

Definition of Development	For the purposes of this section, development means the construction, erection or placing of one or more buildings or structures on land or making additions or alterations to a building or structure that has the effect of substantially increasing the size or usability thereof, or the change in use of a building, structure or parcel of land.
Criteria	Some of the considerations that Council will have due regard for during the site plan approval process include, but are not limited to: <ul style="list-style-type: none"> <li>a) the inclusion of adequate measures to enhance the landscape of the site;</li> <li>b) the design of structures to ensure they are appropriate for the terrain and the area in which they are situated;</li> <li>c) that traffic areas and parking areas are safe and convenient;</li> </ul>

- d) that surface water drainage will not negatively impact abutting or adjacent properties;
- e) the adequate provision for the disposal of waste materials including the provision for recycling of such materials;
- f) lighting, signs and accessory structures shall be kept to a minimum and shall be designed to complement the associated uses and sited to avoid intrusion upon adjacent land uses; and,
- g) the design of the structures to ensure they are appropriate for the historic neighbourhood or area in which they are situated.

Area of Application The entire area covered by this Plan is hereby designated as a site plan control area.

Exceptions Council may, by by-law, define any class or classes of development to be exempted from site plan control. In this regard, the following classes of development shall be exempted from site plan control:

- a) any temporary building or structure as may be defined in the implementing Zoning By-law(s);
- b) wayside pits;
- c) single detached dwellings of either a seasonal or permanent nature;
- d) an agricultural use; and
- e) any building or structure on land owned or leased by the Municipality of Port Hope.

Conveyance of Land Council as a condition of site plan approval, may require the conveyance of land to the Municipality of Port Hope for road widening or sight triangles, at no cost to the municipality.

No building permits shall be issued for development subject to site plan control until a Site Plan Agreement has been executed.

**E12. MAINTENANCE AND OCCUPANCY STANDARDS**

Purpose Council may pass by-laws establishing minimum standards of maintenance and occupancy to preserve, sustain and protect the existing and future development in the Municipality of Port Hope; and take advantage of federal and provincial programs designed to upgrade and improve built-up areas. Such a by-law will be passed in accordance with the Ontario Building Code Act and/or the Municipal Act, as required.

Requirements Maintenance and occupancy by-laws may contain requirements with respect to:

- a) structural maintenance of buildings;
- b) safety of buildings;
- c) cleanliness of buildings;
- d) services to buildings;
- e) keeping land and waterfront properties free from rubbish, debris, weeds, abandoned vehicles, trailers, boats, barges, mechanical equipment or material;
- f) maintaining yards, land, parking and storage areas; and
- g) maintaining fences, accessory buildings and signs.

Property Standards Officer and Committee

In the event that Council passes a maintenance and occupancy standards by-law under the Ontario Building Code Act, they shall appoint a Property Standards Officer responsible for the administration and enforcement of the by-law and a Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.

Council will encourage the establishment of business associations, such as Business Improvement Areas, to improve areas of the Municipality of Port Hope.

### **E13. PARKLAND DEDICATION**

Authority Under the provisions of the Planning Act, a municipality is entitled to receive lands for park purposes as a condition of planning approval.

Provision of Parkland

The Municipality shall endeavour to provide at all times a sufficient amount of public parks and open space areas, particularly in the Urban Area and Hamlet Area. A portion of the required park lands shall be obtained from the two per cent (2%) for commercial and industrial land or five per cent (5%) dedication of lands within a draft plan of subdivision, as set out in the Planning Act. In some instances, particularly where the area to be subdivided is not of sufficient size to provide a suitable tract of good parkland, cash in lieu of the two percent (2%) or five percent (5%) lands shall be demanded by Council. These monies shall be used for purchasing or improving suitable park sites elsewhere. The remainder of the required park lands must be obtained by purchase and the Council should set aside the funds necessary to acquire and maintain the parks.

Council shall acquire lands for park purposes through the following methods:

Methods of Acquisition

- a) conveyance as a condition of planning approval pursuant to the Planning Act according to the following provisions:
  - i for residential development or redevelopment the conveyance shall be 5 percent of the land proposed for development or redevelopment where the gross density is less than 20 units per hectare or 1.0 hectare per 300 dwelling units of development or redevelopment where the gross density is 20 units per hectare or greater to a maximum of twenty five percent (25%) of the site area;
  - ii for employment-generating or commercial development or redevelopment the conveyance shall be two percent (2%) of the land proposed for development or redevelopment; and
  - iii for mixed-use development or redevelopment the conveyance shall be calculated according to the two percent (2%) and five percent (5%) of the land area as assigned above.
- b) purchase;
- c) donation or bequest;
- d) expropriation; and
- e) other methods as appropriate.

Cash in Lieu

Council shall only accept cash-in-lieu of all or part of the required parkland conveyance where:

- a) the area in which the conveyance was to have been made has sufficient park in the adjacent area to accommodate the development; or
- b) the land required to be conveyed is too small for park purposes, not feasible for expansion, and/or not suitable for sale or exchange at a later date for park purposes of an appropriate configuration or location; or
- c) the required conveyance of land would render the remainder of the site unsuitable or impractical for development.

Fair Market Value

The amount required for provision of cash in lieu of parkland will be calculated based on a fair market value assessment of the development lands.

Use of Money Monies received in lieu of parkland may be placed in a special account and spent only for the acquisition of land to be used for park or other recreational purposes, including the erection or repair of buildings and the acquisition of machinery for park or other recreational purposes.

Fair Market Value The amount required for provision of cash in lieu of parkland will be calculated based on a fair market value assessment of the development lands as per the provisions of the Planning Act.

#### **E14. CAPITAL WORKS AND STAGING**

Purpose Capital works budgets are used by Council to improve or construct major capital assets of the Municipality of Port Hope, such as streets or roads, sewer and water services and parks. As such, the capital works budget is an important tool in directing development and stimulating redevelopment.

Conformity to This Plan The extension or development of capital works related to public projects within the Municipality will be in conformity with the provisions of this Plan. It is further intended that such a program be reviewed annually as part of the capital budgeting procedure with regard for changing socio-economic conditions throughout the Municipality.

Council may set aside funding in the capital works budgets to acquire and hold land for the purpose of developing any feature of this Plan and any lands so acquired or held may be sold, leased or otherwise disposed of when no longer required.

#### **E15. INTERPRETATION**

All Sections and Schedules forming part of this Plan form part of the Plan for the purpose of interpretation.

Appendices are for information purposes and do not form part of this Plan. Appendices may be amended or updated as new information is available, without amendment to this Plan.

Boundaries and Adjustments The boundaries of areas on Schedules C and C1 are approximate except where they coincide with lot lines, roads, railways or other clearly defined features. Minor adjustments to boundaries will not require an amendment to the Plan provided that the general intent of this Plan is maintained.

Secondary Plans In areas where approved Secondary Plans have been incorporated into this Plan, the more specific designations and policies of the Secondary Plans shall take precedence.

Range of  
Uses  
Permitted

Where the policies of this Plan provide a range of permitted uses, such range shall be considered indicative of the type and range of uses which may be permitted. Implementing zoning by-laws shall specify the type and range of uses permitted and need not provide for all uses within a particular designation. The implementing zoning by-law may also provide for uses similar in nature and function to those listed.

Numerical  
Variances

Minor variations from the numerical requirements of the Plan may be permitted by the Municipality of Port Hope without an Official Plan amendment, provided that the general intent and objectives of the Plan are maintained.

Acts and  
Regulations

Where the Plan makes reference to a Provincial Act or an Ontario Regulation, such reference shall include any subsequent amendments or replacements.

Accessory  
Uses

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, and accessory to that use are also permitted, unless otherwise specified in this Plan.

## **SECTION F SECONDARY PLANS**

### **F1 INTRODUCTION**

Secondary Plans shall be part of and prepared in conformity with this Official Plan and shall include detailed land use designations to serve as a guide for development or redevelopment.

The establishment of additional Secondary Plans shall require an amendment to this Plan.

### **F2 OAK RIDGES MORaine SECONDARY PLAN**

#### **F2.1 INTRODUCTION, OBJECTIVES AND USER GUIDELINES**

##### **F2.1.1 Introduction**

On December 14, 2001 the Oak Ridges Moraine Conservation Act, 2001 received Royal Assent and was deemed to have come into force on November 16, 2001. The Oak Ridges Moraine Conservation Act provided for the establishment of the Oak Ridges Moraine Conservation Plan by Regulation. On April 22, 2002, Ontario Regulation 140/02, the Oak Ridges Moraine Conservation Plan, was filed and deemed to come into effect on November 16, 2001.

Through the Oak Ridges Moraine Conservation Act and accompanying Conservation Plan, the Province of Ontario has established a framework for protecting the Oak Ridges Moraine. Municipal planning and decisions and public works, improvements or other undertakings are required to conform to the Oak Ridges Moraine Conservation Plan, which prevails in the case of a conflict with an official plan, zoning by-law or a policy statement issued under Section 3 of the Planning Act. For reference purposes, the Oak Ridges Moraine Conservation Plan (ORMCP) is attached as Schedule H.

The boundary of the Oak Ridges Moraine Area has been identified by the Province in Ontario Regulation 01/02. The schedules of the Port Hope Official Plan indicate the Oak Ridges Moraine boundary and new text and schedules have been added to the Plan through this Secondary Plan to conform to the Oak Ridges Moraine Conservation Plan.

##### **F2.1.2 Objectives**

The objectives of the Oak Ridges Moraine Conservation Plan are to:

- i) Protect the ecological and hydrological integrity of the Oak Ridges Moraine Area;

- ii) Ensure that only land and resource uses that maintain, improve or restore the ecological and hydrological functions of the Oak Ridges Moraine Area are permitted;
- iii) Maintain, improve or restore 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) Ensure that the Oak Ridges Moraine Area is maintained as a continuous natural landform and environment for the benefit of present and future generations;
- v) Provide for land and resource uses and development that are compatible with the other objectives of the Oak Ridges Moraine Plan;
- vi) Provide for continued development within existing urban settlement areas and recognize existing rural settlements;
- vii) Provide for a continuous recreational trail through the Oak Ridges Moraine Area that is accessible to all including persons with disabilities; and
- viii) Provide for other public recreational access to the Oak Ridges Moraine Area.

In addition to the objectives of the Oak Ridges Moraine Conservation Plan, it is the objective of this Secondary Plan to:

- i) Provide for development in the hamlet of Campbellcroft;
- ii) Provide for limited economic development that is compatible with the purpose and objectives of the Natural Core and Natural Linkage Areas; and
- iii) Provide for economic development that is compatible with the purpose and objectives of the Countryside Area of the Oak Ridges Moraine Area.

### **F2.1.3 How to Use the Secondary Plan**

This Secondary Plan is intended to bring the Port Hope Official Plan into conformity with provincial legislation in place to protect the Oak Ridge Moraine, specifically the Oak Ridges Moraine Conservation Act and the Oak Ridges Moraine Conservation Plan. Subject to Section 8 of the Oak Ridges Moraine Conservation Act, 2001, this Secondary Plan may contain provisions that are more restrictive than those in the Oak Ridges Moraine Conservation Plan.

In determining which land use designations, development constraints or policies affect a property or properties within the Oak Ridges Moraine area, the Municipality of Port Hope Planning Department should be consulted.

It should be noted that Section 2.2 of this Secondary Plan applies to Existing Uses, Buildings and Development Applications in all land use designations. Part I General of the Oak Ridges Moraine Conservation Plan should be consulted for further clarification.

The following process should be used in determining the land use designations and identifying the associated policies for any parcel of land.

- i) Locate the subject property on Schedule “F” - Oak Ridges Moraine Land Use to this Secondary Plan to determine the land use designation.
- ii) Locate the subject property on Schedules “G”, “H”, “I” and “J” to determine what additional policies may apply to the property.

Schedule “G” – Key Natural Heritage Features

Schedule “H” – Hydrologically Sensitive Features and High Aquifer Vulnerability

Schedule “I” – Landform Conservation Areas

Schedule “J” – Mineral Aggregate

- iii) Consult Section 2.3 – Land Use Designations of this Secondary Plan and Part II of the Oak Ridges Moraine Conservation Plan to review the policies for that designation.
- iv) Consult Section 2.4 – Ecological and Hydrological Integrity of this Secondary Plan and Part III of the Oak Ridges Moraine Conservation Plan to determine any restrictions or requirements that shall be considered to protect ecological and hydrological integrity.
- v) Consult Section 2.5 – Specific Land Use Policies of this Secondary Plan and Part IV of the Oak Ridges Moraine Conservation Plan to determine any additional restrictions or requirements that may apply for the specific use or activity being considered.
- vi) Consult Section 2.6 – Implementation of this Secondary Plan for clarification on how this Secondary Plan is to be implemented.

Where there is a difference between the policies set out in Section 2 of this Secondary Plan and other policies within the Port Hope Official Plan and the Oak Ridges Moraine Conservation Plan, the policies of Section 2 shall apply.

## **F2.2 EXISTING USES, BUILDINGS AND DEVELOPMENT APPLICATIONS**

### **F2.2.1 Legally Existing Uses**

Existing legally established uses are permitted in all land use designations within the Oak Ridges Moraine and in these areas, nothing in this Plan applies to prevent:

- i) the use of any land, building or structure for a purpose prohibited by the Oak Ridges Moraine Conservation 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
- ii) the erection or use for a purpose prohibited by the Oak Ridges Moraine Conservation 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,
  - a) the permit has not been revoked under subsection 8(10) of the Building Code Act, 1992, and
  - b) the building or structure when erected is used and continues to be used for the purpose for which it was erected.

### **F2.2.2 Existing Lots**

Single family dwellings and accessory structures including those associated with agricultural uses are permitted on any lot of record, including agricultural parcels, subject to the provisions of the Oak Ridges Moraine Conservation Plan, the Port Hope Official Plan, this Secondary Plan, the implementing Zoning By-law and other regulatory requirements.

### **F2.2.3 Expansion of Legal Non-Conforming Uses**

Legal Non-conforming uses are prohibited from expansion, with the exception of Institutional Uses.

### **F2.2.4 Previously Authorized Uses, Buildings and Structures – Countryside or Settlement Areas**

Nothing in this Plan applies to prevent a use or the erection or location of a building or structure with respect to land in an Oak Ridges

Moraine Countryside Area or Settlement Area subject to provisions of Section 17(1), (2) and (3) of the Oak Ridges Moraine Conservation Plan.

**F2.2.5 Accessory Uses for Previously Authorized Dwellings**

Accessory buildings and structures for residential use are considered a component of the permitted single dwelling use. Therefore, such buildings and structures directly related to a single dwelling are also permitted. New development and additions must, to the extent possible, avoid negative impacts on environmental features and functions. New development and additions shall be reviewed and approved by the Municipality of Port Hope and the Ganaraska Region Conservation Authority.

**F2.2.6 Expansion, Reconstruction and Conversion of Damaged or Destroyed Existing Buildings, Structures and Uses**

Nothing applies to prevent the expansion of an existing building or structure, institutional use, mineral aggregate operation or wayside pit within the licensed area boundary, or reconstruction in the same location due to damage or destruction or use conversion, subject to the requirements of Section 6 of the Oak Ridges Moraine Conservation Plan. As per Section 2.2.3 of this Secondary Plan, the expansion of Legal Non-Conforming Uses is prohibited with the exception of Institutional Uses.

**F2.3 LAND USE DESIGNATIONS**

The Oak Ridges Moraine Conservation Plan Area is divided into four land use designations, as shown on Schedule “F” with policies established for each designation. Each land use designation includes main uses, which are generally permitted in the land use designation and secondary uses, which are permitted only if certain conditions are satisfied. In addition, there are uses that are permitted in all designations. The four land use designations are:

- Natural Core Area;
- Natural Linkage Area;
- Countryside Area; and
- Settlement Area.

**F2.3.1 Natural Core Area**

***F2.3.1.1 Purpose***

The Natural Core Area has a high concentration of key natural heritage features, hydrologically sensitive features and/or landform

conservation areas. The purpose of the Natural Core Area is to maintain and, where possible, improve or restore the ecological integrity of Natural Core Area.

#### **F2.3.1.2 Permitted Uses**

The following uses are permitted in the Natural Core Area, subject to the policies of this Secondary Plan:

- i) Fish, wildlife and forest management;
- ii) Conservation projects and flood and erosion control projects;
- iii) Agricultural uses, as defined in Section 3(1) of the Oak Ridges Moraine Conservation Plan;
- iv) Transportation, infrastructure, and utilities, subject to Section C4 of the Port Hope Official Plan, but only if the need for the project has been demonstrated and there is no reasonable alternative;
- v) Home occupations, as per the Municipality's Home Occupation By-law;
- vi) Farm vacation homes;
- vii) Bed and breakfast establishments;
- viii) Low-intensity recreational uses, subject to Section 37 of the Oak Ridges Moraine Conservation Plan;
- ix) Un-serviced parks;
- x) Uses accessory to a permitted use; and,
- xi) Use accessory to agricultural uses as per Section 34 of the Oak Ridges Moraine Conservation Plan.

#### **F2.3.1.3 New Lots in Natural Core Areas**

New lots may be created in the Natural Core Areas subject to Section 2.5.1 of this Secondary Plan and Section 32 of the Oak Ridges Moraine Conservation Plan.

### **F2.3.2 Natural Linkage Area**

#### **F2.3.2.1 Purpose**

The Natural Linkage Area forms part of a central corridor system that supports or has the potential to support the movement of plants and animals among the Natural Core Area, Natural Linkage Area, river valleys and stream corridors. The purpose of the Natural Linkage Area is to maintain and, where possible improve or restore regional-

scale open space linkages between the Natural Core Area and along river valleys and stream corridors.

#### **F2.3.2.2 Permitted Uses**

The following uses are permitted in the Natural Linkage Area, subject to the policies of this Secondary Plan:

- i) All of the uses permitted in the Natural Core Area;
- ii) Wayside pits, subject to Section 2.3.5;
- iii) Mineral aggregate operations, subject to Section 2.3.5; and,
- iv) Uses accessory to a permitted use.

#### **F2.3.2.3 New Lots in Natural Linkage Areas**

New lots may be created in the Natural Linkage Areas subject to Section 2.5.1 of this Secondary Plan and Section 32 of the Oak Ridges Moraine Conservation Plan.

### **F2.3.3 Countryside Area**

#### **F2.3.3.1 Purpose**

The Countryside Area includes rural land uses such as agriculture, recreation, residential development, mineral aggregate operations and parks and open space. The purpose of the Countryside Area is to encourage agricultural and other rural uses that support the Oak Ridges Moraine Conservation Plan.

#### **F2.3.3.2 Permitted Uses**

The following uses are permitted in the Countryside Area, subject to the policies of this Secondary Plan:

- i) All of the uses permitted in the Natural Linkage Area;
- ii) Small-scale commercial, industrial and institutional uses, subject to subsection 2.3.3.3;
- iii) Major recreational uses, as set out in Section 38 of the Oak Ridges Moraine Conservation Plan, subject to subsection 2.3.3.3 and only adjacent to Campbellcroft;
- iv) Residential development, subject to subsection 2.3.4; and
- v) Uses accessory to a permitted use;
- vi) Agriculture-related uses, as defined in Section 3(1) of the Oak Ridges Moraine Conservation Plan.

**F2.3.3.3** *Uses Prohibited in Agricultural Priority Areas*

The uses described in ii) and iii) of Section 2.3.3.2 are prohibited in agricultural priority areas, as shown on Schedule “F”.

**F2.3.3.4** *New Lots in Countryside Area*

New lots may be created in Countryside Areas subject to Section 2.5.1 of this Secondary Plan and Sections 15(1), 15(2), 32(1) 1, 3, and 5 and 32(2) through (6) of the Oak Ridges Moraine Conservation Plan.

**F2.3.4** **Settlement Area**

**F2.3.4.1** *Purpose*

The purpose of the Settlement Area is to focus and contain urban growth. With respect to the Settlement Area land use designation, it shall only apply to the hamlet of Campbellcroft.

**F2.3.4.2** *Permitted Uses*

Subject to the provisions of subsections 19 (3) and 31 (4) of the Oak Ridges Moraine Conservation Plan, all uses permitted within the hamlet of Campbellcroft by the Port Hope Official Plan shall be permitted.

**F2.3.4.3** *New Lots in Settlement Areas*

New lots may be created in Settlement Areas subject Section 32 of the Oak Ridges Moraine Conservation Plan and Section E 3.1 (Plans of Subdivision) of this Plan or Section F 2.5.1 (Consents) of this Secondary Plan.

**F2.3.5** **Mineral Aggregate Operations**

**F2.3.5.1** *Land Use Designations*

Mineral Aggregate extraction is a permitted use in the Natural Linkage Area and Countryside Area.

**F2.3.5.2** *Aggregate Potential Area*

Notwithstanding Section 2.3.5.1, Mineral Aggregate extraction shall be limited to the areas designated as potential aggregate resource area as shown on Schedule “J”.

**F2.3.5.3** *Licensed Mineral Aggregate Operations*

- i) All existing licensed mineral aggregate areas shall be appropriately zoned in the implementing Zoning By-law or be controlled by appropriate conditions under the Aggregate Resources Act.

- ii) Proposals to add to or extend the boundaries of licensed mineral aggregate areas shall be considered with regard to the land uses and natural area characteristics of the surrounding environment and the policies of Section 35 of the Oak Ridges Moraine Conservation Plan.

**F2.3.5.4      *Municipal Requirements***

In consideration of any application to amend the Zoning By-law for an aggregate operation, the Municipality shall require the applicant to meet the requirements of Section 35 of the Oak Ridges Moraine Conservation Plan.

**F2.4            ECOLOGICAL AND HYDROLOGICAL INTEGRITY**

**F2.4.1        Connectivity**

All applications for development and site alteration in the Natural Core Area, Natural Linkage Area and Countryside Area shall identify planning and design 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 and Natural Linkage Areas. As per Section 2.4.9 of this Secondary Plan, the Municipality will prepare a by-law to regulate site alteration and tree cutting which will promote the principle of connectivity.

**F2.4.2        Key Natural Heritage Features and Hydrologically Sensitive Features Minimum Vegetation Protection Zones and Minimum Areas of Influence**

The Oak Ridges Moraine Conservation Plan establishes minimum areas of influence and minimum vegetation protection zones that relate to key natural heritage features and significant hydrological features as shown in Table 1. Development is restricted based on proximity to key natural heritage features and significant hydrological features, as set out in Table 1.

If land falls within more than one item in Column 1 of Table 1, the provisions that are more restrictive shall apply.

All development and site alteration with respect to land within a vegetation protection zone is prohibited except as permitted in Sections 22(2) and 26(2) of the Oak Ridges Moraine Conservation Plan.

## **F2.4.3 Key Natural Heritage Features**

### ***F2.4.3.1 Key Natural Heritage Features***

Schedule “G” to this Secondary Plan shows Key Natural Heritage Features as established through mapping provided by the Province of Ontario. No amendment will be required to the schedule where minor changes are proposed based upon studies carried out in accordance with the Oak Ridges Moraine Conservation Plan. The following are key natural heritage features:

- i) wetlands;
- ii) significant portions of habitat of endangered, rare and threatened species;
- iii) fish habitat
- iv) areas of natural and scientific interest (life science);
- v) significant valleylands;
- vi) significant woodlands;
- vii) significant wildlife habitat; and
- viii) sandbarrens, savannahs and tallgrass prairies.

Schedule “G” does not define significant valleylands, significant wildlife habitat and the habitat of endangered, rare and threatened species. These features are to be identified using criteria established by the Ministry of Natural Resources and Forestry and the Ministry of the Environment and Climate Change.

Environmentally Significant Areas on the Oak Ridges Moraine, identified by the Conservation Authority, are also considered to be key natural heritage features, subject to the same requirements for protection and study as those identified in the Oak Ridges Moraine Conservation Plan for Areas of Natural and Scientific Interest (life science).

**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**

**TABLE 1**

<b>Feature</b>	<b>Minimum Area of Influence</b>	<b>Minimum Vegetation Protection Zone</b>
Wetlands	All land within 120 metres of any part of the feature	All land within 30 metres of any part of the feature, subject to clause 23 (d) of the ORMCP if a natural heritage evaluation is required
Significant portions of habitat or endangered, rare and threatened species	All land within 120 metres of any part of the feature	As determined by a natural heritage evaluation carried out under Section 23 of the ORMCP
Fish habitat	All land within 120 metres of any part of the feature	All land within 30 metres of any part of the feature, subject to clause 23 (1) (d) of the ORMCP if a natural heritage evaluation is required
Areas of Natural and Scientific Interest (life sciences)	All land within 120 metres of any part of the feature	As determined by a natural heritage evaluation under Sect. 23 of the ORMCP
Areas of Natural and Scientific Interest (earth sciences)	All land within 50 metres of any part of the feature	As determined by a natural heritage evaluation under Sect. 30 (12) of the ORMCP
Significant valleylands	All land within 120 metres of the stable top-of-bank	All land within 30 metres of the stable top-of-bank, subject to Section 23 (1) (d) of the ORMCP if a natural heritage evaluation is required
Significant woodlands	All land within 120 metres of any part of the feature	All land within 30 metres of the base of the outermost tree trunks within the woodland, subject to Section 23 (1) (d) of the ORMCP if a natural heritage evaluation is required
Significant wildlife habitat	All land within 120 metres of any part of the feature	As determined by a natural heritage evaluation under Sect. 23 of the ORMCP
Kettle lakes	All land within 120 metres of the catchment area	All land within the surface catchment area or within 30 metres of any part of the feature, whichever is greater, subject to Section 26 (4)(c) of the ORMCP if a hydrological evaluation is required
Permanent and Intermittent streams	All land within 120 metres of meander belt	All land within 30 metres of the meander belt, subject to Section 26 (4) (c) of the ORMCP if a hydrological evaluation is required
Seepage areas and Springs	All land within 120 metres of any part of the feature	All land within 30 metres of the feature, subject to Section 26 (4) (c) of the ORMCP if a hydrological evaluation is required

Note: ORMCP represents Oak Ridges Moraine Conservation Plan

**F2.4.3.2      *Development and Site Alteration within Key Natural Heritage Features***

All development and site alteration with respect to land within a key natural heritage feature or the related minimum vegetation protection zone referred to in Table 1 is prohibited, except the following:

- i)      Forest, fish, and wildlife management.
- ii)     Conservation and flood or erosion control projects, but only if they have been demonstrated to be necessary in the public interest after all alternatives have been considered.
- iii)    Transportation, infrastructure, and utilities as described in Section 41 of the Oak Ridges Moraine Conservation Plan, but only if the need for the project has been demonstrated and there is no reasonable alternative.
- iv)     Low-intensity recreational uses as described in Section 37 of the Oak Ridges Moraine Conservation Plan.

**F 2.4.3.3      *Natural Heritage Evaluation***

An application for development and/or site alteration in the minimum area of influence (of Key Natural Heritage Features) defined by Table 1 shall be accompanied by a natural heritage evaluation pursuant to Section 23 of the Oak Ridges Moraine Conservation Plan. An evaluation may result in a minimum vegetation protection zone greater or different, than that shown in the table to the Oak Ridges Moraine Conservation Plan.

Where site specific studies or updated information from the Province of Ontario, result in refinements to the boundary or extent of key natural heritage features, such refinements shall not require an amendment to this Plan.

No new agricultural uses and/or agriculture-related uses shall be permitted within key natural heritage features and their associated minimum vegetation protection zone if the lands were not being used for that use on November 15, 2001.

**F 2.4.4      *Hydrologically Sensitive Features***

**F 2.4.4.1      *Hydrologically Sensitive Features***

Schedule “H” to this Secondary Plan shows Hydrologically Sensitive Features as established by mapping provided by the Province of Ontario. No amendment will be required to the schedule where minor changes are proposed based upon studies carried out in accordance

with the Oak Ridges Moraine Conservation Plan. The following are hydrologically sensitive features:

- i) Permanent and intermittent streams.
- ii) Wetlands.
- iii) Kettle lakes.
- iv) Seepage areas and springs.

**F 2.4.4.2 *Development and Site Alteration within Hydrologically Sensitive Features***

All development and site alteration with respect to land within a hydrologically sensitive feature or the related minimum vegetation protection zone as defined in Table 1 is prohibited, except the following:

- i) Forest, fish, and wildlife management.
- ii) Conservation and flood or erosion control projects, but only if they are determined to be necessary in the public interest after all alternatives have been considered.
- iii) Transportation, infrastructure, and utilities as described in Section C4 of the Port Hope Official Plan, but only if the need for the project has been demonstrated and there is no reasonable alternative.
- iv) Low-intensity recreational uses as described in Section 37 of the Oak Ridges Moraine Conservation Plan.

**F 2.4.4.3 *Hydrological Evaluation***

An application for development or site alteration in the minimum area of influence (for a Hydrologically sensitive feature) defined by Table 1 shall be accompanied by a hydrological evaluation pursuant to Section 26 (4) of the Oak Ridges Moraine Conservation Plan.

Where site specific studies or updated information from the Province of Ontario results in refinements to the boundary or extent of key hydrogeologically sensitive features, such refinements shall not require an amendment to this Plan.

No new agricultural uses and/or agriculture-related uses shall be permitted within hydrologically sensitive features and their associated minimum vegetation protection zone if the lands were not being used for that use on November 15, 2001.

#### **F 2.4.5 Areas of High Aquifer Vulnerability**

Schedule “H” of this Secondary Plan shows the areas of high aquifer vulnerability. All areas of high aquifer vulnerability are subject to the provisions of Section 42 of the Oak Ridges Moraine Conservation Plan. 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 contaminant listed in Schedule 3 (Severely Toxic Contaminants) to Regulation 347 of the Revised Regulations of Ontario, 1990.

#### **F 2.4.6 Landform Conservation Areas**

Schedule “I” to this Secondary Plan shows Landform Conservation Areas (Category 1) and Landform Conservation Areas (Category 2). Applications for development and/or site alteration in these areas will be subject to the policies of Section 30 of the Oak Ridges Moraine Conservation Plan, with the exception that Sections 30(5), (6) and (10) do not apply to mineral aggregate operations.

#### **F 2.4.7 Partial Services**

Development on partial services is prohibited unless it meets the exceptions provided under Sections 44(2), 44(3) and 44(4) of the Oak Ridges Moraine Conservation Plan.

#### **F 2.4.8 Wellhead Protection Areas**

At the time of approval of this Secondary Plan there were no wellheads within the Oak Ridges Moraine Conservation Area. Should municipal or communal wellheads be established in the future, wellhead protection areas shall be established and shall be subject to the provisions of Section 42 of the Oak Ridges Moraine Conservation Plan.

#### **F 2.4.9 Site Alteration and Tree Cutting**

The Municipality, in consultation with the Province may prepare a by-law to regulate site alteration and tree cutting. Site alteration means activities such as filling, grading and excavation that would change the

landform and natural vegetative characteristics of land but does not include:

- i) the construction of facilities for transportation, infrastructure and utilities uses, as described in Section 41 of the Oak Ridges Moraine Conservation Plan, by a public body; or,
- ii) For greater certainty:
- iii) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or
- iv) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.

#### **F 2.4.10 Watershed Plans**

In compliance with Section 24 and 25 of the Oak Ridges Moraine Conservation Plan, the Municipality of Port Hope has entered an agreement authorizing the Ganaraska Region Conservation Authority to commence the preparation of Watershed Plans, Water Budgets and Conservation Plans on behalf of the Municipality.

#### **F 2.4.11 Subwatersheds**

Except with respect to land in the Settlement Areas, all development and site alteration with respect to land in a subwatershed are prohibited if they would cause the total percentage of the area of the subwatershed that has impervious surfaces to exceed:

- i) 10 percent; or
- ii) any lower percentage specified in the applicable watershed plan.

### **F 2.5 SPECIFIC LAND USE POLICIES**

#### **F 2.5.1 Consents**

Consents to sever land on the Oak Ridges Moraine on lands designated Natural Core Area, Natural Linkage Area or Countryside Area on Schedule “C” are limited to the circumstances and the specific provisions of this Section. In addition to the conditions defined for consents, a consent on the Oak Ridges Moraine shall also be made conditional upon the applicant entering into a site plan control agreement to ensure the ecological and hydrological integrity of key features on the lot are maintained.

### **F 2.5.1.1 Limitations on Consents**

Accordingly, unless otherwise specifically permitted by other policies in this Secondary Plan, consents are limited to:

- i) severance, from a rural lot, of a farm retirement lot, subject to Section E3.2 of this Official Plan. The maximum permitted is a cumulative total of one such severance for each rural lot. All consents granted on or after January 1, 1994 are included in the calculation of the cumulative total;
- ii) severance, from a lot for a residence surplus to a farming operation, subject to Section E3.2 of this Official Plan. Notwithstanding the foregoing, the severance of a surplus residence from non-abutting lands is not permitted. The maximum permitted is a cumulative total of one such severance for each rural lot. All consents granted on or after January 1, 1994 are included in the calculation of the cumulative total;
- iii) mortgaging of land beyond 21 years;
- iv) partial discharge of a mortgage;
- v) minor lot boundary adjustments;
- vi) easements, right-of-ways and leases over 21 years; and
- vii) minor corrections to deeds or property descriptions.

### **F 2.5.1.2 Criteria for Consents**

All consent applications will be reviewed based on meeting the intent of the following criteria:

- i) the size, dimensions and configuration of the severed and/or retained parcels of land are appropriate to accommodate the proposed use or uses;
- ii) such an action would result in an overall improvement to the community;
- iii) the intended use of the severed and retained parcels conform with the intent and policies of this Secondary Plan; and
- iv) as per Section E3.2 of this Official Plan entitled General Criteria.

### **F 2.5.1.3 Consents in Rural Settlement Area**

Consents to sever land on the Oak Ridges Moraine on lands designated Rural Settlement Area on Schedule "F" are limited to those circumstances set out above, and Consent(s) to sever land within a

Rural Settlement Area are generally limited to no more than two new lots in addition to one retained lot being created in the following situations:

- i) infilling, where lands under consideration:
  - a) front on an existing public street; and
  - b) are between existing buildings that form part of the Hamlet that are separated by not more than 150 metres on the same side of the road.
- ii) as a logical extension of existing residential development where it is demonstrated that a plan of subdivision is not necessary for the orderly development of the land and will not limit further development by plan of subdivision. The Committee of Adjustment shall assess what effects the proposed severance would have of future in-depth development. In particular, internal roads, lot layout, proposed access locations, compatibility of use, stormwater removal, etc. should be strongly considered before a decision is made.

#### **F 2.5.2 Minimum Distance Separation**

All farm and non-farm development within the Natural Linkage, Natural Core and Countryside Area designations will comply with the Minimum Distance Separation formula established by the Province in order to minimize odour conflicts between livestock facilities and development.

#### **F 2.6 IMPLEMENTATION**

The implementation of this Secondary Plan shall be in accordance with the provisions of the Oak Ridges Moraine Conservation Plan, the Planning Act and the respective policies of the Port Hope Official Plan.

The boundaries between the land use designations shown on the various schedules attached hereto are approximate. The precise boundary must be determined through reference to Ontario Regulation 01/02 and 140/02. Minor adjustment may be permitted in accordance with the policies of this Secondary Plan.

Schedules G, H, and I to this Secondary Plan identify various Key Natural Heritage Features, Hydrologically Sensitive Features, Landform Conservation Areas and Areas of High Aquifer Vulnerability Areas that have been identified and mapped by the Province of Ontario. For greater accuracy reference should be made to those maps which are available for public inspection at the government information office located at the McDonald Block at 900 Bay Street, Toronto and at the Ministry of Natural Resources and Forestry district

office located at 50 Bloomington Road West, Aurora, and 300 Water Street, Peterborough and also on the internet at <http://www.mah.gov.on.ca/page333.aspx>.

Where this Secondary Plan provides that proposals for minor changes to a boundary on a schedule may be considered based upon studies carried out in accordance with the provision of the Oak Ridges Moraine Plan, then the Municipality shall consult with the appropriate Provincial Ministry and no amendment shall be required to this Official Plan.

## APPENDIX DEFINITIONS

For the purposes of this Official Plan, it shall be the interpretation that:

**"100 YEAR FLOOD"** shall mean the flood event which has a return period of 100 years on average or which has a 1% chance of occurring or being exceeded in any given year.

**"100 YEAR FLOOD LEVEL"** shall mean the peak water level experienced during the 100 Year Flood event, as delineated as the 100 Year Flood Elevation on the Fill and Flood Plain Mapping of the Ganaraska River, prepared by Totten Sims Hubicki Associates, dated February 1986.

**"100 YEAR FLOOD LEVEL - GAGE CREEK"** shall mean the peak water level experienced during the 100 Year Flood event, as delineated as the 100 Year Flood Elevation on the Gage Creek Flood Plain Mapping Study, Municipality of Port Hope, prepared by Totten Sims Hubicki Associates, dated March 1993.

**"100 YEAR FLOOD PLAIN"** shall mean the area adjoining the Ganaraska River which would be covered by flood water during the 100 Year Flood event, as delineated by the 100 Year Storm Floodline on the Fill and Flood Plain Mapping of the Ganaraska River, prepared by Totten Sims Hubicki Associates, dated February 1986, and as shown on Schedule B1.

**"ACTIVE TRANSPORTATION"** shall mean human-powered travel, including but not limited to, walking, cycling, inline skating and travel with the use of mobility aids, including motorized wheelchairs and other power-assisted devices moving at a comparable speed.

**"ARCHAEOLOGICAL RESOURCES"** shall mean all 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*.

**"AREAS OF ARCHAEOLOGICAL POTENTIAL"** shall mean areas with the likelihood to contain archaeological resources. Methods to identify archaeological potential are established by the Province, but municipal approaches which achieve the same objectives may also be used. The Ontario Heritage Act requires archaeological potential to be confirmed through archaeological fieldwork.

**"BONA-FIDE FARMER"** shall mean a person, partnership, couple or similar arrangement that is/are actively involved in and earn(s) a substantial portion of their yearly income from the cultivation or foraging of crops, livestock or poultry production, raising or training of horses, and orchards, market

gardening, maple sugar bushes, tobacco crops or other forms of specialized crop production. For the purposes of determining a bona-fide farm, reference may be made to their membership in a legitimate farm organization and eligibility for a property tax reduction.

**“BUILT BOUNDARY”** shall mean the limits of the developed urban area as defined by the Minister of Municipal Affairs and Housing in accordance with Policy 2.2.3.5 of the GPGGH.

**“BUILT HERITAGE RESOURCES”** shall mean buildings, structures, monuments, installations, or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on a property that has been designated under Parts IV or V of the Ontario Heritage Act, or included on local, provincial and/or federal registers.

**“COMPLETE COMMUNITIES”** Complete communities meet 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, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

**“COMPREHENSIVE REVIEW”** shall mean a municipal initiated review of this Official Plan or an amendment to this Plan which is initiated or adopted by the Municipality.

**“CULTURAL HERITAGE LANDSCAPE”** means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the Ontario Heritage Act; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

**“CULTURAL HERITAGE RESOURCE”** shall mean Archaeological Resources, Built Heritage Resources and/or Cultural Heritage Landscapes.

**“DENSITY TARGETS”** shall mean the density target for designated greenfield areas is defined in Policies 2.2.7.2, 2.2.7.3 and 2.2.7.5 of the GPGGH.

**“DESIGNATED GREENFIELD AREAS”** shall mean the area within a settlement area that is not built-up area. Where a settlement area does not have a built boundary, the entire settlement area is considered designated Greenfield area.

**"DEVELOPMENT"** shall mean the creation of a new lot, a change in land use, or the construction of buildings, 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.

**“EMPLOYMENT AREAS”** shall mean areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. (Provincial Policy Statement, 2014)

**“FLOOD FRINGE”** shall mean the outer portion of the flood plain between the floodway and the Flooding Hazard limit as shown on Schedule B1. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway.

**“FLOODING HAZARD LIMIT - GAGE CREEK”** shall mean the greater of the 100 Year Flood Level - Gage Creek or the Regulatory Flood Level - Gage Creek.

**"FLOODPROOFING, DRY"** shall mean the use of fill, columns or design modifications to elevate openings in buildings or structures above the Regulatory Flood level or the use of watertight doors, seals, berms/floodwalls to prevent water from entering openings below the Regulatory Flood level.

**"FLOODPROOFING, WET"** shall mean the use of materials, methods and design measures to maintain structural integrity and minimize water damage in buildings or structures which are intentionally designed to allow flood waters to enter, as determined by the Municipality in consultation with the Ganaraska Region Conservation Authority.

**“FLOODWAY”** shall mean the inner portion of the flood plain, representing that area required for the safe passage of flood flow and/or that area where flood depths and/or velocities are considered to be such that they will pose a potential threat to public health or property damage, as shown on Schedule B1.

**“GREEN INFRASTRUCTURE”** shall mean natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage

features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs.

**“GROUP HOME”** shall mean a single housekeeping unit in a residential dwelling in which up to ten (10) persons, excluding staff or the receiving household, live as a unit under responsible supervision consistent with the requirements of its residents and which is licensed or approved under Provincial Statute and in compliance with municipal by-laws.

**“INTENSIFICATION AREAS”** shall mean lands identified by municipalities or the Province within a settlement area that are to be the focus for accommodating intensification. Intensification areas include urban growth centres, intensification corridors, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings and greyfields.

**“INTENSIFICATION TARGET”** shall mean the intensification target as established in the GPGGH and the subsequent County GMS.

**“MUNICIPAL COMPREHENSIVE REVIEW”** shall mean an official plan review, or an official plan amendment initiated by the municipality that comprehensively applies the policies and schedules of the Growth Plan for the Greater Golden Horseshoe, 2006.

**“NATURAL HERITAGE FEATURE”** shall mean any features and areas, including significant wetlands, significant coastal wetlands, other coastal wetlands, fish habitat, significant woodlands and significant valleylands, 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.

**“NATURAL HAZARDS”** shall mean 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, where applicable, and the furthest landward limit of the flooding hazard, erosion hazard or dynamic beach hazard limits. Along river, stream and small inland watercourse systems, this means the land, including that covered by water, to the furthest landward limit of the flooding hazard or erosion hazard limits as identified by the Ganaraska Region Conservation Authority.

**“NET HECTARE”** shall mean a gross hectare less any land used as a public road allowance, land dedicated for park purposes to the Municipality, land which has been judged by the Ministry of Natural Resources and Forestry to

be hazardous and land used for any non-residential use permitted by Section 6.5.2.

**“PRIME AGRICULTURAL AREA”** shall mean areas where prime agricultural lands predominate. This includes: areas of prime 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.

**“PRIME AGRICULTURAL LAND”** shall mean land that includes specialized crop areas and/or Canada Land Inventory Classes 1, 2 and 3 soils in this order of priority for protection.

**"REDEVELOPMENT"** shall mean the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

**"REGULATORY FLOOD"** shall mean the flood event resulting from the Hurricane Hazel storm centred event in 1954.

**"REGULATORY FLOOD LEVEL"** shall mean the peak water level experienced during the Regulatory Flood event, as delineated as the Regional Flood Elevation on the Fill and Flood Plain Mapping of the Ganaraska River, prepared by Totten Sims Hubicki Associates, dated February 1986.

**“REGULATORY FLOOD LEVEL - GAGE CREEK”** shall mean the peak water level experienced during the Regulatory Flood event, as delineated as the Regional Flood Elevation on the Gage Creek Flood Plain Mapping Study, Municipality of Port Hope, prepared by Totten Sims Hubicki Associates, dated March 1993.

**"REGULATORY FLOOD PLAIN"** shall mean the area adjoining the Ganaraska River which would be covered by flood water during the Regulatory Flood event, as delineated by the Regional Storm Floodline on the Fill and Flood Plain Mapping of the Ganaraska River, prepared by Totten Sims Hubicki Associates, dated February 1986 and as shown on Schedule B1, including any subsequent updated information.

**"RENOVATION, MAJOR"** shall mean the addition or alteration of a building or structure that increases the size of a building or structure by 20% or greater of the existing building footprint.

**"RENOVATION, MINOR"** shall mean the addition or alteration of a building or structure that increases the size of a building or structure by less than 20% of the existing building footprint, but shall not include any useable space below grade.

**"SAFE INGRESS/EGRESS"** shall mean pedestrian and vehicular access/evacuation routes as determined by the Municipality of Port Hope in consultation with the Ganaraska Region Conservation Authority in an evaluation of flood depths and velocities in accordance with Provincial policy.

**"SAFE PARKING"** shall mean that the parking area is not flooded to a depth greater than 0.3 metres with a velocity of 1.7 metres/sec. or less.

**"SENSITIVE LAND USES"** shall mean 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 part of the natural or built environment.

**"SENSITIVE SURFACE WATER and GROUND WATER FEATURES"** shall mean areas that are particularly susceptible to impacts from activities or events including, but not limited to, water withdrawals, and additions of pollutants.

**"SETTLEMENT AREAS"** shall mean the Urban Area and Hamlets.

**"SIGNIFICANT HABITAT OF ENDANGERED SPECIES AND THREATENED SPECIES"** shall mean the habitat, as approved by the Ontario Ministry of Natural Resources and Forestry, 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.

**"SIGNIFICANT WETLANDS"** shall mean an area identified as provincially significant by the Ontario Ministry of Natural Resources and Forestry using evaluation procedures established by the Province, as amended from time to time.

**"SPECIALTY CROP AREA"** shall mean areas designated using evaluation procedures established by the province, as amended from time to time, where specialty crops such as tender fruits, grapes, other fruit crops, vegetable crops, greenhouse crops, and crops from agriculturally developed organic soil lands are predominantly grown.

**"STEEP SLOPE"** shall be those slopes with horizontal to vertical gradients steeper than 3:1 and with a height greater than 3.0 metres.

**"UTILITIES"** shall mean all public and private utilities, including but not limited to CATV, Ontario Power Generation, Hydro One and any Public Utility Corporation as defined in the Public Utilities Corporations Act.

## **SCHEDULES:**

Schedule A	<b>Settlement Structure</b>
Schedule A-1	<b>Intensification Areas</b>
Schedule B	<b>Development Constraints</b>
Schedule B-1	<b>Development Constraints - Urban Area Detail</b>
Schedule B-2	<b>Development Constraints – Natural Hazards</b>
Schedule B-3	<b>Drinking Water Source Protection Vulnerable Areas</b>
Schedule C	<b>Land Use</b>
Schedule C-1	<b>Land Use - Urban Area Detail</b>
Schedule D	<b>Transportation System</b>
Schedule D-1	<b>Transportation System - Urban Area Detail</b>
Schedule E	<b>Community Character</b>
Schedule F	<b>Oak Ridges Moraine - Land Use</b>
Schedule G	<b>Oak Ridges Moraine - Key Natural Heritage Features</b>
Schedule H	<b>Oak Ridges Moraine - Hydrologically Sensitive Features &amp; High Aquifer Vulnerability</b>
Schedule I	<b>Oak Ridges Moraine - Landform Conservation Areas</b>
Schedule J	<b>Oak Ridges Moraine - Mineral Aggregate</b>