

FORMER TOWNSHIP OF KINGSTON

OFFICIAL PLAN

January 1, 2005
(Office Consolidation)

City of Kingston
Planning Division
Planning & Development Services

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**FORMER TOWNSHIP OF KINGSTON
OFFICIAL PLAN AMENDMENTS**

OMB Order 1699, text changes (replacing Section 3.15.2(6) and 3.15.2(7)) and map changes (Schedule “E”; Schedule “A”, Map 1) – July 8, 1998

OMB Order No. 0220, text changes (replacing Section 3.15.2(6), 3.15.2(7) and 6.11.1(10)) and map changes (Schedule “B”; Schedule “A”, Maps 1 & 3) – February 3, 1999

File No.	Applicant	Property Location	OPA #	Approved/By-Law	Declined
D09-03-98	Cruickshank Construction	Perth Road, Lot 24, Con. 5		INACTIVE	
D09-05-98	Dacon Corporation	Cataraqui North	1	By-Law 98-269 October 20, 1998 (Text & Map – Schedule “F”)	
D09-07-99	Landing Golf Courses Ltd.	Hampton Gray Way & Len Birchall Way	2	By-Law 99-204 June 1, 1999 (Text only)	
P431-97-16	Sarah Gheran	1865 Westbrook Rd. Pt. Lot 3, Con. 5, WA	3	By-Law 99-320 Sept. 28, 1999 (Text & Map – Schedule “A”, Map 2)	
D09-06-98	Clifford & Marjorie Allen	Aragon Rd. – Allen’s Point	4	By-Law 99-322 Sept. 28, 1999 (Map only – Schedule “A”, Map 3)	
D09-18-02	Beautyrick Holdings Inc.	130 Days Rd.	4	By-Law 2002-66 March 19, 2002 (Text & Map, Schedule “A”, Map 1)	
D09-21-02	City of Kingston	Cataraqui Industrial Estates, Pt. Lot 11, 12, 13, Con. 4	5	By-Law 2002-70 March 19, 2002 (Map only – Schedule “A”, Map 1)	
D09-19-02	VIE Holdings Inc.	Brule Rd., Pt. Lots 7 & 8, Con. 4	6	By-Law 2002-63 March 19, 2002 (Map only – Schedule “A”, Map 1)	
D09-22-02	City of Kingston	1114 Len Birchall Way, Kingston Norman Rogers Airport	7	By-Law 2003-203 July 15, 2003 (Text & Map – Schedule “A”, Map 1)	
D09-23-02	Braebury Homes	N. of Cataraqui Woods Dr., between Centennial & Augusta	N/A	WITHDRAWN	

FORMER TOWNSHIP OF KINGSTON OFFICIAL PLAN AMENDMENTS (Cont'd)

File No.	Applicant	Property Location	OPA #	Approved/By-Law	Declined
D09-25-02	Jerome Taylor	Cataraqui North, Pt. Lots 12, 13, Con. 3	8	By-Law 2003-205 July 15, 2003 (Map only – Schedule “F”)	
D09-26-02	City of Kingston	All areas – PMN requirements	9	By-Law 2003-157 June 17, 2003 (Text only)	
D09-001-2004	Wal-Mart Canada Corp.	1130 Midland Avenue	10	By-Law 2004-183 June 15, 2004 (Map only – Schedules “A” & “C”)	
			11		
D09-004-2004 D09-007-2004	Tamarack Waterloo Corp.	Taylor-Kidd Blvd. & Centennial Dr. Lots 12 to 14, Con. 2 (residential & commercial)	12	By-Law 2004-313 Sept. 21, 2004 (Map only – Schedule “A”, Map 1)	
D09-30-03	Scott Pressurized Washing Systems Inc.	650 Fortune Cres.	13	By-Law 2004-356 Nov. 30, 2004 (Map only – Schedule “A”, Map 1)	
D09-011-2004	Anchor Concrete Products Ltd.	1645 Sydenham Rd.	14	By-Law No. 2005-7 Dec. 14, 2004 (Map only – Schedule “A”, Map 3)	
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D09-003-2004	Westbrook Meadows Sub. S.S.B. Associates Inc.	Lot 3, Con. 3 (WA)	23	By-Law 2004-293 Sept. 7, 2004 Site Specific Policy Text (See 3.7.3 (6))	

FOREWORD

The Official Plan for the former Township of Kingston was adopted by the Council of the Corporation of the Township of Kingston on March 21, 1995.

The Official Plan was approved by the Minister of Municipal Affairs and Housing on July 16, 1997, with modifications and with certain referrals to the Ontario Municipal Board.

Final approval of the Official Plan was given by the Minister of Municipal Affairs and Housing on April 12, 2000.

This consolidated version of the Official Plan dated **January 1, 2005**, includes all approvals, modifications and approved Amendments to that date. The Official Plan was previously consolidated on November 6, 1997.

This consolidation of the Official Plan for the former Township of Kingston is prepared for convenience. For precise reference please consult the City of Kingston Planning Division.

This foreword does not form part of the Official Plan.

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SECTION 1 - BASIS OF THE PLAN

1-1 Introduction

This Official Plan provides a policy framework which is intended primarily to manage and direct physical development and its effects on the social, economic and natural environment of Kingston Township, until the year 2015. As residents and various public bodies have been involved extensively in its preparation, Council believes that the Plan generally reflects community values and aspirations for the future.

The Official Plan is a legal document, but it does not, in itself, control or regulate the development of land by private interests. The Plan provides a basis for the passing of municipal by-laws, including the Zoning By-law, and the administration and evaluation of planning and other applications. The policies and statements of planning principle contained in this Plan are intended to guide municipal administrators and private interests in achieving the best form of development under the most desirable conditions. These policies have been prepared with regard to Provincial legislation and the policy requirements of relevant Provincial and Federal agencies.

Supplementary data in support of the policies contained within this Plan are included in the related document entitled Planning Study 1993 and other related studies. The Planning Study and other related referenced studies do not form part of this Plan.

1-2 The Community

The Township of Kingston is an increasingly prominent partner among the municipalities of the Greater Kingston Area. This emerging prominence is expected to increase as the municipality grows. Evolving from a sparsely populated, predominantly rural municipality, Kingston Township is now home to over 40,000 people. While the Township may be characterized as being increasingly urban in nature, its rural and agricultural roots are deep and remain strong.

Kingston Township encompasses a variety of neighbourhoods and communities including: the agricultural communities in the northern areas of the Township; historic settlement areas such as Collins Bay, Westbrook, Cataraqui, Kepler, Sharpton, Elginburg, Glenburnie, Mount Chesney, Silvers Corners, Shannons Corners, Glenvale; the more recent rural residential subdivisions such as Edenwood, Rosedale and Aylesworth; and an increasingly diverse urban area ranging from mature stable neighbourhoods along the lakeshore to new burgeoning neighbourhoods such as Bayridge, Cataraqui Woods, Waterloo Village and Meadowbrook-Fernmoor, to name only a few.

Each of these areas and the others not specifically mentioned are unique. Combined, they provide a rich and diverse community fabric. It is the intention of this Plan to recognize this richness and harness the diversity to enhance the quality of life in Kingston Township and create opportunities for all residents and businesses to prosper in the future.

1-3 Strategic Community Plan

The Township of Kingston has adopted a Strategic Community Plan, the purpose of which is to coordinate the actions of the Corporation with the views of its residents and taxpayers. The Strategic Plan provides a vision for the community of the future and establishes values which are intended to guide community and municipal actions.

The general strategies and land use and development policies of the Official Plan are intended to respect the values of the Strategic Community Plan in achieving the vision. The vision and values of the Strategic Community Plan will also assist Council in guiding and assessing changes to the Official Plan, land use changes and development trends.

1-3.1 The Vision

Kingston Township is a community where people come first, living in a healthy, barrier-free environment characterized by neighbourhoods and districts having a sense of belonging and identity, and governed by the values set out below:

1-3.1.1 People First

The collective needs of the people are to be placed first in an economically vital community. Personal dignity, and individual rights to and responsibility for private property are to be respected in the on-going evolution of a safe, secure community characterized by caring and sharing. Encouraging a healthy family life in the community is of great importance.

1-3.1.2 Natural Environment

In the on-going evolution of the Municipality, the natural environment and all resource lands, including agricultural lands, are to be respected, protected, preserved and improved by every reasonable means.

1-3.1.3 Identity

Distinct neighbourhoods or districts (each having an accepted range of uses and a degree of self reliance relative to its size) with a sense of warmth, citizen ownership, and individual and corporate responsibility are to be developed and maintained. The Municipality shall be further characterized by a distinctive identity, natural and man-made pathways, and proximity of efficient, accessible services and public facilities.

1-3.1.4 Linkages

The Municipality shall be planned to achieve greater access for the public at large to the total community, including adjacent municipal jurisdictions and, in particular, to open space and undeveloped waterfront areas. Such planning shall include walkways and bike paths in order to reduce reliance upon automobiles, and overcome barriers to the movement of all persons, and shall occur on a cooperative basis with relevant jurisdictions.

SECTION 2 - GENERAL POLICIES

2-1 General

The policies of this Section are the basis for, and are intended to complement, the specific Land Use Policies of Sections 3 and 4 and the Infrastructure Policies of Section 5 by providing a policy framework intended to realize the community's Vision for the year 2015. The general policies of this Section shall be considered in the assessment and administration of development proposals, planning applications, and amendments to this Plan.

This Plan recognizes the benefits of the ecosystem approach to planning and includes policies intended to integrate environmental, economic and social considerations in a balanced manner which will help realize the community's Vision. This Plan also designates a sufficient supply of land to accommodate a population of 50,000 to 65,000 persons during the 20 year period of this Plan.

2-2 Sustaining Our Land

Provisions for the protection of the natural and cultural heritage environment are included in this Plan. These provisions are intended to protect the integrity of the environment, resource lands and natural features by identifying and protecting sensitive areas from incompatible uses and development. Heritage policies are also included to guide the management of cultural resources.

It is intended that community resources and assets be conserved and carefully managed and that the need to preserve these assets (including resource lands) be carefully weighed against the need to use such assets for other purposes.

2-2.1 Natural Environment

This Plan encourages the conservation, protection and sound management of natural environmental assets and resources, including, but not limited to: significant wetlands; significant flood plains; areas of significant aquatic and/or wildlife habitat; areas of natural and scientific interest (ANSI); significant forest areas; shorelines; and, other environmentally sensitive areas. This will be accomplished by:

- (1) identifying the location and extent of natural environmental assets and resources within the Township;
- (2) complying with Provincial legislation related to features of the natural environment (such as the *Wetlands Policy Statement*, and *Flood Plain Planning Policy Statement*);
- (3) encouraging the use of watershed planning principles where practical;

- (4) recognizing the importance and value of wetlands and flood plains:
 - (i) as unique features which warrant protection in a natural state;
 - (ii) in maintaining natural drainage and acting as natural filters in the watershed; and,
 - (iii) in providing wildlife habitat and areas for passive recreational and educational opportunities;
- (5) encouraging land, water and resource management initiatives and practices which enhance the natural environment;
- (6) discouraging uses of lands, which are not compatible with adjoining natural environmental assets and resources;
- (7) encouraging the protection and improvement of water quality and quantity characteristics of watercourses;
- (8) requiring the use of acceptable mitigating or remedial action measures where necessary to address potential development impacts to surface water such as nutrient and sediment loading and shoreline erosion;
- (9) retaining natural shoreline vegetation (in particular, within required setback distances);
- (10) protecting, improving and enhancing areas within, along and adjacent to significant water bodies and watercourses;
- (11) minimizing grading and landscape alterations, where possible; and,
- (12) recognizing the environmental importance and value of significant woodlands (including treed areas within both rural and urban areas, as well as forests and significant hedgerows) by:
 - (i) supporting the efforts of both public and private sectors in the protection, management and enhancement of woodlands;
 - (ii) requiring tree planting plans for significant new development proposals, as may be appropriate, which pay particular attention to the preservation of existing mature trees and significant hedgerows;

- (iii) advising property owners about forest management programs offered by the Ministry of Natural Resources and the Cataraqui Region Conservation Authority;
- (iv) preparing a municipal forestry plan, including a tree planting program;
- (v) supporting the Ministry of Natural Resources and/or the Cataraqui Region Conservation Authority in the undertaking of necessary studies to identify significant woodlands and forest corridors; and,
- (vi) designating woodlands and forest corridors identified by the studies referenced in (v) above in an appropriate land use category.

2-2.2 Watershed Planning

This Plan recognizes and supports the principles of watershed planning within the overall land use planning framework for the Township. Watershed planning refers to a process which combines environmental and land use planning principles with accepted resource management techniques, within the context of a watershed, in order to protect the health of the ecosystem as land uses change over time. The principles of watershed planning include:

- (1) the preservation or, where appropriate, the rehabilitation of the natural environment to maintain ecological integrity;
- (2) a commitment to the management and protection of the quality of surface and groundwater and related resources;
- (3) a commitment to integrated and coordinated resource management;
- (4) the maintenance of watercourses in a naturally functioning state as undisturbed as possible;
- (5) the control of discharges to surface water and groundwater;
- (6) the continuing improvement of water conservation practices;
- (7) the establishment and monitoring of water quality and quantity targets;
- (8) the identification and protection of significant hydrogeological areas; and,

- (9) the restriction of incompatible land uses within environmentally significant and sensitive areas.

It is acknowledged that urban growth and urban development inevitably alter elements of the natural environment. It is the intent of this Plan however to achieve and maintain an acceptable balance between efficient land use and the conservation of the natural environment. In conjunction with the Conservation Authority, other public bodies, and private interests, the Township intends to participate in the study of those watersheds or subwatersheds which may be identified as being sensitive to the effects of future development. Such studies are intended to develop detailed objectives for resource management, environmental protection and land use development, and are intended to precede or be conducted concurrently with the land use planning process.

Where watershed or subwatershed studies have been completed, the relevant land use or resource management findings may be incorporated into this Plan by amendment.

Approved by OMB Order No. 0220

2-2.3 Agricultural Lands

It is an objective of this Plan to protect good quality agricultural land for farming purposes. This is especially important given the limited amount of such land in the Township.

Measures intended to protect agricultural land include:

- (1) encouraging the retention of areas of good quality agricultural land suitable for agricultural purposes;
- (2) maintaining the viability of existing farm units; and,
- (3) maintaining the character of existing agricultural communities.

2-2.4 Mineral Aggregates

It is an objective of this Plan to implement the provisions of the Provincial Mineral Aggregate Resources Policy Statement. As such, this Plan intends to:

- (1) identify and protect existing pits and quarries, and areas of potential future extraction of mineral aggregate resources, from incompatible land uses;
- (2) require all extraction and processing operations to be located and operated in such a way as to minimize their impact on the natural

and built environments; this includes protecting surface water and groundwater resources from the possible adverse impacts of extraction; and,

- (3) require pit and quarry operators to undertake a program of rehabilitation compatible with the long term uses permitted by this Plan.

MMAH Approval dated April 12, 2000

2-2.5 Heritage Resources

Council has adopted a Heritage Strategy for the Township as a separate document from the Official Plan. While this Plan is intended to be supportive of the Heritage Strategy, it is recognized that not all elements of the Strategy can be, or are appropriately addressed in this Plan.

This Plan encourages the preservation and enhancement of heritage resources. It is intended that heritage resources be identified and conserved, wherever practical. For the purpose of this Plan **heritage resources** means both physical and intangible heritage resources including structures, landscapes, natural areas, archaeological and paleontological sites, cemeteries and burial places, documents, place names, artifacts, traditions and values, skills, songs and stories. Heritage is viewed as the total environment inherited from the past, contributed to in the present and handed on to the future. It contributes significantly to the identity and unique character of the community, and contributes to the attractiveness of the greater Kingston area for tourism.

With reference to the Heritage Strategy, as may be amended from time to time, Council intends to:

- (1) identify, recognize and conserve the Township's heritage resources;
- (2) promote the maintenance and development of historically appropriate landscaping around heritage properties;
- (3) encourage, in cooperation with the County and the Province, the maintenance of the character of the rural areas of the Township;
- (4) promote the preservation of the Kingston Mills Lock Station and development which respects the heritage value of the site and surrounding area;
- (5) respect the integrity of archaeological remains on site and require sufficient investigation and mitigation to ensure their preservation;

- (6) encourage the maintenance of existing heritage resources as part of new development proposals, where practical;
- (7) integrate heritage preservation considerations into the planning and development process, especially in the areas of land use and environmental planning; and,
- (8) promote, in consultation with the residents and the Loyalist Parkway Group of Advisors, the development of Highway 33 in a manner that is compatible with its designation as the Loyalist Parkway.

2-3 Where We Live

This Plan encourages the maintenance and development of an attractive, accessible, healthy and safe community which provides a satisfactory physical and social environment for its residents. A variety of housing opportunities and suitable support services and facilities is encouraged in appropriate locations.

The richness of the community fabric of the Township is based on the distinctiveness and diversity of its neighbourhoods. This Plan therefore promotes the preservation of existing neighbourhoods, and the development of new distinctive neighbourhoods of varying character, mix of land uses and appropriate levels of support services, which foster a sense of citizen ownership and individual and community responsibility.

2-3.1 Neighbourhoods

The geographic boundaries of neighbourhoods are defined generally for the purposes of this Plan by physical features such as major roads, rail lines, water courses, or other major features. The term **neighbourhood**, as applied by this Plan, does not refer to residential areas only. Neighbourhoods in the Township vary in size, character, range and mix of land uses, building styles and period of construction, form of tenure, and development history.

For the purposes of this Plan, neighbourhoods are classified as being either **stable, in transition** or **newly developing**.

MMAH Approval dated April 12, 2000

2-3.1.1 Stable Neighbourhoods

- (1) Stable neighbourhoods are those which generally are characterized by any of the following:
 - (a) a well established, unchanging land use pattern, including density of development and intensity of activity;
 - (b) a consistent pattern of land ownership and tenure;
 - (c) uniformity and standards of property maintenance and occupancy;
 - (d) a low number of development or redevelopment applications.
- (2) Stable neighbourhoods are to be protected from development and redevelopment which is not compatible with adjoining uses of land and the overall general characteristics of the neighbourhood.
- (3) Proponents of new development or redevelopment projects may be required to submit a planning study, the scope of which shall be determined by Council, which examines such issues as the immediate impact and long term effects of the proposal on surrounding land uses, neighbourhood character, and community service levels.
- (4) Existing compatible land uses and accepted development standards in stable neighbourhoods are to be recognized by the *Zoning By-law*.

MMAH Approval dated April 12, 2000

2-3.1.2 Neighbourhoods in Transition

- (1) Established, once stable neighbourhoods, which are undergoing fundamental change, are considered to be in **transition**. They may be characterized generally by any of the following:
 - (a) the break-up of the established land use pattern and introduction of new land uses by redevelopment;

- (b) a change in the established pattern of land ownership and tenure;
 - (c) abandoned or under-used buildings and properties;
 - (d) changing standards of maintenance and occupancy.
- (2) Where a neighbourhood is identified as being in transition, it is the intent of this Plan that a Secondary Plan will be prepared as outlined in Section 4 of this Plan.

MMAH Approval dated April 12, 2000

2-3.1.3 Newly Developing Neighbourhoods

Newly developing neighbourhoods encompass lands which are largely undeveloped or underutilized, and for which a Secondary Plan as outlined in Section 4 of this Plan has been adopted by Council prior to extensive development being permitted to take place.

MMAH Approval dated April 12, 2000

2-3.2 Community Design Principles

It is an objective of this Plan to set out design principles which are consistent with the principles of sustainable development. To achieve this objective new development and redevelopment will be encouraged to be designed in a manner which:

- (1) maximizes personal safety;
- (2) is attractive and fosters a sense of community;
- (3) contributes to variety in building types and design;
- (4) encourages walking, cycling and transit use, and reduced trip lengths, where appropriate;
- (5) incorporates barrier-free design;
- (6) is in harmony with existing significant physical heritage features, consistent with the Heritage policies of this Plan;
- (7) incorporates appropriate landscaping;

- (8) incorporates energy efficient features as may be appropriate;
- (9) contributes towards the evolution of attractive streetscapes through the coordinated application of appropriate design elements including: tree planting; street lighting; building location, orientation and massing; signs; parking area location and entrances; landscaping; and, preservation and enhancement of significant historic and natural features;
- (10) uses signs to complement and enhance the streetscape and individual buildings, while serving the needs of both the advertiser and the public;
- (11) encourages auditory and visual privacy;
- (12) ensures that new residential neighbourhoods will be built at appropriate densities which support the cost-effective provision of support services and amenities;
- (13) encourages residential projects which promote and enhance a desirable quality of life and level of social interaction through designs which incorporate a variety of range and mix of housing types;
- (14) considers the Transit Supportive Guidelines of Section 5-5.7 and the Pedestrian provisions outlined in Section 5-5.8 hereof; and,
- (15) encourages the consideration and possible use of alternative engineering and road design standards as may be deemed appropriate by Council.

2-3.3 Housing

This Plan encourages suitable, affordable housing opportunities in appropriate neighbourhood settings, for all residents of the Township, consistent with the principles outlined in the Provincial *Land Use Planning for Housing Policy Statement*. The basis for this strategy is provided in a Council-approved *Municipal Housing Statement* which establishes housing production targets to ensure an adequate mix of housing. This Plan promotes:

- (1) the provision of a variety of housing opportunities, including affordable housing, throughout the Township to meet the housing requirements of a changing population;

- (2) maintaining the general character of established, stable neighbourhoods;
- (3) the efficient use of land and buildings for residential accommodation, consistent with good planning principles and in harmony with the general neighbourhood character;
- (4) appropriate opportunities for residential intensification consistent with, and sensitive to, the character of existing neighbourhoods;
- (5) maintaining a ten year supply of designated residential lands in the Township at all times;
- (6) maintaining a three-year supply of approved lots and blocks for new residential development; and,
- (7) encourage housing forms and densities designed to be affordable to moderate and lower income households.

2-3.3.1 Affordable Housing

In accordance with Provincial requirements, a minimum of twenty-five percent (25%) of all new residential units approved in Kingston Township are to be **affordable** as defined by Provincial affordability criteria. Innovative measures may be considered to promote the production of affordable housing, such as:

- (1) alternative zoning standards in suitable locations in keeping with good planning principles and in harmony with the general character of surrounding land uses;
- (2) reduced dwelling unit size; and,
- (3) innovative housing design.

The development of small scale non-profit housing projects by cooperative and non-profit housing organizations shall be encouraged in appropriate locations, consistent with good planning principles and in keeping with the general neighbourhood character. The concentration of non-profit housing projects shall be discouraged.

2-3.4 Schools

This Plan recognizes that the traditional role of schools within the community has changed, and will continue to evolve to meet the needs of the community. Schools now serve the following functions:

- (1) formal education not only during regular school hours but also after school and in the evenings;
- (2) job and career retraining and upgrading;
- (3) the focus for special and community programs including day care, before and after school programs, and facilities for many community groups and activities; and,
- (4) a major component of the community's recreational programs.

The Township will work cooperatively with area school boards, in addressing the educational, recreational and cultural needs of the community.

2-4 Where We Work

This Plan is intended to contribute to the economic health of the Township and the Kingston area, through policies which promote and support economic growth and development. While respecting the environment, this Plan encourages the creation and maintenance of employment opportunities by way of the following policies.

- (1) It is the intent of this Plan to promote the diversification of the employment base in the Township by encouraging:
 - (a) the retention of existing employment opportunities and the creation of new opportunities;
 - (b) new retail and commercial developments, to broaden the range of choice available to the consumer and accommodate new and innovative retail facilities, while also promoting existing commercial areas as attractive locations for retail, office, institutional, tourism and civic purposes;
 - (c) the development of industrial lands to provide for the expansion and diversification of the employment base;
 - (d) corporate office and prestige industrial developments in strategic locations along Gardiners Road and Highway 401;

- (e) the development and enhancement of tourist attractions and related uses; and,
 - (f) non-intrusive home-based work occupations which can be integrated into the community in keeping with the applicable policies of this Plan.
- (2) The development of employment areas will include provision for transit, bicycle, pedestrian and vehicular accessibility, as may be appropriate.
 - (3) Development of the type of commercial, industrial and institutional facilities which provide work for Township residents will be encouraged.
 - (4) Economic growth and development will be encouraged in locations where an appropriate range of community services can be provided in a cost-efficient manner.
 - (5) To ensure that the Township continues to be an attractive place for business commercial and industrial development, a supply of serviced lands, suitable to accommodate expected future growth, will be maintained.
 - (6) Non-industrial uses will be permitted on lands designated for industrial purposes provided that such uses do not detract from healthy industrial development.
 - (7) Council acknowledges that many changes are occurring in business, commercial and industrial uses and the traditional distinctions between these sectors are blurring. Council therefore, will review its overall business/ industrial development and promotion strategy from time to time to better reflect the fundamental changes that are taking place within the local, national and global economies, and to balance those changes with the needs and aspirations of the community. It is intended that the existing industrial land use and development policies of this Plan be examined as part of such reviews. Council may consider amendments to this Plan to reflect applicable policy recommendations resulting from such reviews.
 - (8) While seeking to promote opportunities for new and innovative forms of business and commercial development in the Township to meet the diverse needs of consumers, it is also the intent of this Plan to maintain and strengthen the overall commercial structure of the Township, including appropriate planned functions of existing commercial areas.
 - (9) This Plan recognizes a range of planned functions within a hierarchy which is intended to satisfy the diverse needs of the residents of Kingston Township, as

well as the Greater Kingston Area and beyond. The hierarchy consists of, in descending order: a Core Area which is to be the predominant focus for higher-order commercial and business uses such as an existing regional shopping centre, offices, banks, major retail stores; commercial corridors along the Loop, for uses such as building materials, automotive and service commercial uses, innovative retail and other major retail outlets; community commercial centres; neighbourhood commercial centres; special districts intended primarily to provide specialized services; and, convenience commercial uses such as small variety stores and personal service shops.

2-5 Where We Play

The provision of adequate cultural and recreational facilities is essential for the enhancement of the high quality of life in Kingston Township. Such facilities also contribute to the economic health of the Township by enhancing the attractiveness of the greater community as a centre for tourism.

- (1) Public facilities including the parks system, recreational facilities and cultural facilities are to be developed and maintained to meet the general needs of residents. In the long term, it is intended that open space areas will form an interconnected system of green space, wherever possible. Consequently, it is the intent of this Plan to:
 - (a) promote the establishment of an integrated system of areas and corridors across the Township for recreational and open space functions;
 - (b) protect and, where feasible, improve areas within, along, and adjacent to significant water bodies and watercourses;
 - (c) improve accessibility to publicly owned waterfront lands and to those other lands where public access is permitted.
- (2) These objectives will be accomplished by:
 - (a) requiring an open space buffer be left between new development and the shoreline and requiring, where appropriate, that such a buffer remain in its natural state;
 - (b) requiring waterfront development as may be deemed appropriate, to be sensitively designed and located so as to minimize and control potential negative environmental impacts, and provide open space linkages to the waterfront;

- (c) encouraging linkages between waterfront lands and other open spaces areas, where possible, as a means of progressively establishing open space corridors throughout the Township;
- (d) encouraging public acquisition of vacant undeveloped waterfront lands, particularly along the Lake Ontario shore; and,
- (e) maintaining public waterfront lands, including road allowances leading to water, in public ownership.

2-6 Linkages

It is the intent of this Plan that the general public will be provided with an appropriate range of municipal services at an acceptable cost. Such services will include those which provide improved access to the total community, including adjacent municipal jurisdictions, open space, and undeveloped waterfront areas. This may involve the development of a network of peopleways, and improved public transit. This is intended to reduce dependence upon automobiles and overcome barriers to the movement of all persons. It will be achieved by working on a cooperative basis with relevant jurisdictions. Ultimately a balanced multi-modal transportation system will be developed to connect the road network and peopleways with bus, rail and air services.

It is intended that the role of Kingston Township as the gateway to the Greater Kingston Area for air and rail travellers be maintained and enhanced.

2-6.1 Transportation

It is an objective of this Plan to promote the continued development of a safe, integrated transportation system which consists of: a network of roads; parking facilities; peopleways for walking and bicycles; public transit; automobiles; air travel; and, rail lines. It is intended that this will be accomplished by:

- (1) continuing to improve the road network;
- (2) establishing a network of peopleways;
- (3) recognizing the airport as a permanent feature in its present location and protecting it from encroachment by incompatible land uses;
- (4) recognizing the Canadian National main rail line as a permanent feature; and,
- (5) continuing cooperation with adjoining municipalities and senior levels of government in addressing area transportation issues.

2-6.2 Waste Management

It is an objective of this Plan to promote environmentally-sustainable and waste management, and to work cooperatively with surrounding municipalities and senior levels of government in the field of waste management, by:

- (1) participating in waste management initiatives;
- (2) considering for incorporation into this Plan, the relevant recommendations from such initiatives;
- (3) cooperating with all levels of government in the development of programs aimed at reducing and diverting the amount of waste generated and therefore requiring disposal;
- (4) encouraging all local businesses to establish a plan to eliminate substances and practices, particularly industrial processes, which are harmful to the environment;
- (5) encouraging residents and corporations to increase their waste management and control efforts by practising "the four R's" - Reduce, Reuse, Recycle and Rethink - and by:
 - (a) doing away with substances and practices which are harmful to the environment;
 - (b) increasing efforts to find new uses for items currently being wasted or discarded; and,
 - (c) adopting new habits of purchasing and performance which will affect the environment in a positive manner;
- (6) encouraging the development of new industry based upon maximizing the use of local waste materials;
- (7) encouraging the rehabilitation of sites no longer used for disposal purposes, in accordance with the *Environmental Protection Act* and Ministry of Environment and Energy guidelines;
- (8) establishing guidelines for the location of waste processing and waste transfer facilities; and,
- (9) committing to and supporting the reduction, reuse and recycling of waste in municipal operations.

2-6.3 Water and Sewer Services

In order to provide for orderly development within the urban area of the Township, three Development Areas have been established, as shown on Schedule "B". These Development Areas constitute the majority of the Township's urban Service Area. The objective of this Plan is to ensure that the financing of necessary public works related to urban development can be undertaken by the Township without undue burden on the taxpayers and without endangering the Township's financial position.

The provision of piped municipal services beyond the urban Service Area is discouraged by this Plan. Development outside of the Service Area is to occur on privately owned and maintained services including but not necessarily restricted to individual wells and septic systems. Communal services are the preferred means of servicing multiple lots/units (>five units), where long term suitable site conditions exist. All multiple lot/unit development proposals must be supported by a "Servicing Options Report" which assesses servicing arrangements.

In areas of the Township outside the urban Service Area, where water quality and/or water quantity problems are identified, Council intends to examine appropriate and feasible ways of resolving or improving the problems, in cooperation with the affected residents, the Ministry of Environment and Energy and other applicable agencies.

2-6.4 Storm Water Management

It is an objective of this Plan to employ storm water management techniques as a means of:

- (1) minimizing flooding and erosion;
- (2) minimizing sedimentation of sewer systems and water bodies during and after construction;
- (3) minimizing negative effects on water quality (e.g. pollution discharges to watercourses) in watercourses and/or water bodies receiving storm water flows;
- (4) minimizing damage to Environmental Protection Areas, and significant wildlife and aquatic habitats;
- (5) minimizing adverse impacts on local groundwater systems;

- (6) maintaining base flows in watercourses and/or water bodies which receive stormwater; and,
- (7) ensuring orderly cost-effective development.

2-6.5 Finance

This Plan acknowledges the importance of an appropriate commercial/residential assessment balance and the need to develop and maintain a healthy tax base. Accordingly, this Plan:

- (1) encourages the achievement of a healthy taxable assessment ratio;
- (2) requires that new development pay its fair share of growth-related servicing costs;
- (3) proposes that funding alternatives be found to supplement the property tax base and other traditional funding sources;
- (4) requires that the fiscal impacts of growth and development be monitored;
- (5) requires the preparation and annual update of a five year capital forecast; and,
- (6) requires the implementation of a mill rate stabilization reserve fund.

SECTION 3 - LAND USE POLICY

3-1 Land Use Plan

The land resources of the Township of Kingston shall be developed in accordance with the land use pattern outlined on the Land Use Plan forming Schedule "A" and Schedule "F" of this document. The Land Use Plan establishes, in very general terms, the intended pattern of development by dividing the Township into land use categories.

The provisions governing the use of lands within the land use categories, as shown on Schedule "A" are described in the following subsections. The provisions related to Schedule "F", the Cataraqui North Neighbourhood, are described in Section 4.

3-2 General

The following provisions are applicable to the land use designations shown on the Land Use Plan.

- (1) In addition to the specific policies set out in the following subsections, the use and erection of buildings and structures in all land use categories shall be conditional upon arrangements being made to ensure that soil, drainage and all other physical conditions are suitable to permit the proper siting of buildings, the satisfactory supply of potable water, and the installation of an adequate means of sewage disposal, all of which are satisfactory to the Township, the Ministry of Environment and Energy and any other agencies having jurisdiction.
- (2) Lands previously used for industrial and/or commercial uses such as automobile repairs, fuel storage, or the disposal of construction waste or debris shall not be redeveloped or used for residential purposes until such time as the necessary clearance is provided by the Ministry of Environment and Energy.
- (3) In all designations shown on Schedule "A", public parks, playgrounds, public utilities and other public uses shall be permitted, provided that such uses are necessary in the area, can be made compatible with surrounding uses, and adequate measures can be taken to ensure this compatibility.
- (4) The term Public Use includes uses such as schools and public services provided by any level of government and its associated boards, commissions or agencies, but does not include Group Homes or Special Care Facilities as defined in Section 3-2.5.
- (5) Despite paragraph (3) above, schools are not permitted in Environmental Protection Areas or the various Industrial designations. Education centres (as defined) however, may be permitted in the Industrial designations.

- (6) Despite paragraph (3) above, within Environmental Protection Areas, only public uses as identified by those policies in Section 3-5 of this Plan will be permitted.

3-2.1 Accessory Uses

Wherever a use is permitted in a land use designation, it is intended that uses, buildings or structures normally incidental, accessory and essential to that use also be permitted.

3-2.2 Day Nurseries

In all designations on the Land Use Plan except in Environmental Protection Areas, day nurseries shall be permitted provided that such uses are necessary in the area, can be made compatible with surrounding uses, and that adequate measures can be taken to ensure compatibility.

3-2.3 Home Occupations

The establishment of a home-based occupation as an accessory use to a residential dwelling is permitted, provided that:

- (1) it does not change the residential character of the dwelling;
- (2) there is no exterior display of merchandise or outside storage of goods or materials associated with the home occupation. Signs shall be regulated by the Township's Sign By-law;
- (3) it is not a public nuisance by generating noise, glare, dust, odours, vibration, air wave interruption, or as a result of on-site storage or parking of commercial motor vehicles, traffic generation, or hours of operation;
- (4) it is conducted by the owner or an occupant of the dwelling unit. One additional person also may be employed in the home occupation; and,
- (5) adequate off-street parking is provided.

The maximum amount of the dwelling unit that may be occupied by the home occupation shall be specified in the Zoning By-law.

3-2.4 Housing for Older Adults

The development of an appropriate supply of housing opportunities in the Township for older adults is encouraged. The following criteria should be considered when selecting new sites for such housing opportunities, and will be used in the Township's assessment of requests to amend the Official Plan and Zoning By-law for this purpose:

- (1) sites which are well served by commercial opportunities, community services and facilities, public transportation, open space, and other desirable amenities are preferred;
- (2) building height and mass, and overall design, shall be appropriate to the characteristics of the site and be compatible with the nature of the existing and proposed uses of adjoining lands; and,
- (3) such projects will be encouraged to locate in areas where full municipal sewer and water services are available. Other locations may be considered however where it can be demonstrated to the satisfaction of the Township, the Ministry of Environment and Energy and the area health unit that: soil and drainage conditions are suitable to permit the proper siting of buildings; a sufficient potable water supply can be obtained without significantly affecting the groundwater supplies of existing or permitted uses on adjoining lands; and, permission can be obtained to install an adequate means of sewage disposal.

3-2.5 Community-Based Care Facilities

Community-based care facilities cater to the needs of persons who require specialized living arrangements. This includes Group Homes and Special Care Facilities.

3-2.5.1 Group Homes

- (1) A Group Home is a single housekeeping unit in a residential dwelling, in which up to a maximum of ten (10) persons (exclusive of staff and/or receiving household) live under responsible supervision consistent with their needs. The Home is licensed or approved under Provincial statute.
- (2) Group Homes may be permitted in all residential designations within neighbourhoods or areas for which there is a Secondary Plan, adopted by Council in

accordance with Section 4 of this Plan, which sets out specific location and development policies for such uses.

- (3) Group Homes also may be permitted in Commercial and Institutional designations.

3-2.5.2 Special Care Facilities

- (1) Special Care Facilities include:
 - (a) A Residential Care Facility, a Crisis Care Shelter, a Detoxification Centre, a Recovery Home, or other similar type of facility; and,
 - (b) All Corrections Residences.
- (2) Definitions of the above-referenced types of Special Care Facilities are provided in Section 6-20.
- (3) Special Care Facilities may be permitted in all residential designations and in those designations which allow Institutional uses.

3-2.5.3 Location and Development Policies

- (1) The development of any community-based care facility or the conversion of an existing building (including any additions) for such purposes, shall be subject to the following policies:
 - (a) The location of any new facilities shall be subject to any applicable minimum separation distance between such facilities as may be provided for in the *Zoning By-law*.
 - (b) All facilities shall be included in a separate zoning category.
 - (c) Such facilities shall occupy the whole of:
 - a single detached dwelling house
 - a converted single detached dwelling house
 - a semi-detached dwelling house (both units)

- a duplex (both units)
 - a building constructed specifically to accommodate such a facility.
- (d) Such facilities shall be subject to Site Plan Control.
- (e) The site services, such as sewage disposal, water, gas, electricity, shall be adequate for the facility, or capable of being made adequate.
- (f) Adequate parking facilities shall be provided on the site in accordance with the requirements of the *Zoning By-law*.
- (g) The siting and design of new buildings or additions, in terms of character, massing, scale and height, shall be compatible with adjacent buildings and the streetscape.
- (h) Adequate buffering shall be provided so as to minimize any adverse impacts on adjacent properties.
- (i) Significant aesthetic features on-site such as mature trees shall be retained where ever possible.
- (2) Community-based care facilities shall be operated in accordance with the following policies:
- (a) no owner/operator is to commence operation without having registered the proposed facility according to a By-law passed by Council under the *Municipal Act* for that purpose;
 - (b) the owner or operator is to provide Council with written notification of the date on which any such facility ceases operation or changes have been made to the nature of the registered use.

3-3 Wayside Aggregate Operations

In accordance with the *Provincial Mineral Aggregates Resource Policy Statement*, the establishment of wayside pits or quarries is permitted throughout the Township without amendment to the Official Plan or the Zoning By-law, except: in existing residential areas; along waterfront areas; and, in areas that are classified as Environmental Protection Areas on Schedule "A".

Temporary asphalt batching plants used by a public road authority shall be permitted throughout the Township without amendment to the Official Plan or the Zoning By-law, except in existing residential areas and in areas that are classified as Environmental Protection Areas on Schedule "A".

Council shall encourage the rehabilitation of existing and new wayside pits and wayside quarries.

3-4 Major Recreational Open Space

The predominant use of lands within the Major Recreational Open Space designation shall be outdoor recreation activities. Other related facilities also will be permitted, together with agriculture, forestry, or similar uses.

It is not intended that privately-owned lands within the Major Recreational Open Space designation will necessarily remain designated as such indefinitely. This does not mean however, that these areas are open to the general public or that lands will be purchased by a public authority. If proposals to develop such privately-owned lands are made, and a public agency does not acquire the lands, then an application for the redesignation of such lands for other purposes will be considered by the Township having reference to the characteristics of the land, the proposed uses, the nature of the adjoining existing and proposed uses, and the objectives and policies of this Plan.

3-5 Environmental Protection Areas

- (1) The Environmental Protection Areas designation is intended primarily for the preservation and conservation of land and the natural environment. It includes all land having inherent environmental sensitivity and hazards such as:
 - (a) Areas of Natural and Scientific Interest (ANSI), and significant aquatic and/or wildlife habitats;
 - (b) flood plains (defined as areas of land below the 1:100 year flood elevation);
 - (c) lands within 15 metres of the 76.0 metre geodetic elevation along Lake Ontario;

- (d) lands within 30 metres of a watercourse for which there is no flood risk mapping;
Approved by OMB Order No. 0220
 - (e) flood susceptible lands below the highest recorded water level adjacent to the Rideau Canal;
Approved by OMB Order No. 0220
 - (f) flood susceptible lands delineated only by fill line mapping;
Approved by OMB Order No. 0220
 - (g) lands with any other physical conditions which place definite constraints on the possibility of development; and,
 - (h) wetlands.
- (2) The boundaries of the Environmental Protection Areas designation are approximate and the precise location will be delineated in the Zoning By-law, or in consultation with the local Conservation Authority and/or the Ministry of Natural Resources when considering a development application. In the absence of more detailed mapping, the boundaries of the Environmental Protection Areas designations, as shown on Schedule "A", will be used as a general guide in preparing Zoning By-law provisions to implement the policies of this Section. As more detailed mapping becomes available the Township shall amend this Plan and the Zoning By-law as required. Building setbacks from the boundaries of Environmental Protection Areas will be established in the Zoning By-law in relation to the extent or severity of any hazards.
- (3) The permitted uses in the Environmental Protection Areas designation shall include:
- (a) flood, sedimentation and erosion control facilities approved by the Cataraqui Region Conservation Authority and/or the Ministry of Natural Resources;
 - (b) existing agriculture, passive outdoor recreation, public and private parks and conservation uses;

- (c) new private and/or public utilities such as pipelines, roadways, parking areas, and hydro facilities approved by the Cataraqui Region Conservation Authority and/or the Ministry of Natural Resources, where suitable locations outside the Environmental Protection Areas designation are not feasible; and,
- (d) docks and boathouses approved by the Ministry of Natural Resources or other appropriate public agency.
Approved by OMB Order No. 0220
- (4) Buildings and structures will be prohibited on lands subject to periodic flooding, or with serious physical limitations.
Approved by OMB Order No. 0220
- (5) The placing or removal of fill of any kind shall not be permitted in the Environmental Protection Areas designation without the approval of the Cataraqui Region Conservation Authority and/or Ministry of Natural Resources.
- (6) Any existing uses in Environmental Protection Areas, together with an amount of land sufficient for the siting of such uses at their present extent, may be recognized as conforming uses in the Zoning By-law. The Township discourages the expansion and alteration of any existing use beyond the limits recognized in the Zoning By-law.
- (7) An amendment to Schedule "A" is not required for minor modifications to the boundaries of the Environmental Protection Areas designation provided that the overall intent of the Plan is maintained.
- (8) Nothing in this Plan shall be construed to imply that lands designated Environmental Protection Areas are open to the general public or, that such areas will be purchased by the Township or other public agency.
- (9) Where new development is proposed on a site, part of which has physical or environmental hazards, then such Environmental Protection Areas shall not necessarily be acceptable as part of the open space dedication to the Township under the *Planning Act*. Any lands dedicated to the Township shall be conveyed in a physical condition satisfactory to the Township. Where an open water course is involved, adequate space shall be provided on either side of the watercourse for access and maintenance purposes.

3-5.1 Areas of Natural and Scientific Interest (ANSI) and Other Environmentally Sensitive Areas

The following additional policies apply to Areas of Natural and Scientific Interest and Other Environmentally Sensitive Areas located within Environmental Protection Areas.

- (1) Incompatible land uses shall be discouraged from locating within or adjacent to these environmentally significant areas.
- (2) An Environmental Impact Study, prepared in accordance with Ministry of Natural Resources guidelines, must be completed prior to development within or adjacent to environmentally sensitive areas such as ANSIs and areas of significant aquatic and wildlife habitat. Such a Study shall demonstrate the manner in which the integrity of significant functions and features of these areas will be protected.
- (3) Appropriate recommendations of the Environmental Impact Study shall be implemented by any associated Zoning By-law amendment, subdivision agreement and/or Site Plan Control agreement for the applicable development project.

3-5.2 Environmental Protection Areas - Wetlands

- (1) The Environmental Protection Areas - Wetlands designation, shown on Schedule "A" and further defined on Schedule "G", includes:
 - (a) provincially significant wetlands evaluated by the Ministry of Natural Resources as Classes 1 to 3;
 - (b) locally significant wetlands evaluated by the Ministry of Natural Resources as Class 4;
 - (c) other wetland areas identified by the Collins Watershed Study including Collins Creek Mill Pond, Kepler Wetland, Leeman Road Wetland, and Mount Chesney (Heron) Wetland; and,
 - (d) other significant wetlands that may be identified by future watershed studies.
- (2) In addition to the policies outlined in Section 3-5 the following policies also apply to wetlands identified above as well as adjoining lands within 120 metres (395 ft.) of lands so designated:

- (a) development shall not be permitted within the wetlands identified above;
- (b) development may be permitted on lands within 120 metres (395 ft.) of identified wetlands following the completion of an Environmental Impact Study (EIS) prepared, prior to the approval of any development and/or in support of any development application, in accordance with guidelines established by the Ministry of Natural Resources and/or the region Conservation Authority, as the case may be. The Study should demonstrate that the development will not result in: the loss of wetland size or functions; subsequent demand for future development or measures which will negatively impact on existing wetland functions; conflict with existing site-specific wetland management practices; or, loss of contiguous wetland area. Where a proposed use has been justified by the Environmental Impact Study, development shall proceed in a manner which minimizes the impact on the affected wetland area;
- (c) established agricultural activities generally will not be subject to the requirements for an Environmental Impact Study; and,
- (d) recommendations of the Environmental Impact Study shall be implemented, as appropriate, in any associated Zoning By-law amendment, subdivision agreement and/or Site Plan Control agreement for the applicable development project.

3-5.3 Special Area Number 1

Within the Environmental Protection Area designation which applies to the lands located in Part of Lots 11 and 12, Concession 4, located northeast of Highway 38 and south of Bur Brook Road, as shown on Schedule "A" hereto, the following special policies also apply:

- (1) permitted uses may include one single detached dwelling house;

- (2) all buildings and structures, including basements and septic systems, shall be constructed at a minimum elevation of 88.71 metres (291 ft.) geodetic; and,
- (3) the affected lands shall be included in a separate zoning category.

3-6 Hamlets

The predominant use of lands within the Hamlet designation shall be single detached dwelling houses. Other uses which are compatible with the surrounding residential uses, such as stores, schools, service industries and community facilities, also are permitted.

3-6.1 General

The general principles to be considered in the development and zoning of Hamlets are as follows:

- (1) development applications or proposals to expand the limits of a Hamlet shall be accompanied by a settlement capacity study which provides the following information:
 - (a) the availability and quality of groundwater on a long-term basis;
 - (b) an assessment of the impact of future development on existing groundwater quantity and quality and on existing sources of drinking water in the area;
 - (c) an assessment of the long-term suitability of the soil conditions for the effective operation of private sewage disposal systems;
 - (d) an assessment of surface drainage;
 - (e) an assessment of servicing options as identified in Section 2-6.3;
 - (f) an assessment of the need and demand for the expansion of the Hamlet in relation to the availability of residential and other compatible uses in the Hamlet to accommodate growth over a projected time horizon of up to 20 years;
 - (g) an assessment of the impact on agricultural land uses and recommendations to minimize such impacts; and,

- (h) other information as may be required by the Township.
- (2) development in Hamlets will be permitted on private sewage disposal systems and private water wells which conform to the standards established by the Ministry of Environment and Energy, the area health unit, and Section 5-12 of this Plan.

3-6.2 Residential Uses

The additional principles to be considered in the development and zoning of residential uses in Hamlets are as follows:

- (1) the minimum area and frontage for new residential lots shall be no less than 0.8 hectares (2 acres) and 60 metres (200 ft.), respectively, unless it can be demonstrated to Council's satisfaction that smaller lots are appropriate and environmentally sustainable; and,
- (2) development shall be permitted, in accordance with the other applicable provisions of this Plan, on lots legally created prior to the municipal approval of this Plan.

3-6.3 Commercial Uses

The additional principles to be considered in the development and zoning of commercial uses in Hamlets are as follows:

- (1) commercial uses shall be placed in a separate commercial zoning category;
- (2) the minimum lot area shall be determined by the Ministry of Environment and Energy and/or the area health unit. If a commercial use is combined with a residential use, the minimum lot area shall not be less than that required for a residential use;
- (3) commercial uses which consume in excess of 4,500 litres per day of water shall be subject to Ministry of Environment and Energy *Reasonable Use Criteria*;
- (4) adequate off-street parking shall be provided;
- (5) buffering, screening or fencing shall be provided where a commercial use abuts a residential zone;

- (6) open storage may be permitted in appropriate locations consistent with the provisions of the Zoning By-law.

3-6.4 Industrial Uses

The additional principles to be considered in the development and zoning of service industrial uses in Hamlets are as follows:

- (1) service industrial uses shall be placed in a separate zoning category;
- (2) service industrial uses which require large volumes of water are generally discouraged;
- (3) adequate off-street loading facilities shall be provided; and,
- (4) provision shall be made for the retention of suitable areas for buffering between industrial areas and any adjacent sensitive land uses.

3-7 Urban Residential Densities

Residential uses shall be the predominant use of lands within the Low, Medium and High Density Residential designations shown on Schedules "A" and "F". Other uses which complement and are compatible with the basic residential uses are permitted also. The following principles are applicable in all residential areas:

- (1) development generally will be on the basis of full services including piped water, sanitary sewers and solid waste management, as well as appropriate drainage facilities, all of which shall be approved by the appropriate authorities;
- (2) net residential densities shall be 12 units per hectare or greater; and,
- (3) adequate off-street parking facilities shall be provided for all uses with access points designed to minimize the danger to pedestrian and vehicular traffic.

3-7.1 Garden Suites

Garden Suites shall be included in a separate site-specific zone category in the Zoning By-law. The general principles to be considered in the development and zoning of garden suites are as follows:

- (1) garden suites are separate, self-contained residential structures which contain one unit, are designed to be portable, and are accessory to an existing residential dwelling house;
- (2) garden suites are intended as a form of accommodation appropriate for a family member who is capable of a high degree of independent living, but who may require some support from the occupants of the main dwelling house;
- (3) garden suites shall comply with the yard requirements of the Zoning By-law;
- (4) no more than one (1) garden suite shall be permitted on a lot;
- (5) parking shall be provided for garden suites as set out in the Zoning By-law;
- (6) it must be demonstrated to the satisfaction of Council that a proposed garden suite will be compatible with adjacent residential uses and will be in keeping with the general character of the adjoining residential area;
- (7) garden suites may be permitted by way of a temporary amendment to the Zoning By-law, for a period of up to ten (10) years;
- (8) a certificate of occupancy under Section 34(6) of the *Planning Act* shall be required prior to using a garden suite;
- (9) the home owner shall reside in the main dwelling if the property contains a garden suite;
- (10) Council shall require that property owners wishing to install a garden suite enter into an agreement with the Township covering matters such as the installation, maintenance, removal, and occupancy of the garden suite. Such agreement may involve the posting of a bond or other suitable financial security pursuant to the requirements of the *Municipal Act*.

3-7.2 Accessory Apartments

According to the *Residents' Rights Act* (proclaimed May 31, 1994), accessory apartments are permitted in detached, semi-detached and row dwelling houses which are served by piped municipal water and sewer services.

The following policies apply to accessory apartments:

- (1) a maximum of one (1) accessory apartment is permitted in each dwelling house;
- (2) planning and zoning standards which apply to a dwelling house containing an accessory apartment can not exceed those which apply to a dwelling house with only one unit; and,
- (3) compliance with the *Ontario Building Code*, *Fire Code* and all relevant Provincial and Municipal standards is required.

3-7.3 Low Density

The general principles to be considered in the development and zoning of Low Density Residential areas are as follows:

- (1) in newly developing areas an appropriate blend of single detached, two, three and four unit dwellings is encouraged;
- (2) appropriate existing uses in established, stable neighbourhoods shall be recognized in the Zoning By-law;
- (3) the residential density shall not exceed 30 units per hectare of net residential land in established neighbourhoods, and shall not exceed 56 units per hectare of net residential land in newly developing areas;
- (4) special development standards may be applied to new development projects to reflect unique or compelling circumstances, provided that such standards are consistent with the general intent of this Plan and are consistent with the provisions of the Zoning By-law; and,
- (5) **Part Lots 2 & 3, Broken Front Concession**
This Plan acknowledges the potential for conflict between the operation and use of Norman Rogers Airport and any future residential uses on the subject lands. Given the relative closeness of these lands to the south end of the north/south airport runway, future residential development of the lands may be unacceptable.

Prior to any residential development being approved for these lands, either by way of the land division process or rezoning, a neighbourhood land use and development plan, as described in Section 4-1 of this Plan, must be adopted by Council.

(6) **Westbrook Meadows Subdivision – Senior Citizen’s Apartment Dwelling House**

It is recognized that the 3.6 hectare lot shown as Block 200 on the Draft Plan of Subdivision for Westbrook Meadows Subdivision prepared by Cumming Cockburn Limited and dated July 14, 2004 is located within a Low Density Residential designation. Pending the review of a detailed site design, it is also an appropriate site given its location within the established Westbrook Community and the minimal anticipated land use impacts for a senior citizen’s apartment dwelling house. Therefore, it shall be the policy of Council to permit a senior citizen’s apartment dwelling house, in addition to dwelling types permitted within the Low Density Residential designation on Block 200.

This property shall be subject to the following site specific policies, in addition to any other relevant policies of this Plan:

- (i) A senior citizen’s apartment dwelling house shall be a permitted use;
- (ii) The residential density shall not exceed 47 dwelling units per net hectare.

Added by By-law No. 2004-293

3-7.4 Medium Density

The general principles to be considered in the development and zoning of Medium Density Residential areas are as follows:

- (1) a blend of single detached, two, three and four unit dwellings, townhouses and low rise apartments shall be permitted in accordance with accepted community planning principles; and,

- (2) the residential density shall not exceed 60 units per hectare of net residential land in established residential areas, and shall not exceed 75 units per hectare of net residential land in newly developing areas.

3-7.5 High Density

The general principles to be considered in the development and zoning of High Density Residential areas are as follows:

- (1) lands designated as High Density Residential shall be located within the Core Area and the Loop, as shown on Schedule "C";
- (2) stacked townhouses, walk up and high rise apartments generally will be the only housing types permitted;
- (3) the residential density shall not exceed 175 units per hectare of net residential land;
- (4) building heights in excess of six storeys may be permitted without amendment to this Plan provided Council is satisfied that the increased height is appropriate and compatible with adjoining land uses; such increased heights shall be recognized by way of an amendment to the Zoning By-law;
- (5) **754 Front Road**
Despite any provisions of this Section to the contrary, the following special policies shall apply within the High Density Residential area which consists of Part of Lots 285 and 286 on Registered Plan 572:
 - (a) the maximum number of dwelling units shall not exceed 50; and,
 - (b) maximum building height shall not exceed four (4) storeys.

3-7.6 Local Commercial Uses in Residential Areas

Local commercial uses are permitted within all residential areas subject to the following policies:

- (1) they shall be limited to commercial uses of a convenience-type;
- (2) they shall be restricted to locations with good access to the surrounding neighbourhood;

- (3) they shall be sited and designed so as to minimize their impact on adjacent residential uses and local streets;
- (4) generally the floor area of any individual local commercial use is not to exceed 115 sq. metres (1,250 sq. ft.) and no more than four (4) such uses are to be grouped together, exceptions may be considered on a case by case basis;
- (5) residential units are permitted over commercial uses within Medium Density and High Density Residential areas; and,
- (6) local commercial uses shall be included in a separate zoning category.

3-7.7 Other Non-Residential Uses

- (1) Other non-residential uses may be permitted within residential areas provided that they are complementary to and serve the needs of the residential area, and can be sited and designed to minimize their impact on adjoining residential uses and local streets;
- (2) adequate buffering shall be provided where non-residential uses abut an adjacent residential use; and,
- (3) adequate off-street parking facilities shall be provided with access points designed to minimize the danger to pedestrian and vehicular traffic.

3-8 Estate Residential

The predominant use of lands in areas designated as Estate Residential shall be single detached dwelling houses.

The general principles to be considered in the development and zoning of Estate Residential areas are as follows:

- (1) generally, development shall take place by registered plan of subdivision;
- (2) development shall be directed away from areas designated as Rural and identified as having high agricultural capability on Schedule "E";
- (3) the uses permitted shall be limited to single detached dwellings;

- (4) the minimum lot area shall be 0.8 hectares (2.0 acres), unless it can be demonstrated to Council's satisfaction that smaller lots are appropriate and environmentally sustainable;
- Approved by OMB Order No. 0220*
- (5) development is intended to take place on septic systems and private wells. Alternative servicing strategies acceptable to the Township and the Ministry of Environment and Energy may be considered;
- (6) development proposals shall be accompanied by detailed engineering reports demonstrating the following information to the satisfaction of the Township, the Ministry of Environment and Energy, and the area health unit:
- (a) the methods of water supply, sewage disposal and surface drainage;
 - (b) that soil and groundwater conditions in the area will enable the effective operation of private waste disposal systems with no adverse effects on the groundwater conditions of the development lands and the surrounding lands, or the water quality of any adjacent surface water; and,
 - (c) that an adequate supply of potable water exists without adversely affecting the water supply of existing and approved future development;
- (7) access to the majority of individual lots shall be from local roads constructed to municipal standards;
- (8) development shall be zoned in a separate zoning category;
- (9) wherever possible, existing trees shall be preserved;
- (10) development shall take place in accordance with accepted planning, environmental and resource management practices in order to minimize and/or control negative environmental impacts; and
- (11) where development occurs adjacent to a watercourse and water body, the setback for all residential buildings shall be determined in consultation with the Cataraqui Region Conservation Authority and shall be consistent with the provisions of Section 3-5 of this Plan.

3-9 Commercial

The predominant use of lands in areas designated as Commercial is to be the buying and selling of goods and services, and the location of offices. This Plan recognizes a hierarchy of planned commercial service areas as set out in Section 2-4.

The general principles to be considered in the development and zoning of commercial areas are as follows:

- (1) the uses permitted generally may include retail shops, automobile sales and service establishments, places of entertainment, eating establishments, offices, studios, open space uses, institutional uses, and residential uses, where appropriate;
- (2) the Zoning By-law will recognize a range of uses and differing site development standards appropriate to the planned function of commercial service areas or specific commercial sites, having regard for their location, availability of municipal services and the nature of surrounding land uses;
- (3) within the Core Area and the Loop as shown on Schedule "C", the development of mixed use residential/commercial projects is encouraged;
- (4) mixed use residential/commercial development shall be placed in a separate zone category. The location, intensity of development, and residential densities for mixed use projects shall be determined in the Zoning By-law based on such matters as access, capacity of the roads system, capacity of the municipal water and sewer treatment and distribution systems, the character and function of adjoining land uses, and other planning and engineering considerations as Council may determine;
- (5) adequate provisions shall be made for pedestrian movement between commercial establishments and for the creation of safe and pleasant pedestrian environments in commercial areas;
- (6) proposals for commercial development within the Core Area and the Loop, involving in excess of 10,000 sq. metres (107, 643 sq. ft.) of retail gross leasable area, shall require a specific amendment to the Zoning By-law which establishes the maximum retail gross leasable area to be permitted on-site. Council may require any such development proposal to be supported by a retail market impact analysis which satisfactorily demonstrates that introduction of the proposal into the community will not result in significant and demonstrable levels of impact in the form of urban blight and/or service reductions that are clearly harmful to the planned functions of existing commercial areas in the Township. The scope of such impact studies shall be

determined by Council based on the nature of the development proposal and other factors as may be applicable;

- (7) proposals for retail development on commercial lands located outside of the Core Area or the Loop and involving a retail gross leasable area in excess of 3,000 sq. metres (32,300 sq. ft.) shall require a specific amendment to the Zoning By-law. Council shall require such proposals to be supported by a retail market impact analysis as described in (6) above;
- (8) site-specific land use and development permissions established prior to the adoption of this Plan shall be recognized in the Zoning By-law;
- (9) where piped municipal sewer and water services are not available, planning applications for development proposals shall be accompanied by an engineering report indicating that: an adequate supply of potable water is available; the proposal is expected to result in negligible groundwater interference with existing or approved land uses; sufficient land and soil conditions exist to permit the installation of an approved septic system and alternate septic system on-site in compliance with the standards of the Ministry of Environment and Energy and/or the area health unit;
- (10) outside the urban Service Area as shown on Schedule "B" and Hamlet designations shown on Schedule "A", scattered commercial uses will be discouraged;
- (11) in areas where municipal sewer and water services are not available, residential units accompanying commercial uses will only be permitted where land is available for the installation of septic systems in accordance with the standards of the Ministry of Environment and Energy and/or the area health unit;
- (12) long term open storage of goods is not permitted on commercial properties within the urban Service Area, however this is not intended to prohibit seasonal outdoor display and sales areas;
- (13) adequate off street parking facilities shall be provided with access points designed to minimize the danger to vehicular and pedestrian traffic;
- (14) adequate buffering areas shall be provided adjacent to existing or proposed residential areas;
- (15) new automobile service stations and gasoline retail facilities generally will be prohibited at the following intersections: Princess Street and Midland Avenue; Princess Street and Gardiners Road; and, Gardiners Road and Taylor-Kidd Boulevard; and,

(16) **4085 Bath Road**

Despite the provisions of this Plan to the contrary, the following special policies shall apply to the lands located in Part of Mile Square Block, east of Collins Creek, north of Bath Road and west of Station Street, more particularly described as Parts 1, 2 and 3 on Reference Plan 13R-7335.

- (a) A single detached dwelling house will be permitted in addition to the other uses permitted by this Section of the Plan, and shall be included in a separate zoning category.
- (b) In the absence of piped municipal sewer services development of permitted residential and commercial uses may proceed provided that the on-site servicing requirements of the Cataraqui Region Conservation Authority, the Ministry of Environment and Energy and/or the area health unit are satisfied.
- (c) Storm water quality control measures, satisfactory to the Cataraqui Region Conservation Authority, the Ministry of Transportation, the appropriate railway and the Township, shall be required for any new commercial development.
- (d) New commercial development shall be subject to Site Plan Control.
- (e) Any new buildings or additions to buildings are to be designed and located in a manner which complements the existing limestone building.
- (f) Despite Section 6-11.1(3) of this Plan, a land severance may be granted provided that, in the absence of piped municipal sewer services, the minimum lot area and lot frontage for a single detached dwelling house is no less than 0.8 hectares (2 acres) and 60 metres (200 ft.) respectively. A smaller lot area may be considered if such a reduced standard is acceptable to the Ministry of Environment and Energy and/or the area health unit.

3-10 General Industrial

A broad range of industrial uses shall be the predominant use of lands in areas designated as General Industrial. The general principles to be considered in the development and zoning of the General Industrial areas are as follows:

- (1) the uses permitted are those industrial uses which include warehousing, processing, manufacturing, assembling, railway uses, transportation depots, open storage, commercial uses serving the industrial area, and offices;

- (2) except in the case of office buildings, the permitted commercial uses shall in no way detract from healthy industrial development;
- (3) compatible public uses and compatible institutional uses may be included in a separate zoning category;
- (4) special areas within the General Industrial area shall be stringently controlled with respect to open storage uses in order to preserve suitable areas for prestige industrial development;
- (5) in order to avoid commercial development at random the Zoning By-law shall establish commercial zones separate from industrial zones;
- (6) uses permitted shall be such that there is no unacceptable adverse effects on adjoining designated residential areas as a result of the emission of noise, odours or polluted air, and appropriate controls and setbacks from the boundaries of the General Industrial area shall be required where there is a risk of adverse impact;
- (7) in areas where municipal water and sewer are not available, General Industrial uses shall be of a dry nature;
- (8) adequate off-street parking facilities shall be provided to accommodate employees, visitors and industrial traffic; and
- (9) adequate buffering shall be provided between the industrial areas and any adjacent residential, institutional or commercial areas; and,
- (10) separation distances shall be provided between the industrial areas and any sensitive land uses in accordance with Ministry of Environment and Energy guidelines.

3-11 Light Industrial

The predominant use of land in areas designated as Light Industrial shall be a restricted range of industrial uses. The general principles to be considered in the development and zoning of the Light Industrial areas are as follows:

- (1) principal uses permitted are those industrial uses which include warehousing, manufacturing, assembling, railway uses, transportation depots, concealed storage and non-retail commercial uses compatible with the industrial area;
- (2) the permitted commercial uses shall be located and designed to avoid interference with the overall healthy industrial development of the area. In

order to avoid commercial development at random, the Zoning By-law shall establish separate zones for various commercial and industrial uses;

- (3) additional uses may include compatible public uses and compatible institutional uses; such uses may be included in a separate zoning category in the Zoning By-law;
- (4) the type of use permitted shall be such that there are no unacceptable adverse effects on adjoining designated residential areas as the result of the emission of noise and no uses causing air pollution or odours shall be permitted;
- (5) adequate off-street parking facilities shall be provided to accommodate employees, visitors and industrial traffic;
- (6) adequate buffering and appropriate controls and setbacks shall be provided between the industrial areas and any adjacent residential, institutional or commercial areas;
- (7) separation distances shall be provided between industrial areas and any sensitive land uses in accordance with Ministry of Environment and Energy guidelines;
- (8) **801 Development Drive**
A recreational establishment including a restaurant and an open air farmers' market shall be permitted on lands located at 801 Development Drive being Part of Lot 8, Concession 2, in addition to other uses permitted in the Light Industrial designation. All permitted uses shall be developed in accordance with the relevant provisions of the Light Industrial policies of this Plan;
- (9) **Norman Rogers Airport**
A golf course and driving range and associated buildings shall be permitted on lands in Part of Lots 4 & 5, Concession 1 located adjacent to the Norman Rogers Airport, in addition to other uses permitted in the Light Industrial designation. All permitted uses shall be developed in accordance with the relevant provisions of the Light Industrial and Airport policies of the Official Plan and the following policies:
 - (a) Adequate screening from adjacent airport uses, residential uses, industrial uses and roadways to minimize the potential for golf balls leaving the site shall be provided through the use of setbacks and such buffering mechanisms as fencing, berming and planting strips;
 - (b) The golf course and driving range shall be included in a separate zone category; and,

- (c) Development concept, turf management and stormwater plans of the proposed golf course and/or driving range shall be required to be submitted for approval by the City and may be included in a development agreement between the City and the developer. The concept plans shall illustrate the layout of the golf course and the location of any buildings associated with the golf course. The turf management and stormwater management plans shall provide details as to the manner in which the quantity and quality of surface water and natural heritage features will be conserved and protected on the subject land, surrounding lands and Lake Ontario.

Added by By-law No. 99-204

3-12 Special Industrial

The predominant use of lands in areas designated as Special Industrial shall be non-intensive industrial operations. The general principles to be considered in the development and zoning of the Special Industrial areas are as follows:

- (1) the uses permitted are those industrial uses which include warehousing, transportation depots, open storage, automobile wrecking and similar activities;
- (2) in areas where municipal water and sewer are not available, Special Industrial uses shall be of a dry nature;
- (3) adequate off-street parking facilities shall be provided to accommodate employees, visitors and industrial traffic;
- (4) adequate buffering and appropriate controls and setbacks shall be provided between the industrial areas and any adjacent residential, institutional or commercial areas;
- (5) separation distances shall be provided between industrial areas and sensitive land uses in accordance with Ministry of Environment and Energy guidelines; and,
- (6) **Special Policy Area No. 1**
Despite other provisions of this Plan, in the area shown on Schedule "A" as "Special Industrial - Special Policy Area Number 1" located in Part of Lot 4, Concession 4, lying west of Westbrook Road and north of Smith Road, the lands shall be developed in accordance with the following policies:
 - (a) the uses permitted are those industrial uses which are non-intensive and non-polluting in nature and characterized by a need for a large land area and without limiting the generality of the foregoing may include such uses as a heavy equipment, sales, service and rental

yard, a specialty warehousing facility, an open storage use, a contractor's yard, a truck storage and repair facility and similar activities;

- (b) the uses permitted shall be of a type that do not require municipal sewer and water services;
- (c) the uses permitted shall be of a type that the customer traffic generated by the use is limited in volume;
- (d) the uses permitted shall be low in physical profile thereby minimizing the visual impact on the adjacent residential uses and Highway 401;
- (e) adequate screening from adjacent residential uses, roadways and Highway 401, to minimize the visual and auditory impact of the permitted uses shall be provided through the use of setbacks and such buffering mechanisms as fencing and planting strips;
- (f) the minimum lot area shall be 6 hectares (15 acres); and,
- (g) the subject land shall be placed in a "Development" or similar holding category in the Zoning By-law until such time as Council receives an application for a detailed development project which is deemed suitable by Council and which is in accordance with the policies hereby established. Once Council has approved such a proposal, the "Development" category will be replaced by way of an appropriate amendment to the Zoning By-law.

3-13 Business Park Industrial

The predominant use of lands in areas designated as Business Park Industrial shall be prestige industrial uses. Such areas shall be characterized by a high standard of site design. The general principles to be considered in the development and zoning of the Business Park Industrial areas are as follows:

- (1) this designation is intended to apply generally to those lands abutting Gardiners Road for a depth ranging generally from 90 to 120 metres (295 to 395 ft.), between Highway 401 and Princess Street, and lands adjoining the south side of Highway 401 generally between Midland Avenue and Sydenham Road;

- (2) the uses permitted shall be offices, educational centres, and research and development facilities within enclosed buildings. In addition, other non-retail uses which are compatible with the principal business uses may be permitted in selected locations;
- (3) development shall be subject to a high standard of site design, landscaping and sign control. It is the intent of this Plan that detailed design guidelines will be developed for use within this designation;
- (4) adequate buffering and building setbacks shall be provided along Gardiners Road, Highway 401 and other adjacent roadways;
- (5) open storage will be prohibited in yards which abut Gardiners Road and Highway 401;
- (6) loading facilities adjacent to Gardiners Road and Highway 401 shall be discouraged but where permitted shall be concealed from public view by way of landscaping and berming;
- (7) facilities for managing solid waste shall be located within an enclosed structure located away from adjacent streets; and,
- (8) the existing Lafarge concrete block manufacturing plant at 1035 Gardiners Road (formerly Marker Building Materials) is recognized by this Plan as a permitted use within the Business Industrial designation. The Zoning By-law therefore shall also recognize the operation as a permitted use.

3-13.1 Business Park Industrial – Kingston Norman Rogers Airport

The predominant use of lands in areas designated as Business Park Industrial shall be prestige non-intensive industrial uses. Such areas shall be characterized by a high standard of site design. Development shall be subject to the following:

- (1) this designation applies to those lands bounded by Front Road to the south, Hampton Gray Gate to the east, and extended westerly along Len Birchall Way;
- (2) uses permitted include the uses listed in Section 3-13(2), a medical laboratory and equipment production facility, complementary commercial uses (exclusive of retail) to the Business Park uses, uses permitted in the airport designation, a public pathway and the existing Landings Golf Course driving range;

- (3) development of the lands within the Business Park Industrial Designation shall be subject to Section 3-16(3) respecting Noise Exposure Forecast (NEF) contours and Noise Exposure Projection (NEP) contours, and interference with the performance of the airport's navigation and landing equipment;
- (4) development shall be subject to a high standard of site design, landscaping and sign control to be implemented through Site Plan Control. In addition it is the intent of this Plan that the City as the owner of the lands will develop detailed design and landscaping guidelines that prescribe architectural and other controls for the development of the lands in a manner consistent with the prestige nature of the intended uses. These guidelines will augment those matters normally controlled through the site plan process and will be implemented through contractual arrangements between the City and the development proponent. Prior to approving the detailed design and landscaping guidelines, Council will consult with the public;
- (5) driveway and parking areas are to be developed to urban standards and development of the Business Park area shall be subject to site specific zoning provisions established through the implementing Zoning By-law;
- (6) adequate screening from adjacent residential uses, to minimize the visual and auditory impact of the permitted uses shall be provided through the use of setbacks and buffering mechanisms such as berms, fencing, and planting strips;
- (7) the uses permitted shall be low in physical profile thereby minimizing the visual impact on the adjacent residential uses;
- (8) the subject land shall be subject to a Holding Provision ('-H') in the implementing Zoning By-law, and the '-H' Symbol shall not be removed until suitable contractual arrangements between the City as the property owner and a development proponent have been made to ensure the development is completed in accordance with the detailed design and landscaping guidelines previously adopted by Council.

Added by By-law No. 2003-203

3-14 Waste Disposal Industrial

The predominant use of lands in areas designated as Waste Disposal Industrial shall be active and inactive waste disposal, waste processing and/or water transfer facilities. Such facilities refer to lands, buildings and structures which involve the receiving, storage, processing, recycling, treatment or disposal of liquid or solid wastes.

Rural uses, as permitted by Section 3-18 may also be permitted in advance of the disposal, processing and/or transfer use of the lands, provided that such uses do not involve the erection of buildings or structures other than those necessary for the disposal, processing and/or transfer use. No use shall be made of land which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used, without the approval of the Ministry of Environment and Energy.

- (1) The general principles to be considered in the development and zoning of lands designated Waste Disposal Industrial are as follows:
 - (a) waste disposal, processing and/or transfer facilities shall be established and operated in accordance with the requirements and regulations of the Ministry of Environment and Energy;
 - (b) all waste disposal, processing and/or transfer facilities shall be sited so that their impact on adjacent uses and the natural environment is minimized;
 - (c) separation distances shall be provided between the industrial areas and any sensitive land uses in accordance with Ministry of Environment and Energy guidelines;
 - (d) adequate buffering in the form of distance separation, berming, planting or other suitable techniques or devices, shall be provided between any waste disposal, processing and/or transfer facility and any adjacent non-compatible uses, including adjacent roadways;
 - (e) the rehabilitation of waste disposal, processing and/or transfer facilities shall comply with all applicable policies and regulations;
 - (f) once all or a portion of the area used for waste disposal, processing and/or transfer ceases to be used for such purpose, no further use shall be made of the area without the approval of the Ministry of Environment and Energy;
 - (g) waste disposal, processing and transfer facilities shall be placed in a separate zoning category in the Zoning By-law, and where a rehabilitation use is permitted by Certificate of Approval issued by the Ministry of Environment and Energy, the zoning category applied to such lands, shall continue to identify the subject lands as a waste disposal, processing and/or transfer site;
 - (h) Council, in considering applications for the establishment of waste processing and waste transfer facilities, shall be satisfied that:
 - (i) the proposed use is compatible with adjacent uses;

- (ii) the requirements of all applicable legislation including the *Environmental Protection Act* and the *Environmental Assessment Act* have been fulfilled;
 - (iii) the site is large enough to accommodate the proposed use;
 - (iv) site access is adequate;
 - (v) adequate and appropriate landscaping and/or buffering is provided; and,
 - (vi) the proposal will not adversely affect the community in terms of noise, dust, odour, visual impacts, impacts to surface and groundwater, as well as other social, economic and environmental impacts deemed relevant by the Township.
- (i) the redesignation of lands classified as Waste Disposal Industrial to another land use category may be considered once the site has been decommissioned and cleaned up in a manner satisfactory to the Ministry of Environment and Energy and the Township.
- (2) The following provisions apply to Potentially Contaminated Sites:
- (a) Potentially Contaminated Sites are identified on Schedule "E" to this Plan. In addition, Potentially Contaminated Sites may include buildings, lands or structures which, for reasons of public health and safety or environmental quality, are unsafe as a result of past activities. Newly identified contaminated sites will be added to Schedule "E" by amendment to this Plan;
 - (b) Council shall encourage the owners of contaminated sites to take all necessary actions to decommission such sites;
 - (c) development near any Potentially Contaminated Site shall not be permitted without Ministry of Environment and Energy approval; and,
 - (d) prior to considering any development application involving the re-development or re-use of sites classified as Potentially Contaminated Sites, such sites shall be cleaned up in accordance with Ministry of Environment and Energy requirements.
- (3) The following provisions apply to active and inactive landfill sites:

- (a) inactive landfill sites are identified on Schedule "E". Newly identified landfill sites will be added to Schedule "E" by amendment to this Plan. In addition, a holding symbol will be applied to the zone categories on lands within a 500 metre perimeter of an inactive landfill site;
- (b) Council shall encourage the owners of inactive landfill sites to take all necessary actions to decommission such sites;
- (c) development within 500 metres of any inactive or active landfill site shall not be permitted without Ministry of Environment and Energy approval. As part of any development application, Council and/or Ministry of Environment and Energy may require information on landfill generated gases, ground and surface water contamination by leachate, odour, litter, traffic, visual impact, dust and noise;
- (d) prior to considering any development application and the removal of the holding symbol involving the redevelopment or re-use of sites classified as inactive landfill sites, such sites shall be cleaned-up in accordance with Ministry of Environment and Energy requirements; and,
- (e) lands which have been used for waste disposal purposes shall not be used for any other purpose for a period of twenty-five years from the year in which such land ceased to be used, without the approval of the Ministry of Environment and Energy.

3-14.1 Waste Disposal Industrial – Special Policy Area 1

A waste transfer station for the receiving, handling and temporary storage of liquid petroleum, waste products and non-hazardous contaminated solids shall be permitted in Part of Lot 3, Concession 5 W.A. Facilities refer to lands, buildings and structures used for the receiving, handling and storage of materials.

The general principles to be considered in the development and zoning of lands designated are as follows:

- (1) waste transfer facilities shall be established and operated in accordance with the requirements and regulations of the Ministry of Environment and Energy;
- (2) all waste transfer facilities shall be sited so that their impact on adjacent uses and the natural environment is minimized;

- (3) a minimum buffer distance of 42.7 m shall be established where a waste transfer use abuts any other non-industrial use;
- (4) the buffer area shall be maintained with suitable vegetation or berming to visually separate the waste transfer use from surrounding uses, including adjacent roadways;
- (5) the rehabilitation of waste disposal, processing and/or transfer facilities shall comply with all applicable policies and regulations;
- (6) waste transfer facilities shall be placed in a separate zone in the Zoning By-law. A holding symbol shall be applied to the zone until:
 - (a) a site development plan has been approved by the City and any required securities paid;
 - (b) a Certificate of Approval for the operation of a waste transfer facility has been issued by the Ministry of Environment;
- (7) the maximum liquid waste storage capacity shall be limited to 68,100 litres;
- (8) the maximum contaminated solid storage capacity shall be limited to 299 tonnes;
- (9) the temporary open storage of material resulting from or related to the decommissioning or cleaning of petroleum storage tanks and mechanical equipment is permitted.

Added by By-law No. 99-320

3-15 Aggregates

This Plan recognizes the need to ensure a supply of aggregates for future development purposes while endeavouring to minimize any unreasonable impacts to residents, landowners and land uses resulting from aggregate extractions. This Plan recognizes existing aggregate uses on Schedule "A" and also identifies on Schedule "E" where the establishment of new aggregate uses may be appropriate.

The predominant use of lands in areas designated as Aggregates shall be quarrying, and the extraction of gravel, sand and other aggregates. Associated operations such as crushing, blending, washing, aggregate storage (stockpiling), aggregate recycling operations, weigh scales, asphalt manufacture, and concrete batching may be permitted as accessory to an active aggregate extraction operation.

In addition, wayside pits and quarries are permitted in accordance with the relevant provisions outlined in Section 3-3 of this Plan. Permitted uses must be compatible with other adjacent uses permitted by this Plan, have no adverse impact on ground and surface water quality and quantity, and in no way retard the rehabilitation of these areas for other land uses.

Waste processing and/or transfer facilities shall also be permitted, by rezoning, subject to the provisions of Section 3-14 of this Plan.

Lands designated as Aggregates may be used for farming and other Rural purposes provided that these uses will not inhibit the use of the land for extractive operations in the future.

MMAH Approval dated April 12, 2000

3-15.1 Aggregate Reserve Areas for Potential Future Extraction

Aggregate Reserve Areas are outlined on Schedule "E" to this Plan. This Plan recognizes that these Aggregate Reserve Areas possess significant aggregate resource potential and intends to protect these areas for possible future extraction purposes.

The identification of lands as an Aggregate Reserve Area on Schedule "E" does not entitle the owner of such lands to make use of the land for extraction purposes other than as a legal wayside pit or wayside quarry unless an Official Plan Amendment has been obtained to place the lands within an Aggregates designation on Schedule "A". The identification of an Aggregate Reserve Area on Schedule "E" does not bind Council to pass the necessary amendment to this Plan to allow aggregate extraction if the criteria within this Plan are not addressed satisfactorily.

Non-related land uses or developments which preclude future access to and extraction of potential aggregate resources will generally be discouraged in Aggregate Reserve Areas. Development however, may be permitted in accordance with the land use designation shown on Schedule "A" to this Plan, where:

- (1) extraction is not feasible;

- (2) the proposed land use or development serves a greater long term interest of the general public than does aggregate extraction;
- (3) the proposed land use or development would not preclude or hinder future aggregate extraction; or,
- (4) the Ministry of Natural Resources and the Township have no objection.

MMAH Approval dated April 12, 2000

3-15.2 General

It is recognized that the *Aggregate Resources Act* supersedes this Official Plan in instances where the *Act* and this Plan treat the same matter in a different way. In keeping with the general requirements of the *Aggregate Resources Act* the general principles to be considered in the development and zoning of aggregate uses are as follows:

- (1) existing licensed pits and quarries shall be zoned accordingly in the Zoning By-law;
MMAH Approval dated April 12, 2000
- (2) new aggregate extraction operations shall, where possible, be directed to lands shown as Aggregate Reserve Areas on Schedule "E" to this Plan and shall generally be restricted to areas not exposed to public view;
MMAH Approval dated April 12, 2000
- (3) an amendment to the Official Plan is required for the establishment of any extractive operation that is to be located on land not designated as Aggregates on Schedule "A" to this Plan. Such amendment request shall be accompanied by information to demonstrate that the lands have significant aggregate resources and that the extraction of these resources will not adversely affect ground and surface water quality and quantity;
MMAH Approval dated April 12, 2000
- (4) the establishment of new aggregate extraction operations in Aggregate Reserve Areas shall be permitted subject to Provincial legislation, by way of an amendment to this Plan and the Zoning By-law. In establishing new operations the applicant should consult with the Ministry of Natural Resources;
MMAH Approval dated April 12, 2000

- (5) amendments to the Zoning By-law will be required to permit the expansion of aggregate extraction operations; amendments to the Official Plan will be required to permit the expansion of aggregate extraction operations when the proposed expansion is to occur on lands not designated for aggregate purposes;
MMAH Approval dated April 12, 2000
- (6) the lands designated for aggregate operations may abut lands designated Rural by this Plan. Other uses and residential uses on lands designated Rural will generally be separated from lands designated for aggregate operations by the following distances:
- 150 metres from a pit operation above the water table
 - 300 metres from a pit below the water table
 - 500 metres from a quarry operation
- Approved by OMB Order No. 0220*
- (7) the separation distances referenced in paragraph (6) above may be altered to reflect site specific conditions related to such matters as compatibility, ground water, noise, dust, vibration and other appropriate matters without amendment to this Official Plan. Separation distances will be reflected in the Zoning By-law;
Approved by OMB Order No. 0220
- (8) as part of a Zoning By-law amendment request Council may require information on:
- (a) the standards for the operation of the subject extractive use;
 - (b) the location of routes to be used by haulage trucks;
 - (c) the timing and scale of blasting operations;
 - (d) the buffering and landscaping of the site;
 - (e) the drainage of the site;
 - (f) the use of all subject lands and the location, dimensions and use of all buildings or structures existing or proposed on the subject land;
 - (g) the existing and anticipated final grades of excavation, and excavation setbacks; and,

- (h) the proposed rehabilitation of the property upon termination of operations including levelling, grading and replacing of topsoil;
MMAH Approval dated April 12, 2000
- (9) all aggregate uses must satisfy the requirements of the Ministry of Environment and Energy as to water supply, disposal of liquid wastes, noise abatement measures, and control of air pollution;
MMAH Approval dated April 12, 2000
- (10) pumping of water will not be permitted in any pit or quarry unless approval, when required, is obtained from the Ministry of Environment and Energy and the Ministry of Natural Resources;
MMAH Approval dated April 12, 2000
- (11) all pits and quarries must be fenced and signed according to Provincial legislation;
MMAH Approval dated April 12, 2000
- (12) all pit and quarry operations must comply with the provisions of the *Aggregate Resources Act, 1989* and its Regulations;
MMAH Approval dated April 12, 2000
- (13) prior to providing comments to the Ministry of Natural Resources on new or amended licence applications Council will, by way of newspaper advertisement and by first class mail, notify the owners of all property within 1,000 metres (3,280 ft.) of the affected lands of the licence application; and,
MMAH Approval dated April 12, 2000
- (14) Council encourages the rehabilitation of all abandoned pits and quarries as well as existing and new wayside pits and quarries.
MMAH Approval dated April 12, 2000

3-15.3 Amendments to the Official Plan

In considering any application to amend the Official Plan as it relates to the Aggregates designation, Council will consider the following:

- (1) the size and the nature of the proposed use;
- (2) the compatibility of the proposed use with adjacent existing land uses and designations;
- (3) the accessibility of the proposed site with respect to road patterns and traffic volumes;

- (4) the location of the proposed site keeping in mind the character of adjoining communities, the importance of preserving the scenic beauty, amenities, and significant natural environment resources and assets of the area;
- (5) Council may require that the following information be submitted in support of an Official Plan Amendment request:
 - (a) an environment impact evaluation if deemed necessary by the Ministry of Natural Resources and/or the Ministry of Environment and Energy;
 - (b) a hydrogeology study which demonstrates the expected impact of the proposed operation on ground and surface water; and,
 - (c) a storm water management study detailing the area's drainage requirements;
- (6) a site development analysis detailing the property's dimensions, topography, soils, and surface and groundwater characteristics; and,
- (7) a detailed landscaping plan.

MMAH Approval dated April 12, 2000

3-16 Airport

The predominant use of lands designated as Airport shall be the landing, taking off and servicing of aircraft. The general principles to be considered in the development and zoning of the Airport are as follows:

- (1) the airport shall be used for the landing and taking off of aircraft and ancillary uses necessary for the adequate and proper functioning of the airport;
- (2) upgrades and improvements to the airport, to serve the needs of the Greater Kingston area and beyond, will be permitted;
- (3) buildings, equipment and activities on airport lands shall be sited and arranged subject to the *Aeronautics Act* to ensure aviation safety, and in a way that minimizes adverse effects from aircraft noise, vibration and/or fuel odours on adjacent lands and land uses, as it is recognized that airport uses may not be compatible at all times with other land uses, particularly residential uses;
- (4) airport operations shall be conducted in a manner which minimizes the impact of aircraft noise on surrounding land uses without compromising aviation

safety and conform with Airport Regulations under the authority of the *Federal Aeronautics Act*;

- (5) provision will not be made for the supply of water and sewer service to this area for other than airport uses, industrial uses, or uses complementary to the airport, situated on airport lands; and,
- (6) care shall be taken in assessing development proposals on adjacent lands to protect the airport from encroachment by incompatible land uses and to ensure that proposals are in compliance with the Provincial policies or guidelines for noise affected land uses in the vicinity of airports. Noise Exposure Forecast (NEF) contours and Noise Exposure Projection (NEP) contours will be applied in these cases. Applicants with development proposals will be informed where the *Airport Zoning Regulations for Kingston Airport*, made under the authority of the *Federal Aeronautics Act*, are in effect. Council shall ensure that new development proposals will not interfere with the performance of the airport's navigation and landing equipment or degrade the instrument approach minimal.

3-17 Institutional

The predominant use of lands in the Institutional designation shall be public and institutional uses which are, as a result of their size or nature, generally incompatible with residential uses. The general principles to be considered in the development and zoning of the Institutional uses are as follows:

- (1) the uses permitted shall include: hospitals; cemeteries; community centres; special care facilities; and, penitentiary lands including administrative buildings under Federal jurisdiction;
- (2) adequate off-street parking shall be provided; and,
- (3) adequate buffering shall be provided between Institutional uses and any adjacent residential area, and such buffering may include provisions for grass strips and appropriate planting of trees and shrubs.

3-17.1 Institutional – 130 Days Road

Within the Institutional designation which applies to the lands located at 130 Days Road, as shown on Schedule “A” hereto, the following special policies shall also apply:

- (1) the permitted uses shall also include a Call-Centre and General Office Uses; and,
- (2) the affected lands shall also be included in a separate zoning category.

3-18 Rural

The predominant use of lands in areas designated as Rural shall be agriculture and farm-related activities. Other uses permitted include limited non-farm residential development, small-scale commercial and quasi-industrial uses serving or directly related to the rural economy, forestry, conservation, recreational, public and institutional uses, and residential uses accessory to the permitted uses.

3-18.1 General

- (1) The function of the Rural designation is twofold. In certain areas this designation is used to preserve and encourage agriculture. In other areas deemed to have marginal agricultural capability, the designation is used primarily to control development.
- (2) Compatibility between adjacent land is encouraged. In this regard, development proposals adjacent to areas exhibiting characteristics of ongoing viable agriculture, or areas designated for aggregate extraction will be carefully assessed.
- (3) This Plan intends, with limited exceptions, to promote the use of good agricultural lands for agricultural purposes.
- (4) Good agricultural lands generally are to be preserved for agricultural purposes and non-farm development is discouraged from locating in areas with high agricultural capability. Schedule "E" is to be used as a guideline for determining which areas have high agricultural capability. The agricultural capabilities shown on Schedule "E" may be amended from time to time based on updates to the *Canada Land Inventory of Soil Capability for Agriculture* mapping. In the case of a dispute with respect to the agricultural capability of a parcel of land, and the manner in which such land is classified on Schedule "E", such parcel will be considered to have a high agricultural capability if it is shown that:
 - (a) soil classes 1, 2, 3 and 4 predominate, as these terms are defined in the *Canada Land Inventory of Soil Capability for Agriculture*;
 - (b) the lands have a high capability for the production of specialty crops due to soils or climate; or,

- (c) the lands are located in the midst of an area where, in the context of the general Kingston area, farms exhibit characteristics of ongoing viable agriculture.
- (5) All farm and non-farm development is to comply with the Minimum Distance Separation Formula I & II as amended from time to time.

3-18.2 Agricultural Uses

- (1) The needs of the agricultural economy are the paramount consideration in the assessment of land severance requests in Rural areas. As a general principle, the division of large landholdings which are viable for farming, into smaller parcels, is discouraged. In addition, the granting of severances shall be governed by the following principles:
 - (a) farmers who enlarge their farm holdings by acquiring an additional farm may sever a parcel of land on which there is a farm house made surplus through farm consolidation, provided that the size of such lot is a minimum of 0.8 hectares (2 acres);
 - (b) farmers may provide living accommodation on their farm for an employee provided that the parcel of land on which such accommodation is located is not severed from the farm;
 - (c) farmers may sever a parcel of land to be used for a residence by a full-time farm employee, provided that the size and nature of the farming operation is sufficient to support such employee. The size of such lot shall be a minimum of 0.8 hectares (2 acres) and all other severance policies of this Plan shall be satisfied;
 - (d) farmers may sever a parcel of land to provide a residence for a member of the family, who is employed full-time on the farm, provided that the size of such lot is a minimum of 0.8 hectares (2 acres) and provided further that the need for the severance in the operation of the farm can be demonstrated. In no case shall the total number of such severances exceed two per farm. The term "farm" refers to the entire area of land under the control of one farming operation;

- (e) retiring farmers may be permitted to retain a lot for a personal residence provided that the size of such lot is a minimum of 0.8 hectares (2 acres);
 - (f) in the case of a severance permitted by paragraphs (a), (d) and (e) above, the size of such a lot may increase as land capability decreases being not less than 0.8 hectares (2 acres). Such parcels shall have a minimum frontage of 60.0 metres (200 ft.). Lot frontage generally should increase proportionately with lot size;
 - (g) wherever possible, severances should be confined to areas of land which are essentially severed from productive farmland by natural features. Such severances will be discouraged in locations where the creation of such a lot would significantly detract from the viability of a farm unit or operation;
 - (h) in the case of a severance permitted by paragraphs (a), (b), (c), (d) and (e) above, the Minimum Distance Separation Formula I or II, as amended from time to time, shall be used in determining the separation distance required between dwellings and existing livestock operations; and,
 - (i) where an existing dwelling is proposed to be severed from a farm, in accordance with paragraphs (a) and (e) above, no lands occupied by agricultural buildings associated with the residual agricultural lands shall be included in such severance and such severance shall conform to the Minimum Distance Separation Formula I or II, as amended from time to time.
- (2) The establishment or expansion of any new livestock operation, which includes such operations as piggeries, feed lots, and chicken farms, close to existing or proposed non-farm uses is subject to the minimum separation distance requirements of the Minimum Distance Separation Formula I or II, as amended from time to time.

3-18.3 Non-Farm Residential Uses

- (1) Only single detached dwelling houses will be permitted.
- (2) Existing residential development may be recognized in the Zoning By-law. Where several dwellings are compactly grouped, the initial

zoning of such an area may include vacant lands. In such cases, infilling within this zone, as established by the Zoning By-law, may be permitted on lots of not less than 0.8 hectares (2 acres).

- (3) The creation of new residential building lots of not less than 0.8 hectares (2 acres) shall be prohibited by the Zoning By-law within:
 - (a) a 500 metre (1,640 ft.) radius of lands designated or zoned as Aggregates;
 - (b) a 500 metre (1,640 ft.) radius of lands designated and zoned for Waste Disposal Industrial purposes; and,
 - (c) close proximity to any existing animal farm operation.
- (4) The Zoning By-law may be amended to permit new residential development in the vicinity of livestock operations, on a case by case basis, where such development would be consistent with other applicable provisions of this Plan. The Minimum Distance Separation Formula I or II, as amended from time to time, shall be used in determining the separation distances required between new single detached homes and existing livestock operations.
- (5) Land severances shall not be granted in areas of high agricultural capability except where the lands are not viable for farming and the removal of the parcel from active farming will not adversely affect surrounding farm operations.
- (6) Land severance proposals shall be considered in accordance with the land division policies contained in Section 6-11.1 of this Plan.
- (7) Single detached dwelling units shall be permitted on existing lots of record in accordance with the provisions of Section 6-6 of this Plan provided that such development does not contravene the provisions of paragraph (3) above.

3-18.4 Commercial and Industrial Uses

Small-scale commercial and service industrial uses which are compatible with surrounding land uses and do not detract from the general character of the Rural area may be permitted. These uses may include a welding shop, a woodworking shop, a trucking establishment, farm-related uses, a commercial kennel and any other use which may be deemed necessary and appropriate in a Rural area by Council. The general principles to be considered in the

development and zoning of commercial and service industrial uses are as follows:

- (1) wherever possible, commercial and industrial uses will not be permitted on lands of high agricultural capability and their location will be controlled by placing them in a separate zoning category;
- (2) uses considered to be obnoxious under the *Public Protection and Promotion Act* shall not be permitted;
- (3) uses which require large amounts of water will be discouraged;
- (4) lots shall be of adequate size, generally over 0.8 hectares (2 acres) and should permit the location of the commercial or industrial use in an unobtrusive manner;
- (5) one residential unit may be permitted as an accessory use in connection with a commercial or industrial use;
- (6) adequate off-street parking and loading facilities shall be provided;
- (7) adequate buffering and setbacks shall be provided between the commercial or industrial uses and any adjacent non-compatible use;
- (8) the Minimum Distance Separation Formula I or II, as amended from time to time shall be used in determining the separation distances required between areas being rezoned for commercial and industrial purposes and existing livestock operations; and,
- (9) advertising devices and outside storage of goods or materials shall be consistent with the Zoning By-law and Sign By-law, so as to minimize the visual impact of such uses from adjacent roads and properties.

3-18.5 Conservation, Forestry and Recreational Uses

- (1) Conservation and forestry uses are permitted.
- (2) Recreational uses shall be placed in a separate zoning category in the Zoning By-law, and will be discouraged from locating on lands of high agricultural capability.
- (3) Recreational uses such as health clubs, riding academies, rod and gun clubs, golf courses or similar uses, which require large land areas and a rural environment, but which are non-intensive in terms

of trade and do not provide overnight accommodation to the general public, may be permitted by amendment to the Zoning By-law.

3-19 Special Policy Treatment Areas

Schedule "C" to this Plan shows areas which have been identified as Special Policy Treatment Areas. The policies applicable to each of the Special Policy Treatment Areas are set out below.

The policies for Special Policy Treatment Areas do not replace the land use policies related to the designations shown on Schedule "A", rather, they supplement these policies or outline future policy directions as indicated below. As a general rule Special Policy Treatment Area policies signal locations where notable land use change is expected in the future.

3-19.1 Core Area

The Core Area is intended to be the largest, most diversified area of commerce within the Township. A wide range of business commercial, retail, office and residential uses is encouraged. The Core Area shall be characterized by a high standard of site design.

The concentration of retail floor space in the Core Area, including the only existing regional shopping centre in the Township (located on Princess Street at Gardiners Road), has created a large shopping node of truly regional significance.

Within the Core Area the following special policies apply:

- (1) public, institutional and other similar uses which provide service to the general public shall be permitted in all land use designations;
- (2) lands situated on the edge of the Core Area, adjacent to areas of less intensive uses (such as Low Density Residential areas), shall be developed for purposes which are, or can be made, compatible with the adjacent uses;
- (3) automotive sales and service uses and other uses which require the outdoor storage of goods and materials shall be permitted only where such uses have been specifically authorized by way of an amendment to the Zoning By-law;
- (4) parking lots shall be permitted, as an interim use, in all land use designations;

- (5) site plan approval guidelines shall be used to ensure consistency in the design of development and services. Such guidelines may include provisions related to vehicular access, on-site traffic circulation, buffering and landscaping (especially adjacent to Low Density Residential areas), the orientation of buildings to the street, pedestrian access to and between properties, street hardware such as signs and lighting, and utility wiring.

3-19.2 The Loop

The Loop encompasses lands along portions of Princess Street, Gardiners Road and Bath Road which are intended to accommodate a diversity of uses, employment opportunities and living accommodation. It is intended that the Loop concept will evolve over time in the context of the following criteria:

- (1) community commercial centres, retail stores, offices and other business commercial uses, institutional, recreational, and residential accommodation at Medium to High Densities including mixed use residential/commercial buildings, are to be encouraged. It is not intended however that all uses will necessarily be permitted in all locations throughout the Loop;
- (2) the use of lands within the Loop shall be governed by the provisions of Schedule "A" and Schedule "F";
- (3) the Zoning By-law will recognize a range of uses and differing site development standards appropriate to the planned function of specific commercial service areas or sites within the Loop having regard for their location and the nature of surrounding land uses;
- (4) transit service will be established or enhanced to support the higher residential densities and intensity of developments intended for the Loop;
- (5) the Loop is not intended to encompass any established residential neighbourhoods;
- (6) lands situated on the edge of the Loop adjacent to less intensive uses such as Low Density housing shall be developed for purposes which are, or can be made, compatible with the adjacent uses;
- (7) lands situated adjacent to industrial areas shall be developed for purposes which are, or can be made, compatible with the adjacent uses, and may include hybrid commercial/industrial uses, traditional and innovative forms of retail uses;

- (8) specific design guidelines may be developed to facilitate development within the Loop;
- (9) for mixed residential/commercial development projects the parkland dedication requirements of this Plan will only be applied to the residential portion of the development proposal; and,
- (10) the Loop concept and the extent of land within the Loop may be refined by way of amendments to this Plan. Any proposals for amendments or public works shall be consistent with the applicable provisions of this Subsection.

3-20 Mineral Resources

It will be a goal of Council to obtain information regarding mineral resources, areas of potential resources and abandoned mines sites and reflect them on a schedule to this plan.

Mineral exploration and mine development and the expansion of existing mining operations is encouraged by protecting known mineral deposits and areas of mineral potential from incompatible uses.

Mining and related activities may only be permitted outside of identified settlement areas. The compatibility of surrounding land uses and designations in the rural area will determine the specific nature of permitted mining and related activities.

Where abandoned mine sites have been identified as potential development constraints, new development should be restricted on or abutting these sites until the nature and extent of any hazards is known and the hazardous conditions have been mitigated based on sound technical analysis, recommendations and advice undertaken by professionals who are qualified in this field.

SECTION 4 - SECONDARY PLANS

4-1 General

The policies of this Plan may not be detailed enough to address specific land use and development issues for newly developing neighbourhoods or existing areas which are considered to be in transition, as set out in Section 2-3 of this Plan. The preparation and adoption of neighbourhood land use plans will be required for such areas, prior to extensive development or redevelopment being approved.

Neighbourhood plans are intended to provide detailed strategies to address and coordinate matters such as, but not limited to, the following: defining the boundaries of the neighbourhood; range and location of permitted land uses; density of development; road design; subdivision of land; servicing and environmental issues; the timing and staging of growth; the appropriateness of intensification initiatives; and, integration with adjacent established land uses. Neighbourhood plans shall be adopted by Council by Resolution.

Neighbourhood plans may be incorporated by formal amendment into this Plan as **Secondary Plans**. Neighbourhood plans which are not adopted as Secondary Plans to the Official Plan have no legal status under the *Planning Act*, although they continue to serve as guidelines for land use and development in areas covered by such plans.

Secondary Plans incorporated into this Plan may contain land use classifications or policies which are reflective of special circumstances within individual neighbourhoods.

Council shall seek neighbourhood, public and agency input through a meaningful public participation process during the preparation of neighbourhood plans. The process for informing and involving residents and agencies in the development and review of a proposed neighbourhood plan will be established by Council prior to the commencement of any such study, and generally will be consistent with the notification procedures set out in Section 6-16 of this Plan, with necessary modifications.

4-1.1 Newly Developing Neighbourhoods

In newly developing neighbourhood areas the following principles are to be considered in the preparation of neighbourhood plans:

- (1) providing for an acceptable range of affordable housing types;
- (2) providing for a diversity of land uses, where appropriate;
- (3) having diversified modes of transportation along selected corridors;
- (4) having an acceptable range of commercial, recreational and community facilities close at hand;

- (5) maximizing opportunities for non-automobile modes of transportation;
- (6) incorporating peopleways;
- (7) incorporating the theme of a common meeting place or area into plans of subdivision;
- (8) designing a central focal point for the neighbourhood, where practical;
- (9) respecting, preserving and enhancing the natural environment features as appropriate; and,
- (10) incorporating natural features, where suitable, into a greenway system.

4-1.2 Neighbourhoods in Transition

Neighbourhood plans for established areas undergoing transition shall provide a detailed land use policy framework to define and regulate acceptable change in an orderly fashion, and shall be sensitive to maintaining the stability and distinctiveness of surrounding residential areas. Redevelopment issues such as preserving neighbourhood character, land use compatibility, provision of services, land values, property assessment, property standards and development standards, are to be addressed, both on a site-specific and area-wide basis, within the context of such plans.

4-2 Cataraqui North Secondary Plan

The following special land use and development policies apply to the area known as Cataraqui North. The Secondary Plan provisions governing the use of lands within the land use categories, as shown on Schedule "F", are described in the following subsections.

The Cataraqui North Neighbourhood encompasses approximately 200 hectares (500 acres) of land bounded by Sydenham Road on the east, Princess Street on the south, the line between Lots 11 and 12, Concession 3 on the west, and the east-west hydro electric utility corridor located just north of the proposed extension of Cataraqui Woods Drive. An area of land fronting on Sydenham Road and Eunice Drive to the north of the hydro electric corridor is also included in this neighbourhood for planning purposes.

4-2.1 Neighbourhood Objectives and Goals

Cataraqui North is recognized by this Plan as a neighbourhood in which special land use and development policies apply. The basis for these policies is the Council-endorsed *Cataraqui North Alternative Master Plan* (January 1993). The Master Plan is based generally on a philosophy of urban planning often referred to as "New Urbanism". Using this philosophy, a desirable and healthy urban neighbourhood is considered to be one in which:

- (1) the safety and security of residents is paramount;
- (2) a diversity of land uses is encouraged;
- (3) the scale, design and pattern of development is pedestrian-oriented and supportive of public transit;
- (4) the natural environment and heritage features are respected, preserved and enhanced wherever reasonably possible; and,
- (5) public spaces are prominent, well-defined and serve to tie the neighbourhood into a cohesive unit.

4-2.1.1 Objectives

Within the Cataraqui North neighbourhood, Council intends to:

- (1) promote a good quality of life through the planning and development of a neighbourhood which has regard for the planning principles set out in Section 1 of this Plan;
- (2) ensure that the safety and security of all neighbourhood residents is the prime consideration in all aspects of the planning and development of the neighbourhood;
- (3) encourage the development of a neighbourhood which is distinctive in nature and fosters a strong sense of place; a neighbourhood in which a wide range of housing opportunities are provided, a more complete range of amenities is close at hand, and enhanced opportunities for bicycle and pedestrian movement and public transit use are provided; and,
- (4) promote excellence and innovation in urban and environmental design.

4-2.1.2 Goals

To achieve these objectives, Council intends to guide and assist both private and public land use and development decisions within Cataraqui North by:

- (1) providing a balanced mix of residential, commercial, institutional and open space uses, consistent with the terms of the *Cataraqui North Alternative Master Plan*, sufficient to meet the anticipated needs of a growing and evolving neighbourhood;
- (2) encouraging the preservation of significant features of the natural environment, such as watercourses and stands of mature trees;
- (3) integrating compatible land uses to achieve a more cohesive, safe neighbourhood;
- (4) encouraging land uses and development forms which will contribute to the evolution of a distinctive neighbourhood character;
- (5) encouraging transit-supportive land uses and subdivision designs that reduce the reliance on the automobile;
- (6) encouraging a variety of housing opportunities for all ages and lifestyles, including affordable housing;
- (7) encouraging the development and ongoing evolution of a vital neighbourhood centre to serve as a focus for neighbourhood activities; such a centre may include such elements as a park or a community centre building, or may encompass a group of uses, services and activities;
- (8) ensuring that development occurs in an orderly and efficient manner consistent with the Township's servicing policies and the capabilities of the service systems;
- (9) encouraging variety and quality in building and site design;
- (10) preserving existing significant heritage resources and integrating such resources into development and redevelopment projects wherever reasonably possible;

- (11) ensuring that new development and redevelopment projects complement adjoining existing land uses including environmental and heritage resources;
- (12) providing a diversity and range of easily accessible private and public open space areas throughout the neighbourhood;
- (13) implementing a tree planting program consistent with any approved municipal forestry policy;
- (14) promoting an attractive and safe pedestrian environment;
- (15) promoting a neighbourhood road system which accommodates the needs of pedestrians and cyclists as well as the requirements of motorists, with due regard for safety; and,
- (16) adopting urban design policies and establishing and encouraging adherence to general design guidelines which are sensitive to and scaled to the natural and built environment and which are supportive of the foregoing goals.

4-2.2 Land Use Policies

Lands within the Cataraqui North Neighbourhood are to be developed in accordance with the general land use pattern set out on Schedule "F". Neighbourhood land uses are divided into the following general categories:

- Residential
- Commercial
- Open Space
- Environmental Protection

While the names of the above land use categories may be similar to designations which apply elsewhere in the Township, as referenced in Section 3 of this Plan, the policies which apply to Cataraqui North may differ appreciably. These neighbourhood policies should be read therefore only in the context of this Section of the Plan and Schedule "F", unless specified otherwise.

4-2.3 Residential

General principles to be considered in the development of residential areas in Cataraqui North Neighbourhood are as follows:

- (1) the Residential designation of land means that the predominant use of land and buildings shall be for residential purposes; other uses which are complementary to and serve the principal residential uses, such as elementary schools and parkettes, are also permitted;
- (2) a variety of housing opportunities will be encouraged in order to accommodate the different and changing housing needs of the community; the integration of a variety of compatible housing types and building styles into the streetscape will be encouraged within the neighbourhood;
- (3) significant concentrations of any one housing type or building design will be discouraged;
- (4) in accordance with the *Provincial Land Use Planning for Housing Policy Statement*, at least twenty-five percent (25%) of new housing stock approved in the Cataraqui North Neighbourhood shall qualify as **affordable** housing, as defined in the policy statement;
- (5) residential areas of the neighbourhood shall be designed to allow for convenient pedestrian movement;
- (6) an overall density of development, sufficient to foster a healthy and safe neighbourhood environment in which a wide range of services, amenities and employment opportunities can be provided in an efficient and financially-sustainable manner, will be encouraged;
- (7) varying densities of development will be distributed throughout the neighbourhood to ensure that a high proportion of neighbourhood residents will live within a short walking distance of neighbourhood facilities and services; densities shall be calculated on a "net area basis" (Net area is calculated as an area of one or more lots, blocks or parcels of land, the principal use of which is for residential purposes; lands for other uses accessory to the basic residential uses, such as roads, churches, parks, Environmental Protection Areas, storm water management facilities, and schools are not included in the net area calculation);

- (8) land developers will be required to submit a development concept plan encompassing their entire neighbourhood landholdings to Council for endorsement prior to any specific subdivision plans for their lands being considered by Council; the concept plans shall be consistent with the general intent of the overall neighbourhood plan and shall include detailed proposals for the road pattern, land use distribution including dwelling types, residential densities and other appropriate information; concept plans also are to be supported by appropriate servicing and traffic analyses;
- (9) minimum and maximum net density requirements will be established for each residential category within the neighbourhood;
- (10) every reasonable effort will be made to ensure that new development and redevelopment projects are compatible with and complementary to adjacent existing residential areas;
- (11) residential lots abutting Centennial Drive and Cataraqui Woods Drive shall be subject to the following restrictions:
 - (a) private vehicular entrances onto these roads will be prohibited;
 - (b) lot frontages will be reverse-faced or will be onto a service road which runs parallel to and adjoining either Centennial Drive or Cataraqui Woods Drive;
 - (c) where a reverse-faced frontage form of development is used, such lots shall have deeper rear yard depths and corresponding lot depths shall be deeper than otherwise required; and,
 - (d) noise studies may be required by the Ministry of Environment and Energy; appropriate measures to mitigate any adverse effects from vehicular noise that may be identified by such studies shall be undertaken by the proponent;
- (12) the concentration of permitted non-residential uses is discouraged; and,
- (13) the Zoning By-law shall include separate zone categories for Low Density, Medium Density and High Density Residential uses.

4-2.3.1 Home Occupations

Home Occupations are permitted by this Plan within the Residential designation shown on Schedule "F" and shall be permitted in the Zoning By-law.

Home Occupation uses are intended to be those economic activities which are conducted within a residential dwelling unit primarily by the occupants of that unit. Home Occupation uses are intended to allow people to conduct small-scale business or office uses from their homes. Such uses are not intended to permit economic activities which are more appropriately located in commercial or industrial areas.

Home Occupation uses which do not occupy more than thirty percent (30%) of the floor area of a dwelling and which do not cause any noise, odour, smoke or visual display which would be inappropriate in a residential area, and which do not generate vehicular or pedestrian traffic in volumes or nature inappropriate for the residential area, may be permitted.

Specific provisions governing Home Occupations shall be detailed in the Zoning By-law.

4-2.3.2 Low Density Residential

The general principles to be considered in the zoning and development of lands for Low Density Residential are as follows:

- (1) uses permitted include single detached and two, three and four unit dwellings;
- (2) the density of development shall range from 14 to 56 dwelling units per net hectare of land;
- (3) a balanced mix of dwelling types is encouraged within each plan of subdivision; generally, no one dwelling type should exceed 40 percent of the housing stock that is built within that portion of a developer's landholding which is designated for Low Density Residential use, and in no case shall the proportion of three and four unit dwellings exceed 25 percent of the total units;
- (4) maximum building height shall be three storeys;

- (5) the use and maintenance of the existing Ontario Hydro works yard located west of Sydenham Road and south of Cataraqui Woods Drive shall be recognized as a permitted use by the Zoning By-law; and,
- (6) residential lots abutting the above-referenced Ontario Hydro works yard shall have deeper lot depths and corresponding larger minimum rear yard depth requirements.

4-2.3.2(a) See 3.7.3 (6)

4-2.3.3 Medium Density Residential

The general principles to be considered in the zoning and development of lands for Medium Density Residential uses are:

- (1) any form of housing which conforms with the development, density and building height policies outlined herein is permitted;
- (2) a variety of housing forms is encouraged and significant concentrations of any one dwelling type or style of construction within each plan of subdivision is discouraged; generally, no one dwelling type should exceed 75 percent of the total housing stock that is built within any developer's landholding designated for Medium Density Residential uses;
- (3) the overall density of development shall range from 27 to 75 dwelling units per net hectare of land;
- (4) maximum building height shall be four storeys; variations in height, within the four storey limitation, in a manner which is sensitive to existing and proposed housing forms on adjoining lands is encouraged;
- (5) Medium Density Residential land uses shall be located where it can be demonstrated to the satisfaction of Council that such uses will be compatible with existing and proposed land uses on adjoining lands; generally, Medium Density Residential uses shall be encouraged:
 - (a) adjoining existing or proposed High Density Residential development;

- (b) adjoining the commercial and Mixed Use corridor located along Princess Street;
 - (c) along the central east/west and north/south roadways and the central traffic circle;
 - (d) along or in close proximity to public transit routes; and,
 - (e) adjacent to public open spaces, proposed school sites and the neighbourhood convenience centre;
- (6) buildings containing three dwelling units or more should be oriented to the street wherever possible, to create a prominent building presence along the street, in a manner which is compatible with adjacent Low Density housing;
- (7) Medium Density projects shall be subject to Site Plan Control, with consideration being given to the policies of Section 4-2.9.5 (Urban Design Principles) and to any related guidelines as may be approved by Council;
- (8) retail commercial uses shall not be permitted; other non-residential uses which are compatible with permitted residential uses and provide for the service needs of neighbourhood residents, such as day care facilities, doctors' or dentists' offices, personal service shops, or other similar uses, may be permitted provided that all of the following criteria are met:
- (a) non-residential uses shall be restricted to locations with good access to the surrounding neighbourhood and preferably served by more than one street (i.e. on a corner);
 - (b) non-residential uses shall be designed and located so as to minimize adverse effects on adjacent residential and open space uses;
 - (c) the design of buildings containing non-residential uses should be compatible with adjoining housing styles;

- (d) appropriate buffering, screening or fencing may be required where non-residential uses abut existing or proposed residential uses;
- (e) the gross floor area of any non-residential use shall not exceed approximately 185 sq. metres (1,992 sq. ft.) and no more than two such uses shall be grouped together;
- (f) advertising and associated signs and exterior lighting shall be situated and designed so as not to be obtrusive to adjoining residential uses;
- (g) open storage of goods and materials shall not be permitted;
- (h) all non-residential uses shall be subject to Site Plan Control; in reviewing such applications consideration shall be given to related guidelines as may be approved by Council from time to time and the Urban Design policies of Section 4-2.9.5 of this Plan.

4-2.3.4 High Density Residential

The general principles to be considered in the zoning and development of lands for High Density Residential uses are:

- (1) any form of housing which conforms with the development, density and building height policies outlined herein is permitted;
- (2) the density of development shall range from 27 to 125 dwelling units per net hectare of land;
- (3) the maximum building height shall be eight storeys;
- (4) buildings shall be oriented to the street in order to create a prominent building presence along the street in a manner that is compatible with adjoining housing forms;

- (5) integrating apartment buildings and other multiple dwelling unit forms of housing with adjoining uses is to be encouraged and the clustering of such uses into isolated enclaves is to be discouraged;
- (6) High Density Residential development may be located on lands at the south east corner of Cataraqui Woods Drive and Centennial Drive provided that Council is satisfied the development will be:
 - (a) within easy walking distance of existing or future commercial areas and public open space;
 - (b) compatible with existing and proposed uses of adjoining lands and that the volume of traffic generated by such development will not unduly affect local residential streets;
 - (c) on or close to public transit routes; and,
 - (d) on lands adjacent to a Collector or Arterial road as shown on Schedule "F";
- (7) retail commercial uses shall not be permitted; other non-residential uses however may be permitted on the ground floor of otherwise residential buildings provided such uses are compatible with on-site and adjoining residential uses and are limited to personal services, professional offices, laundromats, dry cleaners, or other similar uses;
- (8) advertising and associated signs related to non-residential uses shall be situated so as to minimize its obtrusiveness to adjoining residential uses;
- (9) open storage of goods and materials is not permitted; and,
- (10) High Density Residential projects shall be subject to Site Plan Control; in reviewing such applications consideration shall be given to related guidelines as may be approved by Council from time to time and the Urban Design policies of Section 4-2.9.5 of this Plan.

4-2.4 Commercial

Within the commercial designation of land a wide range of retail, service, entertainment, and office uses are encouraged at a number of locations within the Cataraqui North Neighbourhood. Each location is intended to have a specific planned function within the overall commercial market hierarchy in serving and providing employment opportunities for the residents of the neighbourhood and the community as a whole.

Four levels of commercial activity are planned within the neighbourhood, and shall be recognized by the Zoning By-law. These are:

- Neighbourhood Convenience
- Business Commercial
- Mixed Use
- General Commercial

The following general principles are to be considered in the zoning and development of lands for commercial uses within the neighbourhood:

- (1) automobile-oriented commercial uses including retail, office and service uses are to be located on the edge of the neighbourhood, along the Arterial and Collector roads;
- (2) neighbourhood convenience uses are to be centrally located within the neighbourhood to allow easy pedestrian access for a large proportion of neighbourhood residents;
- (3) two areas of proposed General Commercial concentration along Sydenham Road, one at the intersection of Cataraqui Woods Drive and the other just north of Eunice Drive, are to be recognized by the Zoning By-law;
- (4) no open storage of goods and materials will be permitted in any of the commercial areas within the neighbourhood;
- (5) adequate off-street parking facilities are to be provided with vehicular access points designed to minimize any danger to vehicular traffic and pedestrian movements;
- (6) adequate buffer areas are to be provided between commercial uses and adjoining residential uses;

- (7) all commercial development within the neighbourhood shall be subject to Site Plan Control, and consideration shall be given to any related guidelines approved by Council, and the Urban Design policies of Section 4-2.9.5 of this Plan; and,
- (8) the retail market analysis requirements of Section 3-9 of this Plan apply to development proposals involving retail commercial floor space.

4-2.4.1 Neighbourhood Convenience Centre

The Neighbourhood Convenience Centre is centrally located within the Cataraqui North Neighbourhood to provide for some of the convenience service and shopping needs of neighbourhood residents. Uses such as a convenience store, post office, bank, dry cleaners, take-out restaurant, day care centre, church and other minor institutional uses are encouraged.

The Neighbourhood Convenience Centre, when combined with adjoining residential and open space uses, is intended to provide an attractive focus for the neighbourhood.

The general principles to be considered in the development and zoning of the Neighbourhood Convenience Centre are as follows:

- (1) the interaction of uses within the neighbourhood centre and with adjoining land uses is encouraged;
- (2) buildings within the neighbourhood centre are to be oriented towards the street;
- (3) it is the intent of Council to prepare urban design guidelines specific to the Neighbourhood Convenience Centre; such guidelines are to encourage:
 - (a) consistent street facades of buildings;
 - (b) limited on-street parking where appropriate;
 - (c) the majority of parking to be located at the rear or sides of buildings;

- (d) the public streetscape between the front of buildings and the street curb to be developed as a safe and convenient pedestrian area with attractive pedestrian amenities provided; and,
 - (e) building and site design to complement and contribute to a safe and desirable neighbourhood character;
- (4) it is the intent of this Plan that the Neighbourhood Convenience Centre will be served by public transit;
 - (5) easy and convenient access for pedestrians and cyclists shall be provided;
 - (6) the combined maximum gross floor area for all uses within the Neighbourhood Convenience Centre shall not exceed 1,110 sq. metres (12,000 sq. ft.) and the retail gross floor area of any individual use shall not exceed 185 sq. metres (1,992 sq. ft.);
 - (7) residential units may be provided in the same building or on the same lot as a commercial use; and,
 - (8) maximum building height shall be three storeys.

4-2.4.2 Business Commercial

The Business Commercial area encompasses those lands located at the north-west, south-west and north-east corners of Centennial Drive and Cataraqui Woods Drive. The Business Commercial area is intended to provide a range of business and commercial opportunities while serving three principal objectives, namely:

- (1) to provide for many of the daily shopping and service needs of neighbourhood residents and employees of area businesses;
- (2) to support the existing and future business and industrial uses in the adjoining Cataraqui Industrial Estates to the north and west; and,

- (3) to serve as an area of transition between the Cataraqui North residential neighbourhood and existing and future business/industrial uses within Cataraqui Industrial Estates;

To achieve and maintain these planned functions the following land use and development policies shall apply:

- (1) permitted uses may include: offices; research and development facilities; technologically-advanced manufacturing, fabricating or assembling operations for the production of high value products; data processing facilities; medical laboratories and equipment production; day care centres; convenience stores; personal service shops; eating establishments; private recreational facilities; technical, professional, industrial and administrative support services; automobile service stations; automobile sales, leasing and servicing establishments; and, retail stores;
- (2) in addition to the foregoing range of uses, supermarkets also may be permitted on those lands located on the south-west corner of Cataraqui Woods Drive and Centennial Drive;
- (3) the retail market analysis requirements of Section 3-9 of this Plan shall apply to retail commercial uses within the Business Commercial area; and,
- (4) it is the intent of this Plan that site plan design guidelines for Business Commercial uses will be prepared to encourage a standard of site design which will support and foster a distinctive community image.

4-2.4.3 Mixed Use

The Mixed Use category applies to two locations within the Cataraqui North Neighbourhood, namely:

- The Princess Street Corridor
- The north-west corner of Sydenham Road and the central east/west neighbourhood street.

The general principles to be considered in the development and zoning of the Mixed Use areas are as follows:

- (1) retail and service commercial uses, entertainment, recreational, cultural and office functions intended to serve the Cataraqui North Neighbourhood and the community as a whole shall be the predominant land uses;
- (2) residential units in the upper floors of otherwise commercial buildings are permitted;
- (3) the Princess Street Corridor encompasses those lands within the Cataraqui North Neighbourhood which are located along Princess Street, and along Sydenham Road south of the Cataraqui United Church cemetery; this corridor is recognized as an area encompassing notable heritage resources and in which land uses are in transition from tourist-oriented highway commercial uses to a mix of urban retail and service commercial uses serving the wider Kingston area; the following policies are intended to guide the continued transition of land uses within the Princess Street Corridor in a manner which is sensitive to the notable heritage features in the area, and to promote the orderly evolution of a balanced mix of compact transit-supportive land uses and activities:
 - (a) the Princess Street Corridor generally will have a depth of between 100 and 190 metres (328 and 623 ft.) measured from the northern limit of the right-of-way of Princess Street or the western limit of the right-of-way of Sydenham Road;
Amended by By-law No. 98-269
 - (b) the density of residential development shall range from 75 to 125 dwelling units per net hectare of land;
 - (c) buildings of up to eight storeys in height shall be permitted; varying the height of buildings in a manner which is sensitive to existing and proposed building forms on adjoining lands is encouraged;

- (d) while mixed use developments combining retail, service, office and residential uses on individual sites is encouraged, individual sites may include only one use provided the overall mixed-use character of the Corridor area is encouraged;
- (e) it is the intent of Council to prepare urban design guidelines specific to the Princess Street Corridor; such guidelines shall encourage, among other things:
 - (i) the location and design of buildings and other on-site features to be street-oriented;
 - (ii) the majority of parking to be located at the rear or sides of buildings, wherever practical;
 - (iii) retail plazas, which may require parking to be visible to the street, to provide a direct connection to a public sidewalk in order to accommodate pedestrians and transit users; and,
 - (iv) the use of streetscape amenities to provide for a more pedestrian-oriented environment (e.g. street furniture, tree planting, landscaping standards);
- (4) At the north-west corner of Sydenham Road and the east/west neighbourhood street - the following special policies apply:
 - (a) the density of residential development shall range from 45 to 75 dwelling units per net hectare of land; and,
 - (b) buildings of up to three storeys in height shall be permitted.

4-2.4.4 General Commercial

Two areas of proposed General Commercial concentration along Sydenham Road, one at the intersection of Cataraqui Woods Drive and the other just north of Eunice Drive shall be zoned and developed according to Section 3-9 (the Commercial policies) of this Plan.

4-2.5 Open Space

Council intends to establish a safe and sustainable open space system throughout the Cataraqui North Neighbourhood, which fulfills a variety of residents' recreational and leisure needs.

The neighbourhood open space system is considered to consist of publicly-owned parkland and walkways, private open space and recreation facilities, cemeteries, streets and rights-of-way. Although elementary schools are not formally considered as open space, they are a vital adjunct to the open space system.

The open space system is fundamental in providing safe active and passive areas for sports and leisure activities and in promoting a cohesive sense of neighbourhood character.

The pertinent general open space policies and recreational standards of Section 5-2 of this Plan apply to the Cataraqui North Neighbourhood. The following additional principles will be considered in the development of open space areas within the neighbourhood:

- (1) the safety and security of all users of the open space system shall be the prime consideration in designing and, where appropriate, the programming of open space areas;
- (2) it is the intention of Council to prepare guidelines for the design of open space areas which address elements such as lighting, sight lines, signs, location of activity generators, access to telephones, night-time use and activity planning. Public, crime-prevention and community-policing groups, and the Ontario Provincial Police will be invited to participate in the development of such guidelines;
- (3) a hierarchy of open space uses, dispersed throughout the neighbourhood, shall be established to satisfy the different needs of neighbourhood residents, and shall consist of the following:

- Neighbourhood Park Complex
 - Central Park
 - Parkettes
 - Peopleways
 - Other notable natural features as may be identified by Council; and,
- (4) generally, storm water management facilities such as detention and retention ponds are not considered to be part of the required open space dedications within the neighbourhood; these facilities however, shall be integrated with the open space system wherever practical.

4-2.5.1 Neighbourhood Park Complex

The Neighbourhood Park Complex is the single largest open space area within the Cataraqui North Neighbourhood. It is centrally located within a reasonable walking distance from any point in the neighbourhood, and is intended to provide the focus for active and passive recreation and leisure activities within the neighbourhood.

The Neighbourhood Park Complex is comprised of public parkland and two adjoining proposed elementary school sites.

It is the intent of Council that the precise layout and configuration of the Neighbourhood Park Complex will be refined to the satisfaction of Council and the area School Boards prior to the approval of any development on lands adjoining the park complex. Such refinement shall have regard to fencing, parking, student drop off facilities, portable classrooms and other related issues.

The Neighbourhood Park Complex will be refined further to the satisfaction of the Township if either or both of the proposed school sites are not required by the area School Boards.

4-2.5.2 Central Park

The Central Park is situated in the hub of the Cataraqui North Neighbourhood and is defined by the traffic circle located in the centre of the neighbourhood at the junction of the main east/west and north/south neighbourhood streets, as shown on the *Cataraqui Alternative Master Plan*.

The Central Park is intended to be a formal, ceremonial type of public open space which will serve as a recognizable landmark and focal point for the entire neighbourhood.

The park area shall be approximately 0.6 hectares (1.6 acres) with a diameter of approximately 90 metres (300 ft.).

It is intended that the Central Park will be linked appropriately with other features of the open space system.

4-2.5.3 Parkettes

Parkettes, although not shown on Schedule "F", shall be dispersed throughout the neighbourhood in locations which can serve as focal points for the immediate residential areas.

Parkettes are intended to be:

- (1) between 0.2 hectares (0.5 acres) and 0.4 hectares (1.0 acres) in size;
- (2) gathering places for people of all ages;
- (3) integrated with other community facilities and services such as super mailboxes, neighbourhood bulletin boards, etc;
- (4) primarily passive park areas which may include such features as: pathways, park benches, and limited childrens' play structures; and,
- (5) low maintenance.

4-2.5.4 Peopleways

Peopleways shall be developed to physically connect people with places, especially places of congregation and open spaces. Peopleways may include such elements as street sidewalks, formal and informal walkways, footpaths, cycle lanes and paths.

Peopleways shall be designed to create safe, interesting, convenient and varied environments for pedestrians, cyclists and physically challenged individuals. The needs and safety of all age groups shall be considered in the design of a peopleways system.

It is the intent of Council to prepare guidelines for the planning, development and construction of peopleways consistent with the foregoing policies and the Urban Design Principles of Section 4-2.9.5. The public, user groups, crime prevention and community-policing groups, and the Ontario Provincial Police will be invited to participate in the development of such guidelines.

4-2.6 Environmental Protection Areas

Areas of environmental significance and ecological sensitivity within the Cataraqui North Neighbourhood, as well as storm water management facilities, shall be designated as Environmental Protection Areas.

In addition to the general policies of Section 3-5 of this Plan the following special policies apply to the Cataraqui North Neighbourhood:

- (1) when a development or redevelopment project is proposed on lands in or adjacent to an Environmental Protection Area, Council shall in its consideration of an Official Plan Amendment to permit new uses require the preparation and approval of an environmental overview which shall contain the following elements, as a minimum:
 - (a) a statement as to the environmental quality and character of the Environmental Protection Area potentially affected by the proposed undertaking;
 - (b) details of the purpose of the undertaking;
 - (c) details of a biophysical inventory and description of both terrestrial and aquatic habitats;
 - (d) the biophysical habitats that will and that might be expected to be affected directly or indirectly;
 - (e) the actions that will and that might be required to prevent any adverse change, mitigate or remedy any negative effects upon the biophysical habitats by the undertaking;
 - (f) details of alternative methods of carrying out the undertaking; and,
 - (g) an evaluation of the advantages and disadvantages to the environment of the undertaking;

- (2) Council may, with concurrence from the appropriate public agencies, waive the requirement for an Environmental overview or modify the required content of such overview; a Council waiver of or modification to an overview will only be considered by way of a written request from a development proponent to do so; such request shall be supported by a report or brief prepared by a professional competent in the area of environmental matters which demonstrates to the satisfaction of Council the appropriateness of such a request; and,
- (3) when considering a development or redevelopment project, or when assessing storm water management proposals, Council shall have regard to the Natural Environment considerations set out in Section 4-2.9.

4-2.7 All Areas

- (1) In all land use designations, except Environmental Protection Areas, shown on Schedule "F", it shall be the policy of this Plan that public utilities, public uses, parkettes, and peopleways are permitted provided that such uses are necessary in the area, that they can be made compatible with their surroundings and that adequate measures can be taken to ensure compatibility. Within Environmental Protection Areas, only public uses identified in Section 3-5 of this Plan are permitted.
- (2) Institutional uses are permitted in all land use designations, except Environmental Protection Areas, provided that they are included in a separate zone category in the Zoning By-law. The following criteria are to be used as guidelines in selecting sites for the development of institutional uses within the neighbourhood:
 - (a) the uses permitted may include churches, community centres, nursing homes, secondary schools, and other similar uses;
 - (b) sites should be located close to and within easy walking distance of public transit routes;
 - (c) sites should be located close to and have convenient access to an Arterial or Collector road and should not be situated in a manner which generates undue volumes of traffic on adjoining Local residential streets;
 - (d) adequate off-street parking shall be provided for all permitted uses; and,

- (e) adequate buffering shall be provided between institutional uses and any adjacent residential uses.
- (3) The term Public Use includes uses such as elementary schools and public services provided by any level of government and its associated boards, commissions or agencies.

4-2.8 Transportation Policies

The roads plan forming part of Schedule "F" is designed to facilitate the movement of people throughout the neighbourhood and to the community beyond. Local roads to be constructed within the Cataraqui North Neighbourhood are not shown on Schedule "F". It is intended however that the local roads system will accommodate, as may be appropriate, the requirements of automobiles, public transit, pedestrians, bicycles, service vehicles and other supporting features such as parking, laneways, loading areas, street furniture and tree planting.

4-2.8.1 Special Neighbourhood Policies

It is fundamental to the planning and design principles of the Cataraqui North Neighbourhood that:

- (1) public streets and boulevards be considered public spaces serving multiple functions and not just as vehicle routes;
- (2) traffic speeds and volumes are calmed to a level compatible with and conducive to other neighbourhood activities;
- (3) streets and boulevards throughout the neighbourhood are designed and maintained to enhance the visual attractiveness of the neighbourhood as a whole;
- (4) the roads plan for the Cataraqui North Neighbourhood is compatible with the overall road pattern and classification of roads in the Township as set out in Sections 5-5.2 and 5-5.4 of this Plan;

- (5) although some local roads may serve a neighbourhood collector function in the earlier phases of neighbourhood development, it is intended that over time traffic movement will be distributed evenly over the entire neighbourhood road network, thereby encouraging a greater distribution of both vehicles and pedestrians throughout the neighbourhood;
- (6) private vehicular entrances onto Collector and Arterial roads from lands within the Residential designation, as shown on Schedule "F", be prohibited; and vehicular access to such roads from lands within other land use designations shown on Schedule "F" may be permitted but controlled;
- (7) alternative engineering and road design standards as may be deemed appropriate by Council are employed in the ongoing development of the local roads within the neighbourhood, and will not require an amendment to the right-of-way widths stated in Section 5-5.4 of this Plan;
- (8) an interconnected rectilinear grid pattern of neighbourhood streets be developed, and use of curvilinear street layouts and cul-de-sacs will be avoided as much as possible;
- (9) street blocks be short to facilitate pedestrian movement;
- (10) the volume of traffic on neighbourhood roads be low and traffic generally have its origin or destination within the neighbourhood;
- (11) all roads entering the neighbourhood from the Collector and Arterial roads system be treated as gateways to the neighbourhood. To achieve the desired effect a variety of techniques will be considered, including: planted medians and rights-of-way; gate-like structures or ornamental walls on either side of the roadways; special plantings; pavement treatments; and, lighting. Materials and techniques used must be low maintenance in nature;
- (12) a quality standard of building and site design be employed along the roads which serve as access points to the neighbourhood, in order to create a sense of neighbourhood coherence and identity;

- (13) the precise location and number of access roads to the neighbourhood from the Arterial Roads system, as shown on the *Cataraqui North Alternative Master Plan*, are subject to the approval of the appropriate roads authorities;
- (14) Council will seek the cooperation of the Ministry of Transportation, Ontario and the County of Frontenac in securing the road links to the adjoining Collector and Arterial roads system necessary to complete the neighbourhood road pattern intended by the approved *Cataraqui North Alternative Master Plan*;
- (15) the neighbourhood road system forms an integral part of the system of peopleways referenced in Section 4-2.5.4 above;
- (16) in the design of neighbourhood streets and boulevards the needs of pedestrians and cyclists be recognized and accommodated; and,
- (17) all residents live within a reasonable walking distance of a public transit route.

4-2.9 Development Policies

In addition to the applicable growth management policies of Section 5-11 of this Plan, the Cataraqui North Neighbourhood shall be subject to the following special policies.

4-2.9.1 Natural Environment

Within the Cataraqui North Neighbourhood every reasonable effort will be made to ensure that all development and redevelopment proposals contribute to the creation of an environmentally-sensitive, healthy urban setting.

The location of roads and the disposition of land uses within the neighbourhood shall be reflective of conditions of the natural environment. Specifically:

- (1) use of east/west streets will be maximized to provide opportunities for housing with solar orientation where drainage and grading are not compromised;

- (2) wherever practical, consideration shall be given to incorporating existing significant hedgerows into the design of new plans of subdivision or site plans;
- (3) appropriate species of deciduous trees will be planted along the boulevards of key streets throughout the neighbourhood to provide, ultimately, a continuous tree canopy which will enhance bird and animal habitats and serve as connecting links with open space and other natural areas;
- (4) control of storm water run-off will be provided by a system of storm water management facilities designed to minimize the impact of new development on water quality and quantity within the watershed and to minimize any effect to the on-site and downstream aquatic habitat including fish habitat;
- (5) storm water management considerations shall be designed and implemented in accordance with the *Cataraqui North Neighbourhood Master Drainage Plan (May, 1993)*, as may be updated from time to time;
- (6) individual development projects shall be designed to conform with the neighbourhood master drainage plan;
- (7) infiltration of storm water run-off to replenish groundwater reserves is to be encouraged, where appropriate, through various development and construction measures; specific measures to be used will be detailed in the context of subdivision and site plan agreements between the Township and development proponents; and,
- (8) lands set aside for use in connection with storm water management facilities shall be zoned in an appropriate manner to ensure protection from future development.

4-2.9.2 Servicing Strategy

All development and all public works within the Cataraqui North Neighbourhood shall be undertaken in an orderly, cost-efficient manner in accordance with the following policies:

- (1) all new development shall be connected to the municipal sewer and water services system. A commercial or public

building which does not require the construction of full municipal services however, may be permitted by Council;

- (2) prior to the approval of extensive new development within the neighbourhood, Council shall require the preparation and approval of a Neighbourhood Master Servicing Plan for neighbourhood storm water, sewage and water services;
- (3) development of lands within the neighbourhood shall proceed generally from south to north and west to east commensurate with the demonstrated availability of sufficient capacity within the sanitary sewer and water distribution systems, and the adequacy of the Arterial and Collector roads system;
- (4) development concept plans submitted for each developers' neighbourhood landholdings, as required in Section 4-2.3(8) must be supported by a traffic analysis which is satisfactory to the appropriate roads authorities, and which demonstrates sufficient capacity within the Arterial and Collector roads system to accommodate the anticipated additional volume of traffic to be generated by the proposed development;
- (5) each new development application submitted for review shall be assessed with respect to the Township water treatment and distribution and sanitary sewage collection and treatment systems to identify the effects on existing services and ability of these systems to accommodate new development;
- (6) the precise layout and configuration of the Neighbourhood Park Complex as referenced in Section 4-2.5.1 will be refined to the satisfaction of Council and the area School Boards prior to the approval of any development on lands adjoining the Neighbourhood Park Complex; such refinements shall have regard to fencing, parking, student drop-off facilities, portable classrooms and other related issues; the neighbourhood park complex will be refined further to the satisfaction of the Township, if either or both of the proposed school sites are not required by the area School Boards;

- (7) the Holding Provision of the *Planning Act* shall be used in conjunction with the zoning coverage of the neighbourhood to delay development until it is deemed appropriate by Council; in addition to the general policies set out in Section 6-5.2 of this Plan, Council shall have regard to all of the following factors when considering requests to remove the "H" symbol from the zoning coverage of any lands in the neighbourhood:
- (a) all requirements of the Township, County of Frontenac, Provincial agencies and local Boards have been satisfied;
 - (b) sufficient capacity as confirmed by the Township Engineering Department must be available within the water treatment and distribution and sanitary sewage collection and treatment systems to accommodate the anticipated demands created by the proposed development;
 - (c) the necessary Subdivision, Site Plan and/or Development Agreement, as the case may be, has been signed by the proponent and the agreement has been registered on title or registration is imminent; and,
 - (d) sufficient capacity, as confirmed by the appropriate roads authorities, must be available in the Arterial and Collector roads system to accommodate the anticipated demand created by the proposed development.

4-2.9.3 Parking

Parking areas shall be provided for all land uses in the neighbourhood in accordance with the parking policies set out in Section 5-6 of this Plan.

4-2.9.4 Heritage

Development and redevelopment within the Cataraqui North Neighbourhood shall be in conformity with the provisions of Section 2-2.5.

4-2.9.5 Urban Design Principles

- (1) It is the intent of this Plan to promote the development of an attractive, safe, accessible and sustainable urban environment within Cataraqui North by consistently applying the following Urban Design Principles in the consideration of all private and public development projects:
 - (a) promoting development which is consistent with the urban growth management policies of Section 5-11 which are applicable to Cataraqui North;
 - (b) encouraging variety in building types and designs;
 - (c) encouraging energy efficient designs for plans of subdivision, site plans, buildings, and public works;
 - (d) promoting barrier-free (physically accessible) design;
 - (e) promoting design principles which maximize personal safety;
 - (f) encouraging appropriate landscaping in the design of all site plans;
 - (g) promoting the evolution of safe and attractive streetscapes through the coordinated application of appropriate design elements such as: tree planting; street lighting; building location, orientation, massing and facades; signage; parking area location and entrances; landscaping; and, preservation and enhancement of significant historic and natural features;

- (h) encouraging the use of alternative engineering and road design standards as may be deemed appropriate by Council;
 - (i) encouraging the design of new developments to be in harmony with adjacent existing significant heritage features consistent with the Council-approved *Heritage Strategy*;
 - (j) encouraging the design and use of signage to complement and enhance the streetscape and individual buildings, while serving the needs of both the advertiser and the public; and,
 - (k) encouraging transit-supportive design of subdivisions, individual sites, and buildings;
- (2) It is Council's intention to prepare urban design guidelines for the Cataraqui North Neighbourhood to assist in such initiatives as:
- the preparation of subdivision design and site plan guidelines and development standards;
 - the preparation and application of zoning standards;
 - the consideration of development and redevelopment proposals and applications for amendments to the Official Plan and Zoning By-law; and,
 - the planning and design of public works.

4-2.9.6 Implementation and Interpretation

The implementation and interpretation policies of Section 6 of this Plan apply to the Cataraqui North Neighbourhood, with necessary modifications.

SECTION 5 - INFRASTRUCTURE POLICY

5-1 General

This Section sets out policies related to the development of services and facilities which are essential to the proper functioning and well being of the municipality. Infrastructure includes land, buildings and structures devoted to providing open space and recreational opportunities, piped water and sewer services, storm water management facilities, transportation facilities and other similar services and facilities which support the land use fabric.

5-2 Recreation

The Township recognizes the need for the provision of open space for a variety of purposes, including active areas for organized sports and similar activities, as well as passive and protected areas intended for peaceful enjoyment.

The policies which follow are intended to achieve an integrated system of areas and corridors across the Township for recreational and open space functions.

The Township shall provide and maintain active and passive park and open space areas to satisfy the needs of the Township residents according to the neighbourhood and community standards set out in this Section. The Township also encourages the local Conservation Authority to provide and maintain park and open space areas in accordance with the district standards set out in this Section.

In conjunction with the review of new applications for Medium and High Density Residential development, the Township shall encourage the provision of private park and open space areas to meet the future needs of the residents of such developments. The encouragement of private park and open space areas should not be at the expense of the wider goals and objectives of the neighbourhood recreation needs.

5-2.1 Standards

Park and open space areas shall be provided on an overall Township basis of 4 hectares (10 acres) per thousand persons. Such park and open space areas shall be provided in accordance with the following:

(1) **Neighbourhood Parks**

Neighbourhood park and open space areas shall generally be provided on the basis of 0.6 hectares (1.5 acres) per thousand persons. Neighbourhood parks should serve from 3,000 to 4,000 people and range in size from 2 to 2.5 hectares (5 to 6 acres). The form in which neighbourhood parks are provided may consist of a single park or a combination of a single park and one or more parkettes.

Neighbourhood park and open space areas shall be designed to serve the immediate recreational needs of the neighbourhood and should be within walking distance of the area being served.

Sites for neighbourhood park and open space areas should be predominately flat and well drained wherever possible, the site should: be located within the neighbourhood it is intended to serve; be on a neighbourhood Collector road; have reasonable road frontage; and, be adjacent to an elementary school. It is realized that each neighbourhood may have different characteristics and needs and that the physical characteristics of each neighbourhood park may be different in order to meet the needs of the people being served by the park.

In non-urban areas of the Township, the standard for neighbourhood park and open space areas may be increased to 1.2 hectares (3 acres) per thousand persons as these Hamlet and Rural parks often serve as combination community and neighbourhood parks.

(2) **Community Parks**

Community park and open space areas generally shall be provided on the basis of 0.6 hectares (1.5 acres) per thousand persons. Community parks should serve 3 to 4 neighbourhoods with a combined population ranging from 9,000 to 16,000 people. Community parks should range in size from 5 to 10 hectares (12 to 25 acres).

Community park and open space areas shall be designed to serve the recreational needs of a group of neighbourhoods or certain areas of the Township and should have good access for both pedestrian and vehicular traffic.

Sites for community park and open space areas shall, wherever possible, be located on an Arterial road and be adjacent to secondary schools.

In non-urban areas of the Township, the neighbourhood park may be combined with the community park to satisfy the requirements of this Plan.

(3) **District Parks**

The total district park and open space area needs shall generally be provided on the basis of 2.8 hectares (7 acres) per thousand persons. Included in this category are parks owned by the Township, Conservation Authority, and other bodies that may operate major park and open space areas available to the general public.

District park and open space areas shall be designed to serve the specialized passive and active recreational needs of the population by conserving larger tracts for major competitive sports needs, agricultural fair grounds and enjoying the natural environment. Since such park and open space areas serve the population of a large area that may often cross municipal boundaries, such park and open space areas may be developed and maintained by intermunicipal agents.

Sites for district park and open space areas shall, wherever possible, be located on Arterial roads or Provincial highways and/or in areas with unique or distinct natural features.

5-2.2 Priorities

(1) **Existing Deficiencies**

In order to provide adequate parks and open space in all areas, the Township will attempt to remedy existing deficiencies as well as provide the recommended recreational standards for areas of new development. The Township will also attempt to give priority to neighbourhood park and open space needs when remedying existing deficiencies.

Existing deficiencies may be remedied by purchasing lands with funds obtained from cash-in-lieu of land conveyances or the sale of land in other areas that exceed the recommended standards. It is recognized however that the park dedication resulting from a new plan of subdivision should be applied to the new area wherever practical.

(2) **New Development**

When establishing parks and open space in newly developing areas, the Township will seek an appropriate balance of neighbourhood and community parks and open space. It is recognized that both neighbourhood and community parks can function as neighbourhood parks.

5-2.3 Adjacent Facilities

Where a neighbourhood or community park is located adjacent to a school, fifty percent of the open space area of the school site may be considered as part of the required neighbourhood or community recreational standard. This policy is only applicable if the boards of education allow the after hours use of their open space area by the general public.

When determining the location, size and use of neighbourhood and community park areas the Township shall consider the effect of existing or proposed private park areas in order to minimize the unnecessary duplication of facilities.

5-2.4 Environmental Protection Areas

Park and open space areas for passive recreation, which are compatible with the natural environment, may be located in areas designated Environmental Protection Areas. Such park and open space areas however, shall not ordinarily be considered as satisfying part of the Township's recreational standard.

5-2.5 Shoreline Areas/Waterfront Lands

In the review of applications for development the Township will consider the acquisition of shoreline areas for active or passive recreational purposes. Whenever possible, the Township will seek the cooperation of other public and private bodies in such matters.

Council will consider the feasibility of establishing a waterfront acquisition program in cooperation with other public agencies. Such program shall not involve the acquisition of private developed residential lots, any portion thereof or interest therein, for open space or public access by way of expropriation. Council may consider alternative ways to protect open space, such as, by entering into easement agreements with consenting landowners or by encouraging land purchases by non-profit organizations.

5-2.6 Rideau Trail

The Rideau Trail is a significant hiking trail system which commences in the Township and continues through to the Ottawa area. It crosses both private and public land and allows the public to enjoy the scenic beauty of various parts of the Township.

When considering applications for development adjacent to or encompassing the Trail, the Township will encourage arrangements to have the route

maintained and available for public use, where feasible, with the landowner's consent.

5-2.7 Land Conveyances

Whenever the development or redevelopment of land for residential purposes occurs in the Township, the Township shall require the dedication of up to five percent (5%) of such lands to the Township for recreational purposes. Alternatively, where a proposal exceeds 15 units per residential hectare of land, the Township shall require the dedication of lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units in accordance with the provisions of the *Planning Act*.

For industrial or commercial developments, the parkland dedication shall be up to two percent (2%) of the land proposed for development.

All lands dedicated to the Township for recreational purposes shall be located to the satisfaction of, and conveyed in a physical condition acceptable to, the Township.

Instead of accepting a land dedication, the Township may request cash-in-lieu of such lands. The valuation of land and the use of such monies shall be in accordance with the applicable provisions of the *Planning Act*.

In considering land severance applications, the Township may require the conveyance of lands for open space or recreational purposes, or accept cash-in-lieu of the land dedication.

5-2.8 Land Acquisition

Council shall adopt an acquisition program and set aside monies in a special fund to assist in securing open space lands to implement the objectives and policies of this Plan. In addition to obtaining park/open space lands by conveyance of such lands whenever development or redevelopment occurs, Council may allocate funds in the municipal budget for such land acquisition. Council will also seek to obtain park/open space lands by way of donations, gifts and bequests of individuals and/or corporations and other appropriate means.

5-3 Community Services

Community services and facilities to meet civic, cultural, recreational, social and emergency service needs of Township residents will be monitored on an ongoing basis. Where Council deems that such services or facilities are warranted or require

enhancement or expansion, they will be planned for and provided in an orderly manner in keeping with the financial capabilities of the Township.

Where possible and as may be appropriate, Council will consider providing such services and facilities in cooperation with appropriate public and private agencies and other levels of government.

5-4 Education Facilities

Education facilities in the Township generally are under the jurisdiction of the Frontenac County Board of Education and the Frontenac-Lennox and Addington Roman Catholic Separate School Board. It is acknowledged that there are other private education facilities under the jurisdiction of other agencies. The School Boards are involved in the long range planning of schools, and determine the provision of school facilities.

It is the intention of Council to work closely with the school boards in the context of the land development process to determine the need for future facilities, and encourage the provision of an appropriate range of joint-use facilities in the Township.

5-5 Transportation

It is the intention of this Plan to strengthen and broaden the focus of the Township's transportation system, by:

- (1) promoting a safe, integrated, accessible transportation system consisting of a network of roads, parking facilities and peopleways to accommodate various modes of transport including automobiles, public transit, bicycles and walking;
- (2) encouraging land use patterns which support the viability of public transit;
- (3) ensuring that the design or redesign of roadways safely accommodates automobiles, public transit, cyclists and pedestrians alike; and,
- (4) working cooperatively with other jurisdictions to develop a system of peopleways that will serve both a transportation and recreation function.

The Township may participate in joint area studies related to transportation and, where deemed appropriate by Council, the relevant findings of such studies may be incorporated into this Plan by amendment.

5-5.1 Roads Plan

The Roads Plan forming part of Schedule "A" is based on the interrelationship of land use and transportation. It includes roadways under the jurisdiction of the Provincial Ministry of Transportation, the County of Frontenac and

Kingston Township and proposes a network which will be cooperatively developed by these road authorities. The road pattern is designed to facilitate a satisfactory movement of both people and goods, using diverse means of transportation, to and from the various land use areas within the Township. The road pattern is intended to facilitate through traffic movement along Arterial and Collector roads.

The alignment of all existing and proposed Freeway, Arterial and Collector roads is shown on Schedule "A".

5-5.2 The Road Pattern

The road pattern as shown on Schedule "A" is based on the establishment of a hierarchy of roads established in accordance with the following principles:

- (1) the overall road pattern in the Township should be in harmony with that of adjoining municipalities, the County road system and the Provincial highway system;
- (2) Freeways and Arterial roads should permit the movement of high volumes of traffic through the Township, to and from the major traffic generating areas;
- (3) Collector roads should permit the movement of medium volumes of traffic between Arterial and Local roads; and,
- (4) Local roads should provide land access only to the areas in which they are located and should not serve major traffic generating areas.

5-5.3 Road Design

The following principles shall be considered in the design and redesign of roads:

- (1) Collector and Arterial roads should be designed to be as straight and direct as possible to prevent circuitous transit routes;
- (2) neighbourhood street patterns should be designed to minimize through traffic;
- (3) all roads shall be designed in a manner intended to maximize the safety of pedestrians, cyclists, and motorists alike;
- (4) Local road patterns should provide direct pedestrian access to transit stops and transfer nodes, wherever possible;

- (5) in newly developing areas, consideration may be given to alternative design principles deemed acceptable by Council;
- (6) the provisions of bicycle lanes in the design of Arterial and Collector roads is encouraged wherever practical;
- (7) walking distances to transit routes should be documented as part of the background information accompanying neighbourhood plan and draft plan of subdivision submissions; and,
- (8) in the design of new subdivisions, alternatives to reverse residential lotting adjacent to Arterial and Collector roads to which direct vehicular access is not permitted, will be encouraged.

5-5.4 Classification

The existing and proposed roads in the Township are classified on Schedule "A". A change in road jurisdiction between the Ministry of Transportation, the County of Frontenac or other jurisdiction may be processed through the alternative notice procedures outlined in Section 6-16 of this Plan. Changes to the text of this Plan or Schedule "A" will be made from time to time as required.

5-5.4.1 Provincial Highways

This designation applies to roadways under the jurisdiction of the Ministry of Transportation. Such roadways may be of two or four lane construction, or greater depending on intended function. Generally, such roadways are intended to carry high volumes of vehicular traffic at moderate to high speeds over moderate to long distances. Access from abutting properties and right-of-way widths are controlled by the Ministry of Transportation.

5-5.4.2 Arterial Roads

Arterial roads are classified as being either Two-Lane or Four Lane and are designed to carry high volumes of traffic at moderate speeds over medium distances. Such roadways shall be of two or four lane configuration, or greater. Access will be preferably to Collector roads and major private entrances, while access to minor private entrances and on-street parking will be discouraged. Access from abutting properties shall generally be combined so as to reduce the number of access points on Arterial roads:

- (1) Two-Lane Arterial roads as shown on Schedule "A" shall have a minimum right-of-way width of 25 metres (82 ft.); and,
- (2) Four-Lane Arterial roads as shown on Schedule "A" shall have a minimum right-of-way width of 35 metres (115 ft.).

5-5.4.3 Collector Roads

Collector roads are roadways having two or four traffic lanes used for the collection of local traffic and the distribution of such traffic to Arterial roads. While Collector roads may have moderate-speed capability they are typically used for low-speed traffic movement in low to moderate volumes. Access to local roads is preferred; private access and on-street parking shall be permitted but controlled. The minimum right-of-way width shall be 20 metres (66 ft.) for 2 lanes and 25 metres (82 ft.) for 4 lanes.

5-5.4.4 Functional Collector and Local Roads

These are not shown on Schedule "A", however it is intended that subdivision and neighbourhood plans make provision for traffic movement by designating functional Collector and Local roads in accordance with the following principles:

- (1) functional Collector roads shall provide for the movement of local traffic to Arterial roads or for the distribution of traffic to local roads, as well as provide access to abutting properties. The minimum right-of-way width shall be 20 metres (66 ft.) with on-street parking restrictions;
- (2) Local roads shall be designed for low-speed use by very low traffic volumes, and provide service to individual properties. Parking shall be generally permitted. The minimum right-of-way width shall be 20 metres (66 ft.); and,
- (3) reduction of the right-of-way width, noted in paragraphs (1) and (2) above may be considered provided that alternative designs are deemed acceptable by Council.

5-5.4.5 Special Provisions

The following special policies shall apply to the location noted below:

- (1) Two Lane Arterial Road between Front Road and Highway 33 west of the Little Cataraqui Creek (Proposed Centennial Drive Extension).

This road proposal shows the intention of the Township to establish a road, located entirely within the Corporate limits of the Township, on the west side of the Little Cataraqui Creek. In the context of finalizing a design for the construction of this section of Centennial Drive an Assessment will be required in accordance with provisions of the *Environmental Assessment Act* and its regulations.

While it is the intention of the Township to locate the southern termination point of this proposed road as shown on Schedule "A", the ultimate location of this termination point will be decided in the context of the aforementioned Environmental Assessment.

5-5.5 Road Widening and Extensions

In the course of approving subdivision and consent applications, and in exercising Site Plan Control, Council may require the dedication of lands for the widening and extension of roads to provide for a right-of-way width in accordance with the designated functional classifications set out above. Although road widenings may be obtained through the exercise of site plan approval, road extensions will be secured by way of the subdivision or consent process.

Where a road widening is required, such widening shall normally consist of one half of the difference between the existing road width and the width required for the designated functional classification described above.

5-5.6 Intersection Improvements

It is intended, wherever possible, that as traffic conditions warrant, improvements in the form of jog eliminations, sight triangles, regulation of turning movements, proper signing, installation of traffic signals, marking of traffic lanes and channelization instruction will be undertaken.

The road allowance widths specified in Section 6-5.4 hereof shall increase on approaches to major intersections as required for channelization and additional turning lanes.

5-5.7 Transit Supportive Guidelines

The following transit supportive guidelines shall be considered in the planning of land uses and roads in areas of the Township being developed or redeveloped as part of a neighbourhood planning study:

- (a) ninety percent (90%) of residences, jobs or other activities/uses should be located within 400 metres (1,300 ft.) walking distance of a potential transit stop;
- (b) an appropriate range of housing types and land uses is to be encouraged;
- (c) Medium and High Density Residential densities and higher intensity non-residential uses are to be encouraged along selected major transit routes; and,
- (d) land uses frequented by people dependent on public transit or people with mobility problems should be encouraged to locate adjacent to transit stops.

5-5.8 Accommodating Pedestrians

The following strategies shall be considered in the design and development of projects located in commercial areas so that pedestrian traffic will be adequately accommodated:

- (a) where commercial activities permit, buildings should be oriented to the street and to transit services;
- (b) parking areas should be located in side or rear yards. Where this is not possible or practical, however, consideration will be given to the use of compensating design elements (such as enhanced landscaping, parking lot design and sidewalk location) to soften the visual effect of parking areas in the front yard;
- (c) retail and pedestrian-oriented commercial uses should be developed at street level;
- (d) pedestrian amenities such as canopies, arcades or landscaping for weather protection should be considered for incorporation into the

- design of site plans for major projects located along major transit routes;
- (e) barriers to pedestrian access should be eliminated;
 - (f) at least one main pedestrian entrance to a major shopping centre building (or other large buildings in the shopping centre complex) should be located adjacent to the street; and,
 - (g) where appropriate, transit waiting areas should be incorporated into the design of site plans for major projects located adjacent to transit stops.

5-6 Parking Areas

Parking areas shall be provided for any land use in the Township as specified by the Zoning By-law. It is the intention of this Plan to encourage a balance between providing sufficient parking to address existing or future requirements and not over-supplying parking to the detriment of public transit usage, cycling or pedestrian traffic.

The following criteria are to be used as a guideline for parking area location and design and shall be used in the Township's assessment of development proposals and requests to amend the Official Plan and Zoning By-law which involve parking areas:

- (1) the provision of adequate parking on-site shall be encouraged, such that the parking demand generated by the site is addressed, without over-supplying the amount of parking provided to the detriment of public transit usage;
- (2) off-site parking arrangements may be considered by specific amendment to the Zoning By-law on the basis of factors such as the nature of existing and proposed land uses, walking and cycling distances involved, potential traffic impact and the availability of public transit service;
- (3) shared use parking arrangements shall be encouraged where uses are compatible and peak parking demand characteristics are complementary, so as to provide for more efficient use of parking facilities. In particular, the following policies shall apply:
 - (a) in the case of uses located on roadways designated as Arterial roads or Collector roads on Schedule "A", shared use parking arrangements shall only be permitted for uses which are located on the same side of the street;
 - (b) in the case of a free standing office or public building, reductions to the parking requirements of the Zoning By-law may be considered

on a site specific basis where a site is situated close to public transit service and where the approved site plan is supportive of public transit by providing such amenities as walkway connections to the street, buildings located close to the street, and other features designed to facilitate public transit usage; and,

- (c) in the case of a shopping centre, a site specific amendment to the Zoning By-law may be considered to exempt office floor area from the parking provisions of the Zoning By-law, up to a maximum of 20 percent of the permitted on-site retail/restaurant gross leasable area; additional office space beyond this percentage shall require additional parking in accordance with the parking provisions of the Zoning By-law;
- (4) requests to amend the Zoning By-law cited in clause (3) above shall be supported by appropriate site-specific parking analyses which demonstrate the complementary nature of parking demands for existing and proposed uses on-site and the ability to provide safe movement of pedestrians between the uses;
- (5) consideration may be given to on-street parking as a supplement to the on-site supply, where it can be demonstrated to the satisfaction of Council and the appropriate roads authorities that it is possible to do so safely and it will not interfere with the traffic-carrying functions of the roadway;
- (6) the use of alternative means of transportation to the automobile, such as public transit, cycling and walking, shall be encouraged and facilitated through means such as situating buildings and building entrances close to the streetline, providing bicycle storage facilities, and providing clearly visible and convenient pedestrian routings between public transit stops on the street and the building entrances;
- (7) the accommodation of travel needs for all user groups, including persons with disabilities, shall be encouraged through the provision of one or more of the following features in the design of all new parking areas:
 - (a) designated parking spaces for persons with disabilities, which are clearly signed and located in close proximity to the building entrances;
 - (b) pedestrian routing, accessible to persons with mobility problems, between public transit stops and the building entrances; and,
 - (c) public transit access and stops located in close proximity to the building entrances;

- (8) the provision of vehicular and pedestrian interconnections between adjacent uses shall be encouraged where it is suitable and where the zoning is compatible, both to facilitate walking between sites and to discourage unnecessary vehicle turning movements to and from the adjoining roadways;
- (9) the provision of landscaping with respect to all parking areas shall be encouraged, so as to help screen and visually enhance these facilities through the use of tree plantings, boulevards and berming. Landscaping shall be designed to provide appropriate pedestrian and motorist visibility and augment security; and,
- (10) the design of any parking area shall include provision for pedestrian movement that maximizes the safety of pedestrians.

5-7 Railways

It is the intention of this Plan to minimize the impact of railway noise and vibration on adjoining land uses by considering the following policies:

- (1) the proponent of all proposed development within 500 metres (1,640 ft.) of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the Township and the Ministry of Environment and Energy in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified;
- (2) all proposed development within 75 metres (246 ft.) of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the Township and the Ministry of Environment and Energy in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified; and,
- (3) all proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Township in consultation with the appropriate railways.

5-8 Railroad Crossing Improvements

It is the intention of this Plan that, wherever possible, railroad crossings be improved in the form of grade separations or by other protective measures such as visibility triangles, signals, or gates.

The Township will work towards the elimination of all at grade crossings on Arterial and Collector roads.

5-9 Pipelines

Schedule "A" indicates the location of existing major trans-regional gas and refined product pipelines. The Plan will reflect any new pipeline routes by amendment upon advice from appropriate agencies. Minimum setback distance requirements from pipeline rights-of-way are to be specified in the Zoning By-law.

5-10 Noise Attenuation

Where it is anticipated that residential development could be subjected to unacceptable noise, as specified in a by-law under the *Environmental Protection Act*, the noise shall be assessed and, where necessary and appropriate, mitigated to an acceptable level.

5-11 Urban Growth Management

To guide and efficiently manage urban development within the Township, Council shall:

- (1) provide for phased sequential development within a defined urban area, and within a given neighbourhood;
- (2) ensure that all development and public works are undertaken in accordance with a phasing program;
- (3) ensure that capital and maintenance costs, and environmental impacts are minimized;
- (4) ensure an acceptable level of service in the provision of water, sanitary sewer services, storm services and other utilities as may be required;
- (5) encourage the economical use and extension of services; and,
- (6) ensure that new development within the urban area occurs on full (water, storm and sanitary sewer) municipal services, unless otherwise specified.

5-11.1 The Sequence of Urban Development

The urban Service Area of the Township is outlined on Schedule "B". New development within the Service Area is intended to occur primarily on full municipal services. The extension of piped municipal services beyond the Service Area will be discouraged.

The urban Service Area is divided into three (3) Development Areas. It is the intent of this Plan that development proceed in sequence starting with Development Area No. 1 and progressing in turn through Development Areas

2 and 3. Development Area No. 1 encompasses the existing urban built-up area of the Township and those areas being staged for imminent development.

The conditions under which development will be considered in each of the Development Areas are as follows:

- (1) The extension of services in Development Area No. 1 shall follow an orderly pattern. Generally, the parts of the development area closest to the treatment plants will be serviced first and services will be extended through the area from south to north. Development shall be permitted in Development Area No. 1 provided that:
 - (a) a Secondary Plan for any newly developing neighbourhood within the Development Area has been incorporated into this Plan by amendment;
 - (b) development is served by piped municipal water, storm and sanitary sewer services;
 - (c) where an extension to trunk sewer or water services is required to serve a development proposal, financial arrangements are to be made for the cost of extending services consistent with the requirements of the *Planning Act* and any by-laws passed by the Township under the *Municipal Act* and the *Development Charges Act*; and,
 - (d) the cost of any public works or community facilities necessary to serve the new development will not significantly alter the Township's financial situation, having regard to the ratio of total debenture debt to assessment.
- (2) Development shall be permitted in Development Area No. 2 and then Development Area No. 3 respectively, provided that:
 - (a) Council is satisfied that lands within Development Area No. 1 are substantially developed and lands beyond Development Area No. 1 are required to fulfill the Township's obligations under the *Provincial Land Use Planning for Housing Policy Statement* to maintain:
 - (i) a ten (10) year supply of designated residential lands available for development purposes; and,

- (ii) a continuous three (3) year supply of a combination of draft approved and/or registered plans of subdivision;
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 - (b) a Secondary Plan for each respective Development Area has been incorporated into this Plan by amendment;
 - (c) proposals are served by piped municipal water, storm and sanitary sewer services;
 - (d) where an extension to trunk sewer or water services is required to serve a development proposal, financial arrangements are made for the cost of extending services consistent with the requirements of the *Planning Act* and any by-laws passed by the Township under the *Development Charges Act*;
 - (e) the cost of any public works or community facilities necessary to serve Development Area No. 2 and Development Area No. 3 respectively, will not significantly alter the Township's financial situation having regard to the ratio of total debenture debt to assessment; and,
 - (f) adequate uncommitted hydraulic sewage capacity and water reserve capacity is available, or is imminent as a result of an expansion.
- (3) The Township shall ensure that development is prevented from taking place in a Development Area in advance of the staging program set out above by:
- (a) not recommending the approval of subdivision plans or land severances which are proposed to allow development contrary to the policies above; and,
 - (b) zoning all undeveloped land in a Development Zone initially. Land shall only be rezoned to allow a sequence of development according to the policies in this Section, as may be further detailed in Secondary Plans incorporated into this Plan by amendment.

(4) **Part 1, Reference Plan 13R-7335**

Despite the provisions of Section 5-11 above, a single detached dwelling house and permitted Commercial uses may be developed on lands located in Part of Mile Square Block, being Part 1 on Reference Plan 13R-7335, in the absence of piped municipal sewer services provided that the uses are serviced by a private on-site disposal system designed and constructed in accordance with the requirements of the Ministry of Environment and Energy and/or the area health unit.

5-12 Residential Development on Private Services

- (1) Development which occurs outside the defined urban Service Area as shown on Schedule "B", may be permitted on private wells and septic systems which conform to the standards established by the Ministry of Environment and Energy and the area health unit, and the policies which follow.
- (2) Schedule "D" to this Plan sets out a series of Zones which have been defined for the purpose of establishing requirements for the construction of private wells and septic systems. Chart "D" set out below, indicates the general standards to which water wells and septic systems in these Zones are to be constructed.
- (3) Within each Zone, as shown on Schedule "D", water wells shall be constructed as shown on the Figure indicated in Column 1 of Chart "D" and septic systems shall be constructed in accordance with the Clauses of Figure 1 referenced in Column 2 of Chart "D". These are minimum requirements which may be increased by the Ministry of Environment and Energy and/or the area health unit, and should be read in conjunction with the requirements of the *Environmental Protection Act* and the *Ontario Water Resources Act*.
- (4) Within each Zone, as shown on Schedule "D", proof of an adequate private well water supply shall be demonstrated prior to the granting of any consent which involves the creation of a new building lot. This shall include evidence, satisfactory to the Township, that the proposed development shall not adversely affect existing wells and septic systems on adjoining lands.
- (5) Dug wells are discouraged in instances where blasting may be required to construct the wells.
- (6) Specific requirements for private on-site septic systems will be determined by the Ministry of Environment and Energy and/or the area health unit upon application for a *Certificate of Approval to Install a Sewerage Disposal System*.

- (7) A site specific hydrogeological study indicating soil conditions and water supply, a terrain analysis, and other appropriate investigations, as may be required by the Township and other commenting agencies, shall be prepared to the satisfaction of the commenting agencies, in support of planning applications for multi-unit/lot development proposals in non-serviced areas.

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- (8) The policies and information contained in paragraphs (1) to (7) above, Chart "D", and Figures 1, 2, 3 and 4 which follow are based on the findings of the *Township Hydrogeological Study, March 1990*. This information is to be used as a guideline only, and is not to be considered as absolute, when assessing specific development proposals or planning applications. It is recognized that there may be site-specific exceptions or circumstances which merit consideration.

CHART "D"

PRIVATE SERVICE CONSTRUCTION REQUIREMENTS

ZONE	<u>COLUMN 1</u> Water Wells As Shown on Figure Number	<u>COLUMN 2</u> Septic Tanks Clause of Figure 1
1	2	A, B & C
2	4	D & E
3	2	A, B & C
4	3	A, F & G
5	4	D & E
6	2	A, B & C
7	4	D & E
8	N/A	H

**FIGURE 1
SEPTIC TANK CONSTRUCTION REQUIREMENTS**

- A - Leaching beds should be located downgradient from any existing or proposed wells.
- B - Partially to fully raised leaching bed designs with mantles constructed using acceptable imported fill material will generally be required to meet Ministry of Environment and Energy (MOEE) design requirements; the native soils may be acceptable for use as a soil mantle, however continuity of the soil cover in the area of the proposed leaching bed and in the downgradient direction from the bed must be evaluated with respect to minimum overburden thickness and composition requirements; percolation tests should be carried out in accordance with MOEE procedures in order to determine the native soils with respect to their acceptability for use as a mantle.
- C - Attention should be given to proper siting of the leaching beds with respect to on-site and adjacent wells and the separation distances should be maximized between wells and septic beds.
- D - Fully raised leaching beds are required due to the low permeability nature of these deposits; the suitability of the surficial sand veneer (where present) overlying the silty clay for use as a soil mantle is dependent on its minimum thickness and the permeability of this surficial unit in the area of the proposed leaching bed; in general, this surficial sand unit is probably of insufficient thickness and, as such, imported fill material would also be required to construct the soil mantle.
- E - It is essential that leaching beds be constructed properly in order to ensure that septic effluent does not breakout at ground surface and cause surface water contamination; septic systems and water wells should be strategically located so as to maximize their separation distances from each other.
- F - In areas where the groundwater table is high and the permeability of the soils is high, partially to fully raised leaching beds will be required to ensure that there is sufficient residence time for the septic effluent in the leaching bed prior to contacting the permeable native soils and water table; the native soils would probably conform to the recommended range in percolation rates for the purpose of constructing the soil mantle, however the thickness of the unsaturated overburden in the vicinity of the proposed leaching bed may not be sufficient; the partially to fully raised leaching bed and soil mantle (if necessary) should be constructed of imported silty sand fill material.
- G - In topographically higher areas, where the seasonally high groundwater table is at depth, in-ground leaching beds may be permissible, however the permeability (percolation rates) of the native soils must be evaluated to ensure that it will provide adequate retention time in the leaching bed; under these terrain conditions, drainage is usually excellent.
- H - Deposits are unsuitable for the installation of septic sewage disposal systems, as well as presenting problems for other aspects of development, and are not recommended for residential development.

5-13 Servicing Hamlets

5-13.1 Water Supply and Sanitary Waste Disposal

Development is to be serviced by private drilled wells and private individual septic systems in compliance with the standards of the Ministry of Environment and Energy and/or the area health unit. Alternative servicing arrangements may be investigated in cooperation with the Ministry of Environment and Energy.

The installation of a municipal water system will be investigated on advice from the Ministry of Environment and Energy that there is a need for such a system.

5-13.2 Expansion

Proposals to expand the servicing boundaries of a designated Hamlet shall be supported by a servicing capacity study which provides the following information:

- (1) a hydrogeological analysis of the area to determine the availability and quality of groundwater;
- (2) an assessment of the impact of future development on existing groundwater quality and quantity and on existing sources of drinking water;
- (3) an assessment of the long term suitability of the soil conditions for effective operation of private sewage disposal systems;
- (4) an assessment of surface drainage;
- (5) an assessment of servicing alternatives;
- (6) an assessment of the impact on agricultural lands and the identification of directions for growth which will minimize such impacts;
- (7) other information as may be required by the Township or other public bodies; and,
- (8) an assessment of the need and demand for the expansion of the Hamlet in relation to the availability of residential and other compatible uses in the Hamlet to accommodate growth over a projected time horizon of up to 20 years.

5-14 Storm Water Management

The Township will seek to minimize the impacts of development on watershed areas by requiring that:

- (1) master drainage plans be prepared in support of land use plans for newly developing areas; and that such plans have regard to the amount and type of development proposed;
- (2) master drainage plans include:
 - (a) proposals for the provision of storm water drainage facilities;
 - (b) a determination of the impact of development on the receiving watercourse in terms of water quality and quantity during and after construction; and,
 - (c) proposals for mitigating any adverse impacts, if required;
- (3) landscaping techniques be used rather than impervious surfaces, where possible, to increase infiltration through non-structural means;
- (4) master drainage plans prepared for the Township be submitted to the Cataraqui Region Conservation Authority, the Ministry of Environment and Energy, the Ministry of Natural Resources and other agencies as may be appropriate for review and comment;
- (5) site specific storm water management plans be prepared in support of plans of subdivision and where necessary for applications which require site plan approval; such plans are to be submitted to the Cataraqui Region Conservation Authority, the Ministry of Environment and Energy, the Ministry of Natural Resources and other agencies as may be appropriate for review and comment;
- (6) storm water management plan provisions be included in applicable subdivision and site plan agreements;
- (7) final approval of subdivision plans and site plans not occur until the site specific storm water management plan has been accepted by the Cataraqui Region Conservation Authority, the Ministry of Environment and Energy, the Ministry of Natural Resources and other agencies as may be appropriate; and,

- (8) the Township's storm water management guidelines be expanded and updated to conform to the policies of this Plan and to reflect changes in storm water management practises.

SECTION 6 - IMPLEMENTATION AND INTERPRETATION

6-1 General

Effective implementation and monitoring are required to ensure that the objectives of this Plan are carried forward in an appropriate manner.

This Official Plan shall be implemented by means of the powers conferred upon Council by the *Planning Act*, the *Municipal Act*, other statutes as may be applicable, and the various measures referenced in this Section.

6-2 Finance

The implementation of this Plan is intended to be achieved in a fiscally efficient and effective manner. To this end, long term financial management strategies shall be implemented and financial implications are to be monitored on an ongoing basis.

It is the intent of this Plan that:

- (1) efforts be made to achieve a 40:60 (or equivalent) taxable assessment ratio (i.e. 40% of non-residential and 60% residential) in the administration of the development approval process and by other reasonable means;
- (2) the cost of providing the additional services and costs related to growth be provided by development proponents where appropriate;
- (3) the costs of providing additional services and which are not related to growth, be funded from the municipal tax base and municipal user fees;
- (4) prior to any development proceeding, all agreements be executed, including front-end agreements, financial agreements and development agreements to provide for the servicing infrastructure to accommodate the growth caused by the development;
- (5) the Township will continue to investigate financial mechanisms and initiatives to supplement the general tax levy, including, user fees, development charges, Provincial grants and subsidies and other traditional sources of funding;
- (6) the Township will monitor the fiscal impacts of growth and development to ensure that current objectives and policies reflect changing fiscal circumstances;
- (7) the Township may require the preparation of an economic impact analysis in conjunction with consideration of any significant proposal, as determined by Council. The purpose of such an analysis is to determine the likely impact of

the proposal on municipal operating and capital costs over both the short and long term; and,

- (8) a five year capital forecast, which reflects the objectives and policies of this Plan, will be approved by Council annually.

6-3 Watershed Planning

The Township intends to preserve and enhance a healthy natural environment. To this end:

- (1) the need to prepare a subwatershed plan for any given area should be determined in consultation with the Cataraqui Region Conservation Authority, the Ministry of Environment and Energy and the Ministry of Natural Resources;
- (2) the terms of reference for a subwatershed plan are to be determined in consultation with the Cataraqui Region Conservation Authority, the Ministry of Environment and Energy and the Ministry of Natural Resources, prior to the preparation of the plan;
- (3) a meaningful public consultation process for such plans will occur; and,
- (4) subwatershed plans for undeveloped areas should have regard to the portion of the affected watershed that has already been developed or committed for development.

6-3.1 Collins Watershed Plan

A watershed plan has been prepared for the Collins Creek watershed by the Cataraqui Region Conservation Authority, in consultation with a number of agencies. Land use planning decisions are to be carried out according to the recommendations of the watershed management plan as listed below; and other relevant sections of this Plan:

- (1) generally a minimum lot water frontage of 66 metres (216.5 ft.) will be required along lakeshores;
- (2) a minimum building setback of 15 metres (50 ft.) with protective vegetated unmowed buffers from the banks of streams, and 30 metres (98 ft.) from the banks of lakes will be required for fish habitat protection;
- (3) agricultural uses will be permitted and streambank protection and rehabilitation should be undertaken by landowners;

- (4) best management measures and targets for new development are to be followed;
- (5) further studies are to be undertaken to identify significant woodlands and corridors, and following the completion of these studies, the identified areas are to be designated appropriately by this Plan;
- (6) fully serviced new development will be encouraged in the urban area;
- (7) individual septic systems shall be set back from the bank of streams and lakes a minimum distance specified by the area health unit. The specified distance may vary depending on the slope of land, soil depth and texture and vegetative cover; and,
- (8) an alternative servicing options report shall be prepared to the satisfaction of the Ministry of Environment and Energy and be submitted in support of any new multi-lot residential development proposal located outside the urban service area.

6-4 Community Design Principles

The Design Principles in Section 2-3.1 of this Plan shall be implemented through:

- (a) the preparation of more detailed community design guidelines which may be approved by Council from time to time;
- (b) the preparation of Zoning By-law provisions;
- (c) the provision of comments on public projects; and,
- (d) the administration of applications under the *Planning Act*.

6-5 Zoning By-laws

It is intended that comprehensive Zoning By-laws shall be brought into effect in accordance with the provisions of the *Planning Act* by Council. Such by-laws shall generally contain land use zones in accordance with the proposals contained within this Plan and will establish regulations to control the use of land and the character, location and use of buildings and structures.

No public work shall be undertaken and no by-law shall be passed, with certain exceptions as indicated by Section 24 of the *Planning Act, R.S.O. 1990*, that does not conform to this Plan.

6-5.1 Development Zones

It is not intended that all the land use areas designated on Schedule "A" will be zoned for such use immediately by any implementing Zoning By-law and no provision of this Plan shall be interpreted as requiring Council to zone any land within the Township to permit immediate development for a designated use. Certain areas designated for specific land use on Schedule "A" may be zoned otherwise within a Development Zone, or other similar category, permitting a limited range of use. Under the Development, or similar category, lands may be used for agriculture, open space or their existing use, preferably with restrictions limiting enlargement. In this regard the Zoning By-laws may contain general provisions with respect to permitting development on existing lots of record.

It is intended that the uses permitted within a Development Zone, or other similar category, will not have any adverse impact on any adjacent existing uses and will not jeopardize the future development of the land in conformity with the designations outlined on Schedule "A". Such areas may be rezoned for their designated use under this Plan, when they appear to be ready for such development and when the standards appropriate to the designated use can be satisfied.

In the case of existing lots of record which may not qualify for use under the general provisions established by the Zoning By-laws, consideration may be given, in the context of amendments to the Zoning By-laws, to permitting development on such lots provided that Council is satisfied that such rezoning would be in compliance with the intent of Section 6-6, paragraph 2 of this Plan.

6-5.2 Holding Provision By-laws

Where Council deems it advisable to clearly establish a commitment to having certain lands developed in the foreseeable future for a specified purpose, it may identify the uses that are ultimately intended for those lands, but delay the actual development of the lands until an appropriate time when identified and/or required conditions can be, or have been, met.

Pursuant to Section 36 of the *Planning Act, R.S.O., 1990* Council may specify, by the use of a holding symbol "H", in conjunction with any zone in the Zoning By-law, the use to which lands, buildings and structures may be put at such time in the future as the holding symbol is removed by a further amendment to the by-law. The holding symbol "H" may be used in conjunction with any land use category in a by-law passed pursuant to Section 36.

- (1) It is the intention of this Plan to consider using this technique in instances where:

- (a) a Neighbourhood Study Plan has been approved by Council;
 - (b) a plan of subdivision has received draft plan approval; and,
 - (c) a significant development proposal, other than a plan of subdivision, which conforms with the intent of this Plan, is to be endorsed.
- (2) No new development of those lands affected by a Holding Provision, unless otherwise specified in the By-law, shall be permitted until such time as any necessary agreements have been executed, to ensure that all the provisions of this Plan, and as may be applicable, the conditions of draft plan approval, consent approval or Site Plan Control approval, have been fulfilled.
- (3) The holding "H" symbol may also be used for the management of sewage treatment plant capacity as follows:
- (a) The Township may use the holding "H" symbol as a tool to manage the allocation of available reserve capacity as outlined in the Township's *Sewage Capacity Management Plan* dated October 1995, as may be amended from time to time.
 - (b) The Township may use the holding "H" symbol as a method of committing additional capacity allocation of the sewage treatment plant facilities only in those circumstances where a planned expansion or other remedial works on the treatment plant facilities is in progress, an Environmental Study Report having been filed, and sufficient capacity will be available to the proposed development when the works are completed.
 - (c) Council may pass a by-law to remove the holding "H" symbol where capacity is available and, where necessary, an agreement has been entered into between the Township and the proponent. The holding "H" symbol shall not be removed however, where this would permit development to proceed which would cause the physical hydraulic capacity of the sewage treatment plant to be exceeded.
 - (d) In addition to the provision for the removal of the "H" symbol pursuant to Section 36 of the *Planning Act*,

R.S.O. 1990, the Township may in consultation with the Ministry of the Environment and Energy and the Ministry of Municipal Affairs establish implementation guidelines for the application and removal of the holding "H" symbol which shall be supported by a development monitoring program.

- (e) Where Council adopts implementation guidelines pursuant to Section 6-5.2(3)(d) above, such guidelines shall be made available to the public, interested parties and agencies upon request.
- (f) Prior to the passing of a by-law to remove the holding "H" symbol, Council may require the proponent to enter into one or more agreements with the Township authorized under the *Planning Act*, dealing with the allocation of reserve capacity to the development. Such an agreement may include, but is not necessarily limited to:
 - (i) a finite time limit regarding Council's allocation of reserve capacity to the development;
 - (ii) withdrawal by Council of the municipality's commitment to provide services should construction not occur within the time limit established;
 - (iii) the phasing of services in relation to the phasing of development pursuant to Section 2-6.3; and,
 - (iv) conditions under which Council may consider requests to amend the agreement to extend the time limit for a further specified time period.
- (g) Should the proponent fail to use the capacity allocated within the time period specified in the agreement referred to above, Council may reallocate the related reserve capacity to another development and the holding "H" symbol may be reapplied to the lands.

6-5.3 Temporary Use By-laws

Despite the policies of this Plan, Council may pass by-laws to authorize the temporary use of land, buildings, or structures for any purpose deemed appropriate, in accordance with the provisions of Section 39 of the *Planning Act, R.S.O., 1990*.

In considering the appropriateness of proposed temporary uses, Council shall have regard for the following:

- (1) special circumstances which may apply to the subject property or the proposed temporary use;
- (2) the appropriateness of the proposed use to the subject property, and its compatibility with existing and proposed land uses in the general neighbourhood, for a limited period of time not to exceed three (3) years (except in the case of garden suites which may be permitted for up to ten (10) years).
- (3) the difficulty involved in terminating the proposed use when the authorizing by-law expires;
- (4) the availability of services to the subject property, and the impact of the proposed use on adjoining roads and other municipal services available to the subject property;
- (5) appropriate means of minimizing any potential adverse effects of the proposed use on adjoining properties; and,
- (6) the need to ensure that, at the expiration of the period of temporary use, the subject lands, buildings and structures will be restored to either their initial state or an improved state in keeping with the policies of the Official Plan.

Council may specify those lands which are the subject of a Temporary Use By-law by using the letter "T" followed by a number, in conjunction with any zone symbol in the Zoning By-law.

By-laws authorizing proposed temporary uses shall include appropriate controls to regulate these uses. Where applicable, temporary uses also shall be subject to the Site Plan Control policies of Section 7-8 of this Plan. As necessary, Council may require the execution of a Development Agreement to be registered on title of the subject lands.

6-5.4 Bonus Zoning By-laws

In exceptional circumstances Council may pass by-laws permitting increases in height and/or density for development proposals permitted by this Plan and/or the Zoning By-law, so that the Township can secure specific amenities that benefit Township residents. Such by-laws are intended to act as an incentive to encourage development proponents to provide certain amenities. Bonus Zoning By-laws will only be considered according to the following criteria:

- (1) bonuses in height and/or density for site specific proposals may be considered in exchange for facilities, services or matters such as, but not limited to:
 - (a) protection of significant views;
 - (b) provision of community facilities;
 - (c) provision of open space;
 - (d) provision of additional road or servicing improvements;
 - (e) provision of a wide range of housing types; and,
 - (f) preservation of heritage resources.
- (2) Council will ensure that the increase in height and/or density is consistent with the objectives of this Plan;
- (3) Council must be satisfied that the facilities, services or other matters to be provided will significantly enhance specific objectives of this Plan;
- (4) each proposal for an increase in height and/or density will be assessed on its own merits. In reviewing such proposals Council will ensure that:
 - (a) the proposed development is compatible with the scale and character of surrounding land uses and will have no significant impact on neighbouring uses;
 - (b) there are adequate services available to accommodate the proposal;

- (c) a traffic impact study may be required to demonstrate that the transportation system can accommodate the increase in density; and,
 - (d) the site is appropriate in terms of size and shape to accommodate the increased density.
- (5) Bonus Zoning By-laws shall:
- (a) specify the increase in height and/or density of the development in exchange for certain facilities, services or matters; and,
 - (b) contain detailed development standards that would apply to the site to lessen the impact of the increase in height and/or density on the surrounding area.
- (6) the facilities, services or matters are to be transferred to the Township or secured by agreements entered into by the development proponent and the Township prior to the enactment of a Bonus Zoning By-law; and,
- (7) the Township may develop bonusing policies which are applicable to specific areas; such policies would be included in a Secondary Plan incorporated into this Plan.

6-5.5 Zoning By-law Amendment Procedure

Deleted by By-law No. 2003-157. See Section 6-16.

6-6 Lots of Record

In all designations on the Land Use Plan, it shall be the policy that, unless stated otherwise, existing lots of record may be used for the purposes permitted in the relevant land use category provided that such lots can meet reasonable requirements with respect to lot frontage, area and the general matters set out in Section 3-2 of this Plan and provided further that the development of such lots will not result in undermining the basic intentions of this Plan. The development of such lots shall be permitted in accordance with the provisions of Section 6-5.1 of this Plan.

The term "lot of record" means, for the purposes of this Plan, a parcel of land which was capable of being legally conveyed in accordance with the provisions of Section 29 of the *Planning Act, R.S.O., 1970* on July 8, 1976 (the date upon which the comprehensive Zoning By-law No. 76-26 was approved by Council).

Development shall also be permitted (in accordance with other relevant Official Plan provisions) on lots legally created prior to November 21, 1990, the date upon which the recommendations of the *Township of Kingston Hydrogeological Study* were implemented.

6-7 Existing Land Uses

As a general rule, any land use existing at the date of approval of this Plan that does not conform with the land use designations as shown on the Land Use Plan or the policies related thereto, should cease to exist in the long run. In special instances, however, it may be desirable to permit the extension or enlargement of such a non-conforming use in order to avoid unnecessary hardship. It is the intention of this Plan that extensions and enlargements shall be handled through the use of Section 34(10) or Section 45(2) of the *Planning Act, R.S.O., 1990*.

6-7.1 Section 34(10) of the *Planning Act, R.S.O., 1990*

Any application, in accordance with Section 34(10) of the *Planning Act, R.S.O., 1990*, for the extension or enlargement of a use, which does not conform to the Zoning By-law, (hereinafter called a non-conforming use) and which existed at the time of passing of such by-law shall be dealt with in the following manner:

- (1) Council shall determine the feasibility of acquiring the property concerned at the time of application or possibly at some future date and of holding, selling, leasing or redeveloping the property in accordance with the provisions of the *Planning Act*.

Special attention will be given to the chances for the re-establishment of the use under consideration in a different location where it would be able to perform and produce under improved conditions in accordance with the policies of this Official Plan;

- (2) if acquisition at this time does not appear to be feasible and if the special merits of the individual case make it desirable to grant permission for the extension or enlargement of the non-conforming use, Council may consider the passing of a Zoning By-law pursuant to Section 34(10) of the *Planning Act, R.S.O., 1990*, and such by-law may then be passed without the necessity to amend the Official Plan, providing it complies with the policies of Section 6-7.1(3) below;
- (3) Council, before passing such a by-law shall be satisfied that those of the following requirements which are relevant to the specific application for the extension or enlargement of the non-conforming

use are, or will be, fulfilled in order to safeguard the wider interests of the general public:

- (a) that the proposed extension or enlargement of the established non-conforming use shall not unduly aggravate the situation created by the existence of the use, especially in regard to the policies of the Official Plan and the requirements of the Zoning By-law applying to the area;
- (b) that the proposed extension or enlargement shall be in an appropriate proportion to the size of the non-conforming use established prior to the passing of the Zoning By-law;
- (c) that an application which would affect the boundary areas of different land use designations on the Land Use Plan will only be processed under these policies, if it can be considered as a "minor adjustment" permitted under the flexibility clause of Section 6-18.1 of this Plan without the need for an amendment; any major variances will require an amendment to the Plan;
- (d) the characteristics of the existing non-conforming use and the proposed extension or enlargement shall be examined with regard to noise, vibration, fumes, smoke, dust, odours, lighting and traffic generating capacity; no amendment to the Zoning By-law shall be made if one or more of such nuisance factors will be created or increased so as to add essentially to the incompatibility of the use with the surrounding area;
- (e) that the neighbouring conforming uses will be protected where necessary by: the provision of areas for landscaping, buffering or screening appropriate setbacks for buildings and structures; devices and measures to reduce nuisances; and, where necessary, by regulations for alleviating adverse effects caused by outside storage, lighting, advertising signs, etc. Such provisions and regulations shall be applied to the proposed extension or enlargement and, wherever feasible, also be extended to the established use in order to improve its compatibility with the surrounding area;
- (f) that traffic and parking conditions of the vicinity will not be adversely affected by the application, and traffic

hazards will be kept to a minimum by appropriate design of ingress and egress points to and from the site and improvement of sight conditions, especially in proximity to intersections;

- (g) that adequate provisions have been, or will be, made for off-street parking and loading facilities; and,
 - (h) that applicable municipal services such as storm drainage, sanitary sewers, water supply and roads, etc. are adequate or can be made adequate;
- (4) Council will not pass a Zoning By-law Amendment pursuant to Section 34(10) of the *Planning Act, R.S.O., 1990* before it is satisfied in regard to the policies contained in Section 6-7.1(3) above. It will also be the policy of the Township to notify property owners in the area, of each application for the extension or enlargement of a non-conforming use prior to a final decision on the matter in order to obtain their views.

6-7.2 Section 45 of the *Planning Act, R.S.O., 1990*

In addition to certain other powers relating to minor variances and the interpretation of uses described in general terms, the Committee of Adjustment may authorize the enlargement or extension of a non-conforming building or structure, provided such extension does not go beyond the limits of the land owned and used in connection therewith on the day the by-law was passed, and it may also permit a change of use on non-conforming land or in a non-conforming building or structure, provided the new use is not less compatible with the Zoning By-law than the existing use.

6-8 Site Plan Control

It shall be the policy of the Township to exercise Site Plan Control powers in accordance with Section 41 of the *Planning Act, R.S.O., 1990*.

Council may, by resolution, establish Site Plan Control procedures and guidelines. Guidelines will be used in conjunction with relevant sections of this Plan, for the purpose of specifying Municipal requirements and may be developed in conjunction with reviewing development proposals. Council may appoint a Site Plan Control Committee, or an individual or individuals, the duties of which are to be specified by by-law.

While specific areas and uses to which Site Plan Control may apply will be established in a by-law passed pursuant to Section 41(2) of the *Planning Act, R.S.O., 1990*, it is generally intended that the following uses will be exempt:

- single and semi-detached dwellings; and,
- farm related buildings or structures that are used in farming operations.

Drawings showing plan, elevation, and cross-section views may be required for all buildings, including buildings to be used for residential purposes containing less than twenty-five (25) dwelling units, in a designated Site Plan Control Area.

The policies set out above, together with all relevant policies of this Plan, shall be used as guidelines in the Municipality's exercise of its Site Plan Control powers.

6-9 Legislation Pursuant to the *Municipal Act*

It is intended that the Township shall review existing legislation pursuant to the *Municipal Act* governing such uses as automobile wrecking yards, garbage dumps, gravel pits, quarries, trailers and signs, and amend existing by-laws or pass new by-laws as may be required to ensure such uses are properly regulated and controlled.

6-10 Property Standards

Council will encourage the development and maintenance of an efficient and pleasant environment for living, working, shopping and recreation. Although the quality of property and its maintenance is generally high, a need has been identified to initiate a program designed to ensure that adequate standards of maintenance will be pursued in future to safeguard the values built into the physical community. To this end Council intends to introduce a Property Standards Program. The key element of this program will be the preparation, enactment and enforcement of a Property Standards By-law. The purpose of this By-law is to establish minimum standards of maintenance and occupancy to conserve, sustain and protect existing and future development in the Township.

A Property Standards By-law, applicable to all property, shall contain requirements which include:

- (1) garbage disposal;
- (2) pest prevention;
- (3) structural maintenance of buildings;
- (4) safety of buildings;
- (5) cleanliness of buildings;
- (6) services to buildings - plumbing, heating and electricity;

- (7) keeping lands free from rubbish, debris, noxious weeds, and wrecked, discarded or dismantled objects and materials such as vehicles, boats, trailers and mechanical equipment;
- (8) maintaining yards, lands, parking and storage areas;
- (9) maintaining fences, swimming pools, accessory buildings and signs;
- (10) occupancy standards; and,
- (11) administration and enforcement of the By-law.

Upon adoption of such a by-law the Township will appoint a Property Standards Committee, in accordance with Section 31(3)(c) of the *Planning Act, R.S.O., 1990*, for the purpose of hearing appeals against any order of the Property Standards Officer.

The measures to be used in achieving the property maintenance program will include: an education and public relations program to show people the benefits of continued property maintenance; the provision of information showing what improvements can be made without increasing assessment; the initiation of any available funding programs; and such other measures deemed suitable and desirable by Council.

6-11 Subdivision and Part-Lot Control

The provisions of the *Planning Act* provide that any division of land in the Township must be approved by either the Minister of Municipal Affairs, in the context of the subdivision process, or by the Frontenac County Land Division Committee in the context of the consent process.

As a matter of general principle, this Plan is intended to discourage development by way of the consent process and encourage development within serviced areas of the Township by way of the subdivision approval process. Where necessary, old plans of subdivision may be deemed not to be plans of subdivision for the purpose of the *Planning Act*.

6-11.1 Land Severances

It is recognized that land severances are appropriate under certain circumstances where a plan of subdivision is not necessary and/or desirable for proper and orderly development. In such circumstances a consent to a land severance may be granted in accordance with the following applicable policies:

- (1) good quality agricultural land shall be preserved for agricultural purposes;

- (2) scattered isolated residential development which would require undue extension of services, shall be discouraged;
- (3) the creation of new lots which would result in the creation of ribbon development in rural areas or which would add to existing ribbon development in rural areas should not be permitted;
- (4) development along roads under the jurisdiction of the Province are subject to the access policies of the Ministry of Transportation while development along roads under the jurisdiction of the County of Frontenac shall comply with the *County's Entrance Spacing Policy*, where applicable;
- (5) consents shall be granted only when it has been established that soil and drainage conditions are suitable to: permit the proper siting of buildings; obtain a sufficient and potable water supply; and, permit the installation of an adequate means of sewage disposal (including an alternative area for the location of a second sewage disposal system). The conditions related to the approval of consents shall ensure that the construction of private wells and septic systems, on the lands to be severed and the lands to be retained, is in accordance with Section 5-12 hereof;
- (6) consents shall be granted only when it has been established that water quality and quantity on surrounding lots will not be adversely affected by the creation of a new lot;
- (7) consents shall be given only when the land fronts on an existing public road which is of a reasonable standard of construction;
- (8) the size of any parcel of land created by such consent shall be appropriate for the use proposed and in no case shall any parcel be created which does not conform to the provisions of the Zoning By-law;
- (9) consents shall not be granted for land adjacent to a road from which access is to be obtained where a traffic hazard would be created because of limited sight lines on curves or grades;
- (10) consents to create new lots will be separated from aggregate uses (either designated or zoned) as per Section 3-15.2(6) and Section 3-15.2(7);

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- (11) consents to create new lots within areas set aside as Aggregate Reserve Areas on Schedule "E" shall be granted only if the proposed lot is consistent with the principles of Section 3-15.1; and,
- (12) the County Land Division Committee is encouraged to consider all other applicable policies of this Plan when assessing an application for consent.

6-11.2 Plans of Subdivision

It shall be the policy of the Township to recommend to the Minister of Municipal Affairs the approval of those plans of subdivision which comply with the policies of this Plan and which, to the satisfaction of Council, can be supplied with adequate services such as schools, fire protection, water supply, drainage facilities and road maintenance, and which would not adversely affect the financial health of the Township.

6-12 Conversion of Rental Housing to Condominium Ownership

In order to protect the rental housing stock in the Township, condominium conversions shall be assessed by Council according to the following:

- (1) the conversion of existing rental units will only be considered if the rental vacancy rate, as determined by Canada Mortgage and Housing Corporation or the Township, is above three percent (3%) or, if seventy-five percent (75%) of existing tenants intend to purchase their units;
- (2) the building must conform to all municipal by-laws;
- (3) a Professional Engineer's report stating the extent to which existing services meet current standards, the condition of the building and necessary improvements, as well as information on the maintenance, operating cost and the balance of a replacement reserve or similar fund over the past five years, (or from the date of construction of the project if less than five years is required). If no balance exists for a replacement reserve or similar fund, an estimate of the annual contributions to such a fund which would be required for any major repairs or replacements over the next ten years must be submitted;
- (4) all tenants are to be given notice by registered mail by the developer when an application has been made for condominium conversion. All existing tenants are to be given the right to purchase their units at a price no higher than the price for which the units are offered to the general public, for a period of 45 days following Council approval of the conversion;

- (5) the applicant shall offer, to all existing tenants, at the date of the filing of an application, either:
- (a) active, physical assistance, for a period of three (3) years from the date of Draft Approval, to each tenant who relocates as a result of the conversion in finding alternate comparable accommodation, mutually agreed upon between the applicant and each such tenant, and pay the transportation costs associated with the relocation for each such tenant to other accommodations within the Township of Kingston; or,
 - (b) an opportunity for security of tenure by having an option of accepting a five (5) year term of tenancy (terminated at the end of any month on sixty (60) days notice in writing to the landlord) with the current landlord, such an option in acceptance to be exercised in writing sixty (60) days after Council's approval of the application. Rent increases levied by the current or future landlords for the current tenants for five (5) years from the date of approval of an application shall be limited to the current rents charged plus such increases as are approved under the *Rent Control Act, 1992*;
- (6) where no park dedication was previously made for the land upon which the building is situated, a park dedication may be required in accordance with Section 5-2.7 of this Plan; and,
- (7) each request for condominium conversion shall be accompanied by a report outlining how the application conforms to each of the provisions of this Condominium Conversion Policy.

6-13 Public Works and Capital Works Programme

The implementation of the policies of this Plan may involve the Township directly in the financing of certain projects. The text and Schedules of this Plan outline the nature and scope of these projects which include the development of neighbourhood and community parks and playgrounds, the upgrading of roads and the improvement of intersections, the installation of a water supply and sanitary sewage system and also storm drainage facilities.

It is intended that Council, on the basis of the policies of this Plan dealing with community facilities, will establish a priority list for the implementation of these projects with estimates of cost (land acquisition, construction and maintenance costs) wherever possible. A five-year capital works programme will then be developed which Council will carry out systematically, adopting initially the first year of the programme as part of its budget. It is intended that the programme will be reviewed annually as part of the capital budget process.

6-14 Public Information

In order to adequately inform the general public as to the policies and proposals contained in this Plan, Council shall, upon receiving the Minister's approval of this Plan, reproduce the Plan and make it available to the public.

6-15 Official Plan Review

This Plan may be amended from time to time to reflect changes and trends within the community. In this regard, Council will hold at least one public meeting every five years to review the effectiveness of the Plan and to determine the need for revisions to the Plan.

6-16 Public Notice Procedures

- (1) Public participation shall be regarded as an essential part of the municipal planning process.
- (2) Public meetings shall be held before proposals for Official Plan and Zoning By-law amendments are dealt with by Council, in accordance with the *Planning Act*.
- (3) Notice of public meetings shall be given in accordance with the *Planning Act*. The Municipality may, however, consider alternate notice procedures as provided for in the *Planning Act*.
- (4) The Municipality shall use a temporary sign board placed on the property which is subject to an application of a site specific Official Plan Amendment, Zoning By-law amendment, plan of subdivision, minor variance, consent or site plan control where the proposal is greater than 300 square metres in new floor area.
- (5) The specifications of the temporary signs including, but not limited to size, wording, material, colour, lettering, location, installation and maintenance shall be adopted by Council, through resolution, from time to time.
- (6) For special issues, including but not limited to, new Official Plans and Comprehensive Zoning By-laws, the Municipality may consider additional means of public participation including open houses, public displays, area meetings, newspaper coverage, cable T.V. programming and other similar means.
- (7) Council may, by resolution, forego public notification and public meetings in connection with Official Plan, Community Improvement Plan, and Zoning By-law amendments if such amendments relate to matters which will not affect the policies and intent of the Official Plan or Community Improvement Plan, or the

provisions of the Zoning By-law in any material way, and may include the following matters:

- (a) Altering punctuation or language to obtain a uniform mode of expression;
- (b) Correcting clerical, grammatical, dimensioning or typographical errors;
- (c) Altering the number and arrangement of any provision;
- (d) Inserting historical footnotes or similar annotations to indicate the origin and approval of each provision;
- (e) Changing the format of a document;
- (f) Consolidating amendments; and
- (g) Transferring Official Plan, Community Improvement Plan and Zoning By-law designations to new base maps.

(Replaced by By-law No. 2003-157)

6-17 Special Studies

6-17.1 Public Transportation Service

The Township shall undertake surveys from time to time to evaluate the need for, and the economics of, providing or eliminating public transportation services. When it has been determined that the provision or restructuring of such services would be desirable, this Plan intends that appropriate steps be taken to provide them.

6-17.2 Water and Sewer Servicing Plan

A multi-year servicing plan shall be prepared and maintained to ensure the ongoing availability of adequate municipal water and sanitary sewer services.

6-17.3 Water Quality and Quantity

Where serious problems with the quality and quantity of groundwater supplies are identified, the Township intends to examine appropriate and feasible ways of resolving the problems in cooperation with the affected residents, property owners, the Ministry of Environment and Energy and other applicable agencies.

It is the intention of this Plan that an assessment of water quality and water quantity be undertaken in the areas shown as "Water Study Area" on Schedule "D" (in the vicinity of McIvor Road, Silvers Corners and Elginburg). Such assessment is to include recommendations to address any identified problems and consideration will be given to implementing these recommendations during the period of this Plan.

6-17.4 Open Space Corridors

It is the intention of this Plan that during its duration studies be undertaken to locate potential open space corridors. The progressive establishment of such corridors will result in the development, over time, of a linear park system in the Township.

6-18 Development Commitments

It is expected that development approvals will be exercised in an expeditious fashion consistent with market conditions and the availability of services. In instances where development of a significant size does not proceed within a reasonable period of time, Council may review the commitment and initiate proceedings to amend it accordingly.

6-19 Interpretation

6-19.1 Land Use Boundaries and Roads

It is intended that the boundaries of the land use classifications shown on Schedule "A", the Development Areas shown on Schedule "B", and the constraint zones shown on Schedule "D", be considered as absolute only where delineated by Arterial or Collector roads, railways, servicing or drainage areas, rivers, streams, or other similar geographical barriers. It is also intended that the location of roads as indicated on Schedule "A" be considered as approximate and not absolute. Therefore, amendments to the Official Plan will not be required in order to make minor adjustments to the approximate land use boundaries, Development Area boundaries, or to the location of roads, provided the general intent of the Plan is preserved. Such minor deviations will not be reflected on Schedule "A".

6-19.2 Land Areas, Population Estimates, Etc.

It is intended that all figures and quantities expressed in this Plan shall be considered as approximate only and not absolute. Amendments to the Official Plan will not be required for any reasonable variation from any of the proposed figures.

6-19.3 Imperial Values

The imperial values provided in brackets in this Plan are for information purposes only and do not form part of the Plan.

6-20 Definitions

The definitions of terms contained in this Plan are as follows:

"**AFFORDABLE HOUSING**" - Housing that would have a price or rent that is affordable to households of low and moderate income. Households of low and moderate income are defined as households within the lowest 60% of the income distribution for the Municipality.

"**AIRPORT ZONING REGULATIONS** (under the authority of the *Federal Aeronautics Act*)" - The federal government has the power to impose height restrictions around airports in order to protect them for aeronautics. The restrictions take the form of a Registered Zoning Order, not be confused with a Zoning By-law of the municipality or a provincial Minister's Zoning Order.

"**AREAS OF NATURAL AND SCIENTIFIC INTEREST (ANSI)**" - These are areas that have been defined by the Ministry of Natural Resources to be of interest. They include Earth Science sites, Life Science sites, as well as sites that are considered to be both. An Earth Science ANSI could be an unusual geological land form; a Life Science ANSI might consist of a breeding site for a rare or endangered species.

"**AS-OF-RIGHT**" - Permitted without the need to amend the Zoning By-law.

"**ASSESSMENT RATIO**" - A 40:60 assessment ratio consists of 40% non-residential taxable assessment and 60% residential taxable assessment.

"**BERM**" - A high embankment or ridge of earth functioning as a protective barrier.

"**BUFFER**" - A device that reduces or softens the effect of an impact.

"**COMMON MEETING PLACE**" - Common meeting place means an easily accessible, **central** location within a neighbourhood designed to consist of a public open space and/or one or more public or private buildings where neighbourhood residents can meet and neighbourhood activities be conducted. Public and private uses may include a church, a school, a library, a field house or similar uses. Such an area will provide the neighbourhood with a focus which constitutes, or contributes towards, the distinctive identity for that neighbourhood.

"**COMPATIBLE**" - Able to coexist with and function together in a state of harmony, in terms of such factors as: intensity of use; level of activity; traffic generation; building height, mass, bulk and orientation; site coverage; landscaping; nuisance levels, etc.

"CONSENT" - Otherwise known as a "land severance". In order to create a new parcel of land by separating a piece from a larger parcel, permission must be obtained from some level of government. (In our case, the County Land Division Committee.) If the intention is to create several new lots, then a plan of subdivision is prepared, rather than proceeding by a series of consents.

"DAY NURSERY" - A premises as defined by the *Day Nurseries Act*.

"DEVELOPMENT AREA" - This refers to an area shown on Schedule "B" where new development is encouraged.

"DRY NATURE" - When used to describe industry, "dry nature" means where the only water required is that which is to be consumed and disposed of for domestic purposes by the employees and visitors.

"EDUCATIONAL CENTRE" - An education centre is an establishment primarily engaged in providing technical, commercial or vocational training or retraining within the context of Senior Secondary School curriculum.

"EXISTING USE" - Refers to the land, buildings and structures presently in use, not necessarily the total land area held in one ownership.

"FLOOD PLAIN" - The area, usually low lands, adjoining a watercourse, and which has been or may be covered by flood water. The essence of this phrase is that periodic flooding is a natural phenomenon, and that floodplains are a part of the river's natural space.

"GARDEN SUITE" - This term refers to a detached residential structure containing bathroom and kitchen facilities, which is ancillary to an existing residential structure and is designed to be portable.

"GATEWAY" - A gateway is an entrance way to a community.

"GOOD QUALITY AGRICULTURAL LANDS" - Good Quality Agricultural Lands are:

- (a) lands where soil classes 1, 2, 3 and 4 predominate, as these terms are defined in the Canada Land Inventory (ARDA);
- (b) lands which have a high capability for the production of specialty crops due to soils or climate; or,
- (c) lands located in the midst of an area where farms exhibit characteristics of ongoing viable agriculture.

"GROUP HOMES" - A single housekeeping unit in a residential dwelling in which up to ten (10) persons (excluding supervisory staff or receiving household) live under responsible supervision consistent with the particular needs of its residents. The home is licensed or approved under Provincial statutes. See also Special Care Facilities.

"HAMLETS" - Hamlets are areas identified on Schedule "A". In addition to residential uses, commercial, service, institutional and industrial uses intended to serve the surrounding countryside are encouraged within these areas.

"HERITAGE RESOURCE" - Heritage resources means both physical and intangible heritage resources including structures, landscapes, natural areas, archaeological and paleontological sites, cemeteries and burial places, documents, place names, artifacts, traditions and values, skills, songs and stories. Heritage is viewed as the total environment inherited from the past, contributed to in the present and handed on to the future.

"HIGH AGRICULTURAL CAPABILITY" - See the definition of Good Quality Agricultural Lands.

"INDUSTRIAL DESIGNATIONS" - The term Industrial Designation includes General Industrial, Light Industrial, Special Industrial, Business Industrial, Waste Disposal Industrial, Aggregates and any special policy areas related to these categories.

"INTENSIFICATION" - The development of an area or site at a higher as-built density than existed previously. This may include: redevelopment or development within existing neighbourhoods where demolition of the previous structure is to take place or has taken place; infill development or development on vacant lots or under-developed lots within a built-up area; conversion or the change of use of an existing structure or land use, such as from industrial to residential.

"LOT OF RECORD" - A parcel of land which was capable of being legally conveyed in accordance with the provisions of Section 29 of the *Planning Act*, on July 8, 1976.

"MAJOR INTERSECTION" - The intersection of two roads, where at least one road is classified as either Freeway, Arterial or Collector, as indicated on Schedule "A" hereto.

"MILL RATE STABILIZATION RESERVE FUND" - Monies set aside for any unforeseen costs that may have an adverse impact on taxes.

"MULTI-MODAL" - When applied to a transportation system, means a system made up of a number of "modes" or types of transportation, including airplanes, automobiles, bicycles, buses, light rapid transit vehicles, street cars, and the like, including any associated guideways or rights-of-way.

"NET RESIDENTIAL DENSITY" - This term refers to the area of residential land within a neighbourhood which is only occupied by dwelling units. It excludes any lands needed for roadways, parks, etc.

"NOISE EXPOSURE FORECAST CONTOURS" - A prediction of outdoor levels caused by aircraft near airports, measured in decibels, prepared by Transport Canada.

"PEOPLEWAYS" - A Peopleway is a parcel of land, or right-of-way across a parcel of land, occupied by a pathway intended primarily to accommodate the movement of people who are either walking, in a wheelchair or on a bicycle or other non-motorized vehicle.

"SEPTIC SYSTEM" - Includes septic tanks or any similar private sewage disposal system.

"SHOPPING CENTRE" - A group of commercial establishments which are planned, developed, owned and/or managed as a unit, related in location, size, type and mix of uses to the trade area that the unit serves.

- (a) **Regional Centre** - provides a complete range of general merchandise, apparel, furniture and house furnishing opportunities. The centre is anchored typically by at least one full-line and one junior department store. Regional Centres typically encompass at least 37,000 sq. metres of gross leasable area.
- (b) **Community Commercial Centre** - provides a range of retail and service uses to meet the needs of the community. Typically, such a centre is anchored by a junior department store and/or a supermarket. The size of a community commercial centre ranges from 10,000 to 25,000 sq. metres of gross leasable area.
- (c) **Neighbourhood Commercial Centre** - provides for the sale of convenience goods (such as foods, drugs and sundries) and personal services (such as laundry and dry cleaning, barber shops, shoe repairs, etc.) for the day to day needs of the immediate neighbourhoods. Typically the principle tenant is a supermarket. Such centres range in size from 3,000 to 5,000 sq. metres.

"SIGNIFICANT HYDROGEOLOGICAL AREAS" - Groundwater recharge areas or discharge areas.

"SPECIAL CARE FACILITIES" - A term that includes the following:

- (a) **Crisis Care Shelter** - A single housekeeping unit for persons in a crisis situation requiring shelter, protection, assistance, counselling or support, and short term accommodation of a transient nature.
- (b) **Detoxification Centre** - A facility to house persons addicted to chemical substances and/or alcohol who are admitted for withdrawal, treatment and/or

rehabilitation and who live together under responsible twenty-four (24) hour supervision consistent with their requirements.

- (c) **Recovery Home** - A single housekeeping unit offering a group living arrangement, treatment and education for persons with alcohol or drug related problems and/or dependencies, under responsible twenty-four (24) hour supervision.
- (d) **Corrections Residence** - A group living arrangement in a secure facility for individuals who have been placed on probation, who have been released on parole, who are admitted to the facility for correctional or rehabilitation purposes, or who are awaiting trial and live together under responsible twenty-four (24) hour secure supervision and accepted standards for secure detention.
- (e) **Residential Care Facility** - A group living arrangement in a single housekeeping unit for eight (8) or more individuals (exclusive of staff and/or receiving family), who live under responsible supervision consistent with their particular needs. The facility is licensed or approved under Provincial statutes.

"STACKED TOWNHOUSE" - A stacked townhouse is a unit located within a project that consists of units joined together in a row as well as placed on top of one another. Each unit consists of two storeys and projects are either two or three units high.

"THE LOOP" - This term refers to those lands in the Township situated along Highway 2 (Princess Street) from the eastern boundary of the Township to Bayridge Drive, along Gardiners Road from Highway 2 (Princess Street) to Highway 33 (Bath Road), and along Highway 33 (Bath Road) from Gardiners Road to the Township's eastern boundary. These lands, along with those lands in the City situated along Princess Street and Bath Road, and terminating at the Kingston Centre form The Loop. It is intended to become a corridor of intensified mixed use providing jobs and living accommodation in a transit-supportive environment.

"TOP OF BANK" - The upslope edge or the highest part of a continuous slope or cliff along a watercourse or water body.

"URBAN SERVICE AREA" - Means the lands enclosed by the Service Area boundary as shown on Schedule "B" to this Plan.

"WATER QUALITY AND QUANTITY" - Indicators derived from the measurements of such parameters as base flow, oxygen levels, suspended solids, temperature, bacteria, nutrients and contaminants in accordance with Ministry of Environment and Energy, and Ministry of Natural Resources guidelines.

"WAYSIDE PITS OR QUARRIES" - Wayside pit or quarry means a temporary gravel pit or stone quarry opened and used by a public road authority solely for the purpose of a particular project or contract of road construction.

"WETLANDS" - Lands that are seasonally or permanently covered by shallow water as well as land 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 or water tolerant plants.

"ZONING BY-LAW" - Zoning By-law means a by-law passed under Sections 34 or 38 of the *Planning Act* or any predecessor thereof, which establishes or alters land use within a defined area. This term includes amendments.

SCHEDULES FOLLOW