



OFFICIAL PLAN

6. IMPLEMENTATION

6.1 PLAN MONITORING AND REVIEW

Changing conditions may necessitate the need for amendment to this Plan. This Plan shall be reviewed every five years by Council to ensure that the policies within it are appropriate.

6.2 PLANNING TOOLS

6.2.1 Official Plan Amendment

Each Official Plan Amendment proposed shall contain background reports and a complete justification for the proposed change, prepared by the applicant. This shall include, but not be limited to, information regarding the proposed use, road layout, servicing, density, floor area, lot layout, buffering, site plans, etc. Amendment procedures and requirements as outlined in specific designations shall also apply.

6.2.2 Zoning By-law

It is intended that Council will adopt a Comprehensive Zoning By-law which will be in conformity with the principles, policies, and land use designations contained in this Plan. The By-law shall make provisions for adequate development standards. The By-law shall establish specific zones and permitted uses that reflect the policies and designations of this Plan. Within each land use designation, more than one zone may be established to ensure that, the policies of this Plan are properly implemented.

6.2.2.1 Holding Provisions

It is not intended to zone all land at the outset for the uses designated in this Plan. Some land may be placed in an agricultural or rural zone, pending future development approvals. Holding zones may also be established in order to achieve orderly development and ensure that policies established in this Plan have been met. A holding zone shall be shown in the Zoning By-law by the use of the holding symbol "H" which will be in brackets after the zone symbol. For example, if the land is to be zoned for industrial purposes after it has been serviced and the zone will be "M2", then it will be shown as "M2(H)". This shows that the future uses will be those in the "M2" Zone. However, where the "H" symbol is used the existing uses when the By-law is passed may continue and may be expanded or enlarged.

Council may pre-zone for infilling and draft approved plans of subdivision.



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6.2.3 Minor Variances

The Committee of Adjustment shall deal with applications for minor variances to the provisions of the Zoning By-law, or from the requirement of any other By-law implementing this Plan.

The Committee shall have regard to the policies contained within this Plan, especially those relating to non-conforming uses as well as the standards and uses specified in the Zoning By-law.

6.2.4 Consents

Consents should only be granted when it is clearly not necessary or in the public interest that the land be developed by plan of subdivision. If a plan of subdivision is not deemed necessary, regard shall be had to the other policies within this Plan and to the following criteria when considering an application for consent:

- a) Consents shall only be granted when the land fronts onto an existing and maintained and assumed public road;
- b) Consents should have the effect of infilling in existing areas and not extending new development;
- c) Creation of the lot does not compromise the long-term development of the remaining land; and
- d) Consents may be considered for large parcels, where future development of the large parcels is to proceed by plan of subdivision.

The size of any parcel of land created by consent should be appropriate for the use proposed, considering the public services available and the soil conditions. No parcel shall be created which does not conform to the provisions of the Zoning By-law, except where a minor variance has been secured, in accordance with Section 6.2.3 of this Plan.

Consents should 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 site lines on curves or grades.

In the Future Community Development and Future Residential designations, up to one consent per lot existing on the date this Plan was adopted, may be granted for a residential lot provided that the District Health Unit indicates that the lot is suitable for the proper siting of the building(s) for sufficient potable



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water, and for the installation of sewage disposal facilities. The proposed lot for residential purposes should not exceed 4,000 square metres in size.

In all designations except the Future Community Development and Future Residential designations, all lots shall be on full municipal services. Such services shall include municipal water supply, sanitary sewers and storm sewers where deemed appropriate.

Except in the Future Community Development and Future Residential designations, land may be divided by consent to create up to a maximum of ten lots.

6.2.5 Subdivision Control

All lands with the Town shall be subject to subdivision control pursuant to the *Planning Act*.

The provisions of the *Planning Act* relating to subdivision control, including subdivision agreements, shall be used by Council to ensure that the land use designations and policies of this Plan are complied with, and that a high standard of design is maintained in all development.

Council shall recommend for approval only those plans of subdivision that conform with the following criteria:

- a) The plan of subdivision conforms to the policies of this Plan;
- b) Adequate servicing allocation in accordance with Section 5.2.2, waste collection and disposal, and roads can be provided.

6.2.6 Site Plan Control

The Town of Lindsay will utilize site plan control as provided for in Section 41 of the *Planning Act*.

The site plan control area shall apply to the following designations:

- a) Residential;
- b) Residential-Commercial;
- c) Central Business District Commercial;
- d) Shopping Centre Commercial;



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- e) Special Purpose Commercial;
- f) General Commercial;
- g) Local Commercial;
- h) Prestige Employment;
- i) General Employment;
- j) Institutions and Community Facilities; and
- k) Circumstances outlined in Section 3.1.

Where the development consists of single detached, duplexes or semi-detached dwellings within any of the above noted designations, site plan control shall not apply.

Where land is designated as a site plan control area and it abuts a road under the jurisdiction of the County, prior to development the County shall require in those circumstances where the right-of-way is less than 26 metres (86 feet) that land be dedicated to the County, at no expense to the County, for the widening of the highway so as to establish a right-of-way 13 metres (43 feet) on each side of the centreline of the existing pavement. Within built-up areas, where the road has been constructed, no road dedication may be required.

6.2.7 Development Permit System

Council may, at an appropriate time, choose to enact a By-law to implement the Provincial Development Permit System, relating to the streamlining of Zoning By-law Amendments, Minor Variances and Site Plan Control.

6.2.8 Maintenance and Occupancy By-law

Council may enact By-laws pursuant to the *Planning Act*, setting forth minimum standards for the maintenance and occupancy of all buildings and properties. Any such By-law shall apply throughout the Town. These By-laws should have regard for any or all of the following matters or related items and set appropriate standards or conditions for:

- a) The physical conditions of vacant land, yards and passageways including the accumulation of debris and rubbish;
- b) The adequacy of sanitation including drainage, waste disposal and garbage;



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- c) The physical condition of accessory buildings; and,
- d) The physical conditions of dwellings or dwelling units, institutional, commercial and/or industrial buildings, structures and properties.

Any such By-law may require that substandard properties be repaired and maintained to comply with the standards, prohibit the use of a substandard property and require the demolition and clearing of such property which the owner does not intend to repair and maintain.

Upon passing a Maintenance and Occupancy By-law, Council shall appoint a Property Standards Officer who will be responsible for administering and enforcing the By-law. Council shall also appoint a Property Standards Committee, in accordance with Subsection 31(11) of the *Planning Act* for the purpose of hearing appeals against any order issued by the Property Standards Officer.

6.3 COMMUNITY IMPROVEMENT AND DEVELOPMENT

6.3.1 Community Improvement Plans

A specific area within the Town may be declared a Community Improvement Area under the *Local Improvement Act* in order to carry out the maintenance, construction or improvement of services or facilities. The cost for this work shall be borne by those whose lands abut the improvements or those who directly benefit from the improved service. The exact procedure for distributing costs shall be decided by Council as permitted within the Act. Some or all elements required for Community Development Plans, as outlined in Section 6.3.2 may be required for a Community Improvement Plan.

Throughout the development of a Community Improvement Plan, the Town shall involve the residents of the affected areas in the identification of service level deficiencies and priorities.

Council may designate part of the Town as a Community Improvement Area in compliance with the provisions of the *Planning Act*. Council may designate a Community Improvement Area based on the following applicable criteria:

- a) Municipal services such as sidewalks, curbs, gutters, sewers, water, roads, streetlighting are deficient, or have deteriorated and are below the municipal standard;



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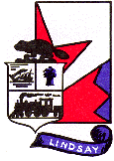
- b) Community and recreational facilities such as parks, community centres, libraries, arenas, gymnasiums, ball diamonds and similar type facilities are deficient or have deteriorated;
- c) Incompatible land uses that result in conflicts (such as noise or traffic from industrial uses in residential areas);
- d) The buildings and structures are in need of rehabilitation;
- e) Commercial or industrial buildings have a high vacancy rate;
- f) There is a parking or loading space deficiency;
- g) There is inadequate storage facilities;
- h) There is a demonstrated need to improve the streetscape and/or physical amenities of an area; and/or
- i) there is the potential for, or existence of, a Business Improvement Area.

6.3.1.1 Implementation of Community Improvement Plans

Council shall implement the community improvement policies by the following means:

- a) Participation in senior government programs that provide financial assistance for community improvement;
- b) Encouragement of the continuation and enlargement of the Business Improvement Area to enhance and maintain the viability of the commercial area;
- c) Use of municipal authority granted under the provisions of the *Planning Act* to designate Community Improvement Project Areas, adopt Community Improvement Plans and acquire and develop land;
- d) Encouragement of infill development in appropriate areas;
- e) Enforcement of the Property Standards By-law;
- f) Co-operation with school boards, local municipal boards, service clubs, business organizations, educational institutions and other organizations to promote and facilitate the utilization of existing facilities and, where feasible, to rehabilitate these facilities to offer new and/or better services to the community;

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- g) Encourage the rehabilitation of private buildings by advising property owners of government subsidies and programs, and assisting where possible, the property owners in obtaining grants;
- h) Where conflicting land uses occur in Community Improvement Areas, endeavouring to limit the expansion of these uses and encouraging and/or assisting in the relocation of the offensive use; and,
- i) Support the historic preservation of significant buildings and sites through application of the *Ontario Heritage Act*.

6.3.1.2 Community Improvement Areas and Priorities

The areas shown on Schedule "B" constitute Community Improvement Areas in which a Community Improvement Plan can be prepared to cover all or part of the Community Improvement Area. These areas are as follows:

- a) Community Improvement Area A - the Downtown Area;
- b) Community Improvement Area B - The Victoria Avenue/Regent Street Area;
- c) Community Improvement Area C - Riverview Street Area;
- d) Community Improvement Area D - Melbourne Street/Lawrence Street Area; and
- e) Community Improvement Area E - Hamilton/Mary Street Area.

First priority shall be given to Community Improvement Area A. Area B shall receive second priority. Area C and Area D shall be placed in third priority, and Area E shall receive fourth priority. These priorities may change as Council sees fit, without amendment to this Plan.

6.3.1.3 Downtown Area Community Improvement Plan Requirements

The Community Improvement Plan for Area A shall:

- a) Further define the boundaries of the Downtown Area and establish linkages with such areas as the Scugog Cultural Corridor (refer to Section 4.9.1);
- b) Address the use and type of development and the commercial direction of the downtown;



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- c) Address the development of municipal parking facilities;
- d) Establish the streetscape and urban design standards to be applied to the downtown;
- e) Encourage the intensification of residential development within and adjacent to the Downtown Area; and
- f) Define the circulation pattern within the Downtown Area.

6.3.2 Community Development Plans

Community Development Plan (CDP) Areas are established on Schedule “B”. These areas are predominantly designated Future Community Development or Future Residential. The establishment of a Community Development Plan shall take into account any established urban uses within the CDP area.

The CDP will be undertaken and paid for by the development proponent(s).

Community Development Plans shall be incorporated into the Official Plan by way of amendment and shall form part of Volume II of the Plan.

Any CDP shall be prepared to implement this Plan and may amend it as necessary. In the event of a conflict between a CDP and this Plan, the CDP shall prevail and take precedence provided the general policies, goals, principles and objectives of this Plan are maintained.

6.3.2.1 Community Development Areas and Priorities

The areas shown on Schedule “B” as “Community Development Areas” constitute areas within which a Community Development Plan shall be prepared. These areas are as follows:

- a) Area 1 – Jennings Creek Area (Northwest Quadrant);
- b) Area 2 – Southeast Area;
- c) Area 3 – Southwest Area; and
- d) Area 4 – Sir Sandford Fleming College South Area.

Each of the Community Development Areas has unique characteristics including size, extent of existing development approvals within the area, availability of municipal services and land ownership patterns. These



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characteristics dictate the type and extent of studies required in support of a Community Development Plan.

Area 1 - Jennings Creek Area (Northwest Quadrant) and Area 4 - Sir Sandford Fleming College South Area are very large vacant areas without established road networks or any existing internal planning approvals. Due to their size, phasing of development may be required, servicing needs may be significant and traffic generated may be substantial. As a result, the background reports set out in Section 6.3.2.2 of this Plan shall be completed in support of a Community Development Plan.

Area 2 – Southeast Area has an established grid of opened and unopened municipal roads in addition to several draft approved residential plans of subdivision. While there are multiple landowners in the area, the general method of servicing the area has been established. It is anticipated that the area will develop as a residential neighbourhood with supporting non-residential uses. As a result, only selected background reports are required, as follows.

- a) A Retail Market Analysis Study is not required, unless a landowner proposes commercial development of such a size and type that the policies of this Plan would otherwise require such a study.
- b) An Environmental Impact Study is required for any development proposal adjacent to areas identified on Schedule D to this Plan.
- c) The development proponent shall provide sufficient information to the municipality to ensure that adequate provision has been made for the management of stormwater on the site and that the stormwater from the remaining land can be managed in an efficient and cost effective manner.
- d) An Environmental Site Assessment, in accordance with Section 6.4.2 of this Plan is required.
- e) A Comprehensive Traffic Impact Analysis is not required. However, proposed roads and road intersections shall meet municipal standards; integrate with existing and approved roads; and provide adequate opportunities for extension into adjacent areas.
- f) A Parks and Open Space Master Plan is not required but the proponent shall indicate how the required park contribution will be achieved and how the contribution will integrate with the remainder of the area.
- g) A Financial Impact Report is not required for a residential subdivision



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with less than 50 lots.

- h) A Planning Justification report is required to address the items set out in Section 6.3.2.2 h) - i), ii), iii), iv) and ix).

Area 3 – Southwest Area contains an area with a draft approved plan of subdivision which establishes a portion of the internal road pattern. The Ministry of Transportation owns a major portion of the site but the ultimate disposition of this land is unknown. The remaining lands in Area 3 are owned by a number of landowners. It is not feasible to carry out a comprehensive Community Development Plan without the cooperation and participation of the Ministry of Transportation. However, some development can occur in the area without compromising the development options available to the Ministry of Transportation. The overall servicing scheme for the area has not been finalized. At this time, it is anticipated that the majority of the area will develop with residential uses. As a result, only selected background reports in support of a Community Development Plan are required, as follows.

- a) A Retail Market Analysis Study is not required, unless a landowner proposes commercial development of such a size and type that the policies of this Plan would otherwise require such a study.
- b) An Environmental Impact Study is not required.
- c) The development proponent shall provide sufficient information to the municipality to ensure that adequate provision has been made for the management of stormwater on the site and that the stormwater from the remaining land can be managed in an efficient and cost effective manner.
- d) An Environmental Site Assessment, in accordance with Section 6.4.2 of this Plan is required.
- e) A Comprehensive Traffic Impact Analysis is not required. However, proposed roads and road intersections shall meet municipal standards; integrate with existing and approved roads; and provide adequate opportunities for extension into adjacent areas.
- f) A Parks and Open Space Master Plan is not required but the proponent shall indicate how the required park contribution will be achieved and how the contribution will integrate with the remainder of the area.
- g) A Financial Impact Report is not required for a residential subdivision with less than 50 lots.



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- h) A Planning Justification report is required to address the items set out in Section 6.3.2.2 h) - i), ii), iii), iv) and ix).

First priority shall be given to Community Development Area 1. Second priority shall be given to Area 2. Third priority shall be given to Area 3. Fourth priority shall be given to Area 4. These priorities may change, as Council sees fit, without amendment to this Plan.

6.3.2.2 Supporting Requirements for Community Development Plans

The Town, in order to provide the appropriate background information for the Community Development Plan may require the undertaking of a number of background reports which may include, but shall not be limited to:

- a) A Retail Market Analysis Study for commercial uses in accordance with Section 6.4.3 of this Plan;
- b) A determination of environmental protection areas in accordance with the requirements for Environmental Impact Studies outlined in Section 6.4.1 of this Plan;
- c) A stormwater management study in accordance with Section 6.4.4;
- d) An Environmental Site Assessment in accordance with Section 6.4.2 of this Plan;
- e) A comprehensive traffic impact analysis which will assess long term traffic implications of the area on the provincial highway system, where applicable. The report will address the impact of the traffic generated from the community development plan area upon the road system. The traffic impact analysis report is required to be reviewed and approved by the County of Victoria and the Ministry of Transportation, where applicable;
- f) A parks and open space master plan examining the parkland requirements, open space linkages and recreational facility needs, given the policies of Section 4.6.3 of this Plan;
- g) A financial impact report outlining the impact of the proposed development on municipal finances; and



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- h) A planning justification to address:
 - i) The integration of proposed new development with the existing development;
 - ii) The distribution of proposed land uses;
 - iii) Road and pedestrian linkages, including bicycle trails;
 - iv) Urban design and streetscaping;
 - v) A range of housing styles and densities;
 - vi) Neighbourhood commercial uses to service the residential areas;
 - vii) Linkages between the residential areas, parks, schools, recreational areas and institutional facilities;
 - viii) A linked park system; and
 - ix) The impact on services, including public transit.

6.3.2.3 Contents of a Community Development Plan

Community Development Plans shall generally include the following:

- a) A statement of the basis or rationale for the preparation of the Community Development Plan;
- b) A description of the area under study, including a reference map, and the role and relationship of the area to the Town as a whole;
- c) A description of the current land use, ownership, built and natural environment, and infrastructure in the area;
- d) A statement of the desired land use for the area;
- e) Goals and objectives appropriate for the area including a statement of how they are in keeping with the general goals, principles and objectives of this Plan;
- f) Concept plan(s) showing, where appropriate, the following:
 - i) Land use designations of the desired type and pattern of development with due consideration to the community design policies of this Plan;

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- ii) The nature and location of public facilities;
 - iii) The desired transportation network for the area and its links to the existing transportation network of the Town of Lindsay;
 - iv) The nature and location of municipal services;
 - v) The identification, protection and integration of significant built and natural features; and
 - vi) The phasing of development and infrastructure.
- g) Specific policies and strategies for achieving the goals and objectives established for the area that complement the more general policies of this Plan.

6.4 REQUIREMENTS FOR SUPPORTING STUDIES

6.4.1 Environmental Impact Studies

An Environmental Impact Study (EIS) in accordance with either Section 6.4.1.1 or 6.4.1.2 is required for all development proposals within or abutting areas identified on Schedule "D" as Hazard Lands or Environmentally Sensitive Features. The EIS shall also delineate all areas where development, re-development and site alteration shall not occur.

6.4.1.1 Partial Environmental Impact Studies

A partial EIS may be required for consent or minor variance applications or prior to issuance of a building permit in circumstances where no other development application approvals are required. The nature and scope of a particular development proposal will serve to define the type of EIS and review criteria to be addressed

Partial Environmental Impact Studies required for developments proposed on Hazard Lands indicated on Schedule "D", shall address the following:

- a) A description of the proposed use;
- b) A description of the physical hazard that will affect the proposed use, directly or indirectly;
- c) A description of the effects of the proposed use caused by the physical hazard; and



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- d) A description of the actions necessary to change, mitigate or remedy the effects on the proposed use by the physical hazard.

Partial Environmental Impact Studies required for developments proposed on Environmentally Sensitive Features, as indicated on Schedule "D", shall address the following:

- a) A description of the proposed use;
- b) A description of the sensitive features that will be affected or that might reasonably be expected to be affected, directly or indirectly;
- c) A description of the effects that will be caused or that might reasonably be expected to be caused to the sensitive features by the proposed use; and
- d) A description of the actions necessary to prevent, change, mitigate or remedy the effects upon or might reasonably be expected upon the sensitive features.

6.4.1.2 Full Environmental Impact Studies

The EIS required in this Section shall be prepared to the satisfaction of the Town and shall be completed prior to: the subject land being rezoned, unless part of an approved draft plan of subdivision for which an EIS has already been completed; approval of a site plan, draft plan of subdivision or condominium. If a development requires an amendment to this Plan, the EIS shall be completed prior to the adoption of the amendment. Only one EIS will be required per development proposal, irrespective of the number of development application approvals required. To assist the Town in determining the adequacy of the EIS, Council may require a peer review, paid for by the proponent.

The EIS for Hazard Lands shown on Schedule "D" shall include:

- a) A description of the proposed use;
- b) A floodplain study in areas that display a susceptibility for flooding and/or a geotechnical engineering study in areas that display erosion susceptibility, steep slopes and/or soil instability;
- c) A description of the physical hazard that will affect the proposed use, directly or indirectly;
- d) A description of the effects of the proposed use caused by the physical hazard;



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- e) A description of alternative forms that the proposed use could take and an evaluation showing the advantages and disadvantages with respect to the physical hazards; and
- f) A description of the actions necessary to change, mitigate or remedy the effects on the proposed use by the physical hazard.

The EIS for Environmentally Sensitive Features shown on Schedule "D" shall include:

- a) A description of the proposed use;
- b) A description of the sensitive features that will be affected or that might reasonably be expected to be affected, directly or indirectly;
- c) A description of the effects that will be caused or that might reasonably be expected to be caused to the sensitive features;
- d) A description of alternative forms that the proposed use could take and an evaluation showing the advantages and disadvantages of each alternative with respect to the sensitive features; and
- e) A description of the actions necessary to prevent, change, mitigate or remedy the effects upon or might reasonably be expected upon the sensitive features.

6.4.1.3 Policies

The following policies shall apply to the preparation of Environmental Impact Studies:

- a) In the preparation and review of an EIS, the Ministry of Natural Resources, Parks Canada – Trent Severn Waterway, Ministry of the Environment, the County of Victoria and the Kawartha Region Conservation Authority shall be consulted as to the nature and extent of the physical hazard and/or sensitive features. The EIS shall be prepared to the satisfaction of the aforementioned agencies.
- b) If the Town, upon reviewing the EIS, is satisfied that the proposed use will not have a detrimental impact on the natural environment and/or that the physical hazards do not exist, then the Town may rezone the land, adopt the Official Plan Amendment, execute the site plan agreement or grant draft approval to the plan of subdivision or condominium, whatever the case may be.



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- c) If the Town is of the opinion, upon reviewing the EIS, that the proposed use will have a detrimental impact on the sensitive feature and/or physical hazard requires mitigative techniques, the Town may permit the proposed use subject to such terms and conditions that the Town deems appropriate. If the detrimental impact of the proposed use on the sensitive feature and/or the physical hazard cannot be adequately mitigated, then the development shall not be permitted.
- d) Land identified as Hazard Lands or Environmentally Sensitive Features on Schedule "D" shall be subject to a 'holding' provision in the Zoning By-law, with the underlying zone recognizing the underlying land use designation shown on Schedule "A". Development or major redevelopment shall not occur until the satisfactory completion of an EIS and removal of the 'holding' provision. Notwithstanding the above provisions, existing uses may be recognized as permitted uses in the implementing Zoning By-law.

6.4.2 Environmental Site Assessments for Potentially Contaminated Sites

The development or re-development of potentially contaminated and waste assessment areas as shown on Schedule "D", shall be assessed and remediated in a manner consistent with the relevant Ministry of the Environment guidelines and procedures. Proponents of application(s) for Official Plan Amendment, Zoning By-law Amendment, plan of subdivision and/or condominium or site plan approval shall be required to submit a Phase I Environmental Site Assessment (ESA) for the lands subject to the application(s). If, in the Town's opinion, the ESA is not necessary due to the previous uses on the land or that the proposed use will not result in adverse effects, this requirement may be waived.

Proponents shall submit all information related to the Environmental Site Assessment to the Town for a peer review prior to the scheduling of a public meeting under the *Planning Act*. In the case of an application for site plan approval, the ESA shall be submitted with the application. The cost of the peer review shall be paid for by the development proponent. The following process shall be followed:

- a) If the site has not yet been remediated for the proposed development, the proponent shall submit a Phase I ESA report to the Town for review and concurrence by a peer reviewer prior to the scheduling of a Public Meeting under the *Planning Act*;



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- b) If the Phase I ESA report identifies actual or potential contamination, the proponent shall submit a Phase II ESA report to the Town for review and concurrence by a peer reviewer prior to the scheduling of a Public Meeting under the *Planning Act*; and
- c) If the Phase II ESA confirms the presence of contamination, the proponent shall submit a Remedial Action Plan (Stage 1 of Phase III ESA) to the Town for review and concurrence by a peer reviewer prior to adoption by Council of the development proposal. The proponent shall submit documentation covering the implementation of the Remedial Action Plan (Stage 2 of the Phase III ESA) and the Phase IV ESA to the Town for review and concurrence by a peer reviewer prior to issuance of a building permit.

If environmental investigations have already been completed at the time of submitting an application, the proponent shall have its consultant sign, and submit to the Town, a Site Screening Questionnaire for sites only requiring a Phase I ESA, or a Record of Site Condition certifying that the soil and groundwater conditions at the site are suitable for the proposed development for sites or portions of sites requiring Phase II, III or IV ESAs. If environmental investigations have not been conducted, the proponent must initiate the required investigations as outlined in this Section and, after the investigation(s) has/have been completed, submit the above-mentioned questionnaire or statement to the Town.

6.4.3 Retail Market Analysis Study

For circumstances outlined in Sections 4.3 and 6.3.2 of the Plan, a Retail Market Analysis Study shall be required.

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The Study shall address existing commercial facilities and, to the satisfaction of the Town, other commercially zoned lands and the potential impact of the proposed new development on the level of service provided to residents throughout the municipality. Specifically, the Study shall address the extent to which the market forces resulting from the proposed new development may have the effect of closing existing facilities in the Town in such numbers and in such concentrations that, certain areas of the Town containing residential and/or employment uses may be under serviced.

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In addition, the Study shall address the extent to which the market forces resulting from the proposed new development may have the effect of closing existing facilities in the Town, in such numbers and in such concentrations that the commercial function of one or more of the Policy Areas set out in Sections 4.9.2, 4.9.3 and 4.9.4 (as illustrated on Schedule "B" of this Plan), and/or other

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areas containing commercial uses, is adversely affected such that there is a significant risk of urban blight of one or more of these Policy Areas.

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The Retail Market Analysis Study shall be prepared by the proponent, to the satisfaction of the Town, prior to considering any applications for Official Plan Amendment and/or Zoning By-law Amendment. The proponent shall bear the costs of any required peer review of the Study. **(Board Order No. 0431 March 21, 2001)**

6.4.4 Stormwater Management Studies

The Town may require a development proponent to submit studies of stormwater runoff and its impact on the water quality and quantity of receiving watercourses, and upstream and downstream properties. Proposals of development shall be required to:

- a) Use stormwater management measures to manage the storage and controlled flow of water to receiving watercourses;
- b) Use stormwater management measures that prevent siltation and erosion, and do not negatively impact the water quality of receiving watercourses;
- c) Consider, where appropriate, enhancing the vegetation, wildlife habitats and corridors in and along the stormwater management system and the receiving watercourses;
- d) Consider, where appropriate, providing public access to and along the stormwater management system and the receiving watercourse; and
- e) Employ the best available methods in the planning, construction and eventual use of the stormwater management systems.

6.5 PUBLIC CONSULTATION

The Town shall provide the opportunity for residents to become involved and participate in the planning process in accordance with the policies of this Plan and the requirements of the *Planning Act*.

The Town will use a variety of techniques to encourage the participation of the public when Council is considering changes to this Plan. Subject to the requirements of the *Planning Act*, Council shall establish the public consultation program it feels will best be able to deal with the matters before it.

The Town shall provide notification of any amendment to this Plan in accordance with the requirements of the *Planning Act*, and may consider



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additional notice to ensure that all residents in the Town are aware of the amendment. The Town encourages a pre-submission consultation on applications processed under the *Planning Act*.

Council recognizes that the provisions of the *Planning Act* require it to take action on a development application within a prescribed period of time, subject to the application being complete and the provision of adequate information about the proposal to the public and Council so that informed decisions can be made.

6.5.1 Notice Procedures

Notice for an Official Plan Amendment, a Community Improvement Plan or a Community Development Plan, shall be in the form prescribed by the *Planning Act*.

Notice for a Zoning By-law Amendment shall be given in the form prescribed by the *Planning Act*.

A Zoning By-law Amendment which, in the opinion of Council, does not change the intent of the By-law such as correcting clerical, typographical or grammatical errors, deleting obsolete provisions or renumbering of provisions shall not require a public meeting or public notice prior to Council passing the By-law.

Notice for a public meeting for a Plan of Subdivision shall be given in the form prescribed by the *Planning Act*.

Council may, at any time, adjourn a public meeting to be continued at a later time, without giving notice, if a time and place for reconvening is announced to the public at the meeting.

Notwithstanding the above, where a public meeting is adjourned, rescheduled or a subsequent meeting is to be held, the Clerk shall notify by personal service or first class mail all those who filed with the Clerk their name and full address, the time and place of the adjourned, rescheduled or subsequent public meeting.

Where notice is provided as required herein or as prescribed in the Act, Council may provide additional notice between the required minimum notice being given and the date of the public meeting.

Where the notice of the passing of a By-law is sent out, the municipality may attach a copy of the By-law and schedule, if there is one. If it is deemed more appropriate by Council, a detailed explanation of the By-law may be used to inform the public.



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For the purposes of this Section, Council shall mean either the Council or any committee established or individual appointed thereunder to conduct the public meeting.

6.6 FINANCIAL MANAGEMENT

The implementation of this Plan must be financially viable. This Plan must be managed to ensure that the required capital expenditure to provide the services for development and improvement are paid in an equitable and appropriate manner. The Town plays a role in ensuring optimal service delivery and in implementing the Plan.

6.6.1 Development Charges

The municipality shall recover all growth-related capital costs through development charges, in accordance with provincial legislation. The municipality may pass development charges by-laws that apply to the municipality, as a whole and/or that apply to specific geographic areas within the Town.

There may be an increase in the park services in the Town as a result of private funding. This funding shall not be applied against the growth-related capital costs associated with park services that would otherwise be covered through development charges.

6.7 PLAN ADMINISTRATION

6.7.1 Existing Uses

Nothing in this Plan shall affect the continuance of uses legally existing on the date this Plan was adopted by Council. Council may recognize the existing use of land in the implementing Zoning By-law. However, Council in co-operation with residents will attempt to reduce the number of non-conforming uses whenever and wherever possible according to the policies contained herein. Existing non-farm dwellings in areas designated as Future Community Development and Future Residential may be recognized in the Zoning By-law. This Plan will not prevent such dwellings from being expanded or renovated provided that the provisions of the implementing Zoning By-law are complied with.

Council may recognize legally conveyable existing vacant lots as developable, and zone them appropriately in the implementing Zoning By-law.



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6.7.2 Non-Conforming Uses

Any land use existing on the date this Plan was adopted by Council which does not conform with the land use designations or policies contained herein shall be termed non-conforming. Such uses should ultimately cease to exist so that the land affected may revert to a use in conformity with the intent of this Plan. In special instances, it may be desirable to permit the extension or enlargement to avoid unnecessary hardship. Such extensions or enlargements shall be dealt with pursuant to Sections 34(10) and 45(2) of the *Planning Act*.

In considering applications for enlargements or extensions, such matters as possible acquisition of the land by the Municipality, the possibility of relocating the non-conforming uses, and where applicable the feasibility of extending municipal services shall all be evaluated.

6.7.3 Land Acquisition

The Town may acquire land to implement any feature of this Plan in accordance with the provisions of the *Municipal Act*, the *Planning Act*, the *Housing Development Act*, or any other Act.

Municipal land assembly shall be permitted for residential, commercial and industrial uses, provided the policies of this Plan are adhered to.

6.8 PARKLAND DEDICATION

Where land is to be developed for residential purposes, Council may require the conveyance of land for park purposes or the equivalent cash-in-lieu in accordance with the following criteria or combination:

- i) Development densities of fifteen (15) units per hectare or less will require up to five percent (5%) land dedication.
- ii) Development of densities greater than fifteen (15) units per hectare will require a dedication at a rate of one hectare per 300 units.

Parkland dedication shall be calculated based on the total gross area of the land within the plan of subdivision and/or site plan.

Where land is developed or redeveloped for industrial or commercial purposes, Council may require conveyance of land for park purposes or equivalent cash-in-lieu at a rate of two percent (2%) of the land proposed for development.

Where land is developed or redeveloped for any use other than residential, industrial or commercial purposes, Council may require conveyance of land for



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park purposes or equivalent cash-in-lieu at a rate of five percent (5%) of the land proposed for development.

If part of the area for development or redevelopment is not required for park purposes, then cash-in-lieu of the land dedication may be accepted to be paid into a special account and used as specified in Sections 42 and 51.1 of the *Planning Act*.

Where new development is proposed on a site, part of which has physical limitations or hazards, then such lands shall not necessarily be acceptable as part of the five percent land dedication under Sections 42 and 51.1 of the *Planning Act*. All lands dedicated to the Municipality shall be conveyed in a physical condition satisfactory to the Municipality.

6.9 NOISE LEVELS

No new residential development should be permitted in any area where it is anticipated that the noise level will be excessive. New residential development should not be permitted in any area where it is anticipated that noise from vehicular or air traffic will exceed a level of 55 dBA LEQ daytime and 50 dBA LEQ night time descriptors in accordance with Noise Pollution Control (NPC) documents. New residential development shall not be located in such noise sensitive areas unless noise abatement techniques are employed to reduce the noise to an acceptable level.

The noise generated by new commercial or industrial development shall not be transmitted to either existing or proposed residential areas at a level which exceeds that introduced by road traffic adjacent to or within the residential area.

New commercial development shall not be permitted in any area where it is anticipated that noise from vehicular traffic or from the nature of the use will exceed a level of 55 dBA LEQ daytime and 50 dBA LEQ night time descriptors.

For any proposed development of a sensitive land use in proximity to a Provincial Highway, County Road, arterial road, railway mainline, and/or principal branch rail line, a noise study shall be prepared by a development proponent through a qualified acoustical consultant in accordance with the appropriate Provincial guideline to the satisfaction of the Ministry of Environment, the County, the Town, and/or other competent jurisdiction prior to development approval. The recommendations of the approved noise report shall be incorporated in the development agreement for implementation, as approved.



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6.9.1 Lindsay Airport

To protect Lindsay Airport from incompatible development, new residential development and other sensitive land uses in proximity to the Airport, shall not be permitted above 30 NEF/NEP (Noise Exposure Forecast/Noise Exposure Projections), as established on maps produced by a qualified consultant and approved by Transport Canada.

Residential development and other sensitive land uses shall be directed away from the flight paths of Lindsay Airport to ensure that future development and expansion of the airport is not compromised by new residential development or new sensitive land uses.

Flight paths and noise contours for Lindsay Airport shall be established in the Jennings Creek Community Development Plan.