

TOWN OF COBOURG

OFFICIAL PLAN

2010 Five Year Review
Consolidation

Consolidation May 2018

1. INTRODUCTION

1.1 PURPOSE

The Official Plan of the Town of Cobourg establishes a framework for the future planning of the community. In particular, the Plan provides:

- i) an overall vision for the community;
- ii) policies for the maintenance and enhancement of the existing community structure, as well as the management of future change;
- iii) policies to ensure that the level of services provided is consistent with the financial capabilities and resources of the municipality as established by Council; and,
- iv) a framework to guide the municipality in carrying out more detailed steps in the planning process (e.g. zoning, site plan control).

1.2 PLANNING AREA

The Official Plan applies to all the lands within the Town of Cobourg.

1.3 PLANNING PERIOD

The policies and designations of the Plan are intended to guide planning in the Town to the year 2031. However, as new information becomes available or conditions change, the Official Plan shall be reviewed and amended, as required. At a minimum, the Plan shall be reviewed every five years to ensure that it reflects updated projections with regard to population, employment and market and other changes.

1.4 ORGANIZATION OF THE PLAN

This document consists of three major components:

- i) Parts 1-10 THE OFFICIAL PLAN, which consists of the vision, principles and objectives on which the Plan is based, as well as the policies and schedules of the Plan.
- ii) Parts 11- 15 THE SECONDARY PLANS, which consist of detailed plans for specific areas within the Town.
- iii) THE APPENDICES, which do not constitute part of the Official Plan, and which contain background information and a record of the public input related to the development of the Plan.

1.5 BASIS OF THE PLAN

The Official Plan is based on a range of background studies, and public input at all stages of the preparation of the Plan (See Appendices to the Plan). It also includes certain secondary plans which formed part of the previous Official Plan (approved 1986 with the most recent comprehensive review in 2001) and which are still considered to be relevant.

Key factors which form the basis of the Official Plan include:

- i) The population of the Town in 2006 was 18,210, while employment was 12,057.
- ii) The Growth Plan for the Greater Golden Horseshoe was adopted by the Province in 2006. It contains a vision for the Greater Golden Horseshoe, which includes Northumberland County and the Town of Cobourg, for the year 2031. The Plan also contains specifics as to where and how the GGH will grow and the infrastructure that may be needed to support that growth. It allocates very limited population and employment growth to Northumberland County. The Growth Management Strategy prepared on behalf of the County of Northumberland and its Member Municipalities, including the Town, working within the Provincial allocations, has developed allocations for the Town. The Province requires that these, together with related policies with respect to development, form the basis for planning to the year 2031, recognizing that the Provincial allocations will be reviewed at least every five years. The Town's allocation to 2031 is 3,975 additional people and 1,260 additional jobs, based on the Provincial allocation. The Town already has a land supply designated for development which exceeds the proposed allocations, consequently no additional land is required to be designated in Cobourg for population or employment uses. In particular, in

accordance with the Growth Plan and recommendations of the County Growth Management Strategy, conversion of employment land to non-employment uses, including major retail uses, is discouraged and would be subject to a municipal comprehensive review. However, with respect to current designated lands, in a letter dated February 5, 2009, the Ministry of Energy and Infrastructure states that “local municipalities may approve new development where land is already designated for development and for which servicing has already been approved and allocated. The municipality’s decisions to approve future development must however meet the Growth Plan’s objectives of building complete communities...”

- iii) The Commercial Market Assessment, 2000, which has been updated a number of times while still maintaining the same general conclusion, found that there is not a significant opportunity for major new commercial development. Therefore, the focus of the Official Plan should be on maintaining the health of the existing commercial areas including the Downtown, the Northumberland Mall/Strathy Road Commercial Node and Midtown Mall.
- iv) The Town has a significant existing system of natural areas and parkland which should form the basis of a comprehensive greenlands system.
- vi) The following features are integral to the image of Cobourg and should be maintained and enhanced:
 - a) the historic core area with its abundance of beautiful old buildings;
 - b) key physical features particularly Lake Ontario;
 - c) heritage residential areas; and,
 - d) tree lined streets.
- vii) The existing sewer and water servicing infrastructure is generally sufficient to meet the Town’s projected growth.

1.6 LEGAL EFFECT

The Official Plan is prepared in accordance with the provisions of the Planning Act which gives the Plan its legal effect. This legal effect is established through Section 24 of the Act which states that generally no public work may be carried out and no by-law may be passed for any purpose which does not conform with the Official Plan.

Section 3(5) of the Planning Act requires that any authority that makes decisions with affect planning matters, shall be consistent with the Provincial Policy Statement and conform with provincial plans. This document has been developed to be consistent with the Provincial Policy Statement, 2005 and to conform with the Growth Plan for the Greater Golden Horseshoe (Growth Plan) which is the relevant Provincial plan.

2. COMMUNITY VISION, PRINCIPLES AND OBJECTIVES

2.1 PURPOSE

The community vision, principles and objectives upon which the Official Plan is based are outlined in the following sections. The principles include specific urban design principles in recognition of the priority the Town places on good design. The vision, principles and objectives provide general guidelines for the planning of the Town of Cobourg, which are elaborated upon in the policies of the Plan. The vision, principles and objectives represent expressions of general intent which are not to be interpreted as direct statements of planning policy. It is not proposed that they be applied directly to any development or redevelopment proposal. They form a basis for the formulation of the policies contained in this Plan.

2.2 TOWN OF COBOURG - VISION STATEMENT

COBOURG IS A REGIONAL CENTRE FOR NORTHUMBERLAND COUNTY AND ITS POSITION AS A STRONG, LIVEABLE AND HEALTHY COMMUNITY PROVIDING A FULL RANGE OF OPPORTUNITIES TO LIVE, WORK, PLAY AND SHOP WITHIN THE TOWN WILL BE REINFORCED THROUGH:

- i) the enhancement and preservation of its historical, natural and rural heritage, including a linked greenlands system, and its vibrant and active downtown heart, waterfront and main streets;
- ii) an emphasis on sustainable, accessible and compact development, particularly transit supportive, mixed use built form along its main streets, which will enable Cobourg to enhance its function as a vibrant, environmentally aware urban centre;
- iii) new residential development which will primarily occur through a mix of intensification and greenfield development with a variety of housing types and densities. Any intensification will be designed in keeping with existing stable residential neighbourhoods where it is located within or adjacent to such areas;
- iv) a mix of employment uses, including innovative employment opportunities, which will promote Cobourg's role as a major employment centre in Northumberland County; and,

- v) a transportation system which will support multiple modes of travel including transit, cycling and pedestrian movement, as well as goods movement.

2.3 COMMUNITY DEVELOPMENT PRINCIPLE: DISTINCTIVE COMMUNITY IMAGE

Principle: Any change in the Town of Cobourg should maintain and enhance its distinctive image as a small-town urban centre with strong historical, natural environmental and rural heritage traditions.

This principle is intended to ensure that the community's unique, small town character, with its strong ties to the surrounding rural community is preserved, recognizing that part of that character is reflected in new development generated by a strong diverse economy. The qualities and features which have been identified as important to the community's image include the need to preserve and enhance the many architectural heritage features and, in particular the downtown core and adjacent residential areas; to create a linked open space system which will preserve and enhance the community's natural heritage, as well as linking it to the surrounding rural areas and other urban areas; and, to provide for good community design.

Objectives:

The following objectives support this community development principle:

- i) To encourage a community form and design, at all levels of development, which provides opportunities for communication between residents and, in particular, allows for pedestrian/bicycle and vehicular access between different residential neighbourhoods and between residential and other activity areas such as the core, the harbour area and the natural features of the community.
- ii) To protect the heritage of the community through:
 - a) the preservation, restoration, and enhancement of heritage buildings and streetscapes and the natural features in the community; and,
 - b) appropriate design of new development which will be respectful of this heritage, particularly in the downtown core, residential areas adjacent to the core, and the harbour area.
- iii) To provide, where feasible, for a linked open space and trail system, including natural features and parkland, as a central feature of the community that will reinforce its distinct image.

2.4 COMMUNITY DEVELOPMENT PRINCIPLE: PROTECT THE NATURAL ENVIRONMENTAL HERITAGE

Principle: Any change in the Town of Cobourg should be undertaken in a manner which will protect and enhance the integrity of the natural environmental features in the area.

This principle is intended to ensure that the impact on the natural environmental heritage of the area is considered to be a major factor in the assessment of any proposed changes in the Town. The natural environmental heritage refers to the natural systems including surface and groundwater systems, natural habitat, natural area corridors, areas of environmental significance (such as wetlands, shoreline and woodlands) and the establishment of linkages between natural features as well as air quality.

Objectives:

The following objectives support this community development principle:

- i) To maintain and enhance the natural systems in the Town of Cobourg and recognize that such systems extend beyond the Town boundaries; and,
- ii) To maintain and enhance surface and groundwater resource quality and quantity to serve existing and future uses on a sustainable basis.

2.5 COMMUNITY DEVELOPMENT PRINCIPLE: HEALTHY AND ECONOMICALLY VIABLE COMMUNITY

Principle: Decisions made with respect to the future of the Town of Cobourg will reflect the need to maintain a healthy and economically viable community.

The intent of this principle is to encourage a broadly based planning approach which will maintain and, where feasible, enhance the social and economic health of the Town and its residents. Components of this healthy community include economic vitality (e.g. provision of a wide range of employment opportunities, strong core area); lifestyle choices for residents (e.g. housing and service opportunities for seniors, youth and young families); the availability of community services and facilities (e.g. access to recreation); a safe community; and general liveability.

Objectives:

The following objectives support this community development principle:

- i) To foster an economic climate and community structure that supports the viability of existing businesses and encourages the location of new employment opportunities in the community;
- ii) To maintain and enhance the historic downtown as a central meeting place and shopping area for the community, and adjacent rural and urban areas;
- iii) To provide for a range of commercial facilities to serve the residents of the Town and the surrounding area;
- iv) To foster opportunities for tourism, through a variety of mechanisms which enhance the community for residents as well as visitors;
- v) To provide for a range of recreational, educational and cultural facilities and activities to meet the needs of all residents;
- vi) To build and maintain, (as is financially feasible), the physical services required to ensure the health, safety and well-being of the community and to provide for the needs of employment uses;
- vii) To ensure that all changes to the community promote safety and security through the use of appropriate design strategies;
- viii) To provide for a choice with respect to secure, adequate and affordable housing including a full range of housing options for seniors;
- ix) To encourage accessibility for pedestrian, bicycle and other active transportation modes throughout the community;
- x) To minimize or prevent conflict between sensitive development and potentially incompatible industrial, commercial and institutional land uses;
- xi) To ensure that the soil quality of development sites is suitable for the proposed use; and,
- xii) To encourage design, particularly for public buildings and spaces, that result in the maximum degree of accessibility and visit-ability, recognizing legislative requirements and the need for balance with the protection of heritage properties.

2.6 COMMUNITY DEVELOPMENT PRINCIPLE: FINANCIAL FEASIBILITY

Principle: Any change in the Town of Cobourg should be financially feasible both with respect to capital and operating costs.

This principle indicates that all development which takes place in the Town of Cobourg, including the construction of hard service infrastructure improvements, as well as the provision of soft services, must recognize the ability of the Town, landowners and residents to finance and support the development. In addition, the principle reflects the need to ensure that the scale of growth is economically supportive of community facilities and services.

Objectives:

The following objectives support this community development principle:

- i) To keep the capital and operating costs of public sector development in the Town of Cobourg at a level that can be borne financially by residents and businesses;
- ii) To ensure that the capital costs of new development are covered by charges derived from that new development;
- iii) To enhance the community's economic viability through the provision of opportunities for employment uses and the promotion of such development; and,
- iv) To maintain a balanced ratio of non-residential/residential assessment.

2.7 DESIGN PRINCIPLES

The following are the principles on which the Town's approach to community and site design is based.

- i) Protect Historical, Natural and Cultural Heritage

Cobourg's historic downtown, Greenlands System and cultural heritage will be maintained and enhanced through new development, improved trails and increased exposure to parks and open space. Parks and new Village Squares will act as central meeting places for residents and help to define neighbourhoods.

ii) Encourage Compact, Mixed Use Development

The interconnected street network will foster compact, walkable neighbourhoods. Compact development will be encouraged in the design of vacant or underutilized parcels of land. A mixture of uses and appropriately scaled building forms will contribute to an active streetscape and increased densities in the community.

iii) Promote Active Transportation

Active transportation will promote the priority of pedestrian, cyclists and transit over vehicles through the design of streets and their boulevards.

iv) Promote Sustainable Development

The Town will actively encourage development which is designed based on the principles of sustainability to reduce the consumption of energy, land and other non-renewable resources; minimize the waste of materials, water and other limited resources; create a liveable, healthy and productive environment; and reduce greenhouse gas emissions.

v) Provide a Variety of Housing

Residential neighbourhoods will contain a mix of lot sizes, housing types and styles to promote a strong sense of place for residents. A variety of housing types, including affordable housing, will respond to the varied needs of the future population by allowing people to age-in-place in the same neighbourhood.

vi) Provide a Vital Setting for Employment Uses

A healthy mix of employment uses, including innovative employment opportunities, and the placement of employment lands in key locations will ensure the Town of Cobourg retains its role as a vibrant employment centre in Northumberland County. High profile office, prestige employment and mixed use buildings will be located in the most visible sites to reinforce this image.

vii) Create and Celebrate Public Spaces

Streets, parks, civic squares and natural open spaces will serve as social and active meeting places for the Town of Cobourg's residents. Continuity, connectivity and public spaces within and between these areas, neighbourhoods and employment areas will be a key design consideration.

viii) Promote Healthy Lifestyles and Physical, Mental and Spiritual Well-being

Compact mixed use development encourages alternative modes of transportation and a well connected Greenlands System affords year-round recreational opportunities, promoting a healthy and active lifestyle for the residents of the Town of Cobourg.

3. LAND USE STRATEGY

3.1 PURPOSE

The land use designations on Schedule “A” establish the general pattern of development for the existing and future use of the planning area during the planning period. The policies for these designations are set out in this section. Development shall also conform with all the other policies of this Plan. In particular, all development shall be evaluated with respect to conformity with the Community Design and Improvement policies in Section 5, which include the policies of Section 5.5, Cultural Heritage Conservation, and the Town’s Urban and Landscape Design Guidelines.

3.2 COMMUNITY STRUCTURE AND GROWTH MANAGEMENT STRATEGY

3.2.1 Existing Community Structure

The land use designations generally reflect the basic existing structure of the Town which is comprised of the following key elements:

i) Main Central Area

The historic mixed use centre centred on King Street adjacent to the harbour area on Lake Ontario.

ii) Greenlands System

A system of parks and natural open space much of which is already linked together.

iii) Residential Areas

Existing and future residential areas which are primarily low density in nature and include related uses such as parks and schools.

iv) Commercial Facilities and Mixed Use Corridors

The commercial structure is comprised of two major nodes, the

pedestrian oriented traditional shopping area in the Main Central Area, and the large scale commercial uses in the Northumberland Mall/ Strathy Road area. An additional, smaller commercial node is found in the Midtown Mall area, as well as a range of highway commercial uses along major arterial roads such as Division Street. Finally, there are some limited neighbourhood commercial centres or individual free standing uses in residential areas. These areas also permit a range of other uses including institutional and residential development.

v) Employment Areas

Employment areas are primarily developed for industrial and Related uses.

vi) Major Institutional Areas

The Town includes a number of major institutional uses such as supportive housing facilities and schools. Alternative uses of these sites, including residential uses, are permitted should the existing use be closed.

vii) Rural Areas

Rural areas are found primarily on the fringe of the urban area.

3.2.2 Growth Management Related Structural Elements

The Town's Urban Settlement Area Boundary (Schedule "A") is fixed, and no changes to the boundary are anticipated during the planning period. Any such change in the future would only be considered in the context of a comprehensive municipal review.

The following structural elements form the basis for the Town's growth management strategy.

i) Built Boundary

Schedule "A" identifies the "Built Boundary" as determined by the Province. Lands within the boundary are considered to be those parts of the Town that are already developed as of June 2006. Any development within the Built Boundary is considered intensification and contributes to the intensification target in Section 3.2.3 of the Official Plan.

ii) Designated Greenfield Areas

The lands between the Built Boundary and the Town's Urban Settlement Area Boundary as designated on Schedule "A" are considered "designated greenfield areas". These are lands which are largely undeveloped. Development in these areas is required to contribute to the achievement of the minimum designated greenfield area density target in Section 3.2.3 of the Plan.

iii) Major Intensification Areas

Major intensification areas which shall be developed in accordance with all the applicable policies of this Plan include:

- Lands designated as "Mixed Use Areas" within the Built Boundary on Schedule "A" of the Official Plan with a particular focus on lands along Division Street south of the Major Transit Station;
- Lands designated "Employment Area" north of the Major Transit Station;
- Unique Sites where significant existing land uses seek to redevelop such as institutional or commercial uses; and,
- Other vacant or underutilized sites, in particular larger, undeveloped properties in areas designated "Residential Area" not located in "Stable Residential Areas" or in employment areas.

iv) Stable Residential Areas

Stable Residential Areas as designated on Schedule "A" consist of existing residential neighbourhoods where intensification potential would be modest and incremental.

v) Heritage Conservation Districts/Harbour Area

Significant areas of the Town, including the Main Central Area, form part of Heritage Conservation Districts and are subject to Heritage District Guidelines, while the Harbour Area is subject to detailed Secondary Plan policies. Intensification potential is extremely limited and subject to specific policies which reflect the special context of these important parts of the community.

3.2.3

Growth Management Strategy

In accordance with the Growth Management Strategy of the County of Northumberland and its Member Municipalities:

- i) The population allocation for the Town to the year 2031 is 5,220 additional people based on the Provincial allocation to the County, recognizing that the allocation is to be reviewed by the Province in 2011. The Town's population in 2006 was 18,210, as a result the allocated population in 2031 would be 23,430. The Town's current designated land exceeds the land required to accommodate this allocation.
- ii) The Town's housing mix target is 65% single detached housing and 35% multiples including semi-detached townhouses and apartments.
- lii) The employment allocation for the Town to the year 2031 is 1,260 additional jobs based on the Provincial allocation to the County and 1 new job for every 3.94 new persons, recognizing that the allocation is to be reviewed by the Province in 2011. The related land area is 22.5 gross hectares. The Town's current designated land exceeds the land required to accommodate these allocations, however, in accordance with the Growth Plan and recommendations of the County Growth Management Strategy, conversion of employment land to non-employment uses, including major retail uses, is discouraged and shall be subject to a municipal comprehensive review in accordance with the policies of Section 3.10.5.4 of this Plan.
- iv) In the Town's designated greenfield area as a whole, the density target is a minimum of 35 persons and jobs per hectare. This target is not intended, however, to be considered a minimum target on every parcel of land. In addition, increases in density for individual developments which conform to the other policies of this Plan shall be permitted.
- v) The Town's intensification target is for 39.34% of new residential dwelling units to be provided within the Built Boundary after 2015. Based on the Growth Management Strategy this development would generate a population of 1,665 people. However, intensification proposals which exceed this target shall be permitted provided they conform with all the policies of this Plan.
- vi) To achieve the Town's intensification target, the Town shall implement the following Intensification Strategy:

- a) Establish minimum density standards for development in Mixed Use Corridors and other major intensification areas;
- b) Permit limited intensification within Stable Residential Areas of a scale and built form that reflects the surrounding area, subject to the criteria of Section 3.4;
- c) Encourage the creation of accessory apartments within residential areas subject to the policies of Section 3.4;
- d) Permit limited intensification in the Heritage Conservation Harbour Area subject to the policies of the Harbour Area Secondary Plan in Section 11;
- e) Review existing zoning regulations and other development standards to remove barriers to intensification including parking standards and setback requirements, while still ensuring that new development respects the scale and built form of the surrounding area and conforms with the policies of the Official Plan;
- f) Evaluate the potential for establishing community improvement plans for Mixed Use Corridor Areas or other sites being considered for intensification to allow for the use of development incentives to encourage redevelopment and infill;
- g) Consider, based on the financial resources of the Town, the potential for reducing development charges and other Town fees for intensification projects;
- h) Utilize the bonus provisions of the Plan and other mechanisms such as pre-zoning to encourage intensification;
- i) Discourage applications which result in the downzoning of sites for medium and high density housing; and,
- j) Monitor intensification rates in relation to the Town's intensification target, including the collection of building permit information that indicates the number of residential units and non-residential floor space developed in the Built Boundary on an annual basis.

- vii) The Town shall ensure that the coordination of planning for, and investment in, infrastructure and public service facilities with land use planning is maximized to meet current and projected needs in an efficient and cost-effective manner. A review of current processes and procedures will be undertaken to implement this direction, together with regular monitoring.

3.2.4 Unique Sites

Major intensification areas, as identified in Section 3.2.2, include Unique Sites where significant existing land uses seek to redevelop such as major institutional or commercial uses. Such sites shall have the potential for residential or mixed use development and shall:

- i) generally exceed two hectares in area, although smaller sites may also be considered based on a determination by the Town; and,
- ii) be located on an arterial or collector road, but not in an Employment Area, Mixed Use Area or in the Greenlands System.

In evaluating proposals for new development, a detailed analysis of the site shall be required by the Town including submission of the following studies:

- i) Master plan which addresses the transition from the existing development to the interim and ultimate redevelopment of the site; and,
- ii) Supporting technical studies as set out in Section 8, but including in particular an urban design analysis and a sustainability strategy.

The following criteria will be used to evaluate such development proposals in addition to the other applicable policies of this Plan:

- i) height, massing and scale are appropriate for the site in relation to adjacent Stable Residential Areas, and with respect to existing and proposed new streets, transit facilities, parks and open space;
- ii) ground floor uses, and the design of the ground floor of buildings, will maximize the safety and activity of adjacent streets and open spaces, in particular development will be oriented to public streets, and reverse lotting shall not be permitted;

- iii) service areas and surface parking will not be located in the front yard of buildings and will be located and screened to minimize impacts on streets and residential uses;
- iv) public safety, views and accessibility, both physically and visually, to public facilities including parks and other natural features, will be a key consideration in the design of development;
- v) building design which ensures that shadow impacts, particularly on the backyards of existing residential buildings in adjacent Stable Residential Areas, are minimal;
- vi) the Town is satisfied with the proposed grading, drainage and stormwater management, and, in particular, there is no impact on adjacent properties;
- vii) protection of trees and other natural features identified as significant by the Town;
- ix) does not hamper or prevent development of adjacent properties;
- x) development provides sufficient parking, the majority of which will be underground or in parking structures; and,
- xi) transit and other transportation facilities are adequate to serve the proposed development, or specific measures are proposed to address the identified issues.

3.2.5 Affordable Housing

The Town recognizes the need to protect the viability of the community by ensuring that there is a healthy supply of affordable rental and ownership housing which contributes to a community characterized by inclusiveness. The Town shall encourage the provision of affordable housing in accordance with its financial capabilities by:

- i) streamlining the approvals process to “fast track” applications where the applicant is committed to providing affordable rental and ownership housing;
- ii) consider, based on the financial resources of the Town, the potential for reducing development charges and other Town fees for affordable housing projects;
- iii) amending the Zoning By-law to permit accessory apartments without an amendment subject to certain regulations;

- iv) working with the County of Northumberland and non-profit groups to raise community awareness and acceptance of housing across the housing continuum, as well as of programs available to assist in the rehabilitation of existing units;
- v) monitoring initiatives by the Federal and Provincial governments related to the provision of affordable housing and participating in such programs as appropriate, or providing support to the County or other groups who wish to participate as appropriate;
- vi) carrying out a review to determine whether it would be beneficial to place controls on the demolition and/or conversion of existing rental units;
- vii) establishing an affordable housing target of 10% of any project which in total is in excess of 25 units provided that the Town may consider the provision of such units off, as well as on-site; and,
- viii) encouraging the use of restrictive covenants or other mechanisms for affordable housing units which ensure that they remain affordable in the long term.

3.3 LAND USES PERMITTED IN ALL DESIGNATIONS

The following land uses shall be permitted in all land use designations except for the Environmental Constraint Area designation which is subject to the policies of Section 3.11 and 4.2 of the Plan. The land uses in Table 1 shall also be permitted in all land use designations except the Environmental Constraint Area designation, subject to the specific conditions identified in Table 1.

- i) Stormwater Management Facilities;
- ii) Forestry Uses;
- iii) Fish, Wildlife and Conservation Management Uses;
- iv) Archaeological Activities;
- v) Legally existing uses, buildings and structures;
- vi) Replacement of legally existing uses, buildings and structures, as well as additions and modifications to existing uses, buildings and structures subject to he regulations of the zoning by-law;

- vii) Non-intensive recreation uses such as nature viewing and pedestrian trail activities; and,
- viii) Watershed management and flood and erosion control projects carried out or supervised by a public authority.

Table 1 <u>Land Uses Permitted In All Designations</u> (except in the Environmental Constraint Area designation)	
Land Use	Related Conditions
<u>Public Uses</u>	<p>Public uses including schools and parks, with the exception of works yards, water intake and filtration plants, sewage treatment plants or similar uses are permitted in all designations. However such uses must be sited, designed and constructed to ensure compatibility with adjacent uses and to minimize impacts on natural systems. In addition, where such uses are located in a Residential Area designation they are subject to an amendment to the zoning by-law.</p> <p>Works yards, water intake and filtration plants, sewage treatment plants or similar uses shall only be permitted in Rural Area or Mixed Use Area designations subject to a zoning by-law amendment, or in Employment Area designations. Water intake and filtration plants shall also be permitted in the Major Institutional Area designation.</p>
<u>Home Occupations/Bed and Breakfast Establishments</u>	<p>Home occupation uses and bed and breakfast establishments, subject to the regulations of the zoning by-law and in accordance with the following policies:</p> <ul style="list-style-type: none"> a)the home occupation or bed and breakfast use is clearly secondary to a residential use of the property; b)the property is the principal residence of the person operating the use; and, c)adequate parking can be provided. <p>In addition, bed and breakfast establishments shall:</p> <ul style="list-style-type: none"> a)not serve food or alcohol to the general public; and, b)be subject to site plan control.
<u>Group Homes</u>	<p>Group homes subject to the regulations of the zoning by-law including:</p> <ul style="list-style-type: none"> a)distance separation regulations; b)lot size, yard and landscaping requirements; and,

Table 1
Land Uses Permitted In All Designations
(except in the Environmental Constraint Area designation)

Land Use	Related Conditions
	c) parking.
<u>Accessory Apartment</u>	An accessory apartment may be permitted in a single detached or semi-detached dwelling unit, subject to the regulations of the zoning by-law and other relevant provincial and municipal regulations. Accessory apartments shall not be subject to the density provisions of this Plan.
<u>Garden Suites</u>	A garden suite may be permitted on the same lot as a single, or semi-detached dwelling, subject to an amendment to the zoning by-law, and provided that the use may be subject to site plan approval, where deemed necessary, to ensure adequate buffering and/or appropriate placement of the unit. However, where a garden suite is constructed no accessory apartment shall be permitted within the principal dwelling unit; and the garden suite may not be conveyed separately from the principal dwelling unit. The garden suite shall not be included in the determination of residential density, but may be included in calculating the requirements for parkland and other services.
<u>Accessory Uses</u>	Accessory uses subject to the regulations of the zoning by-law.
<u>Public Utility Uses and hydro or energy project</u>	Public utility uses and hydro and energy projects, subject to any regulatory requirements such as the provisions of the Environmental Assessment Act, provided that the Town shall encourage the placement of utilities underground wherever it is feasible.
<u>Wind Turbines. District energy facilities, solar panels, geothermal and other similar uses</u>	In accordance with the provisions of the Green Energy Act where applicable.
<u>Day nursery</u>	Day nursery uses subject to the regulations of the zoning by-law.

Table 1
Land Uses Permitted In All Designations
(except in the Environmental Constraint Area designation)

Land Use	Related Conditions
<u>uses</u>	
<u>Convenience commercial uses</u>	<p>These uses shall require an amendment to the zoning by-law and will be evaluated based on submission of a conceptual site plan and conformity with the following criteria:</p> <p>a) <u>Access</u> Site has direct access to an arterial or collector road where safe pedestrian access is available, including direct pedestrian access to the surrounding residential area.</p> <p>b) <u>Location</u> -Site is located adjacent to other community facilities in a residential area, or with other service facilities in an employment area; and/or, -Use is integrated with a high density residential development or an employment use; and, -Site is located in an area not presently well served by existing commercial uses.</p> <p>c) <u>Site</u> The area of any site adjacent to residential uses is sufficient to provide for adequate buffering for the residential uses and parking. The site shall not exceed an area of 0.6 ha. (1.48 acres).</p> <p>d) <u>Scale</u> Development shall be small scale with no more than three commercial establishments. The maximum size of an establishment shall generally not exceed 235 square metres (2,530 sq. ft.).</p> <p>e) <u>Residential/Office Secondary Uses</u> Where free standing convenience commercial uses are proposed in a residential area, residential or office units may be permitted to the rear of the commercial use or on the second floor of such a use.</p>
<u>Wayside pits or quarries or portable asphalt plants for public road construction</u>	<p>Wayside pits or quarries or portable asphalt plants for public road construction purposes shall be permitted on a temporary basis subject to the Aggregate Resources Act, the Ministry of Transportation Wayside Pits and Quarries Criteria and Ministry of the Environment guidelines. Further, the Town seeks active involvement with the Ministry of Natural Resources in the issuance</p>

Table 1 <u>Land Uses Permitted In All Designations</u> (except in the Environmental Constraint Area designation)	
Land Use	Related Conditions
<u>purposes</u>	<p>of permits under the Aggregate Resources Act to ensure the following criteria are satisfied:</p> <ul style="list-style-type: none"> a) minimizes environmental disruption; b) incompatibilities with surrounding uses, particularly agricultural and residential uses, can be mitigated in an appropriate manner through the provision of buffering, engineering solutions or other similar approaches; and, c) appropriate controls are placed on the pit or quarry's location and rehabilitation.

3.4 RESIDENTIAL AREA

3.4.1 Purpose

The Residential Area designation on Schedule “A”:

- i) recognizes established residential areas and ensures that new uses are generally compatible with the existing character and density of these areas; and,
- ii) provides for the creation of new residential areas which are generally compatible with the character and density of the existing residential areas.

3.4.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) low density residential including single detached, semi-detached and duplex dwellings; and,
- ii) medium density residential including townhouse dwellings, low rise apartments and stacked townhouses.

3.4.3 Land Use Policies

3.4.3.1 Stable Residential Areas

Stable residential areas are physically stable low density residential areas where potential new development or redevelopment is limited. Any intensification will be modest and incremental occurring through changes such as development of vacant lots and accessory apartments. Applications for new development in such areas shall be evaluated based on their ability to generally maintain the following elements of the structure and character of the immediate surrounding residential area:

- i) scale of development with respect to the height, massing and density of adjacent buildings and is appropriate for the site;
- ii) respects the nature of the streetscape as defined by such elements as landscaped areas, and the relationship between the public street, front yards and primary entrances to buildings;
- iii) respects the relationship between the rear wall of buildings and rear yard open spaces;
- iv) siting of buildings in relation to abutting properties ensures that there will be no significant negative impacts with respect to privacy and shadowing and appropriate buffering can be provided;
- v) conforms with density provisions of the Section 3.4.3.3;
- vi) conforms with the policies of Section 5.5, Cultural Heritage Preservation and preserves designated and listed cultural heritage buildings and structures, and where located adjacent to such buildings and structures is designed to be compatible;
- vii) respects the residential lotting pattern in the immediate surrounding area;
- viii) Town is satisfied with the proposed grading, drainage and stormwater management, and, in particular that there is no impact on adjacent properties;
- ix) development has direct access from a public or condominium road;
- x) alignment of any proposed streets with existing streets promotes acceptable traffic circulation;

- xi) any proposed streets are adequate to accommodate municipal services;
- xii) protection of trees and other natural features identified as significant by the Town in consultation with the Ministry of Natural Resources and/or the Conservation Authority;
- xiii) does not hamper or prevent orderly development of adjacent properties;
- xiv) garages are designed so that they are not the dominant feature in the streetscape;
- xv) development incorporates measures that enhance sustainability (e.g. energy conservation measures such as increased insulation, earth source energy, solar panels; stormwater control measures which minimize runoff including rainwater harvesting and bioswales); and,
- xvi) is in accordance with the Town's Urban and Landscape Design Guidelines.

In addition, regard shall be had to the policies of Section 5, and particularly in areas of historical or architectural interest to the policies of Sections 5.2.3 and 5.5.

For the purposes of this policy, the immediate surrounding residential area shall be defined by:

- i) the existing road pattern, and particularly boundaries created by arterial or collector roads;
- ii) the existing lotting pattern;
- iii) boundaries created by physical features such as streams;
- iv) the prevailing building type including any special built form features; and,
- v) any special landscape or other features.

3.4.3.2 New Residential Areas

In new residential areas or significant redevelopment areas, applications for development shall be evaluated based on their conformity with the

Growth Management Strategy in Section 3.2 and all other applicable policies of this Plan and the following criteria:

- i) a mix of development forms and densities;
- ii) medium density residential uses are encouraged and shall be :
 - a) intermixed with low density development in smaller groups;
 - b) primarily street oriented in design; and,
 - c) located adjacent to collector and arterial roads, park and greenland areas, community facilities and commercial areas and/or as a physical transition between high and low density residential development.
- iii) the road pattern is a modified, rectilinear grid pattern which provides for the maximum possible degree of connectivity internally, and externally with the existing developed areas and abutting arterial and collector roads with short blocks to promote active transportation modes; and,
- iv) the development incorporates linkages to the Town's greenland system and, incorporates private or public open space features or areas including Village Squares which serve as focal points for the residential development and/or structural elements which define the character and structure of the area.

3.4.3.3 Density

The density ranges for residential development shall be:

- i) Low Density
 - a) 12 units per net hectare (5 units per net acre) minimum
 - b) 20 units per net hectare (8 units per net acre) maximum
- ii) Medium Density
 - a) 20 units per net hectare (8 units per net acre) minimum
 - b) 50 units per net hectare (20 units per net acre) maximum.

3.4.3.4 Height

The maximum height for residential development shall be three storeys in Stable Residential Areas and four storeys in New Residential Areas.

3.4.4 Special Provisions

3.4.4.1 King Street West Village Area

The following special development criteria shall be considered by Council in reviewing any proposals for development or redevelopment in the King Street West Village area. This area is generally described as those lands situated between Burnham Street and Tracey Road, south of the railway corridor to Lake Ontario, excluding those lands west of Burnham Street to Maher Street.

In addition to the other development policies in this Plan, in the King Street West Village Area, the Land Use Plan shall be subject to the following:

- i) A continuous parkland area shall be provided adjacent to Lake Ontario. Acquisition of this parkland shall occur at the time of development of the lands through the subdivision, condominium, consent or site plan approval processes;
- ii) Architecturally significant, historically and/or contextually significant buildings within the area shall be retained wherever possible on their original foundation. In the event that placement of a heritage resource precludes the reasonable development of a parcel, consideration may be given to accommodating the building elsewhere on the site or another location. Relocation of buildings shall only be permitted in accordance with the advice of the Municipal Heritage Committee (Heritage Cobourg) and approval of Council;
- iii) Low density residential uses shall be adequately buffered from medium density uses having densities of more than 25 units per hectare (10 units per acre) or a height in excess of three storeys;
- iv) The height of buildings within the area shall not exceed six storeys. Redevelopment shall be designed so as to gradually increase height to this maximum such that the highest buildings are adjacent to the railway land near the centre of the area;
- v) Prior to the level of development exceeding 170 residential units in the area, a secondary access road shall be provided to the area.

This access shall be designed as a municipal roadway and shall be owned and maintained by the municipality;

- vi) No development shall be permitted in this area unless the lot on which the development is proposed is within 106 metres (350 feet) from a point from which there are two access routes into and out of the area;
- vii) In addition to being responsible for all municipal costs relating directly to the development within the study area, development charges may be levied toward the cost of constructing a municipal roadway and grade separated crossings of the railways north of the area as shown on Schedule “E”, Transportation Plan. Such development charges will be levied on and/or recovered on a pro rata acreage basis from all landowners whose development is deemed to benefit from the construction of the roadway and overpass;
- viii) The realignment of King Street West through the area to form an appropriate intersection with Pebble Beach Drive and Tracey Road shall be done at the time of the development of the adjacent lands. This realignment will not require an amendment to Schedule “E”, Transportation Plan;
- ix) As a condition of approval setbacks from the railway right-of-way shall be required to address rail safety matters for any new residential dwelling, additions to existing dwellings and/or places of public assembly. The appropriate setback shall be determined in consultation with the railway company and will take into account the provision of safety berms, topography and intervening structures between the railway right-of-way and any new residential dwelling, additions to an existing dwelling and/or a place of public assembly.

Where noise sensitive land uses are proposed within 500 metres (1,640 feet) of a railway, public highway and industrial use, an environmental noise assessment will be required to address the impacts associated with the noise source and include various mitigating measures. The assessment and any mitigating measures will be required in accordance with the guidelines of the Ministry of the Environment; and,

- x) Notwithstanding any of the policies of Subsection 3.4.4.1, the lands known municipally as 736 and 758 King Street West may be used for low density residential purposes without the provision of a secondary access road. The subject lands shall be developed in conformity with all other relevant policies of this Plan.

3.4.4.2 North Side of King Street, between Ontario and Mathew Streets

Notwithstanding any other policies of this Plan, in addition to those uses permitted within the Residential Area designation in accordance with the provisions of this Section, on those lands designated Residential Area and located adjacent to the northerly side of King Street, between Ontario and Mathew Streets, which are presently developed for commercial purposes, the provisions of Section 3.9, Mixed Use Area shall also apply.

Regard shall be had to the nature of the adjacent land uses and the intent of this Plan so as to ensure that such development will not have a detrimental effect on adjacent properties.

3.4.4.3 702 and 726 Ontario Street

Notwithstanding any other policies of this Plan, in addition to the existing industrial use and permitted residential uses, and subject to the Employment Area policies outlined in Section 3.10 of this Plan, the lands known as 702 and 726 Ontario Street may be used for additional new industrial uses provided appropriate setbacks are provided for such new uses in accordance with the provisions of the Zoning by-law. In addition, development for residential uses of adjacent lands to the north and east shall be designed with adequate buffering and setbacks to reduce the impacts of the industrial uses on the residential uses.

3.4.4.4 357 Elgin Street

Notwithstanding any other policies of this Plan, on those lands referred to as part of Lot 19, Concession A, known municipally as 357 Elgin Street West, the maximum height of an apartment building shall be five storeys.

3.4.4.5 25 James Street East

Notwithstanding any other policies of this Plan, the maximum density of the dwelling house permitted at 327 John Street is 20 units on .36 hectares (.88 acres).

3.4.4.6 Senior Citizen's Development - Densmore Road

Notwithstanding any other policies of this Plan, the lands known as 125 Densmore Road (Part Lot E, Caddy Plan) may be used for a senior citizen's residential complex including recreational, medical and other facilities which are primarily designed to serve the residents. The lands shall be developed in conformity with the policies of Section 3.4, including any policies related to medium density residential development.

3.4.4.7 428, 432 and 436 King Street East

Notwithstanding the designation of the lands at 428 King Street East as “Mixed Use Area” and the lands at 432 and 436 King Street East as “Residential Area”, development of all three properties together may be permitted for a mixed use development incorporating both commercial and residential uses which may be located as required on the site. The uses and densities shall be in accordance with the Residential and Mixed Use Area policies.

3.4.4.8 Residential Area, North side of Elgin Street, west of Burnham St.

Applications for development of the lands known municipally as 548-578 Elgin Street West, inclusive, for commercial purposes shall only be considered once Elgin Street West is re-constructed to arterial standards along the frontage of the subject lands. Should the re-construction not occur, the policies of Section 3.4 Residential Area and the applicable provisions of the Official Plan shall apply to any development applications.

3.4.4.9 768 Ontario Street (between Ontario Street and Battell Street)

Notwithstanding any other policies of this Plan, the 0.476 hectare parcel of land between Ontario Street and Battell Street shall have a maximum density of 30 dwelling units.

- i) Streetscape, Landscape and Urban Design
 - a) Building mass shall be situated adjacent to the Battell streetline to frame the street space and provide a sense of enclosure to the road in accordance with the applicable zoning provisions. An attractive landscape buffer adjacent to the streetline and parking areas shall also be provided;
 - b) Service and open storage areas should be sited away from prominent views or appropriately screened so as to minimize impacts;
 - c) Extensive landscaping and screening shall be provided along the perimeter of the site abutting lower density residential areas so as to provide an effective buffer; and,
 - d) The building should have a high quality of urban and architectural design. The building design shall provide an attractive presence towards Battell Street and adjacent properties, including such elements as attractive

architectural features, generous window areas along the applicable exposure(s), the use of outdoor activity areas (ie. patios), landscaping and other design elements intended to maximize positive interface between the uses.

ii) Site Plan Review

Review of Site Plan Control applications for development projects on these lands will be subject to the guidelines of the Official Plan, particularly Section 4.5 Tree Conservation and Planting and Section 5, Community Design and Improvement, this section and other applicable Town of Cobourg planning, building and engineering criteria.

3.5 HIGH DENSITY RESIDENTIAL AREA

3.5.1 Purpose

The High Density Residential Area designation on Schedule “A”:

- i) recognizes established high density residential areas and ensures that new uses are generally compatible with the existing character and density of these areas and adjacent development; and,
- ii) provides for the creation of new high density residential areas in locations which are compatible with adjacent development.

3.5.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) medium density residential including townhouse dwellings, low rise apartments and stacked townhouses; and,
- ii) high density residential including high rise apartments.

3.5.3 Land Use Policies

3.5.3.1 Established High Density Residential Areas

Established high density residential areas are those areas where potential new development or redevelopment is limited. Applications for new development in such areas shall be evaluated based on their ability to

generally maintain the following elements of the structure and character of the surrounding high density residential area:

- i) the scale of development with respect to the height and massing of buildings;
- ii) nature of the streetscape as defined by such elements as landscaped areas, and the relationship between the public street, front yards and primary entrances to buildings;
- iii) relationship between the rear wall of buildings and rear yard open spaces;
- iv) design and siting of buildings in relation to abutting properties, including any abutting lands in the Residential Area designation, to ensure that there will be no significant negative impacts with respect to privacy and shadowing and appropriate buffering can be provided;
- v) retention of the existing street pattern, unless modifications will improve accessibility for active transportation modes; and,
- vi) any proposed redevelopment shall take into consideration adjacent uses including low density development, as well as adjacent development across a street.

A holding zone may be used to ensure that the appropriate review of new development is undertaken in accordance with these criteria.

3.5.3.2 New High Density Residential Areas

Applications for new High Density Residential Area designations shall be evaluated based on their conformity with the Growth Management Strategy in Section 3.2 and other applicable policies of this Plan and the following criteria:

- i) a mix of development forms and densities;
- ii) high density residential uses are:
 - a) intermixed with medium density development;
 - b) primarily street oriented in design; and,

- c) located with direct access to collector and arterial roads, park and greenland areas, community facilities and/or commercial areas.
- iii) designed to ensure that there are no significant negative impacts with respect to privacy and shadowing, and that appropriate buffering can be provided for any adjacent lands in the Residential Area designation; and,
- iv) size and scale of the development is such that it can be integrated with any adjacent residential areas, in particular conforms with the policies of Section 5.5, Cultural Heritage Preservation and preserves designated and listed cultural heritage buildings and structures, and where located adjacent to such buildings and structures is designed to be compatible..

3.5.3.3 Density

The minimum density for residential development in the High Density residential Area designation shall be 50 units per net hectare (20 units per net acre). The maximum density for residential development in the High Density Residential Area designation shall be 100 units per net hectare (40 units per net acre).

3.5.3.4 Height

The maximum height for residential development shall be six storeys. The minimum height shall be three storeys, other than a podium attached to a building may be two storeys.

3.5.4 Special Provisions

3.5.4.1 980 Burnham Street

Notwithstanding any other policies of this Plan, the maximum overall density for the property known as 980 Burnham Street shall not exceed 98 units per hectare (39.7 units per acre).

3.5.4.2 Southwest Corner Burnham Street and Westwood Drive

Notwithstanding any other policies of this Plan, on lands described as the southwest corner of Burnham Street and Westwood Drive, an apartment building shall be permitted provided appropriate noise control techniques are incorporated into the building design, in accordance with the guidelines of the Ministry of the Environment.

3.5.4.3 Blocks bounded by King Street, D'Arcy Street, Queen Street and Church Street

In addition to the policies of Section 3.5 including 3.5.3.1 f), new development in this area shall reflect the heritage character of the surrounding area, including designated and listed heritage properties, and the direction in Section 5 of this Plan, particularly Section 5.2.3. Whenever possible, new development shall preserve existing heritage buildings in accordance with the policies of Section 5.2.3 of this Plan.

3.6 MAJOR INSTITUTIONAL AREA

3.6.1 Purpose

The Major Institutional Area designation on Schedule “A” is designed to recognize major institutional uses which serve the Town as a whole, as well as the surrounding area or which serve as focal points for major areas of the Town.

3.6.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) institutional uses including hospitals, schools and other major educational uses, large religious facilities, water intake and filtration plants and related uses, supportive housing including seniors housing, and large scale group homes;
- ii) service, retail commercial, residential, office and/other uses which are related to the institutional use including a residential unit for a manager or caretaker for the operation;
- iii) park and recreation uses; and,
- iv) residential uses unrelated to any institutional uses subject to the policies of Section 3.6.3.2.

3.6.3 Land Use Policies

3.6.3.1 Evaluation of New Uses

Applications for approval of new uses in the Major Institutional Area designation or an amendment to the Plan for a new Major Institutional

Area designation shall be evaluated based on their conformity with the following criteria:

- i) proposed uses, buildings and structures are of a size and scale which can be appropriately integrated with the character of the adjacent area, particularly any residential areas;
- ii) located with direct access to collector and arterial roads;
- iii) designed to ensure that there are no significant negative impacts with respect to privacy and shadowing, and that appropriate buffering can be provided for any adjacent lands in the Residential Area designation;
- iv) conforms with the policies of Section 5.5, Cultural Heritage Preservation and preserves designated and listed cultural heritage buildings and structures, and where located adjacent to such buildings and structures is designed to be compatible;
- iv) maximum height of six storeys; and,
- vi) maximum floor space index of 2.0.

3.6.3.2 Modifications to Existing Institutional Uses

- i) Where an existing institutional use is proposed to be expanded, or closed and replaced with a new institutional use, the Town will work with the existing and/or new institutional use to ensure that any changes to the site are designed to be in character with the surrounding uses and the requirements of Section 3.6.3.1 are satisfied;
- ii) Where an existing institutional use or other use in the Major Institutional Area designation is being closed, and the lands are not acquired by the Town or other public agency.

Proposed uses shall be subject to the policies for Unique Sites in Section 3.2.2; and,

- iii) Notwithstanding the other policies of this Section, where the existing institutional building or other use in the Major Institutional Area designation is of historical or architectural interest, as identified by the Town in consultation with the Municipal Heritage Committee (Heritage Cobourg), any new development or redevelopment shall conform with the policies of Section 5.5,

Cultural Heritage Preservation and preserve designated and listed cultural heritage buildings and structures, and where located adjacent to such buildings and structures is designed to be compatible.

3.7 MAIN CENTRAL AREA

3.7.1 Purpose

The Main Central Area designation on Schedule “A” recognizes the existing historic community core. The purpose of the designation is to identify the core as the major focal point of community life in the Town, and to provide for its continuing maintenance and enhancement, including redevelopment and new development which is in keeping with the existing character of the area. The objective is to promote the multi-use function of the area and to ensure that it remains, together with the adjacent Harbour Area, an attractive pedestrian-oriented environment in which to shop, live, work and visit recognizing that many visitors will also arrive in private vehicles or other modes of transportation. Strong connections to the Harbour Area shall be maintained to help ensure the attainment of this objective.

3.7.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) commercial;
- ii) office;
- iii) low, medium and high density residential;
- iv) mixed use;
- v) institutional;
- vi) park and recreation; and,
- vii) parking facilities, including parking garages.

3.7.3 Land Use Policies

3.7.3.1 King Street

The King Street Corridor as designated on Schedule “A” in the Main Central Area contains the major concentration of pedestrian oriented commercial uses in the Town. New development and redevelopment shall reinforce its character as a pedestrian shopping area in a traditional setting, shall have regard for the Town’s Urban and Landscape Design Guidelines and shall be evaluated based on conformity with the Heritage District Guidelines – Commercial Core Area, the policies of Section 5, Community Design and Improvement, other applicable policies of the Official Plan, and the following criteria:

- a) pedestrian traffic generating activities, particularly commercial, institutional, and office uses, shall be encouraged to locate at grade level and shall be required to locate at grade level in the block between Division Street and Spring/Hibernia Street;
- b) parking areas shall be prohibited between the front of the principal building and the street;
- c) submission of adequate justification for the proposed development that establishes how it conforms to the Official Plan and, in particular, that it:
 - (i) assists in reinforcing and enhancing the character of the existing and planned streetscape through the introduction of development which reflects the heritage, mixed use and urban character of the surrounding area; and
 - (ii) does not compromise the safe and efficient movement of pedestrians and cyclists and is designed to be easily accessible by, and oriented to, pedestrian traffic;
- d) buildings and structures shall have a minimum height of two storeys and shall be designed in a manner which is sensitive to the scale and character of adjacent development;
- e) development within existing buildings and structures, or which does not require any significant modifications to existing buildings, particularly buildings of historic and/or architectural value shall be encouraged. Designated and

listed cultural heritage buildings and structures shall be preserved, and where new development is located adjacent to such designated or listed cultural heritage buildings and structures it shall be designed to be compatible;

- f) new uses oriented to vehicle use, such as restaurants with “drive-thru” facilities, or vehicle sales and/or repair uses, or uses involving open storage, shall require an amendment to the Town’s Zoning By-law; and
- g) An application for a Zoning By-law Amendment to permit the uses outlined in f) above will be evaluated based on the location and design of the proposed development. Specifically, such development shall be evaluated based on the proposed development meeting the following criteria in addition to satisfying all other applicable policies of this Plan:
 - (i) sufficient separation from permitted residential uses or other site buffering is provided in order to mitigate impacts such as noise, lighting and traffic;
 - (ii) convenient and safe pedestrian access is provided between the primary building entrance and adjacent sidewalks and walkways;
 - (iii) a strong building edge with minimal or no setback from the street will reinforce the streetscape; and,
 - (iv) the appropriate location of vehicle stacking lanes and sufficient vehicle stacking to:
 - prevent queuing on public streets and other traffic disruption;
 - minimize interference with on-site pedestrian access;
 - create a comfortable pedestrian environment on and in the adjacent public realm; and,
 - ensure efficient vehicle circulation and parking.

3.7.3.2 Other Areas of the Main Central Area

Areas of the Main Central Area, away from the King Street Corridor are developed with a mix of uses. New development and redevelopment shall reinforce the mixed use character and traditional setting, and shall have regard for the Town’s Urban and Landscape Design Guidelines and shall

conform with the Heritage District Guidelines – Commercial Core Area, the policies of Section 5.5, Cultural Heritage Preservation, other applicable policies of the Official Plan, and the following criteria:

- a) proposed uses, buildings and structures are of a size and scale which can be appropriately integrated with the character of the adjacent area, particularly any residential areas;
- b) designed to ensure that there are no significant negative impacts with respect to privacy and shadowing, and that appropriate buffering can be provided for any adjacent lands in the Residential Area designation or a residential use;
- c) parking areas shall be prohibited between the front of the principal building and the street, except on sites where the lot configuration prohibits alternative parking arrangements and a detailed site plan is submitted to demonstrate how the impact of such parking on the streetscape can be reduced;
- d) development within existing buildings and structures, or which does not require any significant modifications to existing buildings, particularly buildings of historic and/or architectural value shall be encouraged, and designated and listed cultural heritage buildings and structures shall be preserved, and where new development is located adjacent to such designated or listed cultural heritage buildings and structures it shall be designed to be compatible;
- e) new uses oriented to vehicle use, such as restaurants with “drive-thru” facilities, vehicle sales and/or repair uses, or uses involving open storage, shall require an amendment to the Town’s Zoning By-law; and,
- f) An application for a Zoning By-law Amendment to permit the uses outlined in e) above will be evaluated based on the location and design of the proposed development. Specifically, such development shall be evaluated based on the proposed development meeting the following criteria in addition to satisfying all other applicable policies of this Plan:
 - (i) sufficient separation from permitted residential uses or other site buffering is provided in order to mitigate impacts such as noise, lighting and traffic;

- (ii) convenient and safe pedestrian access is provided between the primary building entrance and adjacent sidewalks and walkways;
- (iii) a strong building edge with minimal or no setback from the street will reinforce the streetscape; and,
- (iv) the appropriate location of vehicle stacking lanes and sufficient vehicle stacking to:
 - prevent queuing on public streets and other traffic disruption;
 - minimize interference with on-site pedestrian access;
 - create a comfortable pedestrian environment on and in the adjacent public realm; and,
 - ensure efficient vehicle circulation and parking.

3.7.3.3 Mixed Use Development

Proposals for the development of new mixed commercial-residential uses shall be evaluated based on conformity with the following criteria, in addition to those applicable criteria in Section 3.7.3.1 or 3.7.3.2:

- i) the provision of adequate amenity areas for the residential component which are functionally separated from the public areas associated with the commercial component;
- ii) that any negative effects such as noise and odours which may result from the commercial component are minimized in terms of the residential function;
- iii) that, with the exception of shared parking areas for the mixed use development off-street parking, service and loading areas associated with the commercial component are generally physically and functionally separated from those facilities associated with the residential component; and,
- iv) the prohibition of outdoor garbage storage.

3.7.3.4 Floor Space Index

The maximum floor space index for any lot in the Main Central Area shall be 2.0.

3.7.3.5 Height

The maximum height of any building or structure within the Main Central Area shall generally be three storeys along King Street and four storeys in other areas. However, except for lands fronting on King Street, between Ball Street and College Street, and Division Street between King Street and Chapel Street, development may be permitted to a maximum of six storeys subject to detailed examination of the specific proposal with respect to shadowing and compatibility with the character of adjacent uses, and subject to a rezoning. As a basis for the review of such an application, the applicant shall be required to submit detailed plans and/or a model illustrating the relationship of the proposed development to the adjacent buildings and key landmarks such as Victoria Hall, and King Street.

3.7.4 Main Central Area Enhancement

The Town shall continue to work with the Business Improvement Area, Chamber of Commerce, individual business owners, property owners, residents, public agencies and other interested groups to strengthen the Main Central Area including:

- i) working to promote the area as a shopping area for the community, surrounding region and visitors and the priority location for special events;
- ii) promoting the area as a location for new businesses and uses including residential uses particularly in the upper floors of existing buildings, including new public uses;
- iii) developing a regular program for the restoration, maintenance and improvement of public services including lighting, landscaping and pedestrian walkways, as well as improvements to promote accessibility and visit-ability; and,
- iv) encouraging property owners to undertake improvements to store fronts and buildings having regard for the compatibility of exterior facades and signs with the traditional setting of the area and for improving accessibility and visit-ability while recognizing the character of the area.

3.7.5 Anchor Uses

In addition to the policies of Section 3.7.4, the Town shall ensure that certain existing anchor uses which serve as major attractions and regional traffic generators for the Main Central Area such as banks, government

facilities, cultural and entertainment uses and certain specialized retail uses (e.g LCBO, drug stores, minor department and/or food stores under 1,400 sq. m.) are required through the zoning by-law to continue to locate in this area unless it can be demonstrated to the Town's satisfaction that it is not physically feasible to re-locate the use in the Main Central Area. In addition, where new potential anchor uses, including the establishment of a second anchor store, are proposed outside the Main Central Area and an Official Plan and/or zoning by-law amendment is required, the Town shall only consider such an application where it is demonstrated to the Town's satisfaction that it is not physically feasible to locate the use in the Main Central Area or in the case of a second anchor store, it is demonstrated that the anchor store in the Main Central Area will be retained following the establishment of the second anchor store.

The Town, in evaluating applications for new anchor uses outside the Main Central Area which require an Official Plan and/or zoning by-law amendment, or the relocation of such existing anchor uses which are in the Main Central Area to lands outside the Main Central Area, or the establishment of a second anchor store outside the Main Central Area, shall retain their own specialist market, design and other required consultants at the expense of the applicant. In particular, the Town will satisfy itself that every effort has been made to establish or maintain the use in the Main Central Area, including the use of a non-standard building or building design, and/or the establishment of a satellite operation in the Main Central Area, recognizing the potential benefits to the community of intensification and infill, as well as the benefits to be derived from locating new anchor uses in the Main Central Area or retaining existing anchor uses in the Main Central Area, all of which contribute to the long term economic prosperity of the community by maintaining and enhancing the vitality and viability of the Main Central Area in conformity with Provincial policy.

3.7.6 Harbour Area and Victoria Park Relationship

The function of the Main Central Area as a major focal point for the community is enhanced by its proximity to the Harbour Area and Victoria Park. The connections between these areas must be strengthened. In particular, pedestrian/bike connections to Victoria Park and along Third Street, Second Street and First Street should be enhanced. The policies of the Harbour Area Plan with respect to these rights-of-way shall also be deemed to apply to those portions of the streets located in the Main Central Area. In addition, the Town shall continue with its program of enhancing the Division Street right-of-way to strengthen the connection between King Street and the Harbour Area.

Finally, in reviewing development applications for lands which abut Albert Street, the Town will seek to ensure that new development enhances the connections between the Harbour Area and the Main Central Area.

3.7.7 Parking

- i) Adequate off-street parking, loading and service areas shall be provided for uses within the Main Central Area as defined in the Zoning By-law. On-street loading shall be permitted where off-street loading is clearly not required and/or feasible. Access points to such areas shall be limited in number and designed in such a manner as to minimize the danger to vehicular and pedestrian traffic;
- ii) In accordance with the provisions of Section 40 of the Planning Act, the Municipality may enter into an agreement with the owner or operator of a building within the Main Central Area to exempt in whole or in part the owner and/or occupant, to the extent specified in the agreement, from the requirement of providing and/or maintaining parking facilities provided that the Town is satisfied that the parking needs of the development can be met. All monies received by the Municipality under such an agreement shall be paid into a special account in accordance with Section 40(3) of the Planning Act, and may be used by the Municipality to acquire lands for and/or to develop off-street parking facilities;
- iii) The Town shall undertake such measures as may be necessary to discourage the use of conveniently located public parking facilities by long term users, residents and employees of the downtown through the provision of parking alternatives. Wherever possible, the Town shall encourage the use of public transit facilities and provide for increased pedestrian access to and within the Main Central Area;
- iv) Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use development in accordance with a parking analysis demonstrating that the parking to be provided will adequately respond to the needs of the uses proposed either by the sharing of private parking areas or the provision of public parking areas. Council may require the owner or applicant to enter into one or more agreements with regard to the facilities or services to be provided or matters to be addressed.

The parking analysis referenced above shall demonstrate that the parking to be provided will:

-be accessible to the uses proposed;

- not impact negatively on adjacent uses;
- be adequate to meet the needs of all uses proposed;
- not limit the development potential of adjacent properties;
- and
- not rely excessively on existing public parking facilities; and,

- v) The Town shall monitor the parking requirements in the Main Central Area and, if deemed necessary, may carry out updated parking studies.

3.8 SHOPPING NODE AREA

3.8.1 Purpose

The Shopping Node Area designation is intended to apply to existing shopping areas which are anchored by one or more centres with a minimum gross floor area of 4,645 square metres (50,000 sq. ft.) and are comprised of shopping centres or other facilities which have been planned, developed and managed as a unit.

3.8.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) commercial including department stores and supermarkets;
- ii) office;
- iii) institutional;
- iv) parks and recreation.; and,
- v) high density residential.

3.8.3 Land Use Policies

3.8.3.1 New Shopping Node Facilities

The Shopping Node Area designation applies to only those lands currently developed or for which approval has been received to develop shopping facilities. Proposals for new shopping nodes shall require an amendment to the Official Plan. Applications for official plan amendments for new shopping nodes or expansion of existing nodes, or zoning by-law amendments for the expansion of existing nodes or, zoning by-law

amendments for new development within existing nodes shall be evaluated based on conformity with the Growth Management Strategy in Section 3.2 and the following criteria:

- i) there will be no significant impact by the proposed development on the viability of established commercial areas within the community, particularly the commercial component of the Main Central Area, as demonstrated by a market study in accordance with the requirements of Section 3.8.3.2., and the policies for the Main Central Area including Section 3.7.5;
- ii) the site is located on an arterial road or collector road and traffic volumes generated by the proposal can be safely accommodated by the existing or proposed transportation network as demonstrated by the submission of a traffic impact study;
- iii) adequate off-street parking, service and loading areas will be provided for all permitted uses, and access points to and from such areas shall be limited in number and designed in a manner which will minimize the danger to both pedestrian and vehicular traffic as demonstrated by the submission of a traffic impact study;
- iv) the proposed development can be appropriately integrated with adjacent existing and proposed uses and can be buffered from any adjacent Stable Residential Areas as demonstrated by the submission of a conceptual site plan;
- v) the proposed development incorporates a mixed use component including high density residential and/or office uses; and,
- vi) the development is street and transit oriented with parking being kept to the minimum.

3.8.3.2 Market Impact Study

The preparation of a comprehensive retail market analysis by the proponent of a development shall be required for:

- i) a new shopping node which would result in an additional 1,400 square metres (15,069 square feet) or more of gross floor area; or,
- ii) the expansion of an existing shopping node by an additional 1,400 square metres (15,069 square feet) of gross floor area or more above the gross floor area permitted by the existing zoning regulations; or

- iii) a proposal for a new use in an existing shopping node which is deemed to be a major attraction or regional traffic generator more suitable for location in the Main Central Area such as banks, government facilities, cultural and entertainment uses and specialized retail uses (e.g LCBO, drug stores, minor department stores) regardless of the size of the use.

Such an analysis shall assess the impact of the proposed development on the viability of established commercial areas within the community, particularly the Main Central Area.

The retail market analysis shall be carried out based on terms of reference approved by the Town after consultation with the applicant, by a market consultant approved by the Town and the applicant, at the cost of the applicant. The matters to be addressed under the comprehensive retail market analysis shall include:

- i) an assessment of the present and future population to be served by the proposed development including a detailed explanation of the sources, techniques and assumptions used in arriving at any population projections;
- ii) an evaluation of the primary and secondary trade areas to be served by the proposed development, including any assumptions used and an explanation of the characteristics of the population to be served, as may be relevant to the proposal;
- iii) a review and analysis of the existing level of retail commercial space within the community and the basis for the justification of additional floor space in the context of either a new shopping node or the expansion of an existing facility;
- iv) the amount, mix, location and phasing of the proposed retail floor space and the implications for the Main Central Area with respect to any use which has been or has the potential to be an anchor use for the Main Central Area; and,
- v) verification through such studies that the proposal will not jeopardize the viability of the Main Central Area and thus undermine the intent of this Plan, particularly where such a use has been or has the potential to be an anchor use for the Main Central Area.

3.8.3.3 New Development in Existing Shopping Nodes

The intensification of existing Shopping Nodes will be encouraged, in particular the introduction of mixed use development and high density residential uses through the redevelopment of existing buildings and parking lots. New development shall conform with all the policies of this section:

- i) the new buildings should be designed and located to assist in the creation of an attractive streetscape appearance and, with no parking between the buildings and the street;
- ii) lands adjacent to a rear or side property line which abuts a residential area shall be landscaped and lighting shall be directed away from residential areas;
- iii) minimum height of two full storeys, however, the Town may consider a minimum height of 6 metres where limited development of parking_lots is proposed where such development will not limit future intensification proposals, and maximum height six storeys;
- iv) a minimum floor space index of generally in the order of 0.3 and maximum floor space index of 2.0 provided that the Town may consider a reduction in the minimum density on specific sites for the initial phase of development where the approved development plan provides for the achievement of the minimum density; and,
- v) Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use development in accordance with a parking analysis as set out in Section 3.7.7 iv).

3.8.4 Special Provisions

3.8.4.1 Lands fronting on Division Street between Park Street and University Avenue on the West Side and Munroe Street and University on the East Side

All new development in this area shall require an amendment to the zoning by-law which will be evaluated based on the following criteria:

- i) Proposed use(s) will not result in increased traffic that would negatively impact on adjacent properties or proper circulation of pedestrian and/or vehicular traffic;

- ii) Development shall be designed and sited to minimize its effects on adjacent residential development through the provision of distance separations and buffer planting;
- iii) An impact analysis shall be required for proposed uses to determine and ensure compatibility with adjacent residential land uses and possible methods of mitigation;
- iv) Parking areas are to be located at the rear of the building where parking in the front yard does not presently exist, and access points to and from such parking areas shall be limited in number and designed for proper vehicular and pedestrian integration. Joint driveways, shared with abutting properties, shall be encouraged wherever possible;
- v) Existing house form buildings shall be maintained wherever feasible or replaced with an appropriate building design which may include a house form design in keeping with the character of the area;
- vi) Siting of buildings clearly defines the street line;
- vii) Lands along the side and rear property lines, where applicable, shall be well landscaped and/or screened with extensive trees, shrubs and fencing, particularly lands adjacent to any parking areas; and,
- viii) Lighting of parking areas shall be directed away from adjacent residential properties.

3.8.4.2 Lands on the South Side of Elgin Street West, West of William Street/Jubilee Gateway Park, North of Victoria Place Shopping Centre

3.8.4.2.1 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures in Section 3.8.2.

3.8.4.2.2 Urban Design Guidelines

The development of these lands shall be carried out in accordance with the provisions of the Official Plan, particularly Section 5, Community Design and Improvement, the Cobourg Gateway Design Guidelines, and the site plan review provisions of the Planning Act. In addition, the development will reflect the following design guidelines:

i) Streetscape

- a) A substantial landscape buffer adjacent to parking areas should be provided along the streetline of Elgin Street West, excluding the area of buildings and driveway crossings, in accordance with the applicable zoning provisions;
- b) Building mass shall be situated adjacent to the streetline to frame the street space and provide a sense of enclosure to the road in accordance with the applicable zoning provisions;
- c) The Town shall require the creation of focal points through the development of one or more buildings at or near the Elgin Street frontage in the following general locations:

~ At the southwest corner of Elgin Street West and adjacent to the Jubilee Gateway Park through the development of a building(s) with 'landmark' architectural features, massed towards the corner, and complementary landscape elements;

~ On both sides of the primary access driveway on Elgin Street West.

The above policy and implementing Zoning By-law shall recognize that the development of the area may proceed in phases.

- d) Parking areas shall be designed to reduce their visual impact in accordance with the policies of Section 5.2.1.2 of this Plan. For those buildings located near the streetline, no parking will be permitted between the buildings and the street. Where no buildings are located adjacent to the streetline, enhanced site landscaping utilizing decorative screening, such as fences, walls, plant material and/or other innovative screening methods deemed appropriate by the Town, shall be required to buffer parking areas visible to the street;
- e) Service and open storage areas should be sited away from prominent views from public streets and Jubilee Park so as to minimize impacts. Alternative design options for locating such facilities away from prominent views shall be explored,

and only where not feasible shall these facilities be considered for view-sensitive locations. Innovative methods of decorative screening will be used for all service areas and open storage areas; and,

- f) Signage should be designed as an integral part of the overall development, particularly the building and landscaping design, with consideration to the size, scale, design, colour and material used. Co-ordination and integration of the signs' design with the 'gateway' theme of the adjacent park is encouraged. Sign design and specifications shall be subject to the provisions of the Town's Sign By-law and approval under Site Plan Control.

ii) Pedestrian and Vehicular Connections

- a) Direct and clearly defined pedestrian and vehicular connections which form an extension of the public transportation system shall be required through the site. These pedestrian and/or vehicular routes should provide for connections:

- from the existing commercial development to the park at the east end of the site;
- from the existing commercial development to the adjacent commercial lands to the west;
- to all municipal streets and sidewalks; and,
- to all buildings on the site.

In particular, one main pedestrian connection should be provided to each of the adjacent streets, and consideration should be given to secondary connections for improved pedestrian access within and around the shopping centre;

- b) The Town will explore with the adjacent landowners opportunities for improved pedestrian connections from the site to the Northumberland Mall commercial area; and
- c) Principal pedestrian routes should be functionally separated from parking and driveway areas and should utilize a variety of pavement materials, textures, colour, landscaping and changes in elevation. Street furniture such as benches,

public telephones, waste receptacles, bicycle racks and pedestrian scale lighting should be provided along the main pedestrian routes, where appropriate.

iii) Building and Urban Design

The commercial area should have a high quality of urban and architectural design. The site and buildings should be designed to ensure that it is easy for visitors to orient themselves by ensuring that there are features which terminate vistas, frame views and clearly identify entrance and exit areas. In addition, the building design shall provide an attractive presence towards Elgin Street West and Jubilee Park, including such elements as attractive architectural features, generous window areas along the applicable exposure(s), the use of outdoor activity areas (ie. patios), landscaping and other design elements intended to maximize positive interface between the uses.

iv) Open Space

The commercial area has no significant environmental features, however, the Town shall require the submission of detailed site design and landscape plans to ensure that semi-public spaces are created which link to and enhance the function of the public open space and transportation system.

v) Traffic Impact

Development proposals will be evaluated in accordance with Section 8 of the Official Plan, particularly Sections 8.3.1 xii) and 8.3.2 viii), as part of any Site Plan Control application.

vi) Gross Floor Area (GFA)

The implementing Zoning By-law shall establish the maximum Gross Floor Area permitted on the subject lands in accordance with the provisions of the Official Plan. Any additional GFA proposed will be subject to a Zoning By-law Amendment and evaluated in accordance with the provisions of the Official Plan, particularly Section 3.8.3.2.

vii) Site Plan Review

Review of Site Plan Control applications for development projects on these lands will be subject to the guidelines of the Official Plan, this section and other applicable Town of Cobourg

planning, building and engineering criteria.

3.8.4.3 990-1000 Division Street, 0 Paterson Street

3.8.4.3.1 Permitted Uses, Buildings and Structures

The uses, buildings and structures permitted in Section 3.8.2.

3.8.4.3.1 Land Use Policies

The subject lands are located within a commercial corridor which is predominantly designated Mixed Use Area – a major intensification area in the Official Plan. The special Shopping Node Area designation applicable to the subject lands is intended to recognize the existing supermarket use and provide for an opportunity for future intensification of the site for commercial, mixed use and/or high density residential uses.

New development in this special Shopping Node Area designation may include non-residential development but shall be encouraged to include a mixed use or high density residential component. New development shall be evaluated based on conformity with the policies of Section 3.2 Growth Management Strategy, Section 3.8 Shopping Node Area, Section 3.9.4.3 Mixed Use Area Residential Development and all other applicable policies of the Official Plan.

3.9 MIXED USE AREA

3.9.1 Purpose

The Mixed Use Area designation recognizes those existing commercial areas which are oriented to the service of vehicular traffic and require direct access from arterial roads and the exposure afforded by such a location. The designation is designed to recognize those existing uses, while providing for the transition of these areas to a mixed use development form by encouraging the introduction of a range of additional compatible non-commercial uses to intensify and enhance the use of these areas which are generally located at major entrances to the community.

3.9.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) commercial other than a commercial use prohibited by Section 3.9.3;
- ii) institutional;
- iii) light industrial in an enclosed building;
- iv) office; and,
- v) residential subject to the policies of Section 3.9.4.3 or as secondary uses in a commercial building.

3.9.3 Prohibited Uses, Buildings and Structures

Prohibited uses, buildings and structures shall include:

- i) department store;
- ii) supermarket or bulk food; and,
- iii) retail commercial, with the exception that one retail commercial use may be permitted on a site, subject to a rezoning, where the following conditions are met:
 - a) the use has a maximum size of 465 sq. m (5,000 sq. ft.);
 - b) the use does not constitute more than 10 % of the total gross floor area of the development on the site; and,
 - c) the use cannot be easily located on lands in the Main Central Area because of its specific requirements such as a need for significant parking facilities.

Further, where a number of applications for retail uses in the Mixed Use Area are submitted, the Town may require submission of a retail market analysis which examines the cumulative impacts of the proposals, including approved development, on the viability of established commercial areas with the community, particularly the Main Central Area.

3.9.4 Land Use Policies

3.9.4.1 New Mixed Use Area Designations

The Mixed Use Area designation applies to only those lands currently developed or zoned. Proposals for new Mixed Use Areas or a major

expansion of a Mixed Use Area shall require an amendment to the Official Plan. Applications for official plan amendments for new Mixed Use Areas or expansion of existing areas and related zoning by-law amendments for the expansion of existing areas shall be evaluated based on conformity with the Growth Management Strategy in Section 3.2 and following criteria:

- i) where a minor expansion is proposed, as determined by the Town, an Official Plan Amendment is not required;
- ii) the site is located on an arterial road;
- iii) adequate off-street parking, service and loading areas will be provided for all permitted uses and access points to and from such areas shall be limited in number and designed in a manner which will minimize the danger to both pedestrian and vehicular traffic, however, Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use development in accordance with a parking analysis as set out in Section 3.7.7 iv);
- iv) the proposed development can be appropriately integrated with adjacent existing and proposed uses as demonstrated by the submission of a conceptual site plan;
- v) the proposed development includes a mixed use component; and,
- vi) the development shall have a minimum floor space index of 0.3 and a maximum floor space index of 2 provided that the Town may consider a reduction in the minimum density on specific sites for the initial phase of development where the approved development plan provides for the achievement of the minimum density and/or the introduction of mixed use development.

3.9.4.2 New Development in Existing Designations

New development or significant redevelopment of existing site (i.e. complete or almost complete demolition and reconstruction) in existing Mixed Use Areas may include non-residential development, but shall be encouraged to include a mixed use component. New development or significant redevelopment shall be subject to site plan approval and shall be evaluated based on conformity with the Growth Management Strategy in Section 3.2, and in accordance with the policies of Section 9.2.3 (Existing Non-Conforming Uses), and the following criteria, recognizing that where significant redevelopment of existing sites is proposed the review will take into account the context and constraints of the site:

- i) open storage is limited and screened;
- ii) parking areas have a landscaped strip around the perimeter in conformity with regulations established in the zoning by-law, which should include a hedge, low fence or wall or other similar screening features and design features as required under site plan control;
- iii) buildings shall be designed and located to assist in the creation of an attractive streetscape appearance and, there should be no parking between the main building and the street, or parking in that area should be minimized where there is no other alternative. Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use development in accordance with a parking analysis as set out in Section 3.7.7 iv);
- iv) lands adjacent to a rear or side property line which abuts a residential area shall be landscaped and lighting shall be directed away from residential areas;
- v) minimum height 6 metres and maximum height four storeys; and,
- vi) a minimum floor space index of 0.3 and maximum floor space index 2.0 provided that the Town may consider a reduction in the minimum density on specific sites for the initial phase of development where the approved development plan provides for the achievement of the minimum density and/or the introduction of mixed use development.

3.9.4.3 Minor Changes to Existing Development in Existing Designations

Minor changes (i.e. additions, updates, additional buildings) to existing development in existing Mixed Use Areas may include non-residential development, but shall be encouraged to include a mixed use component where appropriate. Such changes shall be subject to site plan approval and shall be evaluated based on conformity with the Growth Management Strategy in Section 3.2 and the criteria of Section 3.9.4.2 i) –iv) inclusive, taking into account the context and constraints of the site including the existing use and development form. With respect to height and density, the development shall be evaluated based on conformity with the following criteria:

- i) minimum height 6 metres for new buildings and additions where such a height can be appropriately integrated with the existing development on the site and maximum height four storeys; and,

- ii) an increase in the existing floor space index will be encouraged to a maximum floor space index 2.0.

3.9.4.4 Residential Development

Medium and High Density residential uses shall be permitted as part of a mixed use development or in accordance with the High Density Residential Area policies in Sections 3.5, subject to a zoning by-law amendment, and the provision, where feasible, of linkages to adjacent residential areas. Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use development in accordance with a parking analysis as set out in Section 3.7.7 iv).

3.9.5 Special Provisions

3.9.5.1 900 Division Street

3.9.5.1.1 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures in Section 3.9.2, plus a retail furniture/appliance warehouse with a maximum permitted gross floor area of 1,860 sq m (20,000 sq ft).

3.9.5.1.2 Urban Design Guidelines

The development of these lands shall be carried out in accordance with the provisions of the Official Plan, particularly Section 5, Community Design and Improvement, the Cobourg Gateway Design Guidelines, and the site plan review provisions of the Planning Act. In addition, the development will reflect the following design guidelines:

- i) Streetscape
 - a) A substantial landscape buffer adjacent to parking areas should be provided along the streetline of Division Street and Elgin Street East, excluding the area of buildings and driveway crossings, in accordance with the applicable zoning provisions;
 - b) Building mass shall be situated adjacent to the intersection to frame the street space and provide a sense of enclosure to the road in accordance with the applicable zoning provisions;

The above policy and implementing Zoning By-law shall recognize that the development of the area may proceed in phases.

- c) Parking areas shall be designed to reduce their visual impact in accordance with the policies of Section 5.2.1.2 of this Plan. For those buildings located near the streetline, no parking will be permitted between the buildings and the street. Where no buildings are located adjacent to the streetline, enhanced site landscaping utilizing decorative screening, such as fences, walls, plant material and/or other innovative screening methods deemed appropriate by the Town, shall be required to buffer parking areas visible to the street;
- d) Service and open storage areas should be sited away from prominent views from public streets so as to minimize impacts. Alternative design options for locating such facilities away from prominent views shall be explored, and only where not feasible shall these facilities be considered for view-sensitive locations. Innovative methods of decorative screening will be used for all service areas and open storage areas; and,
- e) Signage should be designed as an integral part of the overall development, particularly the building and landscaping design, with consideration to the size, scale, design, colour and material used. Sign design and specifications shall be subject to the provisions of the Town's Sign By-law and approval under Site Plan Control.

ii) Pedestrian and Vehicular Connections

- a) Direct and clearly defined pedestrian and vehicular connections which form an extension of the public transportation system shall be required through the site. These pedestrian and/or vehicular routes should provide for connections to all municipal streets and sidewalks; and
 ~ to all buildings on the site.

In particular, one main pedestrian connection should be provided to each of the adjacent streets, and consideration should be given to secondary connections for improved pedestrian access within and around the development;

- b) The Town will explore with the adjacent landowners opportunities for improved pedestrian connections from the site to the adjacent industrial/commercial area; and,

- c) Principal pedestrian routes should be functionally separated from parking and driveway areas and should utilize a variety of surface materials, textures, colour, landscaping and changes in elevation. Street furniture such as benches, public telephones, waste receptacles, bicycle racks and pedestrian scale lighting should be provided along the main pedestrian routes, where appropriate.

iii) Building and Urban Design

The commercial area should have a high quality of urban and architectural design. The site and buildings should be designed to ensure that it is easy for visitors to orient themselves by ensuring that there are features which terminate vistas, frame views and clearly identify entrance and exit areas. In addition, the building design shall provide an attractive presence towards Elgin Street East and Division Street, including such elements as attractive architectural features, generous window areas along the applicable exposure(s), the use of outdoor activity areas (ie. patios), landscaping and other design elements intended to maximize positive interface between the uses.

iv) Environmental Constraint Area/Floodplain

The subject lands have areas with sensitive environmental features and floodplain limitations. As part of Site Plan Approval, the Town and/or Ganaraska Region Conservation Authority (GRCA) shall require the submission of detailed site design, engineering, stormwater management and/or landscape plans to ensure that there will be no adverse impacts on the Environmental Constraint Areas (ECA) and/or floodplain. Minor modifications to the ECA may occur upon review of the said drawings and subject to written approval of the Town and GRCA without an amendment to this Plan.

v) Traffic Impact

Development proposals will be evaluated in accordance with Section 8 of the Official Plan, particularly Sections 8.3.1 xii) and 8.3.2 viii), as part of any Site Plan Control application.

vi) Gross Floor Area (GFA)

The maximum Gross Floor Area for a retail furniture/appliance warehouse use shall be 1,860 sq m (20,000 sq ft) and shall be included in the implementing Zoning By-law. Any additional GFA proposed for this use will be subject to an amendment to the Official Plan and Zoning By-law and evaluated in accordance with the provisions of the Official Plan.

vii) Site Plan Review

Review of Site Plan Control applications for development projects on these lands will be subject to the provisions of the Official Plan, this section and other applicable Town of Cobourg planning, building and engineering criteria.

3.9.5.2 Lands at the South-East Corner of King Street East and Willmott Street

3.9.5.2.1 Permitted Uses, Buildings and Structures

The uses, buildings and structures permitted in 3.9.2, plus a supermarket.

3.9.5.2.2 Prohibited Uses, Buildings and Structures

The uses, buildings and structures prohibited in Section 3.9.3, with the exception of a supermarket.

3.9.5.2.3 Land Use Policies

The development of these lands shall be carried out in accordance with the policies and provisions of the Official Plan, particularly Section 3.9 Mixed Use Area, Section 4.0 Greenlands System, Section 5.0 Community Design and Improvement, the Cobourg Gateway Design Guidelines (October, 2001), and the Site Plan Control provisions of the Planning Act. In addition, the development shall conform to the following urban design guidelines:

i) Streetscape Design

- a) Building mass shall be situated adjacent to the streetlines to frame the street space, provide a sense of enclosure to the road, screen parking areas and enhance the site's gateway appearance.

- b) A building and/or a significant landscaped feature shall be incorporated into the site design at the intersection, as well as at the east limit of the site abutting King Street East, to reflect the site's important gateway characteristics.
- c) A substantial landscaped buffer shall be provided along the streetlines, excluding the area of any buildings and driveway crossings, to create a defined street 'edge'.
- d) In order to ensure a positive interface between public and private spaces, the site design shall incorporate decorative landscaping and/or architectural elements, such as:
 - low masonry/metal fence walls;
 - berms;
 - rockery and elevated rock gardens;
 - special building and roofline treatments;
 - landmark features (clocks, towers, cupolas, bays, pergolas, weather vanes, art);
 - outdoor activity areas (ie. patios, plazas, squares);
 - extensive plant material; and,
 - other identifiable features deemed appropriate by the Town.
- e) Parking areas shall be designed to reduce their impact on the streets and other public spaces in accordance with Section 5.2.1.2 of this Plan. No parking will be permitted between the building(s) and the streets.
- f) Service and storage areas shall be sited away from prominent views from public streets so as to minimize visual impacts. Innovative methods of design and decorative screening treatment will be used for all service and open storage areas.
- g) Signage shall be designed as an integral part of the overall development, particularly the building and landscape design, with emphasis on the co-ordination of size, scale, design, colour and materials used.

ii) Building Design

- a) The subject lands shall have a high quality of urban and architectural design. In particular, emphasis should be given to creating attractive design features and animating

the facades of all buildings which face and/or are visible from the public street.

Accordingly, the following critical building design elements shall be considered:

- the innovative use of architecture and facade treatment (ie. landmark features, recesses and projections, rooflines, canopies);
 - generous window areas along the applicable street exposure(s);
 - appropriate variation in building materials, textures and colours, reflecting the heritage of the community; and,
 - the location of doors and walkways in relation to the street;
- b) The site and buildings should be designed to ensure that it is easy for visitors to orient themselves by incorporating features which terminate vistas, frame views and clearly identify entrance and exit areas.

iii) Pedestrian and Vehicular Connections

- a) The site and building design shall maximize opportunities for equal access for all persons to buildings and/or facilities. Development shall conform to the Town's Safe Community Design and Barrier Free Access design policies of Section 5.2 of the Official Plan, Accessibility Guidelines and other applicable design standards during the Town's Site Plan Control process.
- b) Direct, clearly defined pedestrian and vehicular connections, which form an extension of the public transportation system, shall be required through the site.

In particular, a clearly defined pedestrian connection shall be provided from each of the adjacent streets to each building's main entrance, and consideration should be given to secondary, internal connections for improved pedestrian access within and around the site.

- c) Pedestrian routes shall be functionally separated from parking and driveway areas and should be comprised of a variety of pavement materials, textures, colour, landscaping and changes in elevation. 'Street furniture' such as benches, bicycle racks, waste receptacles, and pedestrian-scale lighting should be provided along the main pedestrian route(s), where appropriate.

3.10 EMPLOYMENT AREA

3.10.1 Purpose

The Employment Area designation on Schedule "A" permits the full range of employment uses and related uses. Employment Areas shall be planned and developed to ensure a diversity of serviced sites across the Town for industrial/business uses.

3.10.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) industrial;
- ii) office;
- iii) wholesale;
- iv) research and development;
- v) hotel, motel, conference, convention and banquet facility;
- vi) institutional;
- vii) education and training;
- viii) data processing; and,
- ix) building supply use.

3.10.3 Hazardous Uses

Notwithstanding the policies of Section 3.10.2, the Town shall not permit industrial uses which are considered to be a significant health or safety

concern to residents or the natural environment. Where there is a concern with the potential impact of an industrial use, an evaluation report shall be prepared by the Town, at the cost of the applicant where applicable, based on a term of reference approved by the Town and the applicant. The report shall take into account the Ministry of the Environment's guideline "Compatibility Between Industrial Facilities and Sensitive Uses", as well as consideration of emergency management and the capabilities of emergency services, and shall evaluate the impacts of the proposed use and whether appropriate mitigation measures can be developed to reduce impacts to a level acceptable to the Town. The applicant shall be required to implement any necessary mitigative measures, if the development is to be permitted.

3.10.4 Prohibited Uses, Buildings and Structures

Prohibited uses, buildings and structures shall include:

- i) retail and service commercial uses, with the exception of products produced and/or assembled on the premises which may be retailed from the premises subject to the regulations of the zoning by-law and provided that the retail operation generally occupies less than 15% of the area of the main building; and,
- ii) eating establishments, with the exception that an eating establishment may be permitted as an ancillary use if it is subordinate to and supports the main use on the site.

3.10.5 Land Use Policies

3.10.5.1 Employment Area Zones

Employment Areas shall be planned and developed to ensure a diversity of serviced sites across the Town for industrial/business uses. The zoning by-law shall establish a range of zones to permit the development of different employment areas, recognizing that certain uses must be buffered both from non-employment uses, as well as other employment uses. The following zoning approaches shall be used where applicable:

- i) **General Industrial Zone**

This zone will permit the full range of industrial uses including operations which may be offensive because of heat, smoke, noise, odour, dust or heavy transportation requirements. Open storage shall be permitted in this zone subject to specific regulations.

ii) Light Industrial Zone

This zone will permit industrial uses which are substantially enclosed in buildings, which have high performance standards and which have operations which are not considered offensive. Open storage will be appropriately screened and will be limited in the site area which it can occupy.

iii) Business Park Zone

This zone will be designed to create a high quality, high exposure business/employment campus environment. It will permit light industrial uses in enclosed buildings, and business uses such as offices and hotels, as well as institutional uses. The area will be subject to design controls and open storage shall not be permitted. This zone shall be utilized adjacent to the Major Transit Station and development in that area shall be encouraged to maximize the available land area.

3.10.5.2 Employment Area Design Considerations

Employment Areas shall be planned and designed to ensure that:

- i) areas are of sufficient size to provide for a range of site sizes, adequate and appropriate infrastructure, and adequate buffering;
- ii) employment area traffic does not access residential areas;
- iii) an appropriate level of buffering is provided between industrial uses and abutting non-industrial uses, both inside and outside the Employment Area designation, relative to the nature of the industrial use having regard for the Ministry of Environment's guideline "Compatibility Between Industrial Facilities and Sensitive Uses; and,
- iv) development maximizes the use of land, in particular, buildings are located to ensure that lands used for parking or open storage can be easily developed in the future as required

3.10.5.3 New Employment Areas

Proposals for new Employment Areas shall require an amendment to the Official Plan. Applications for official plan amendments for new Employment Areas or expansion of existing Employment Areas shall be evaluated based on conformity with the Growth Management Strategy in Section 3.2 and the following criteria:

- i) the area is an extension of an existing Employment Area;
- ii) the site is located on an arterial road or adjacent to Highway 401 or the railway corridor;
- iii) adequate off-street parking, service and loading areas will be provided for all permitted uses and access points to and from such areas shall be limited in number and designed in a manner which will minimize the danger to both pedestrian and vehicular traffic;
- iv) the proposed development can be appropriately integrated with adjacent existing and proposed uses and can be buffered from any adjacent Residential and High Density Residential Areas as demonstrated by the submission of a conceptual site plan and/or other appropriate information; and,
- v) the proposed development can be serviced with municipal sewer and water services and other requested infrastructure.

3.10.5.4 Conversion of Employment Areas

Applications for the conversion of lands in any Employment Area designation, with the exception of lands in a downtown area or regeneration area, to non-employment uses shall only be permitted through a municipal comprehensive review where it has been demonstrated that:

- i) there is a need for the conversion;
- ii) the Town will meet the employment forecasts allocated to the Town pursuant to the Growth Plan;
- iii) the conversion will not adversely affect the overall viability of the employment area, and the achievement of the intensification target, density targets, and other policies of the Growth Plan;
- iv) there is existing or planned infrastructure to accommodate the proposed conversion;
- v) the lands are not required over the long term for the employment purposes for which they are designated;
- vi) the lands are better suited for the proposed alternative uses, there is a demonstrated need for the alternative uses in that location and

the proposed use serves a greater long term public interest than employment uses; and,

- vi) cross-jurisdictional issues, if any, have been considered.

For the purposes of this policy, major retail uses and all other commercial uses other than those permitted in Section 3.10.4 i) are considered non-employment uses.

Where lands in an Employment Area are located in a downtown area or a Regeneration area, conversions shall be considered through a municipal comprehensive review pursuant to the provisions of the Provincial Policy Statement.

In accordance with the Planning Act, there is no appeal with respect to a decision by Town Council to refuse, or fail to adopt, any official plan or zoning by-law amendment application that proposes to remove any land from the Employment Area designation.

3.10.6 Special Provisions

3.10.6.1 210 Willmott Street

3.10.6.2 Permitted Uses, Buildings and Structures

The uses, buildings and structures permitted in 3.10.2, plus a retail warehouse.

3.10.6.3 Prohibited Uses, Buildings and Structures

The uses, buildings and structures prohibited in Section 3.10.4, with the exception of a retail warehouse.

3.10.6.4 Land Use Policies

The development and use of these lands shall be carried out in accordance with the policies and provisions of the Official Plan, plus the following special provisions:

- i) Floor Area Caps

The retail warehouse use shall be subject to the following floor area restrictions:

- a) an individual retail warehouse use shall have a minimum floor area of 465 sq m (5,000 sq ft) and a maximum floor area of 1,400 sq m (15,000 sq ft); and,
- b) the total maximum floor area of retail warehouse uses shall not exceed 1,950 sq m (21,000 sq ft), which is the equivalent of approximately 15% of the floor area of the existing main building.

The implementing Zoning By-law shall establish the total maximum floor area restrictions as identified above.

3.11 ENVIRONMENTAL CONSTRAINT AREA

3.11.1 Purpose

The Environmental Constraint Area designation includes those lands which have inherent environmental hazards, are environmentally sensitive or which have a role in the protection of the natural environment.

3.11.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures shall be in accordance with the policies of Section 4.2, particularly Sections 4.2.2 and 4.2.3.

3.11.3 Land Use Policies

The policies for the lands in the Environmental Constraint Area designation shall be in accordance with the policies of Section 4.2.

3.11.4 Special Provisions

3.11.4.1 North-east Corner Elgin and Ontario Streets

Notwithstanding any other policies of this Plan, the uses permitted on those lands located adjacent to the north-east corner of the intersection of Elgin Street and Ontario Street, which are designated as an Environmental Constraint Area, shall be in accordance with the policies in Table 1 of this Plan for convenience commercial uses. Regard shall be had for the policies set forth under Section 4.2 hereof prior to the erection of any new buildings or structures, inclusive of additions to existing structures.

3.11.4.2 North Side of Hamilton Avenue

Notwithstanding any other policies of this Plan, the hardwood forest on the lands designated Environmental Constraint Area located on the north side of Hamilton Avenue shall be preserved and enhanced.

3.12 SPECIAL POLICY AREA

3.12.1 Purpose

The delineation of this area, as originally set forth in the Town of Cobourg Official Plan, approved by Ministry of Municipal Affairs and Housing on August 19, 1986, was subject to the approval of the Ministers of Municipal Affairs and Housing and Natural Resources.

The Special Policy Area designation on Schedule “A” is an overlay designation. The designation applies to areas within the Town that have historically existed in the flood plain and where site specific policies apply which are intended to address the significant social and economic hardships to the community which would result from strict adherence to provincial policies concerning development in the flood plain.

3.12.2 Permitted Uses, Buildings and Structures

The uses, buildings and structures permitted shall be those within the underlying land use designations and shall include new buildings and structures and the renovation, replacement or redevelopment of existing structures in accordance with the relevant flood proofing measures specified in Section 3.12.3.

3.12.3 Land Use Policies

3.12.3.1 Interference with Wetlands/Alteration to Shoreline and Watercourses

No development, interference with a wetland, alteration to a shoreline or watercourse shall be permitted without the approval of the Ganaraska Region Conservation Authority and the Town of Cobourg.

3.12.3.2 Building Permit Review

Prior to the issuance of a building permit, the Town of Cobourg shall consult with the Ganaraska Region Conservation Authority regarding the administration of the Authority's fill and construction regulations and to assess any proposed or necessary flood damage reduction measures which may include such matters as:

- i) the design of the structure to withstand hydrostatic forces;
- ii) the strength of structural materials and components to ensure that the materials used will not be subject to deterioration from flooding;
- iii) the elevation of living space and exterior building openings relative to the Regulatory Flood;
- iv) the location and elevation of electrical and heating equipment relative to the Regulatory Flood;
- v) the location, elevation and design of municipal services and public utilities;
- vi) the design of the structure to ensure that the interior ground floor level elevation is as close as possible or above the Regulatory Flood level; and,
- vii) such other additional flood damage reduction measures as may be warranted in the context of the location and nature of the proposed building or structure.

3.12.3.3 Flood Protection Levels

- i) All new buildings and structures or additions to existing buildings or structures, wherever possible, shall be protected from flooding to the level of the Regulatory Flood unless otherwise specified hereunder. However, if it is demonstrated that specified level of protection is not attainable, then a lesser level of protection will be determined by the Town of Cobourg in consultation with the Ganaraska Region Conservation Authority.

In establishing the level of protection, the Ganaraska Region Conservation Authority and the Town of Cobourg shall have regard for the nature and characteristics of development on adjacent lands with specific regard for existing doorway and floor elevations and the elevation of abutting streets and/or sidewalks and the desirability of maintaining a uniform appearance in building elevations.

- ii) For the purposes of this Plan, the minimum level of flood protection for those lands designated as Special Policy Areas shall be:

- a) the Regional Flood level for those areas adjacent to the Brook Creek and within its associated flood plain to the south of the railway corridor;
 - b) the maximum observed 1980 flood elevation which has an estimated return period of 1 in 100 years for the designated Special Policy Areas adjacent to the Cobourg Creek and the associated flood plain and the area adjacent to Elgin Street in the vicinity of Nickerson Drive; and,
 - c) the flood elevation which has an estimated return period of 1 in 100 years for the designated Special Policy Area adjacent the Midtown Creek and the associated flood plain to the south of the railway corridor.
- iii) Accessory buildings, structures and uses which are normally considered incidental and subordinate to a principal permitted use, exclusive of buildings intended for human habitation, may be exempted from certain flood proofing measures subject to the approval of the Ganaraska Region Conservation Authority and the Town of Cobourg.

3.12.3.4 Limitations on Development

- i) Notwithstanding the policies of this section, no new buildings or structures inclusive of additions to existing structures, shall be permitted within a Special Policy Area designation where, after consulting with the Ganaraska Region Conservation Authority, the Town determines that such structures would be subjected to flows which, due to their velocity and/or depth, would result in an unacceptable high risk to human life or major structural damage as a result of a flood less than or equal to the Regulatory Flood or which will result in a significant increase in “off-site” and/or upstream/ downstream risks.
- ii) Where new development occurs within a Special Policy Area by means of a registered plan of subdivision or consent the Municipality, in conjunction with the Ganaraska Region Conservation Authority, may require as a condition of approval that provisions for warning prospective purchasers that the lands in question are located within an area which is susceptible to flooding be placed on the title of any lots or blocks.

3.12.3.5 Zoning Regulations

- i) Where lands designated as a Special Policy Area are vacant and/or undeveloped as of September 30, 1985, such lands shall be zoned within a holding zone in the implementing by-law in accordance with the provisions of the Planning Act. The Town of Cobourg shall not remove the 'H' prefix until such time as it has consulted with the Ganaraska Region Conservation Authority to determine the feasibility and nature of those flood damage reduction measures as may be necessary. Prior to removal of the 'H' prefix, the Town shall give reasonable notice to the Ganaraska Region Conservation Authority of the intent to remove the holding provision.
- ii) The implementing zoning by-law shall contain provisions, where appropriate, relating to building setbacks, maximum lot coverage, minimum exterior opening elevation or such other matters as may be determined by the Town of Cobourg in consultation with the Ganaraska Region Conservation Authority.

3.13 PARK AREA

3.13.1 Purpose

The Park Area designation recognizes parks which serve the Town as a whole and other municipal parks, with the exception of Village Squares which shall be permitted in any designation.

3.13.2 Permitted Uses, Buildings and Structures

The permitted uses are open space and outdoor recreation, including related buildings and structures such as swimming pools, arenas, tennis courts, concession stands, bandstands, greenhouses and playground equipment.

3.13.3 Land Use Policies

- i) Parks shall be planned as part of the Greenlands System described in Section 4 of this Plan and in accordance with the policies of this Section.
- ii) The Town shall continue to maintain and, where financially feasible, enhance the open space and recreation facilities in the existing parks.
- iii) The Town shall carefully evaluate opportunities to expand existing parks, if such opportunities arise. Potential park expansions shall

be evaluated with respect to the Town's financial resources and the contribution the additional lands can make to enhancing the role of the park.

- iv) Other opportunities to create additional parks will be considered as they arise. Potential new parks shall be evaluated with respect to the Town's financial resources and the contribution the additional lands can make to meeting the open space and recreation needs of the community. The Town may also evaluate the contribution made by existing parks to meeting the open space and recreation needs of the community. Where alternative use of the land may better serve the community, such uses shall be permitted in order of priority as follows:
 - a) other compatible recreation or institutional uses; and,
 - b) low and medium density residential uses, in accordance with the policies of Section 3.4 and subject to an amendment to the zoning by-law and approval of a plan of subdivision or a site plan in accordance with the requirements of the Planning Act.

All other uses shall require an Official Plan amendment.

3.14 FEDERAL AND PROVINCIAL USES

Where new uses are proposed in the Town by federal and provincial agencies, or companies subject to federal or provincial controls, including telecommunications transmission towers, the Town will work with the agency or company involved and seek to have the uses meet the following requirements:

- i) Submission of a site plan and related studies by qualified professionals which provide detailed background information to permit evaluation of the impacts of the proposal, including:
 - a) visual impact, noise, hydrogeological and traffic studies where applicable;
 - b) analysis of alternative locations to determine if other technically feasible sites are available which will minimize impacts, including visual impacts, on residential and open space areas;

- c) documentation indicating that safety codes have been satisfied, in particular "Safety Code 6" (Health Canada) with respect to wireless communication facilities; and,
 - d) studies indicating that the environmental effects of any development have been considered and identified.
- ii) Conformity with the following criteria:
- a) incompatibilities with surrounding uses including audio and visual nuisances, particularly with agricultural or residential uses can be mitigated in an appropriate manner through the provision of buffering, engineering solutions or other similar approaches;
 - b) where a location is proposed in the Development Area C designation, the location of the site and the land area must be justified to ensure that the use of good agricultural land is minimized;
 - c) ensure the scale, building materials and signage is compatible with the adjacent uses;
 - d) permit access only to collector and arterial roads, and discourage access from provincial highways and local roads;
 - e) minimize disturbances to the natural environment through compliance with the policies of Section 4 of this Plan, Greenlands System;
 - f) complies with the Provincial Minimum Separation Distance formulae;
 - g) where municipal services are not available, provides:
 - a lot or lots of sufficient size to meet the requirements of the Town and the Ministry of the Environment in regard to the proper functioning of private water and private sewage disposal facilities; and,
 - for each lot to be serviced by private well and septic system to the satisfaction of the Town and all other approval agencies; and,
 - h) subject to a site plan agreement which will establish site specific development requirements and mitigation measures.

- iii) Where a wireless communication facility is proposed, conformity with the following additional criteria:
 - a) antennas and towers are screened from view from public rights-of-ways or scenic vistas, either through landscaping, fencing or other architectural screening; and/or,
 - b) creative design measures are used to camouflage facilities by integrating them with existing buildings and among existing uses; and/or,
 - c) locate with other providers on a single site where technically feasible and desirable; and/or,
 - d) locate on existing community facility sites, such as water towers or utility poles where appropriate.

3.15 WASTE DISPOSAL ASSESSMENT AREAS

- i) Within those areas identified on Schedule "A", Land Use Plan, as Waste Disposal Assessment Areas, the uses permitted shall be in accordance with the underlying land use designation, subject to the following policies, namely:
 - a) General Foods Property

Mandatory filing of a record of site condition in the Registry, by a qualified person, as defined in O. Reg. 153/04, is required for a change in the use of a property from industrial or commercial to residential or parkland and is acknowledged by the Ministry of Environment. If development is proposed that falls under O. Reg. 153/04 and is located on or within 30 metres of the General Foods property, then a Phase 1 assessment in accordance with O. Reg. 153/04 and with MOE guideline: "Records of Site Condition – A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition" dated October 2004 or associated guidelines is required.
 - b) Water, D'Arcy, Lake and Henry Street Area

No development shall be permitted which involves excavation, unless the requirements for assessments in

accordance with the Ministry of the Environment's guideline: "Records of Site Condition – A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition" dated October 2004 or associated guidelines as required as set out in Section 3.16 i) a) are satisfied.

- ii) Where a proposal is made to amend this Plan or the implementing By-law to allow for the development or redevelopment of those lands referred to under paragraph (i) hereof, for a use other than is presently provided for, the Town of Cobourg shall consult with the Ministry of the Environment to establish appropriate guidelines for the future development and use of the lands.
- iii) It shall further be the policy of this Plan that existing uses may be appropriately zoned in the implementing Zoning By-law.

3.16 MAJOR TRANSIT STATION AND MAJOR TRANSIT STATION AREA

- i) The Major Transit Station designation on Schedule "A", Land Use Plan recognizes the Town's train station, while the Major Transit Station Area designation identifies lands adjacent to the train station where the Town will encourage development which supports the viability of existing and future enhanced train service.
- ii) The Town will encourage the expansion/enhancement of the existing train station and related services, in a manner which is sensitive to the design of the existing building, to improve service for the public and business while recognizing the station's role as a major gateway to the community. In particular, the Town will encourage improved access to the station for transit and active transportation modes. A range of accessory and ancillary uses will also be permitted including retail and service commercial uses for the convenience of the public.
- iii) The Major Transit Station Area designation is an overlay designation. Within this area, the Town will encourage increased density of development to support the viability of train service. The Town may permit increased density of development above that permitted in the underlying land use designation in accordance with the policies of Section 9.2.6, Height and Density Bonus Provisions.

4. GREENLANDS SYSTEM AND SUSTAINABILITY STRATEGY

4.1 PURPOSE

One of the key structural elements that contributes to the unique character of the Town of Cobourg and its sustainability strategy is its greenlands/open space system which is intended to enhance biodiversity and ecological health and function, while providing educational and recreational opportunities. This system includes environmental areas, including natural heritage features, public parkland and other open space features and linkages between these features. They form the basis for the creation of a Greenlands System for the Town.

The key components of the greenlands system are:

- i) Natural Heritage System comprised of natural areas, features and linkages (corridors), included in the Environmental Constraint Areas and Connecting Links;
- ii) Parkland;
- iii) Tree Conservation and Planting; and,
- iv) Leisure Facilities.

Stormwater management facilities will also be constructed and designed as components of the Greenlands System.

The policies of this section, together with the related designations on Schedules “A” and “B” establish the basis for a Greenlands System for Cobourg. This section also provides direction with respect to the other components of the Town’s sustainability strategy which is designed to promote more environmentally friendly development and behaviours including development form; the conservation of water, air quality, energy and other resources; waste management; transportation, environmental monitoring and environmental education.

4.2 ENVIRONMENTAL CONSTRAINT AREAS

4.2.1 Definition

The Environmental Constraint Area designation includes those lands that could be unsafe for development due to naturally occurring processes such as flood or erosion susceptibility. This designation as defined in

Section 4.2.5 applies primarily to the inland watercourses and the shoreline of Lake Ontario.

The Environmental Constraint Area designation also includes:

- i) Significant woodlands;
- ii) Wetlands including both provincially and non-provincially significant wetlands and coastal wetlands;
- iii) Significant habitat of endangered and threatened species;
- iv) Significant valleylands;
- v) Significant wildlife habitat;
- vi) Fish habitat;
- vii) Significant areas of natural and scientific interest;
- viii) Groundwater discharge areas; and
- ix) Steep slopes which are susceptible to erosion or present a danger to development.

4.2.2 Permitted Uses, Buildings and Structures

- i) The permitted use of land within areas designated Environmental Constraint Area on Schedule “A” shall be the conservation and preservation of the natural environment and recreational uses which have a minimal impact on the natural environmental features and ecological functions of the area.
- ii) The only exceptions to the foregoing, are the following uses and facilities, subject to the provisions of Section 4.2.4 i):
 - a) limited vehicle parking for recreation or conservation projects;
 - b) development or land disturbance for required stream bank erosion protection and fish, wildlife and conservation management provided that any required reconstruction of the watercourse is completed in a way which creates a natural appearing stream environment with variable side slope, tree landscaping and a meandering channel;
 - c) a limited number of arterial and collector roads and related utilities which may be permitted to cross the Environmental Constraint Area in the general area of the designations on Schedule “E”, Transportation Plan;
 - d) pedestrian trails or other similar passive recreation uses which may include public parks and golf courses;

- e) minor storm drainage works and overflow valves (or other equivalent mechanisms or features) for internally draining areas that are demonstrated to be necessary for the conservation of the area and where there will be net environmental benefit as determined by the Town in consultation with the Conservation Authority; and,
- f) stormwater control facilities where there will be net environmental benefit as determined by the Town, in consultation with the Conservation Authority.

4.2.3 Prohibited Uses, Buildings and Structures

- i) Uses and activities shall be prohibited in Environmental Constraint Areas if they could be adversely affected by the inherent physical hazards associated with the area, could increase the physical hazards of the areas or alter the ecological function of the Environmental Constraint Area or cannot satisfy the requirements of Section 4.2.4 iv).
- ii) The erection of buildings and structures or the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be prohibited within an Environmental Constraint Area, except where buildings or structures are related to uses permitted in Section 4.2.2 such as flood or erosion control, landscape stabilization or essential utilities and provided further that such works are in accordance with the regulations of the Ganaraska Region Conservation Authority and are approved by the Authority.
- iii) All public and private works undertaken along the Lake Ontario shoreline and other watercourses within the Town, shall result in no net loss of fish habitat.

4.2.4 Conditions of Development

- i) The Municipality, in consultation with the Ganaraska Region Conservation Authority, shall only consider approval of a zoning by-law amendment, site plan control agreement or an application for a cut and fill permit related to the above-noted works or any other development in the Environmental Constraint Area; or an Official Plan amendment for the redesignation of such lands, provided that:
 - a) any environmental and/or physical hazards which affect the site can be mitigated in a manner consistent with accepted engineering techniques and resource management practices; and,

- b) development will not locate in natural areas and works are designed in a manner which:
- recognizes natural ecological systems and processes and ensures they are maintained and enhanced;
 - minimizes disruption to existing landforms and landscape features including those listed in Section 4.2.1 i) through ix) of this Plan through such approaches as clustering of buildings on less sensitive parts of the site;
 - will result in no changes to the natural quality and hydrogeological characteristics of any watercourses;
 - will result in no net loss of fish habitat; and,
 - will result in no loss of wildlife habitat where uncommon species exist or where such species represent key elements in the food chain.
- ii) As a basis for the evaluation of such development, the Town, and the Ganaraska Region Conservation Authority, will require the submission of:
- a) appropriate engineering studies conducted to the satisfaction of the Town, in consultation with Ganaraska Region Conservation Authority and paid for by the applicant which address:
- the existing environmental and/or physical hazards which affect the site;
 - the potential impact of such hazards; and,
 - the potential impact of the proposed works on the Environmental Constraint Area particularly the natural quality and hydrogeological characteristics of any watercourses; and,-the proposed methods by which these impacts may be mitigated in a manner consistent with accepted engineering techniques and resource management practices;
- b) an environmental audit prepared to the satisfaction of the Town, in consultation with Ganaraska Region Conservation Authority and paid for by the applicant, which provides an inventory and analysis of all natural features and ecological functions on the site including vegetation, wildlife habitat, fish habitat, wetlands, steep slopes and groundwater discharge areas which are essential for maintaining natural fluvial processes; and,

- c) a detailed site plan, and landscaping and grading plans, which demonstrate:
 - how natural ecological systems and processes will be maintained; and,
 - how disruption to existing landform and landscape features will be minimized.

- iii) There is no public obligation either to permit any proposed development or purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome, or if it is determined that the proposed works cannot be designed in a manner which minimizes impacts on the natural environment in an appropriate manner.

- iv) Notwithstanding the foregoing:
 - a) development and site alteration shall not be permitted in the significant habitat of endangered and threatened species and significant wetlands, including significant coastal wetlands;

 - b) development and site alteration shall not be permitted in significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest, unless it can be demonstrated, through an environmental impact study in accordance with terms of reference approved by the Town in consultation with the Conservation Authority and/or the Ministry of Natural Resources, or an environmental audit in accordance with Section 4.2.6 of this Plan, that there will be not negative impact on the natural features or their ecological functions; and,

 - c) development and site alteration shall not be permitted on adjacent lands to natural heritage features identified in subsections a) and b), unless the ecological function of the adjacent lands has been evaluated through an environmental impact study in accordance with terms of reference approved by the Town in consultation with the Conservation Authority and/or the Ministry of Natural Resources, or an environmental audit in accordance with Section 4.2.6 of this Plan, and it has been determined that there will be not negative impacts on the natural features or their ecological functions. Adjacent lands shall be lands

within 120 metres of a feature including fish habitat, with the exception of significant areas of natural and scientific interest - earth science where adjacent lands shall be within 50 metres of the feature.

4.2.5 Boundaries

- i) The boundaries of the Environmental Constraint Areas are delineated in a conceptual manner on Schedule "A". The extent and exact location of the boundaries of the Environmental Constraint Areas shall be delineated in the implementing zoning by-law. Generally, the boundaries are based on detailed floodline mapping and shoreline erosion mapping developed in consultation with the Ganaraska Region Conservation Authority. However, these boundaries may be modified based on site specific studies to include additional areas identified as having significant vegetation, wildlife habitat, fish habitat, wetlands, steep slopes and ground water discharge areas, or areas which are essential for maintaining natural fluvial processes or including the significant habitat of endangered or threatened species, significant wetlands, including coastal wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest. In the absence of such detailed mapping, the Town will seek the technical assistance of the Ganaraska Region Conservation Authority and/or the Ministry of Natural Resources and shall use the boundaries of the Environmental Constraint Areas delineated on Schedule "A" as a general guideline in the preparation of the zoning by-law and the assessment of development proposals.
- ii) Minor alterations to the boundaries of the Environmental Constraint Areas resulting from more detailed mapping, which are implemented in the zoning by-law, shall not require an amendment to this Plan provided the general intent of the Plan is maintained.
- iii) It shall be the policy of this Plan to impose building setbacks from the Environmental Constraint Areas in the implementing zoning by-law in relation to the extent and severity of the existing or potential hazard and/or the sensitivity of the natural environmental features and ecological functions of the area. The general regulations of the zoning by-law will establish a general setback. However, development applications will be evaluated on the basis of the specific requirements of each site as determined by an Environmental Audit specified in Section 4.2.6 of this Plan.

4.2.6

Environmental Impact Study or Environmental Audit: Lands Adjacent to Natural Heritage Features

i) Lands Adjacent to Natural Heritage Features

Development and site alteration shall not be permitted on lands adjacent to the natural heritage features identified in Section 4.2.1 i) through ix), unless it has been demonstrated that there will be no negative impact on the natural features or their ecological functions through an Environmental Impact Study in accordance with terms of reference approved by the Town in consultation with the Conservation Authority and/or the Ministry of Natural Resources, or an environmental audit in accordance with Section 4.2.6 of this Plan. Adjacent lands shall be lands within 120 metres of those features listed in 4.2.1 i) through ix), with the exception of significant areas of natural and scientific interest-earth science where adjacent lands shall be within 50 metres of the feature.

ii) Environmental Audit

The environmental audit shall provide an inventory and analysis of all natural features and ecological functions on the site including vegetation, wildlife habitat, fish habitat, wetlands, steep slopes, habitat of endangered and threatened species, significant areas of natural and scientific interest, groundwater discharge areas and contribution to maintenance of fluvial processes.

Particular regard shall be had for the relationship between the lands for which the environmental audit is being undertaken and the lands within the neighbouring Environmental Constraint Area.

Where the environmental audit identifies significant natural environmental features and/or ecological systems, such areas shall be preserved and enhanced and consideration given to including them in the Environmental Constraint Area designation. In addition, submission of a detailed site plan, landscaping and grading plans will be required as the basis of the approval of any development, which shall demonstrate how natural ecological systems and processes will be maintained, including systems and processes in the Environmental Constraint Areas including addressing the issues of invasive species; and, how disruption to existing landform and landscape features, including such features in the Environmental Constraint Area designation will be minimized.

Where no significant natural environmental features or ecological functions are identified, the development shall still be designed to

maximize the protection of any features on the site and adjacent Environmental Constraint Areas, but detailed plans and changes to the designation will not be required.

Where the environmental audit indicates that there is an existing or potential hazard which cannot be overcome, or it is determined that the development cannot be designed in a manner which minimizes impact on the natural environment in an appropriate manner, there shall be no public obligation by the Town to permit development or purchase such lands.

Where it is demonstrated that there are no natural features and ecological functions on the site including vegetation, wildlife habitat, fish habitat, wetlands, steep slopes, groundwater discharge areas and lands which contribute to maintenance of fluvial processes, the need for an environmental audit may be waived at the sole discretion of the Town, in consultation with the Conservation Authority.

4.3 PARK LAND SYSTEM

4.3.1 Purpose

The intent of the Park Land System component of the Greenlands System is to provide a full range of active and passive recreation facilities, unlike the Environmental Constraint Areas where any development must be restricted and recreation opportunities are necessarily limited.

4.3.2 Park Land Hierarchy

- i) The Park Land Hierarchy which has been established for the Town is outlined in Table 2 to the Plan. The Hierarchy will be used as a guide to the development of the Park Land System and the acquisition of park land together with the Town's Park Land Development Policy recognizing that it may not always be possible to attain the proposed standards.

- ii) Notwithstanding the standards established in Table 2, regard shall be had to the following in determining park land dedication requirements:
 - a) Park land dedication which has been identified as a Local or District Park or Village Square and which does not meet the minimum size requirements, will be considered on an

individual basis, the merits of which shall be determined by the Town. The Town shall have particular regard to the role such facilities play in the design of the surrounding area, as well as the potential that such facilities can be designed to limit maintenance costs or to be maintained by abutting land owners. The Town shall also have regard to the fact that within older developed areas of the municipality, it may not be possible to attain the proposed standards; and,

- b) Where the optimal size of a Local or District Park or Village Square is not attainable through the dedication of land for a specific development, the Town shall attempt to consolidate lands through the combination of dedications to assemble a park of suitable size.
- iii) Where a Local or District Park is integrated with an educational or major indoor recreational facility, the following criteria shall apply, namely:
 - a) no physical barriers will be introduced to separate those facilities which fulfill a joint function;
 - b) a separate identity will be maintained for the park and school components by means of signage and landscaping;
 - c) the facilities will be designed to be complementary; and,
 - d) the standards established by the Town in Table 2 for the provision of park land shall not be reduced.
- iv) Village Squares (Parkettes) shall be developed as a focal point for neighbourhoods, sub-neighbourhoods or high density residential developments, particularly where other parkland or other focal points for the area are limited. Consideration shall be given to ensuring that the costs of maintenance are limited in the design of such features. In addition, the potential for maintenance by adjacent landowners will be considered by the Town.

**TABLE 2
PARKLAND HIERARCHY**

CRITERIA	VILLAGE SQUARE	LOCAL PARK	DISTRICT PARK	PARK
Area/ Population	0.25 ha/1,250 population (0.8 ac/1,250 population)	1 ha/1,250 population (2.47 ac/1,250 population)	1 ha/1,250 population (2.47 acre/1,250 population)	0.75 ha/1,250 population (1.85 acre/1,250 population)
Minimum Size	N.A.	1.2 ha (3 acres)	4 ha (10 acres) or greater	Variable to be determined on a site specific basis
Optimum Size	0.4 ha (0.9 acres)	2 ha (5 acres)	4 ha (10 acres) or greater	N.A.
Location/ Design	i) minimum 40 metres (130 ft) continuous road frontage ii) central to a neighbour- hood or sub- neighbourhood or high density development and/or adjacent to other open space lands	i) minimum 60 m (196 ft.) continuous road frontage; ii)adjacent to a collector road; iii) adjacent to an elementary school site, where practical iv) adjacent to other open space lands where practical.	i) minimum 100 m (328 ft.) continuous road frontage; ii)Adjacent to a collector or arterial road; iii) adjacent to an elementary or secondary school site; iv) adjacent to other open space lands	Criteria for Local and District Parks will apply.
Service Area	400 metres (1,300 feet)	0.4 to 0.8 km radius (0.2 to 0.5 mile) depending on population density	1.6 to 2.4 km radius (1.0 to 1.5 mile) depending on population density	

**TABLE 2
PARKLAND HIERARCHY**

CRITERIA	VILLAGE SQUARE	LOCAL PARK	DISTRICT PARK	PARK
Facilities	<ul style="list-style-type: none"> i) tot lot; ii) sitting areas; iii) landscaping appropriate to park area. 	<ul style="list-style-type: none"> i) standard size sports fields; ii) play apparatus with junior and senior play elements; iii) hard surface play areas and components. iv) parking areas which where feasible will be located on street; v) sitting areas and park furnishings; vi) passive and free play areas; vii) landscaping appropriate to the park type. 	<ul style="list-style-type: none"> i) any combination of major athletic facilities of or standard size sports fields; ii) other major facilities such as tennis courts, or bowling greens; iii) play apparatus including senior and junior play elements; iv) water spray pad or other water play feature; v) hard surface play areas and components; vi) washroom facilities and servicing; vii) parking areas including on street areas; viii) sitting areas and park furnishings; ix) passive and free play 	<p>A Park shall possess unique characteristics or of special significance to the Town, described by, but not necessarily limited by the following criteria:</p> <ul style="list-style-type: none"> i) unique features; ii) special purpose or intent; iii) cultural heritage value or interest; iv) waterfront location; v) theme or special characteristics vi) commemorative facility; and/or, vii) natural or geographic significance. <p>Facility requirements will be determined on a site specific basis, but may include any of the</p>

TABLE 2 PARKLAND HIERARCHY				
CRITERIA	VILLAGE SQUARE	LOCAL PARK	DISTRICT PARK	PARK
			areas; x) gazebos, picnic shelters or other seasonal structures; xi) landscaping appropriate to the park type.	facilities in a Local or District Park and landscaping appropriate to the type of park.

- v) All Parks shall:
- a) have continuous street frontage and be open to view on as many sides as possible for safety and design purposes, with the continuous street frontage requirement in Table 2 being regarded as an absolute minimum which shall be exceeded wherever possible;
 - b) have direct, safe pedestrian access from any adjacent residential areas; and,
 - c) be designed to minimize any potential negative impacts on adjacent residential uses through;
 - the use of such measures as planting, fencing and the provision of appropriate access and parking; and
 - the design of buildings and structures to ensure that their scale, bulk and design is compatible with surrounding residential uses.

4.4 CONNECTING LINKS

4.4.1 Existing Linkages

The Town is bisected by a number of watercourses which run in a north-south direction and serve as natural corridors which link most of the

community's natural features. However, there are weak natural linkages in the greenland system in an east-west direction, with the exception of the Lake Ontario shoreline. The east/west linkages should be strengthened.

The Town has also developed a number of pedestrian and bicycle paths which link key areas in the Town (i.e. water front trail, ravine trails).

4.4.2 Link-Node System

The intent of the Plan is to build on the existing natural and human linkages and develop over time, as is financially feasible to do so, a continuous link-node system, including filling gaps in the existing system, having regard to the policies of Section 4.4.2ii) through:

- i) the strengthening of the existing north-south corridors and the creation of east-west linkages where feasible and appropriate, with possible locations which may be considered shown conceptually on Schedule "B" and which may include tree lined streets; and,
- ii) the integrated planning of pedestrian and bicycle paths and bike lanes which focus on major destinations such as parks, the central core and community facilities. (See Schedule "B") including the potential establishment of trail heads in appropriate locations following a review by the Town.

4.4.3 Conditions of Development

- i) In existing areas where connecting links have not been created, or where development is not proposed, opportunities to establish both natural and human links within existing public rights-of-way or on existing public lands will be explored by the Town as opportunities arise.
- ii) In areas where development is being proposed, the need, location, size and extent of such links, the form they take and the uses permitted shall be reviewed as part of the analysis of the development application. Wherever possible, the Town shall endeavour to link parks and environmental constraint areas in a continuous interconnected system which will provide for human and natural connections.
- iii) Connecting links may be included in the net development area for condominium blocks provided such links are accessible to the public, but where such areas are part of a lot being used for

development, the lot shall be of sufficient size to allow the link to achieve its purpose.

- iv) Where a trail connection is considered by the Town to be required, and such a connection cannot utilize an existing public right-of-way or public lands, the Town shall work with the land owner(s) to try to negotiate an easement or purchase arrangement to permit trail access across the property.

4.5 TREE CONSERVATION AND PLANTING

4.5.1 Tree Conservation

It shall be a priority to preserve significant trees and other natural vegetation which occur in and adjacent to the Environmental Constraint Area. In addition, to the lands in the Environmental Constraint Area designation and in the Park Land System, it is the objective of the Town to maintain and enhance existing woodlots, and trees wherever possible and to encourage the planting of new woodlots and individual trees.

The Town shall implement this objective through their management of Town lands and as part of the Town's annual tree planting and maintenance program, and by working with other public agencies with respect to lands which they control and through implementation of the Town's Tree Preservation By-law which prohibits the destruction or injuring of trees with certain exceptions. In addition, the Town shall encourage the planting new trees, and the maintenance of existing trees on both public and private lands with a focus on ensuring that trees are a major component of all street design in accordance with the Town's Urban and Landscape Design Guidelines. The Town may also consider the potential of developing an Urban Forest Program. However, regardless, the Town may also remove diseased trees with the exception of those plant species protected under the Endangered Species Act, 2007, or implement a program to prevent the spread of infectious diseases or invasive exotic species.

4.5.2 Development Applications

Any person who has entered into an approved development agreement with the Town may remove trees in accordance with that agreement and the provisions of the Town's Tree Preservation By-law. Where new development is to occur on a piece of land plan and an Arborist Report or similar report prepared by a qualified professional acceptable to the Town, shall be submitted and approved by the Town, either at the time of

application or as a condition of approval at the direction of the Town. The Town shall consider the Tree Preservation Guidelines which form part of the Tree Preservation By-law in evaluating such plans and reports.

In addition, such an analysis shall:

- i) address the nature and condition of the tree resources potentially affected by the development;
- ii) provide recommendations for tree retention and removal based on the quality of the trees, species tolerance, proposed development impacts and opportunities for mitigation, as well as a program of replanting and vegetation enhancements for new development which impacts on tree stands;
- iii) address the impact of the development on any abutting lands in the Environmental Constraint Area designation, and the tree preservation, woodlot management and edge/interior protection measures required to protect such areas before, during and after the initiation of construction; and,
- iv) address the potential impact of development on any significant trees on abutting lands in designations other than the Environmental Constraint Area designation and measures required to protect such trees before, during and after the initiation of construction.

Based on this analysis, controls will be placed on the trees to be removed, the amount and type of new landscaping to be provided on the site and related management and construction procedures through Subdivision, Condominium or Site Plan Control Agreements.

4.6 LEISURE FACILITIES

Leisure facilities generally form part of the Park Land System. However, there are also a range of additional facilities which are located on separate sites. Leisure facilities shall be planned by the Town in conjunction with the Park Land System and the Link-Node System of Connecting Links. Regard shall also be had to the Town's Parks and Recreation Master Plan.

4.7 GREENLANDS SYSTEM IMPLEMENTATION

4.7.1 Land Securement and Stewardship

- shall
- i) The Town shall work with the Conservation Authority, other public agencies and the public to explore and develop land securement and stewardship strategies to implement the Greenlands System.
 - ii) When reviewing an application for an amendment to this Plan or the implementing zoning by-law or in approving or commenting on plans of subdivision, the Town shall consider the acquisition of lands for public open space purposes.
 - iii) Where the lands in the Environmental Constraint Area designation are not acquired and/or managed by a public agency, the Town shall seek the maintenance and enhancement of the lands through a wide variety of land stewardship options including easements, trusts, tax incentives and right of way approaches to preserving, enhancing and accessing such areas.
 - iv) The Town, in co-operation with the Ganaraska Region Conservation Authority and/or the Ministry of Natural Resources, consider a programme of land acquisition along the shoreline of Lake Ontario or other areas where it is considered desirable that the land be brought under public ownership. The criteria to be considered in the future development and use of lands in the vicinity of the Lake Ontario waterfront are as follows:
 - a) to increase public accessibility and use;
 - b) to provide for a range of recreational and leisure opportunities which focus on this natural recreational resource;
 - c) to provide for the development of both structured and unstructured parkland areas ranging from high intensity activity nodes in the vicinity of the harbour to undeveloped natural areas of low intensity use;
 - d) to increase the visual attractiveness of the waterfront, particularly in the core area of the Town; and,
 - e) to provide for the overall development of the waterfront area in a manner which is complementary to and compatible with adjacent land uses.

4.7.2 Parkland Dedication

Where new development is proposed on a site, part of which has physical or environmental hazards, or which includes environmentally sensitive areas such as wetlands, then such Environmental Constraint Areas shall not necessarily be acceptable as part of the dedication for park purposes under the Planning Act unless:

- i) the lands can be used for open space/recreational use in conjunction with adjacent active parkland; and,
- ii) the Town is satisfied that the active parkland requirements for the development have been satisfied.

It shall further be the policy of this Plan that where drainage of a subdivision or other development is to be by means of an open watercourse, the lands necessary for drainage purposes shall not be acceptable as part of parkland dedication. Such watercourses shall be wide enough to allow for the drainage channel and related flood plain with adequate space provided for maintenance and tree planting. Wherever possible, such areas shall be integrated with other public open space areas by the provision of pedestrian walkways and bicycle paths. Finally, stormwater management facilities shall not be acceptable as part of the parkland dedication.

All lands dedicated to the Town shall be conveyed in a physical condition satisfactory to the Municipality.

4.7.3 Private Ownership

- i) Where any lands that are identified as Environmental Constraint Area, parkland or part of the Greenlands System are held under private ownership, then such lands are not free and open to the public and public access shall be denied except with prior, expressed approval of the landowner. Only where the lands are acquired by a public authority will general access be permitted, and only then, in accordance with the policies of the public authority.
- ii) Lands which are identified as Environmental Constraint Area or parkland will not necessarily be acquired by the Municipality or other public authority. Where a proposal is made to develop lands held under private ownership for an alternative use, and the Municipality or other public authority does not wish to purchase such lands, an application for development will be given

consideration by the Municipality within the context of the policies of this Plan.

4.7.4 Public Lands

The Town shall strive to manage municipality owned lands in an environmentally sensitive manner including reviewing the manner in which pesticides/herbicides are used and the use of road salt.

4.8 SUSTAINABILITY STRATEGY

4.8.1 Purpose

Consideration of the environment is not limited to the protection and enhancement of lands in the Greenlands System and the Town is committed to, and has already made significant progress in, developing a “culture of conservation” which reflects the principle of sustainable development - “development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”¹

The Sustainability Strategy provides policies with respect to the implementation of this principle as it relates to development form as well as the framework for the creation of an Integrated Community Sustainability Plan for conservation of water, air quality, energy and other resources and waste reduction, transportation, as well as environmental monitoring and education. Related policies for cultural heritage conservation are found in Section 5.5 of the Plan.

4.8.2 Development Form

The Town will encourage, in accordance with the policies of this Plan and having regard for the Town’s Urban and Landscape Design Guidelines, development (including Town facilities) which is based on the principle of sustainable development. The Town will also work with other public agencies to encourage them to follow the same principle. In particular, the Town will encourage development designed to:

- i) reduce the consumption of energy, land and other non-renewable resources including support for energy efficient building and opportunities for co-generation;

¹The Bruntland Commission (1983)

- ii) minimize the waste of materials, water and other limited resources;
- iii) create livable, healthy and productive environments;
- iv) reduce greenhouse gases; and,
- v) enhance biodiversity, ecological function, and the natural heritage system, including the provision of wildlife habitat and linkages.

4.8.3 Integrated Community Sustainability Plan

The Town shall develop an Integrated Community Sustainability Plan (ICSP) in consultation with other agencies including the Ganaraska Region Conservation Authority, Lakefront Utilities Services Inc. and the County of Northumberland. The Plan will build on existing initiatives such as the Climate Action Plan. The ICSP will be designed with specific, achievable actions which reflect the Town's financial constraints, to implement the following directions:

- i) To enhance water conservation including water demand management for the efficient use of water; water recycling to maximize the reuse and recycling of water and the use of Low Impact Development Stormwater Management (LID) ;
- ii) To promote energy conservation including energy conservation for municipally owned facilities, identification of opportunities for alternative energy generation and distribution; and, energy demand management to reduce energy consumption;
- iii) To improve air quality protection, including reduction in emissions from vehicular and other sources and promotion of approaches such as green roofs;
- iv) To reduce per capita waste generation, recognizing that the County is responsible for this function;
- v) To develop targets and related environmental monitoring programs;
- vi) To reflect other related initiatives including tree preservation, community gardens, naturalization, and cultural heritage conservation; and,
- vii) To ensure that environmental education is a key component of all aspects of the Plan.

An ICSP shall be defined as a long term plan, developed in consultation with community members, that provides direction for the community to realize sustainability objectives it has for environmental, cultural, social and economic dimensions of its identity.

5. COMMUNITY DESIGN AND IMPROVEMENT

5.1 PURPOSE

The Town of Cobourg Official Plan is based on four community development principles including “Distinctive Community Image” and eight Design Principles. A key factor in the implementation of these principles is the design and improvement of the community.

This section outlines general design policies for the Town, as well as policies related to Gateway Areas and Neighbourhood Planning Areas, which will assist in the implementation of these broad directions. It also provides policies with respect to the preservation of heritage areas and community improvement.

The policies provide a framework for the review of development. In addition, the Town has adopted Urban and Landscape Design Guidelines. The Town in evaluating all development applications shall have regard to these Design Guidelines, in conjunction with the policies of the Official Plan.

5.2 GENERAL DESIGN POLICIES

5.2.1 Streetscapes

5.2.1.1 Street System

- i) Street patterns in newly developing areas will be designed to reflect an interconnected street system with a modified grid pattern or other approaches which facilitate continuous and direct movement within a development area, and between the development area, abutting areas and the existing community. In addition, blocks should be limited in length to reduce the need for mid-block connections and promote active transportation.
- ii) Street patterns in existing areas shall not be modified except:
 - a) where the rights-of-way are significantly below Town standards and the need for widening has been identified in the 1992 Transportation Study or an update of that study, recognizing that in Heritage Conservation Districts generally widenings shall not be permitted;

- b) to introduce traffic calming techniques;
- c) through the introduction of boulevards, wide sidewalks, landscaped medians or other techniques on arterial and collector roads to mitigate the visual impact of existing wide rights-of-way;
- d) the introduction of bicycle paths and lanes, as appropriate to the function of the road;
- e) the introduction of additional streets to improve connectivity within the street system; and,
- f) other modifications deemed necessary by the Town to improve the operation of the street.

5.2.1.2 Streetscape Design

The layout of streets, configuration of lots and the siting of buildings shall ensure that:

- i) there is no reverse lotting;
- ii) there is unobstructed street frontage adjacent to public open space and Environmental Constraint Areas, where appropriate, and subject to appropriate design to ensure that there will be no negative environmental impacts;
- iii) pavement, sidewalk and right-of-way widths, as well as the provision of bicycle lanes and paths, reflect the function of the street;
- iv) the siting of parking areas, and the siting and massing of buildings and structures on all streets, but particularly on arterial and collector streets, shall generally assist in the creation of high quality streetscapes and, in particular, regard shall be had to providing a sense of enclosure to the street by situating building mass adjacent to the street, and particularly at intersections, to frame the street space;
- v) in residential areas, garages shall be designed so that they are not the dominant feature in the streetscape. In particular, garages shall not:
 - a) project beyond the facade of the residence; and,

b) dominate the frontage of the lot,

unless plans are submitted by the applicant to demonstrate to the satisfaction of the Town that the garages can be appropriately integrated with the streetscape;

vi) parking areas for non-residential uses or apartments or other large scale residential uses shall be designed to minimize areas where they directly front on the street, and where they do front on the street to reduce their visual impact both on the adjoining streetscape and on users by:

a) screening of the lot at the street through the use of such features as low fences, walls and a substantial landscaping buffer, excluding the area of any buildings and driveway crossings;

b) locating the building and parking on the site in a manner which reduces their impact on the street, and where buildings are located close to the streetline, no parking shall be permitted between the buildings and the street;

c) a reduction in the scale of large parking areas through their subdivision into smaller areas by means of landscaping; and,

d) joint access where feasible;

vii) landscaping and/or architectural features provides for features such as the definition of the street and public open space, framing of views and focal points, direction of pedestrian movement and demarcation of areas with different functions as appropriate through features such as low masonry walls/ metal fences, rockery, special building and roofline treatments, landmark features (e.g. clocks, towers, cupolas, bays, pergolas, weather vanes, art), outdoor activity areas (e.g. patios, plazas, squares), extensive plant material and other identifiable features; and;

viii) service and open storage areas and utilities and services should be sited away from prominent views from the street to minimize impacts, alternative design options for locating such facilities should be considered, and only where there is no alternative should they be sited in view sensitive locations, in which case decorative screening shall be required.

5.2.2 **Views**

- i) New development shall be designed to preserve, enhance and/or create significant views of the following features:
 - a) Lake Ontario;
 - b) view from the Harbour to the Victoria Hall Clock Tower in accordance with the requirements of the Harbour Area Secondary Plan;
 - c) important institutional or other buildings;
 - d) open spaces; and,
 - e) natural features.
- ii) Public buildings and other major buildings and structures shall be encouraged to locate:
 - a) at the termination of a street or view corridor; and,
 - b) at the intersections of arterial or collector roads.

5.2.3 **Areas of Heritage Value, Interest or Significance**

- i) Designated Heritage Conservation Districts and properties shall be subject to the provisions of the Ontario Heritage Act and the Heritage District Guidelines where applicable. However, there are other areas in the Town which can be regarded as having heritage value, interest or significance, including areas identified in consultation with the Municipal Heritage Committee (Heritage Cobourg), which the Town may establish as requiring special consideration with respect to the review of development applications. In those areas:
 - a) the scale and massing of new construction shall be consistent with surrounding buildings to ensure a visual connection; and,
 - b) the general design and style of new construction shall be considered on an individual basis through the site plan approval process recognizing that contemporary styles may be more appropriate in certain cases than emulating turn of the century designs.

- ii) All new development permitted by this Plan, shall have regard for heritage resources both on shore and in the water, and shall:
 - a) incorporate these resources into any plan prepared for such new development; and,
 - b) avoid the removal or alteration of any historic material or distinctive architectural feature.

In the event that placement of a heritage resource precludes the reasonable development of a parcel, consideration may be given to accommodating the building elsewhere on the site or another location. Relocation of buildings shall only be permitted in accordance with the advice of the Municipal Heritage Committee (Heritage Cobourg) and approval of Council.

- iii) In securing street extensions or necessary street improvements, consideration shall be given to the impact of such improvements on heritage resources and the urban streetscape.
- iv) The Town shall require the protection, conservation or mitigation of sites of archaeological value and areas of archaeological potential as provided for under the Planning Act, Ontario Heritage Act, and other Provincial legislation. Where development is proposed in areas of archaeological potential an archaeological assessment will be carried out in accordance with the requirements of Sections 5.5.5 and 8 of the Plan.

5.2.4 Landscape Design

The Town shall ensure that appropriate landscaping is provided in new development and redevelopment to:

- i) maintain and enhance the character of existing developed areas;
- ii) allow for the creation of strong landscaped features in newly developing areas, including stormwater management facilities which shall be designed as important components of the Greenlands System, such that they will be incorporated in development in a manner which enhances views and access through street frontage; and,
- iii) protect and enhance environmental features and open space areas having regard for the policies of Section 4, Greenlands System.

5.2.5 Safe Community Design

To promote safety and security in public places and minimize the potential for crime urban design should result in clear, unobstructed views of areas such as parking lots, parks, public institutions and open spaces, while streetscapes should be designed to encourage active public use and natural surveillance opportunities. In particular, the following measures shall be followed:

- i) the design and siting of new buildings and structures shall provide opportunities for visual overlook and ease of public access to adjacent streets, parks and open spaces;
- ii) clear, unobstructed views to parks and open spaces shall be provided from adjoining streets;
- iii) appropriate lighting, visibility and opportunities for informal surveillance shall be provided for all walkways, parking lots, parking garages and open space areas;
- iv) landscape elements shall be selected and sited in order to maintain views for safety and surveillance;
- v) the sharing of such facilities as parking and walkways shall be encouraged to increase use and public presence in such areas;
- vi) design which promotes a sense of community ownership for public spaces by maximizing use, control and surveillance opportunities by occupants of adjacent buildings and frequency of use by the public shall be encouraged;
- vii) the provision of views into, out of and through publicly accessible interior spaces shall be encouraged; and,
- viii) design which precludes entrapment or the perception of entrapment through properly identified exits and signage shall be encouraged.

5.2.6 Accessibility and Visitability

It shall be a policy of the Town to work towards the goal of equal access for all persons to public buildings and facilities, and to encourage the public and private sector to adopt similar goals with respect to their facilities as required to implement the Ontarians with Disabilities Act. The Town shall work with the Cobourg Accessibility Committee and citizens to continually refine and update a comprehensive, long term strategy for implementation which identifies barriers and proposes options to

overcome them, allocates resources for education and change and monitors progress towards those ends. In particular, the principles of universal design should be applied to all public spaces and within new developments to ensure access and visitability for all individuals, while recognizing the need for balance where designated heritage properties or properties in Heritage Conservation Districts are involved. Regard shall also be given to the Ontario Building Code and the Ontarians with Disabilities Act, as well as the Town's Urban and Landscape Design Guidelines, the Heritage District Guidelines and, where appropriate, the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada.

5.2.7 Active Transportation

In considering the design of public and private facilities, a key consideration shall be features which contribute to enhancements to the ability for movement by pedestrians and bicyclists and other active transportation modes, as well as individuals with mobility challenges while recognizing the need for balance in Heritage Conservation Districts. These include additions to the Town's trail system, the use of wide sidewalks, and the provision of bicycle parking and other facilities for bicycles. In particular, in considering pedestrian movement on specific sites, the following shall apply:

- i) direct and clearly defined pedestrian connections which form an extension of the public transportation system shall be required throughout sites with one main pedestrian connection between all buildings and all adjacent municipal streets and sidewalks, and secondary connections for improved pedestrian access as appropriate;
- ii) principal pedestrian routes shall be functionally separated from parking and driveway areas and should utilize a variety of surface materials, textures, colour, landscaping and changes in elevation;
- iii) on large sites street furniture such as benches, waste receptacles, bicycle racks and pedestrian level lighting should be provided along main pedestrian routes where appropriate; and,
- iv) opportunities for pedestrian connections with adjacent sites should also be explored, and will be required wherever feasible.

5.2.8 External Building Design

When considering, as part of site plan approval, the external design of buildings and the design of the adjacent streetscape, the Town shall take

into account all the policies of this Plan, particularly the policies of this Community Design Strategy. In addition, in evaluating the external design of buildings the Town shall seek design which reflects the directions in the Town's Urban Design and Landscape Guidelines and, in particular:

- i) includes sustainable building practices such as the use of green roofs and solar panels with the achievement of LEED or Energy Star or other similar certification or equivalent being encouraged;
- ii) complements the massing patterns, rhythms, character and context of adjacent existing development, while recognizing that built form evolves over time and that new buildings should not necessarily replicate existing buildings;
- iii) clearly defines public and private spaces;
- iv) is designed to incorporate the principles of universal design to ensure access and visitability for all individuals, while recognizing the need for balance where designated heritage properties and properties in Heritage Conservation Districts are involved;
- v) is in scale with surrounding development; and,
- vi) is designed to ensure that all buildings, and, in particular, any commercial, mixed use or institutional buildings are designed to animate and create a positive interface with the street through:
 - a) the use of architecture and facade treatment (e.g. landmark features, recesses, projections, canopies) of the buildings, including appropriate variation in materials and textures and colours of building ;
 - b) front doors and generous real windows ,or in some cases three dimensional display windows, on any major walls facing streets;
 - c) strong pedestrian connections to the street, are carefully positioned to minimize impacts on the street; and,
 - d) the location of outdoor activity areas (e.g. patios), landscaping and other site design elements.

5.2.9 Signage

Provisions for signs within private development shall comply with the Town's Sign By-law. In addition, the appearance of signs should reinforce

the character of development through design and choice of colour, material and their placement at entrance areas and on building facades. Signs should be integrated into the site plan and building design to ensure coordination of design.

5.2.10 Commercial and/or Mixed Use Development

Applications for new commercial and/or mixed use development, redevelopment or modifications to existing uses shall be evaluated in accordance with all applicable policies of this Plan and the following criteria taking into account the context and constraints of the site, including any existing use(s) and development form. Where new commercial and/or mixed use development, redevelopment or modifications to existing uses are proposed in the Main Central Area such uses shall satisfy the criteria below and the criteria in Section 3.7. Where new commercial and/or mixed use development, redevelopment or modifications to existing uses are proposed in Mixed Use Area designations such uses shall satisfy the criteria below and the criteria in Section 3.9.4. Where new commercial and/or mixed use development, redevelopment or modifications to existing uses are proposed in Shopping Node Area designations such uses shall satisfy the criteria below and the criteria in Section 3.8. Applications for development including new commercial or mixed use development, redevelopment or modifications to existing uses will include submission of justification that establishes that it:

- i) will enhance the character of the existing and planned streetscape through the introduction of development which will contribute to the creation of a mixed use and urban built form, and in particular will be designed to be oriented to the street and a minimum of two storeys or equivalent in height;
- ii) does not compromise the safe and efficient movement of pedestrians and cyclists and is designed to be easily accessible and oriented to pedestrian traffic; and,
- iii) provides efficient on-site circulation that minimizes vehicle idling time and traffic disruption while creating a safe and comfortable pedestrian environment.

In addition, new uses oriented to vehicle use, such as restaurants with “drive-thru” facilities, vehicle sales and/or repair uses, or uses involving open storage, in the Mixed Use Area and Shopping Node Area designations shall require an amendment to the Town’s Zoning By-law. An application for a Zoning By-law Amendment to permit new uses oriented to vehicle use such as restaurants with “drive-thru” facilities, vehicle sales and/or repair uses, or uses involving open storage will be evaluated based

on the location and design of the proposed development. Specifically, such development shall be evaluated based on the proposed development meeting the following criteria in addition to satisfying all other applicable policies of this Plan:

- (i) sufficient separation from the permitted residential uses or other site buffering is provided in order to mitigate impacts such as noise, lighting and traffic;
- (ii) convenient and safe pedestrian access is provided between the primary building entrance and adjacent sidewalks and walkways;
- (iii) a strong building edge to reinforce the streetscape; and,
- (iv) the appropriate location of vehicle stacking lanes and sufficient vehicle stacking to:
 - prevent queuing on public streets and other traffic disruptions;
 - minimize interference with on-site pedestrian access;
 - create a comfortable pedestrian environment on and in the adjacent public realm; and
 - ensure efficient vehicle circulation and parking.

5.3 GATEWAY AREAS

- i) Gateway areas shall be created at major entrances to the Town as designated on Schedule “B” and along the railway corridor particularly in the vicinity of the railway station, as the Town’s resources permit. Further development in these areas shall generally conform to the following:
 - a) buildings and structures shall incorporate architectural, landscaping or other features which emphasize the unique nature of the community;
 - b) buildings or structures are sited and massed toward the major intersection; and,
 - c) parking areas shall be at the rear or side of buildings.
- ii) The Town shall incorporate features such as landscaping and signage in the road allowance to clearly identify gateway areas.

5.4 NEIGHBOURHOOD PLANNING AREAS

- i) The boundaries of the Neighbourhood Planning Areas are delineated on Schedule "C", attached to and forming part of this Plan. The Neighbourhood Planning Areas are primarily composed of low and medium density forms of housing, although in some cases there is provision for the development of high density residential dwelling types. The Neighbourhood Planning Areas delineated on Schedule "C" are largely developed.
- ii) It is intended that each Neighbourhood Planning Area will be developed with an identifiable focus which may include such facilities or services as a linked open space system, educational facilities, convenience commercial facilities or other similar services and facilities.
- iii) Prior to the development of undeveloped Neighbourhood Planning Areas, or prior, to the undertaking of any major redevelopment which would have the potential effect of substantially altering the pattern of land use within a Neighbourhood Planning Area, the Town may require the preparation of a Secondary Plan; and/or the following studies will be completed as a basis for the formulation of the appropriate form of development:
 - a) servicing;
 - b) stormwater management;
 - c) transportation;
 - d) environmental audit; and,
 - e) concept plan.

The studies or Secondary Plans shall be prepared in accordance with the policies of Section 8 of this Plan.

- iv) A Secondary Plan shall not be required within a predominantly developed Neighbourhood where development would be in the form of infilling and in conformity with the policies and intent of this Plan, and the designations set forth on Schedules "A" and "B".

5.5 CULTURAL HERITAGE CONSERVATION

5.5.1 Purpose

Cultural heritage resources include buildings, structures, features or areas of architectural, historical or archaeological interest including cemeteries

and unmarked burials and urban districts and cultural heritage landscapes. The Town recognizes the significance of these resources and will provide for their conservation, including adaptive reuse, in accordance with the provisions of the Ontario Heritage Act, the Cemeteries Act and the Planning Act and other relevant legislation. In addition, the Town will:

- i) identify cultural heritage resources through a continuing process of inventory, survey and evaluation as a basis for the management of these resources;
- ii) promote awareness of the Town's cultural heritage and encourage public and private stewardship of these resources; and,
- iii) establish protocols for dialogue on planning and development matters with First Nations representatives whose interests encompass the Town.

5.5.2 Municipal Heritage Committee (MHC)

The Town shall continue to maintain its Municipal Heritage Committee (Heritage Cobourg) pursuant to the Ontario Heritage Act, to advise and assist Council on heritage matters which affect the Town.

5.5.3 Heritage Designation

- i) The Town shall continue to designate by bylaw individual properties and groups of properties, as well as cultural heritage landscapes, pursuant to the provisions of the Ontario Heritage Act utilizing criteria for determining cultural heritage value or interest established by provincial regulation under the Ontario Heritage Act and the following municipal criteria:
 - a) prehistoric and historical associations with a theme of human history that is representative of cultural processes in the settlement, development and use of land in the Town;
 - b) prehistoric and historical associations with with the life and activities of a person, group, institution or organization that has made a significant contribution to the Town;
 - c) architectural, engineering, landscape design, physical, craft and/or artistic value;
 - d) scenic amenity with associated views and vistas that provide a recognizable sense of position or place;

- e) contextual value in defining the historical, visual, scenic, physical and functional character of an area; and,
- f) landmark value.

These criteria may be refined without amendment to this Plan, and guidelines developed for their use as appropriate.

- ii) The Town shall work with MHC (Heritage Cobourg) and individual property owners, to recognize significant heritage resources through appropriate forms of commemoration (i.e. plaques, signage) and through the provision of information (i.e. pamphlets, walking tours), as resources permit.

5.5.4 Heritage Conservation Districts

- i) The Town has already established four Heritage Districts pursuant to the Ontario Heritage Act prior to April 2005 and prepared Heritage Conservation District Plans for those areas:
 - a) The Commercial Core;
 - b) Eastern Residential Sector I;
 - c) Western Residential Sector II; and,
 - d) George Street.

These Plans will be reviewed and revised as necessary as soon as possible to ensure that they comply with the Ontario Heritage Act, 2005 as amended. In the meantime, all development in these Heritage Districts shall continue to be evaluated based on conformity with the Heritage District Plans, Heritage District Guidelines and where appropriate Parks Canada Guidelines for the Conservation of Historic Places in Canada.

- ii) In considering the designation of additional Heritage Districts, the Municipality, in consultation with MHC (Heritage Cobourg), shall have regard for the following criteria for establishing such Districts:
 - a) A group of buildings, features and spaces that reflect an aspect of local history, through association with a person, group or activity;

- b) Buildings or structures that are of architectural or vernacular value or interest; and/or,
 - c) Important physical and aesthetic characteristics that provide a context for cultural heritage resources or associations with the district, including features such as buildings, structures, landscapes, topography, natural heritage and archaeological sites.
- iii) Prior to the designation of a Heritage Conservation District, the Municipality:
- a) may enact a by-law under the provisions of the Ontario Heritage Act to designate a heritage conservation study area for up to one year, and the by-law may prohibit or set limitations with respect to the alteration of property and the erection, demolition or removal of buildings or structures or classes of buildings or structures in the study area;
 - b) shall carry out a detailed study of the area in accordance with the requirements of the Ontario Heritage Act;
 - c) prepare and adopt a Heritage Conservation District Plan which will encourage conservation through controls and incentives and establish criteria for controlling demolition and regulating design through the establishment of the distinctive features which warrant the creation of the district; and,
 - d) encourage public participation throughout the process leading to the adoption of the Heritage Conservation District Plan.
- iv) Where the Town, having satisfied the provisions of Section 5.5.4 iii), deems it appropriate to designate a Heritage Conservation District, a by-law shall be passed under the Ontario Heritage Act.
- v) Development in Heritage Conservation Districts shall be reviewed in the context of the applicable Heritage District Plan and the Town's General Heritage Conservation District Guidelines and, where appropriate Parks Canada Guidelines for the Conservation of Historic Places in Canada, and shall require a heritage permit if it involves any work undertaken that alters or changes the appearance of the property and the buildings and structures on the property including all additions and alterations to buildings and structures on the property, demolition of buildings or structures on the property, all new construction, and landscaping and/or

alteration to the property. Development shall also require a heritage permit if it involve an application for financial assistance.

- vi) Intensification shall conform with the applicable Heritage District Plan and the Town's General Heritage Conservation District Guidelines, and where appropriate Parks Canada Guidelines for the Conservation of Historic Places in Canada, and the following criteria:
 - a) Conversion of existing built heritage resources where the original building fabric, heritage attributes and architectural features are retained and any new additions are no higher than the existing building and placed to the rear of the lot substantially behind the principal facade. In addition, side additions may be considered where it is demonstrated the addition will be appropriate and sensitive to (or not detract from) the existing building's heritage attributes. Alterations to principal facades and any changes to the front or flankage yard shall be limited. A cultural impact assessment may be required for such proposals; and,
 - b) Infill where there will be no demolition, destruction or loss of cultural heritage resources. A cultural heritage impact assessment may be required for such proposals.
- vii) Properties designated under Part IV of the Ontario Heritage Act maybe included as part of a heritage conservation district, and properties in a district may also be designated under Part IV.

5.5.5 Heritage Register

The Town shall maintain, pursuant to the Ontario Heritage Act, a Register of Property of Cultural Heritage Value or Interest. The Register may include property that has not been designated under the Ontario Heritage Act, but that Council believes to be of cultural heritage value or interest. Council shall consult with the MHC (Heritage Cobourg) prior to making modifications to the Register involving properties which are not designated. In addition to the provisions of the Ontario Heritage Act respecting demolition of cultural heritage resources contained in the Register shall apply.

5.5.6 Archaeological Resources

The Town recognizes that there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential in the municipality. The Town shall require the protection,

conservation or mitigation of sites of archaeological value and areas of archaeological potential as provided for under the Planning Act, Ontario Heritage Act, and other Provincial legislation. Where development is proposed in areas of archaeological potential an archaeological assessment will be carried out in accordance with the requirements of Section 8 of the Plan. The Town recognizes that there may be a need for archaeological preservation in situ or rescue excavation of significant archaeological resources as a result of development proposals. Any alterations to known archaeological sites shall only be performed by licensed archaeologists.

5.5.7 Implementation

i) Grants and Loans

The Town may establish and maintain heritage grant and loan programs for the funding of the maintenance and conservation of cultural heritage properties for owners and /or long term lessees of designated heritage properties, properties in heritage conservation districts or properties with registered heritage easements. Such programs shall include guidelines to determine eligibility for funding and to advise on appropriate conservation techniques.

ii) Town Resources

The Town shall use protect and maintain all Town owned heritage resources to the highest standard to set a model for heritage conservation, while providing for adaptive reuse.

iii) Regulatory and other Legislative Tools

a) The Town shall use available regulatory and other legislative tools to protect cultural heritage resources including the power to stop demolition and alteration of designated properties under the Ontario Heritage Act; the use of zoning provisions to regulate use, bulk, form, location and setbacks; the use of the bonus provisions of the Planning Act to protect cultural heritage resources; the use of site plan control to ensure that new development is compatible with cultural heritage resources ; the use of parkland dedication to conserve significant cultural heritage resources; and the establishment of community improvement plans.

b) The Town shall administer the Ontarians with Disabilities Act, the Ontario Building Code and related codes and regulations to permit maximum conservation and re-use of

cultural heritage resources while still ensuring the health and safety of the public.

iv) Heritage Easements

The Town may acquire heritage easements and enter into development agreements, as appropriate, for the protection of cultural heritage resources and landscapes.

v) Density Transfer

The Town may permit the transfer of density rights from sites with cultural heritage resources to other properties to facilitate the preservation or adaptive reuse of a cultural heritage resource.

vi) Maintenance

The Town may establish and enforce minimum standards for the maintenance of the heritage attributes of designated cultural heritage properties.

vii) Relocation of Heritage Resources

All options for on-site retention of cultural heritage resources must be exhausted before relocation will be considered. Where relocation has been determined by the Town to be the only alternative relocation to another site within the same development shall be the first priority, and second to a sympathetic site in the Town.

viii) Adjacent Lands

Development and site alternation on lands adjacent to designated cultural heritage properties or heritage conservation districts as determined by the Town shall require submission of a cultural heritage impact assessment. The assessment must demonstrate to the Town that the heritage attributes of the designated property or district will be conserved.

ix) Heritage Master Plan

A Heritage Master Plan guides a municipality's plans for finding, assessing, conserving and celebrating cultural heritage resources. It provides priorities and time lines for the Town's actions related to heritage preservation. The Town shall consider the preparation of such a Master Plan.

x) Public Buildings, Street and Park Names

The Town will develop a policy to commemorate historical families and individuals including historical farming families, from the Town in the naming of public buildings, streets, parks or other public places.

5.6 COMMUNITY IMPROVEMENT

5.6.1 Purpose

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

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

5.6.2 Goals

The goals of community improvement are to:

- i. preserve, rehabilitate and redevelop the existing built environment, including cultural heritage resources;
- ii. maximize the use of existing public infrastructure, facilities and amenities;
- iii. coordinate private and public community improvement activities;
- iv. Stimulate community economic development and investment;
- v. promote development and redevelopment that is sustainable in nature;

- vi. guide the Town in setting priorities for municipal expenditure respecting community improvement projects;
- vii. participate wherever possible, in Federal and/or Provincial programs to facilitate community improvement; and,
- viii. reconcile existing land use conflicts and minimize future land use conflicts.

5.6.3 Objectives

Community Improvement Plans may be prepared and adopted by the Town to achieve one or more of the following objectives:

- i. encourage the renovation, repair, rehabilitation, redevelopment or other improvement of lands and/or buildings, including environmental remediation, development, redevelopment, construction and reconstruction of lands and buildings for rehabilitation purposes, or for the provision of sustainable and energy efficient uses, buildings, structures, works, improvements or facilities;
- ii. encourage the preservation, restoration, adaptive reuse, maintenance and improvement of buildings/properties, including designated heritage buildings/properties and districts and other historically or architecturally significant buildings/properties;
- iii. encourage the preservation and enhancement of Downtown Cobourg through the stimulation of private sector investment;
- iv. maintain and improve the physical and aesthetic qualities and amenities of streetscapes, especially in Downtown Cobourg;
- v. encourage maximum use of existing public infrastructure through the infilling, intensification and redevelopment of lands and buildings which are already serviced with municipal services;
- vi. maintain and improve municipal services including water distribution, sanitary sewers, stormwater management, roads, sidewalks, and street lighting;
- vii. maintain and improve the transportation network to ensure adequate traffic flow, pedestrian circulation and parking facilities, especially in Downtown Cobourg;

- viii. encourage the restoration, maintenance, improvement and protection of natural habitat, parks, open space, recreational and natural heritage facilities and amenities;
- ix. encourage the development of an adequate supply of accessible and/or affordable housing which meets the needs of local residents;
- x. encourage the eventual elimination and/or relocation of incompatible land uses, and where this is not feasible, encourage physical improvements to minimize the incompatibility;
- xi. encourage the attraction of new beneficial land uses and development, such as mixed use, anchor uses, underground parking, and affordable housing;
- xii. encourage community improvement activities which contribute to a strong economic base including commercial, industrial, recreational and tourism activity and job creation.
- xiii. improve environmental conditions;
- xiv. improve social conditions;
- xv. promote cultural and tourism development;
- xvi. facilitate and promote community economic development;
- xvii. facilitate and promote sustainable development and building design; and,
- xviii. improve community quality, safety and stability.

5.6.4 Criteria for Designation of Community Improvement Project Areas

- i. The Town may designate by by-law one or more Community Improvement Project Area(s), the boundary of which may be part or all of the Town.
- ii. For an area to be designated as a Community Improvement Project Area, it must satisfy at least one, and preferably more than one of the following general criteria:
 - a) buildings, building facades, and/or property, including buildings, structures and lands of heritage and/or architectural significance, are in need of maintenance, preservation, restoration, repair, rehabilitation, energy

efficiency or renewable energy improvements, or redevelopment;

- b) vacant lots and/or underutilized properties and buildings which have potential for infill, intensification or redevelopment to better utilize the land base, particularly where there is the potential for mixed use development, hotels, anchor uses, underground parking or the introduction of additional residential units, including affordable housing;
- c) deficiencies in physical infrastructure including but not limited to the sanitary sewer system, storm sewer system, and/or watermain system, roadways, sidewalks, curbs, streetscapes and/or street lighting, street furniture, municipal and private parking and loading facilities;
- d) deterioration or deficiencies in recreational or community facilities including public open space, municipal parks, neighbourhood parks, indoor/outdoor recreational and/or community facilities, and public social facilities;
- e) commercial areas with high vacancy rates and/or poor overall visual quality of the built environment, including but not limited to, building facades, streetscapes, public amenity areas and urban design, especially such areas that form part of a Business Improvement Area;
- f) human-made hazards which should be eliminated in order to ensure a greater degree of public safety and to further enhance the community function;
- g) non-conforming, conflicting, encroaching or incompatible land uses or activities threaten to disrupt the predominant land use and/or economic function of the area;
- h) demonstrated problem or deficiency associated with the circulation and/or access of traffic;
- i) flood prone area;
- j) known or suspected environmental contamination;
- k) other significant barriers to the repair, rehabilitation or redevelopment of underutilized land and/or buildings; and,

- l) other significant environmental, social or community economic development reasons for community improvement.
- iii. Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to:
- a) Downtown Cobourg;
 - b) those areas where the greatest number of criteria for selection of Community Improvement Project Areas are present; and/or;
 - c) those areas where one or more of the criteria for selection of Community Improvement Project Areas is particularly acute; and/or; and,
 - d) those areas where one or more of the criteria for selection of Community Improvement Project Areas exists across the Town .

5.6.5 Phasing

- i. The phasing of community improvements shall be prioritized to:
- a) permit a logical sequence of improvements to occur without unnecessary hardship on area residents and the business community;
 - b) reflect the financial capability of the Town to fund community improvement projects;
 - c) implement those improvements that will most substantially improve the aesthetic, environmental and service qualities of a community improvement project area;
 - d) take advantage of available senior government programs that offer financial assistance for community improvement efforts; and,
 - e) coordinate the timing of related capital expenditures from various municipal departments with departmental priorities.

- ii. For the purposes of this Plan, community improvements within Downtown Cobourg shall occur on a continual basis as funding becomes available.

5.6.6 Implementation

- i. In order to implement a Community Improvement Plan in effect within a designated Community Improvement Project Area, the Town may undertake a range of actions, including:
 - a) the municipal acquisition of land and/or buildings and the subsequent;
 - clearance, grading, or environmental remediation of these lands and properties;
 - repair, rehabilitation, construction or improvement of these properties;
 - sale, lease, or other disposition of these properties to any person or governmental authority;
 - other preparation of land or buildings for community improvement.
 - b) provision of public funds, such as grants and loans to registered owners, assessed owners and tenants of land and buildings, and any person to whom such an owner or tenant has assigned the right to receive a grant or loan;
 - c) programs and measures to promote sustainable and/or energy efficient development, redevelopment and retrofit projects;
 - d) programs and measures to promote the attraction of new beneficial land uses and development;
 - e) provision of information on municipal initiatives, financial assistance programs, and other government assistance programs;
 - f) coordination of public and private redevelopment and rehabilitation by providing administrative and liaison assistance;
 - g) application for financial assistance from and participation in senior level government programs that provide assistance to municipalities and/or private landowners for the purposes of community improvement;

- h) agreements with any government authority or agency for the preparation of studies, plans and programs for the development or improvement of a Community Improvement Project Area;
 - i) discussions and negotiations with owners of properties which are substandard with respect to maintenance, and if such discussions and negotiations are unsuccessful, enforcement of the Municipality's Property Standards By-Law;
 - j) support of the preservation and restoration of historic and/or architecturally significant buildings and districts through the Ontario *Heritage Act, 1990*, in accordance with policies in Section 5.5 of this Plan, and the use of funding programs under that Act;
 - k) continued support of existing Business Improvement Areas, and the encouragement of the establishment of new Business Improvement Areas and the expansion of existing Business Improvement Areas in an effort to maintain strong and vital commercial areas;
 - l) support for and co-operation with local service clubs and other organizations in the development of recreation and other facilities and services in a Community Improvement Project Area;
 - m) continued enforcement of the Town's Zoning By-law, Property Standards By-law and Sign By-law, and other related municipal by-laws and policies; and,
 - n) refinement of zoning controls and application of flexible land use policies within designated Community Improvement Project Areas to the extent that they complement community improvement goals and objectives.
- ii. All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning-By-law, Property Standards By-law, and all other related municipal policies and by-laws.
 - iii. Council shall adopt such special measures as may be necessary to implement the goals and objectives for Community Improvement.

6. TRANSPORTATION STRATEGY

6.1 PURPOSE

The purpose of the Transportation Plan on Schedule “E” and the policies of this Section are to allow for the development of a transportation network which provides for the safe, economic and efficient movement of people and goods, while:

- i. offering a balance of transportation choices that reduces reliance on a single mode and promotes transit, cycling and walking and other active transportation modes;
- ii. recognizing the necessity for the creation of streetscapes which are attractive and comfortable for pedestrian as well as vehicular movement; and,
- iii. recognizing the importance of integrating transportation system planning and investment with land use planning, particularly the relationship of the land use pattern, density and mix of uses to the ability to minimize the length of vehicle trips and support public transit and active transportation modes.

To implement these directions the Town shall review and update its Transportation Master Plan with a focus on transit; pedestrian, bicycle and other active transportation modes; goods movement and improving connections to regional and inter-regional bus and rail services.

6.2 ROAD NETWORK

6.2.1 Road Classification

- i) The Provincial highway designation on Schedule “E” applies to Highway 401 which is under the jurisdiction of the Ministry of Transportation. The construction, maintenance and design of Highway 401 is not subject to the requirements of this Plan. However, the Town will review any proposed changes and provide input to the Province. In addition to the applicable municipal requirements, all proposed development located in the vicinity of Highway 401 within the Ministry of Transportation’s permit control area under the Public Transportation and Highway Improvement Act will be subject to their approval.

- ii) Major roads including county roads, arterial and collector roads shall generally conform with the designations on Schedule “E” and the requirements of Table 3.
- iii) Potential major roads designated on Schedule “E” are established to reserve sufficient lands to provide choices for long term planning. Their alignments are approximate and may be modified without an amendment to this Plan. The construction of such roads shall comply with the requirements of Table 3.
- iv) Local roads while not designated on Schedule “E”, shall generally conform with the requirements of Table 3.
- v) Special roads shall be established by the Town, as set out in Table 3. and Section 6.2.2 iii). They may be designated on Schedule “E”, but are not required to be so designated. They shall be designed in accordance with a special study carried out by the Town.

6.2.2 Road Planning

- i) The Town shall work co-operatively with the Province and the County and adjacent municipalities to integrate the planning of the municipal road network with the road systems under other jurisdictions. Priority will be placed on ensuring that, in addition to vehicular movement and parking, the road system is designed to promote transit, cycling, walking and other active transportation modes, recognizing that Highway 401 is not designed for active transportation modes. The comfort and safety of transit users, pedestrians, cyclists and other active transportation mode users shall be an important consideration in streetscape design. In addition, priority will be given to transit and goods movement over other vehicular traffic.
- ii) The Town, as a condition of development or redevelopment, may require lands for the purposes of road widening to be dedicated to the appropriate authority having jurisdiction in accordance with the requirements of Table 3. Additional lands in excess of the typical right-of-way widths may also be required to be conveyed for works related to, but not limited to, extensive cut/fill operations, intersection improvements, bridges, sight triangles, and drainage and buffering improvements.
- iii) Notwithstanding the standards set out in this Plan, the Town recognizes that the reconstruction of roads to normal minimum standards in some existing developed areas may not be appropriate from a community design perspective, or economically

or physically feasible due to existing building setbacks and/or mature trees within the road allowance. Any attempt to reconstruct such roads to minimize deficiencies shall only be undertaken after a study to determine a practical and reasonable right-of-way which will result in a streetscape which minimizes impacts on abutting properties and is appropriate to the character of the area, while serving anticipated traffic volumes. No amendment to the Plan shall be required to implement such a modification to the right-of-way.

- iv) Generally no new roads shall be assumed or dedicated which do not meet the minimum standards established in Table 3. However, the Town may accept roads with reduced standards, provided it is demonstrated to the satisfaction of the Town that such roads and lanes can serve the anticipated traffic volumes. In order to demonstrate the acceptability of such alternative road standards, the Town shall either carry out its own evaluation at the cost of the applicant, or require submission of an engineering study for their review. Such a review will be carried out at the cost of the applicant.
- v) New roads shall be designed to allow for the creation of tree-lined streets and to integrate “traffic calming” measures as appropriate, particularly in residential areas. In addition, where traffic problems are identified in existing areas through studies carried out by the municipality, the Town shall consider the introduction of “traffic calming” measures to assist in the resolution of such concerns.
- vi) The Town will work with the railways to maintain existing rights-of-way over the railway.

TABLE 3 FUNCTION OF ROAD FACILITIES		
ROAD CLASSIFICATION	FUNCTION	DESIGN REQUIREMENTS
County Roads and Arterials	<ul style="list-style-type: none"> • Serve inter-regional, regional and local travel demands, including movement of heavy trucks, transit and bicycles • Designed to serve development with densities supportive of transit and active transportation modes 	<ul style="list-style-type: none"> • Direct access from abutting properties may be permitted subject to restrictions • Maximum 4 travel lanes • Maximum right-of- way width 26 to 36 metres (85 - 118 feet), although generally will not exceed a maximum of

**TABLE 3
FUNCTION OF ROAD FACILITIES**

ROAD CLASSIFICATION	FUNCTION	DESIGN REQUIREMENTS
	which are encouraged to locate along these roads.	30 metres (98 feet) <ul style="list-style-type: none"> • Right-of-way should be designed to include provision for wide sidewalks on both sides of the road(generally a minimum of 2 metres), street trees, and bike lanes or trails.
Collector Roads	<ul style="list-style-type: none"> • Serve local travel demands providing connections within neighbourhoods and employment areas, • Connects arterial and local roads and by doing so connects neighbourhoods and employment areas to other areas of the Town. 	<ul style="list-style-type: none"> • Direct access from abutting properties permitted subject to some restrictions • Maximum 4 travel lanes • Maximum right-of-way width 20 -30 metres (66 -100 feet), although generally in residential areas the maximum right-of-way shall not exceed 26 metres. • Right-of-way should be designed to include provision for wide sidewalks on both sides of the road(generally a minimum of 2 metres), street trees, and bike lanes.
Local Roads	<ul style="list-style-type: none"> • Serves local and neighbourhood travel demands providing connections within neighbourhoods and employment areas to ensure the maximum degree of connectivity to allow for the creation of an efficient network for all modes of transportation; • Connects individual properties to collectors and arterials 	<ul style="list-style-type: none"> • No access control • Maximum 2 travel lanes • Right-of-way width 20 metres (66 feet) maximum and minimum right-of-way width of 17 metres (55.7 feet) • Right-of-way should be designed to include provision for sidewalks at a minimum on one side of the street, with the exception of cul-de-sacs and other short streets, and street trees.
Laneways	<ul style="list-style-type: none"> • Provides access to individual properties for 	<ul style="list-style-type: none"> • No access control • Right-of-way 7.5 metres

TABLE 3 FUNCTION OF ROAD FACILITIES		
ROAD CLASSIFICATION	FUNCTION	DESIGN REQUIREMENTS
	parking and loading purposes may be public or privately owned	(24.6 feet) width minimum
Special Streets	<ul style="list-style-type: none"> • Serve a unique function related to their location, adjacent land use or other special feature which requires the development of special standards • May be designated as determined by the Town without amendment to this Plan 	<ul style="list-style-type: none"> • Design requirements will be determined based on a special study carried out by the Town

6.3 TRANSIT SERVICE

6.3.1 VIA Rail

The Town will work with VIA Rail to maintain and enhance existing rail passenger service to the community in accordance with the provisions of Section 6.5.

6.3.2 Municipal Transit Service

- i) The Town shall generally maintain its existing level of transit service and enhance and extend the service, if it is financially feasible to do so. No amendments shall be required to modify the transit system designated on Schedule “E”.
- ii) To enhance the potential for the success of the operation of the transit system, regard shall be had to the following transit-supportive guidelines in the subdivision review and approval process:
 - a) new subdivisions shall generally be located as close as possible to existing transit service;

- b) contiguous development should be encouraged within new areas being built by multiple owners, so that planned transit service may be phased in efficiently along permanent routes;
- c) development shall be encouraged at densities and in locations which support a cost effective transit service;
- d) generally streets designated as transit routes should be designed to arterial or collector road standards and spaced to ensure full coverage and avoid duplication of service;
- e) collector road linkages to enable connectivity between neighbouring residential areas shall be required where possible in new development; and,
- f) where possible transit facilities should be located between 300 metres (984 feet) and 700 metres (2,296 feet) or less actual walking distance from residences.

6.4 PEDESTRIAN AND BICYCLE CIRCULATION

The Town, as set out in Section 6.1, shall promote transit, cycling and walking and other active transportation modes with the objective of establishing a transportation system throughout the community, that will allow residents to safely, conveniently and easily travel from anywhere to anywhere in Cobourg using active transportation modes.

- i) The primary system for pedestrian movement shall be the sidewalk system. Provision shall be made for sidewalks on both sides of all arterial and collector roads and on one side of all local streets, at a minimum, with the exception of cul-de-sacs, and streets with a limited number of homes on them or other special circumstances as determined by the Town.
- ii) Bicycle movement shall generally be accommodated in road right-of-ways. Bicycle lanes, in addition to those which form part of the link-node system, shall be included in road right-of-ways for new arterial and collector roads, and the addition of lanes for bicycles on existing arterial and collector roads shall be considered where it is financially feasible to do so. On major arterial roads such as King St. Division St., Elgin St., University Ave., William St., D'Arcy St., Ontario St., Brook Rd. North and Kerr St., the Town may also develop pathway systems for both pedestrian and bicycle traffic instead of bicycle lanes.
- iii) The Town shall encourage the development of a link-node system which will connect major pedestrian and bicycle destinations such as schools, parks and

commercial areas, the Main Central Area, the harbour, and the train station with a system of pedestrian and bicycle paths including sidewalks and on-street bicycle lanes where appropriate.

- iv) Schedules “B” and “E” provide a conceptual framework for the development of the link-node system. Additions and modifications to the system shall not require an amendment to the Plan. The Secondary Plans will include appropriate extensions to the link-node system.
- v) The link-node system, and the provision of bicycle lanes and sidewalks, including on bridges, are considered to be part of the transportation system. Such lands shall be dedicated as part of the public right-of-way at the time of development and included in the reconstruction of existing roads.
- vi) The link-node system and other components of the transportation system shall be designed and developed to minimize conflicts between other modes of transportation and pedestrian and bicycle routes.
- vii) Both in existing and future development, the transportation system shall be shall be designed to provide for active transportation modes including the supportive infrastructure required for safe, convenient cycling and walking. In considering the design of active transportation modes, the Town shall take into consideration the following:
 - a) providing for bicycle lanes in the construction and reconstruction of streets and bridges;
 - b) encouraging and supporting measures which will provide for barrier-free design for cycling, pedestrian and disability facilities;
 - c) ensuring that lands for bicycle/pedestrian paths are including where required in the land requirements for roads;
 - d) ensuring that the rights and privacy of adjacent property owners are factored into the design process for pedestrian and cycling routes;
 - e) ensuring that all pedestrian and cycling routes are designed to be safe;
 - f) ensuring the provision of appropriate signage related to active transportation modes including signage for significant cycling routes on secondary streets;
 - g) ensuring the installation of bicycle posts at major nodes including commercial, recreational and employment areas; and,

- h) incorporating other supportive infrastructure as required such as bicycle racks on buses.

6.5 RAIL SERVICE

6.5.1 Rail Service

The Town recognizes the importance of rail service both for passengers and freight. The Town will encourage VIA Rail, Canadian National and the St. Lawrence and Hudson Railway to continue to provide a safe and efficient service to both residents and employment uses in the community and surrounding areas. The Train Station is recognized on Schedules “A” and “E” as a Major Transit Station in accordance with the Growth Plan and policies are provided in Section 3.17 with respect to the station and surrounding Major Transit Station Area.

6.5.2 Rail Safety

The Town shall review, as required, areas of conflict between the rail operations and pedestrian and vehicular movements, as well as conflicts with land uses abutting the rail lines including:

- i) the provision of protective measures such as daylighting triangles, signals, gates and combinations thereof;
- ii) the possible elimination of level crossings; and,
- iii) the incorporation of safety measures such as the provision of security fencing for abutting land uses.

6.6 PARKING

6.6.1 General Parking Requirements

- i) The Town shall require, as a condition of development or redevelopment, that:
 - a) adequate off-street vehicular parking and loading facilities be provided which are planned and engineered to allow access to all parking spaces;

- b) ingress and egress to parking and loading areas be limited in number and designed to acceptable standards for traffic safety; and,
 - c) access points on arterial and collector roads be shared by adjoining land uses, where practicable, to minimize traffic hazards.
- ii) Notwithstanding the Policies of Section 6.6.1 i), the Town shall encourage the retention and expansion of on-street parking in areas where it would not interfere with the efficient movement of traffic. Further, in areas where on-street parking is provided, the Town may consider reduction of the on-site parking standards.
 - iii) Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use or high density residential development in accordance with a parking analysis as set out in Section 3.7.7 iv).
 - iv) The Town shall establish in the Zoning By-law standards for bicycle parking and related facilities.

6.6.2 Main Central Area Parking Requirements

- i) The Town will maintain and enhance the supply of short term parking for shoppers and visitors within the Main Central Area and accessible parking for the short and medium term needs of residents and employees including parking for public uses.
- ii) In recognition of the difficulty of providing on-site parking within the Main Central Area, the Town:
 - a) shall encourage the owner or operator of any building or site which cannot satisfy the requirements of the zoning by-law with respect to parking to investigate alternative arrangements for the provision of off-street parking areas and/or the fulfilment of parking requirements at alternative locations through agreement with the municipality in accordance with the Planning Act;
 - b) may consider the acquisition of lands in appropriate locations for the provision of off-street parking within the Main Central Area where severe parking and/or loading problems exist;

- c) may, at its discretion, enter into an agreement with the owner or operator of a building within the Main Central Area to provide for the payment of cash-in-lieu of all or part of the zoning by-law requirements pertaining to the provision of off-street parking in accordance with the Planning Act provided that the Town is satisfied that the parking needs of the development can be met;
- d) may review parking standards in the zoning by-law, through a parking analysis at its discretion and may reduce the parking standards in recognition of the built form and existing level of parking in the downtown area and notwithstanding any other provision of this Plan; and,
- e) may, in reviewing a proposal for redevelopment in the Main Central Area, recognize the existing parking situation, and provide for a reduced parking standard provided such redevelopment shall not result in a significantly greater deficit of parking spaces. Similarly, the Committee of Adjustment may utilize this policy to grant a variance provided the parking deficiency is not significantly increased.

6.6.3 Main Central Area Loading Requirements

In the Main Central area where it is clear that off-street loading facilities cannot reasonably be provided, the Town may, in the implementing zoning by-law, permit on-street loading activities, provided the Highway Traffic Act or other relevant municipal by-laws are not contravened.

Where on-street loading activities are permitted, the Town may require the owner or applicant to enter into one or more agreements with regard to the facility or services to be provided or matters to be addressed. In considering such an agreement, the Town shall be satisfied that the special loading space arrangement proposed will:

- i) be accessible;
- ii) not impact negatively on adjacent uses or traffic patterns;
- iii) be adequate to meet the needs of all uses proposed;
- iv) not limit the development potential of adjacent properties; and,
- v) not rely on existing public parking facilities in such a way as to reduce their effectiveness.

The Town may require the applicant to demonstrate that the proposal complies with the above criteria.

6.6.4 Temporary Zoning

Notwithstanding any other policies of this Plan, where lands are vacant and may be advantageously utilized to provide off-street parking to overcome existing deficiencies, the Town may authorize the temporary use of such lands to provide off-street parking pursuant to the provisions of the Planning Act. In authorizing the temporary use of lands for the provision of off-street parking, the Town shall give consideration to the following matters, namely:

- i) that the temporary use of vacant lands to provide off-street parking will not adversely affect adjacent residential areas and will not create a hazard for either pedestrian or vehicular traffic; and,
- ii) that the temporary parking areas are sited and designed to reflect the best interests of the area in which they are situated.

6.7 TRAVEL DEMAND MANAGEMENT

The Town recognizes the role that travel demand management can play in promoting more efficient use of transportation infrastructure, making the use of private vehicles more sustainable and encouraging increased use of transit and active transportation modes. The Town shall encourage businesses and/or organizations to prepare and administer transportation demand management strategies including flexible working hours, car pooling, provision of shower and change facilities for bicyclists, and priority parking for car pool and hybrid vehicles. The Town shall consider reduced parking standards for developments which submit a travel demand management plan to the Town.

7. MUNICIPAL INFRASTRUCTURE STRATEGY

7.1 PURPOSE

The Municipal Infrastructure Strategy establishes the type and level of infrastructure required to support the existing and proposed land use pattern, as well as the staging of development.

7.2 WATER SUPPLY AND DISTRIBUTION SYSTEM

7.2.1 Water Supply and Distribution System Capacity

- i) New development and/or redevelopment shall only be permitted where the water supply and distribution system has adequate capacity to service such development and/or redevelopment.
- ii) The expansion of the existing water system shall only be considered where:
 - a) strategies for water conservation and other water demand management initiatives are being implemented in the existing service area;
 - b) the plans are to serve growth in a manner that supports achievement of the Town's growth management strategy in Section 3.2; and,
 - c) the plans have been considered in the context of the applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements.

7.2.2 New Development

- i) All new development shall be serviced by the municipal water supply and distribution system and the developer shall be responsible for the installation of such works subject to the approval of the Town, Lakefront Utilities Services Inc. and the Ministry of the Environment. The recommendations of any relevant watershed plan shall also be taken into consideration.

- ii) Notwithstanding the foregoing and the policies of Section 15.8, minor development in Cobourg East Community, which is not served by the municipal water supply and distribution system may be developed on a private systems, but not partial services, provided that the proposed development will not result in a potential health hazard, and is subject to the approval of the Town. Minor development in Cobourg East Community shall generally consist of development on existing lots of record or extensions of existing buildings and structures or similar changes. Minor development shall be development which requires only the following planning approvals:
 - a) a building permit; and/or
 - b) a variance; and/or
 - c) a site plan.

7.3 MUNICIPAL SEWAGE COLLECTION AND TREATMENT SYSTEM

7.3.1 Municipal Sewage Collection and Treatment System Capacity

- i) New development and/or redevelopment shall only be permitted where the sewage collection and treatment facilities are adequate to service such development.
- ii) In assessing the provision of sewage services, the Municipality shall have regard for the uncommitted hydraulic reserve capacity of both sewage plants and the Town's adopted Sewer Allocation Policy.
- iii) The expansion of the existing sanitary sewer system shall only be considered where the criteria in Section 7.2.1 ii) are satisfied.

7.3.2 New Development

- i) All new development shall be serviced by the municipal sewage collection and treatment system and the developer shall be responsible for the installation of such works subject to the approval of the Town and the Ministry of the Environment. The recommendations of any relevant watershed plan shall also be taken into consideration.

- ii) Notwithstanding the foregoing and the policies of Section 15.8, minor development in Cobourg East Community which is not served by the municipal sewage collection and treatment facilities may be developed on private systems, but not partial services. Such development shall only be permitted provided that the proposed development will not result in a potential health hazard or further degradation of the environment and is subject to the approval of the Town. Minor development in Cobourg East Community shall generally consist of development on existing lots of record or extensions of existing buildings and structures or similar changes. Minor development shall be development which requires only the following planning approvals:
 - a) a building permit; and/or
 - b) a variance; and/or
 - c) a site plan.

7.4 STORM WATER MANAGEMENT

7.4.1 Existing Storm Water Facilities

- i) No development or redevelopment shall be permitted if such development or redevelopment will have a detrimental effect on the storm water drainage system.
- ii) The Town will co-operate with the Ganaraska Region Conservation Authority in watershed planning or in any flood management studies or engineering works that may be undertaken to improve, maintain or re-establish the hydraulic capacity of the natural water courses within the Town and on issues related to water quality. The Town shall use such studies to guide development decisions and water and wastewater servicing decisions.
- iii) No development will be permitted which would interfere with or reduce the drainage capacity of any natural watercourse, and, only those works may be carried out in the watercourses which will improve their hydraulic efficiency, their attractiveness as open space areas in accordance with the policies of Section 4 of this Plan and result in no net loss of fisheries habitat.
- iv) The Town will ensure that all storm drainage facilities are constructed separately from sanitary sewer facilities and shall

continue to provide for the separation of existing combined systems.

7.4.2 Midtown Creek Watershed

No works shall be undertaken which would result in a change in the size of the culverts beneath Elgin Street or the railway corridor or which would effectively reduce the storage capacity of the floodplain associated with the Midtown Creek unless new retention facilities are constructed south of Elgin Street or in other areas approved by the Town, in consultation with the Conservation Authority.

7.4.3 New Development

- i) Stormwater management techniques and facilities for new development shall be selected and designed on a subwatershed basis in accordance with Provincial guidelines, particularly the Ministry of the Environment "Stormwater Management Planning and Design Manual 2003 or updates thereto, and in consultation with the Ganaraska Region Conservation Authority. In particular stormwater management facilities shall be designed in a naturalized manner and will be landscaped so that they are integrated with the surrounding area and form part of the Greenlands System. The objectives of stormwater management with respect to new development within the Town of Cobourg shall be to:
 - a) identify appropriate water quality objectives for watercourse/drainage facilities to which the proposed developments are tributary with the primary focus being enhanced treatment;
 - b) identify and evaluate urban stormwater management practices to best meet these water quality objectives; and,
 - c) select appropriate stormwater management practices for the site and provide preliminary design, siting and sizing of proposed facilities.
- ii) With respect to stormwater quantity control, development shall comply with the requirements of the approved Master Drainage Plan or stormwater plan. Where the Town requires the preparation of such plans they shall be prepared to the satisfaction of the Town at the expense of the applicant.

- iii) Where new stormwater management facilities (i.e. detention/retention ponds) are required to support development, they shall be located entirely within the boundaries of the Municipality.
- iv) Notwithstanding the foregoing policies, the Town may provide for, in consultation with the Conservation Authority, intensification, redevelopment and/or extensions to residential areas which are substantially developed without storm sewer facilities provided that the proposed development is integrated with the present system in a manner which will not adversely affect adjacent properties and individual lot level approaches to reduce runoff volume and treat stormwater on site or other innovative approaches to stormwater management are used to the extent possible.
- v) Individual lot level approaches are encouraged on all sites to reduce runoff volume and to treat stormwater on-site through Low Impact Development (LID) approaches including measures such as reduction of impervious areas, cisterns, porous or permeable pavement, green roofs, and bioswales.

7.4.4 Stormwater Management Studies

Stormwater management plans, master drainage plans, and other studies and works which involve the disposition of water, shall have regard for the maintenance of the natural ecological functions of the watercourses, waterbodies and surrounding lands which are subject to such works or studies.

7.5 DEVELOPMENT STAGING POLICIES

7.5.1 Infilling and Intensification

Development will be managed to efficiently use land, resources, infrastructure, and public service facilities and to avoid any unnecessary and/or uneconomic expansion of infrastructure. In particular, infilling and intensification are encouraged where lands are designated for the proposed use and full municipal services are available in accordance with the Growth Management Strategy in Section 3.2 and other relevant policies of this Plan.

7.5.2 Undeveloped Lands

Where lands, which are presently undeveloped, cannot be serviced by the present gravity flow system of sanitary trunk sewers or municipal piped water services, or feasible extensions thereof, development shall be considered premature unless the proponent of the development is prepared to undertake the construction of such services to the satisfaction of and at no cost to the Municipality. The Town shall ensure that such extensions are in accordance with the overall servicing concept for the Municipality. Notwithstanding the foregoing, limited development may be permitted in Cobourg East Community in accordance with the policies of Section 7.

7.5.3 Secondary Plan Areas

Development may be permitted in Secondary Plan Areas in accordance with the provisions of the Secondary Plans. However, all development shall be contingent on the availability of services. Development in Secondary Plan areas shall be phased internally to ensure availability of services, particularly sewage services.

7.6 UTILITIES AND TELECOMMUNICATIONS

- i) All local power and telephone lines and other “cable “ services serving new developed areas shall be located underground and shall be grouped into a single utility conduit, wherever possible. The Town shall also encourage all “cable” service providers in existing developed areas to locate their services underground whenever physically and financially possible.
- ii) The Town will support the provision of electronic communications technology involving high capacity fibre optics to enhance telecommunications services within the Town. However, telecommunications transmission tower proposals shall be evaluated in conformity with the policies of Section 3.14 of this Plan.
- iii) Cable requirements for telecommunications shall be located underground consistent with the intent of Section 7.7 i).

7.7 COMMUNITY INFRASTRUCTURE

Planning for community infrastructure shall be integrated with the planning for development to ensure that services are available to meet current and future needs. This process shall take into account the availability and location of existing and planned

community infrastructure. The Town shall work with agencies such as the school boards, County of Northumberland and the Ganaraska Region Conservation Authority to ensure that an appropriate range of community infrastructure is planned to meet the needs of both the existing and planned population.

8. DEVELOPMENT APPLICATION PRE-CONSULTATION AND SUBMISSION REQUIREMENTS

8.1 PURPOSE

All development applications in the Town of Cobourg shall be subject to review in accordance with the policies of this section, and the other applicable policies of this Plan, as well as the Town's Urban and Landscape Design Guidelines. In addition, the Town may require development to be subject to the site plan control provisions of the Planning Act.

8.2 PRE-CONSULTATION

8.2.1 Pre-Consultation Process

Consultation with the Town prior to the submission of a development application requiring Planning Act approval is encouraged, and shall be required for applications for approval of Official Plan amendments, Zoning By-law amendments, draft plan of subdivision, draft plan of condominiums and site plans. Affected agencies such as the Ganaraska Region Conservation Authority are encouraged to participate where appropriate.

8.2.2 Required Information and Materials

The Planning Act and its regulations prescribe the submission of certain information and materials as part of any development application. The Town may require information and materials to support any development application in addition to that prescribed, including maps, drawings, reports and technical studies. The specific requirements for an application to be deemed to be a "complete" application, shall be determined by the Town as part of the pre-consultation process, in consultation with the appropriate agencies.

8.3 REQUIRED INFORMATION AND MATERIALS

8.3.1 Information Requirements

Unless an exemption is granted by the Town in writing as part of the pre-consultation process, the following information and materials shall be

required to be submitted as part of the application for an Official Plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium and site plan, and may be required for other applications. Such required information and material shall be prepared at the applicant's expense and carried out by qualified professionals as determined by the Town.

i) Background Information

A plan or survey of the subject site identifying all existing significant trees and watercourses, and natural heritage features as listed in Section 4.2.1, which may include species at risk, significant habitat of endangered and threatened species, significant wetlands, significant woodlands, significant valley lands, significant wildlife habitat, and significant areas of natural and scientific interest, existing buildings and structures and contours.

ii) Plans

Plans, including, where applicable, site grading and landscaping plans, elevations, and other documentation such as 3D computer modelling, a shadow study and photo montages:

- a) describing the proposed development and its relationship to the existing streetscape in particular building envelopes, accesses and parking areas;
- b) demonstrating how stormwater, erosion and sedimentation will be controlled on site including the use of low impact development stormwater approaches; and,
- c) describing proposed landscaping and any modifications to existing significant trees and landscaping.

iii) Greenland System

Where the site includes or directly abuts lands designated on Schedule 'B', Greenland Area, proposals shall be evaluated in accordance with the information submission requirements of Section 4 of the Plan.

iv) Tree Analysis

Where new development is to occur on a piece of land, a landscaping and street furniture plan and an Arborist Report or similar report prepared by a qualified professional acceptable to the

Town shall be submitted and approved by the Town either at the time of application or as a condition of approval at the direction of the Town in accordance with the policies of Section 4.5.2. Such a report shall include the identification of any tree or vegetation species at risk (e.g. Butternut Tree) and appropriate proposed mitigation (i.e avoidance, buffers, setbacks).

v) Noise and Light Impact Studies

A noise impact study shall be carried out where residential uses or other sensitive uses, as defined by Ministry of the Environment guidelines, are proposed and the site is adjacent to a major noise source such as a Provincial Highway, arterial road, County Road, railway or industrial use. In particular, any proposed development within 500 metres (1,640 feet) of Highway 401 or a railway right-of-way may be required to undertake noise studies carried out by a qualified acoustical consultant to the satisfaction of the Town in accordance with Ministry of the Environment guidelines, and where applicable, in consultation with the appropriate rail company.

Further, the requirements of the Ministry of the Environment guidelines, "Noise Assessment Criteria in Land Use Planning, October, 1995" or any successor thereto, with respect to the need for noise impact studies shall apply to new commercial, industrial or institutional development which is a potential major noise source, such as, but not limited to, uses which have associated with them on-going construction activity, outdoor heat rejection systems (including cooling towers) and outdoor exhaust fans, or other stationary noise sources such as railways yards, major truck stops, major hydro transformers, or natural gas compressors. Where required by the guidelines, a noise impact study shall be carried out to the satisfaction of the Town. In addition a noise impact study shall be required where drive-through uses abut residential or similar sensitive uses and a light impact study shall be required for commercial uses which abut residential or similar sensitive uses.

vi) Vibration Study

A vibration study shall be required at the request of the Province, the County, the Town or the applicable railway where the site is within 75 metres (246 feet) of a railway right-of-way or any Provincial Highway, arterial road or county road. Such a study shall be carried out to the satisfaction of the Town, in consultation with the appropriate government agency or railway.

Further, where new industrial development, which is a potential major source of vibration, such as metal forming industries including punch presses or drop forges, is proposed within 75 metres (246 feet) of existing residential development, a vibration study shall be carried out to the satisfaction of the Town.

vii) Cultural Heritage Impact Assessment

Where the site includes a building of architectural and/or historical merit designated under the Heritage Act or located in a designated Heritage Conservation District, a cultural heritage landscape or other cultural heritage resource, or the site is adjacent to such a cultural heritage resource as determined by the Town, a cultural heritage impact assessment, prepared by a qualified professional(s) in the field, shall be required to be submitted to the Town. Such a study shall demonstrate to the satisfaction of the Town that:

- a) the proposal will not adversely impact the heritage significance of the property or the area in which it is located or to which it is adjacent; or,
- b) demonstrate that it is not physically feasible to maintain the cultural heritage building or structure, landscape or resource, where that building, structure, landscape or resource is not designated under the Ontario Heritage Act.

viii) Archaeological Resource Assessment

Areas of archaeological potential are determined through the use of provincial screening criteria, or criteria developed based on the known archaeological record within the Town and developed by a licensed archaeologist. Where there may be archaeological remains of prehistoric and historic habitation, or areas containing archaeological potential within a site, an Stage I Archaeological Assessment conducted by archaeologists licensed under the Ontario Heritage Act shall be required. The assessment shall be submitted to the Town for approval, and to the Province for review and compliance with licensing provisions and archaeological assessment standards and guidelines. The assessment, should address further evaluation necessary to develop a final resource management strategy and the submission of any further reports required by the Town or the Province. In addition, the provisions of the Cemeteries Act and its regulations shall be applied when marked and unmarked cemeteries or burial places are encountered during development, assessment or any activity.

ix) Land Use Compatibility

Where applicable, information or necessary studies shall be provided to assist in the establishment of a separation distance, having regard for the Ministry of the Environment guidelines “Compatibility Between Industrial Facilities and Sensitive Uses”, between proposed development and potentially incompatible uses.

x) Stormwater Management and other Engineering Considerations

Where applicable, in accordance with Ministry of the Environment guidelines, a Master Drainage Plan shall be prepared, or the Town shall require a stormwater study. In addition, any other additional studies required to address engineering considerations may be required including:

- a) functional servicing study or servicing plan;
- b) hydrogeology, soils and/or geotechnical/slope stability study;
- c) hydraulic analysis of floodplain delineation;
- d) erosion and sediment control plan;
- e) water balance study, hydrological assessment, and/or water analysis report; and,
- f) operation maintenance report

xi) Soil Quality

The applicant must demonstrate that on-site soil quality is suitable for the proposed use. Mandatory filing of a record of site condition in the Registry by a qualified person as defined in O.Reg. 153/04 is required for a change in use of a property from industrial or commercial to residential or parkland and must be acknowledged by the Ministry of Environment. Specifically, where the Town, other public body, or the applicant has identified potential site contamination the Town shall require the applicant to complete a Phase I Environmental Site Assessment in accordance with O. Reg. 153/04 and with MOE guideline: “Records of Site Condition – A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition” dated October 2004 and associated guidelines. The Phase I Environmental Site Assessment

will be reviewed by the Town to ensure there is no contamination prior to the granting of any development approvals. If there is evidence of contamination, the applicant will be required to submit a Phase 2 Environmental Site Assessment in accordance with O. Reg. 153/04 and associated guidelines. If mandatory filing of a Record of Site Condition is required, this shall be submitted to the Town prior to the granting of a building permit.

xii) Transportation Analysis

Where the Town has identified concerns with traffic impacts, a transportation analysis carried out by a qualified transportation engineer shall be required. This may deal with on- and/or off- site traffic impacts. In addition, for all proposed development, the proponent shall submit studies or other information which demonstrates how the development has been designed to accommodate pedestrians, bicyclists and other active transportation modes, as well as accessibility to transit.

xiii) Air Quality

Where the Town identifies concerns with impacts on air quality, including odours, appropriate studies by qualified professional shall be required.

xiv) Development Adjacent to Sewage Treatment Plants

Where development of any sensitive uses, including residential units, is proposed within 150 metres (492 feet) of a sewage treatment plant with a design capacity equal to or less than 25,000 cubic metres per day, a feasibility study must be submitted in accordance with Ministry of the Environment's Guideline D-2 "Compatibility Between Sewage Treatment Facilities and Sensitive Land Uses." The feasibility study should address application of noise reduction equipment to any potential noise source, the degree and type of odour mitigation applied to the facility and other contaminants of concern.

xv) Development Adjacent to Highway 401

Where proposed development is located in the vicinity of Highway 401 within the Ministry of Transportation's permit control area under the Public Transportation and Highway Improvement Act, information will be provided:

- a) to satisfy the Town that the Ministry's requirements, that where feasible lots back onto the highway, can be satisfied; and,
- b) the Master Drainage Plan or stormwater study addresses impacts on the highway and has been submitted to the Ministry for approval.

xvi) Urban and Landscape and Sustainable Design

The submission of an urban and sustainable design study which identifies how the proposed development satisfies the Town's Community Design policies in Section 5 of this Plan, the policies of this Plan related to sustainability, and which has regard to the Town's Urban and Landscape Design Guidelines. In addition, a shadow study and 3D computer modelling and other contextual documentation including photo montages, shall be required in support of the urban and sustainable design study.

xvii) Other Environmental Studies

All necessary studies shall be required to address environmental considerations including the environmental audit required by Section 4.2.6 and studies which address:

- a) demarcation of physical and stable top of bank;
- b) demarcation of the limits of natural heritage and hydrologic features;
- c) fish habitat assessment; and,
- d) natural features restoration plan.

Such studies may include an environmental impact study with terms of reference established by the Town in consultation with the Conservation Authority and/or the Ministry of Natural Resources.

xviii) Financial and Market Considerations

Financial and market considerations shall be addressed through the submission of the following studies:

- a) Market impact study;
- b) Financial impact study; and,

c) Capital impact assessment.

xix) Density Reduction Justification Report

Applications that propose densities that are less than the minimums established in the Plan, and/or which require the down-zoning of sites which are zoned to permit medium and high density housing or mixed use development, which includes residential uses, to permit lower density housing are contrary to the policies of the Plan and while the Town may have to consider such applications they shall require an amendment to the Plan. Such applications shall be required to provide a Density Reduction Justification Report in accordance with Terms of Reference approved by the Town that assesses the implications of the proposal on the Town's ability to meet the intensification and density targets in this Plan and the impact on other sites zoned for medium and high density housing in the surrounding area. Such a study shall be carried out by a consultant retained by the Town at the cost of the applicant.

xx) High Voltage Electrical Corridors

Where new high voltage electrical corridors which are not located in a road allowance are proposed, studies shall be required which assess the impacts on adjacent development.

xxi) Other Information

In addition to the requirements of Sections i) -xviii), the applicant shall be required to submit any other supporting information and materials that may be identified by the Town during the pre-consultation process as being relevant and necessary to the evaluation of the particular application.

8.3.2 Scale, Scope and Timing of Submissions

i) The scale, scope and timing of any required information and material, particularly any reports and technical studies, is dependent on the nature of the proposal, its relationship to the adjacent land uses and the type of planning approval required. It is also dependent on the natural features that exist on and adjacent to the subject site. An environmental audit, environmental impact study or other environmental studies, where required, must be completed at the appropriate time of year.

- ii) Where this Plan requires the submission of technical studies by the applicant in support of a development application, the Town may, at its discretion and after consultation with the applicant, require that such studies be carried out by a consultant retained by the Town at the cost of the applicant. The Town will generally not carry out peer reviews but may do so at its sole discretion. In either case, the applicant shall have input in the establishment of the terms of reference for such a study and a specific cost limit shall be established prior to the commencement of the study.

8.3.3 Complete Application

An application for an Official Plan amendment, Zoning By-law amendment, draft plan of subdivision or draft plan of condominium or site plan shall be considered complete under the Planning Act only when all the following items have been provided to the Town:

- i) an application form;
- ii) any information or materials prescribed by statute;
- iii) a pre-consultation form;
- iv) any supporting information or materials required to be provided in accordance with Section 8.3.1; and,
- v) the prescribed application fee.

8.3.4 Development Evaluation Criteria

Development proposals shall generally conform with the following criteria, in addition to any of the applicable policies of this Plan:

- i) Design and Sustainability

The appropriateness of the design and sustainability of the proposal shall be evaluated in accordance with the policies of Section 5 and other applicable policies of this Plan and with regard for the Town's Urban and Landscape Design Guidelines. In particular, where new development is proposed abutting existing residential development it shall be designed to be compatible with that existing development with respect to scale and massing. Adequate buffering will also be provided. Consideration will be given to shadow studies and 3D modelling in assessing the compatibility of such proposals. In addition, development may be subject to the site plan control provisions of the Planning Act.

ii) Heritage Preservation and Archaeological Protection

Buildings, landscapes and other resources containing cultural heritage value or interest are preserved on site and/or integrated into the development in an appropriate manner and/or preserved in some other manner. Standard archaeological potential criteria in accordance with Ministry of Tourism and Culture guidelines will be used to evaluate future development areas and expansion proposals for impacts on significant resources. Recommended processes and procedures for archaeological management will be implemented through a variety of measures including, but not limited to, the mitigation, preservation, and/or resource excavation, removal and documentation, of all archaeological resources to the satisfaction of the Town and approval of the Province, and taking into consideration dialogue with the First Nations and their interests.

iii) Greenland System

Development shall only be permitted in areas designated on Schedule 'B' as part of the Greenland System in accordance with the policies of Section 4 of this Plan in particular regard shall be had to the provisions of Section 4.2.

iv) Watercourses

All watercourses shall be, where feasible, maintained or enhanced as distinct ecosystems, and lands immediately adjacent to these watercourses shall be retained or rehabilitated to a natural self-sustaining state. Alterations to watercourses, including riparian features such as intermittent streams and drainage swales, shall generally be discouraged. However, the necessity for retention /restoration of riparian features such as intermittent streams and drainage swales, will be evaluated on a site by site basis and some modifications of these features may be approved where deemed appropriate by the Town, in consultation with the Conservation Authority.

v) Sewer and Water Services and Stormwater Management

Development shall be serviced in accordance with the provisions of Section 7 of this Plan.

vi) Soil Quality

The applicant must demonstrate that on-site soil quality is suitable for the proposed use in accordance with the provisions of Section 8.3.1 xi). Where site remediation is required the Town shall be satisfied with respect to the implementation of remediation prior to development approval.

vii) Noise and Vibration Impact and Safety Measures

Where the site is adjacent to a major noise source such as a Provincial Highway, arterial road, County Road, railway or industrial use, the Town, in consultation with the appropriate government agency and, if applicable, the appropriate railway, shall be satisfied that appropriate measures to mitigate any adverse effects of noise and vibration can be implemented. Furthermore, for sites adjacent to a railway, the Town, in consultation with the applicable railway, shall be satisfied that appropriate safety measures such as setbacks, berms and security fencing are provided.

viii) Transportation

The applicant must demonstrate that the existing road system can accommodate any traffic impacts or can be modified to do so at the cost of the applicant. In addition, the applicant must demonstrate how the development has been designed to promote access and use by pedestrians, bicyclists and other active transportation modes, as well as accessibility to transit.

ix) Air Quality

Where the Town identifies potential concerns with air quality, the applicant must demonstrate that any impacts on air quality can be appropriately mitigated at the cost of the applicant.

x) Development Adjacent to Sewage Treatment Plants

The applicant must demonstrate that any impacts arising from proximity to a sewage treatment plant can be appropriately mitigated in accordance with Ministry of the Environment Guidelines.

xv) Development Adjacent to Highway 401

The applicant must demonstrate that the requirements of the Ministry of Transportation in their permit control area related to Highway 401 have been satisfied.

xvi) Density Reductions

Applications that propose the down-zoning of sites which are zoned to permit medium and high density housing or mixed use development which includes residential uses to permit lower density housing shall be generally be discouraged. The Town may consider approval of such an application if the required Density Reduction Justification Report demonstrates that the reduction in density will not significantly affect the Town's ability to achieve its intensification and density targets and/or that the downzoning is compensated for by the creation of additional medium or high density residential development elsewhere in the Town.

9. IMPLEMENTATION

9.1 GENERAL

The policies of this Plan shall be implemented by the powers conferred on the Town of Cobourg by the Planning Act, the Municipal Act and other applicable statutes. In particular, this Plan shall be implemented by the zoning by-law, subdivision control, consents, site plan control and the provision of municipal services and public works in accordance with the policies set out in this section.

9.2 ZONING BY-LAW

9.2.1 Amendment to Conform with Plan

- i) It shall be the policy of this Plan that the Town shall amend the comprehensive zoning by-law and such other by-laws as may be necessary to conform with and to give effect to the provisions of this Plan. In particular, the Town shall add minimum and maximum standards to the Zoning By-law as appropriate to ensure development is street and transit oriented and maximizes the use of the site.
- ii) Until such time as the zoning by-law can be amended to bring it into conformity with this Plan, or repealed to allow a new by-law to be enacted, the present zoning by-law shall remain in effect. However, any amendments shall be in conformity with this Plan.

9.2.2 Lands Designated But Not Required Immediately

Lands designated for development on Schedule 'A', in accordance with the policies of this Plan, will remain undeveloped until the policies of this Plan can be satisfied. No provision of this Plan shall require the Town to zone such lands to permit immediate development for the designated use. Rather, where lands are designated, but development is not immediately permitted, the lands shall generally be zoned to limit permitted uses to environment conservation, public uses and utilities or similar uses. Such areas shall only be rezoned for their designated use upon compliance with the relevant provisions of this Plan.

9.2.3 Existing Non-Conforming Uses

Notwithstanding any other policies of this Plan, the Plan is not intended to necessarily prevent the continuation, expansion or enlargement of existing

uses which do not conform with the designations or policies of the Plan. It shall be the policy of this Plan that where an existing land use is not designated on Schedule 'A' to this Plan, that the use of such land, building or structure for the purpose for which it was legally used at the date of adoption of this Plan may be recognized in the zoning by-law. Provision may also be made, subject to a zoning by-law amendment or variance from the By-law, for the expansion or enlargement of such existing use in accordance with the following policies:

- i) that the proposed extension or enlargement of the established use will not adversely affect the implementation of the policies of this Plan and that the general intent and purpose of the Plan is maintained;
- ii) that the proposed extension or enlargement is in proportion to the size of the use as it existed at the date of enactment of the implementing by-law;
- iii) that the proposed extension or enlargement is compatible with surrounding uses in terms of noise, vibration, fumes, heat radiation, smoke, dust, odours, or other similar offensive characteristics;
- iv) that site planning and design are such as to minimize the effect of the proposed extension or enlargement on adjacent conforming uses, and, where necessary, adequate spatial separation, buffer planting, screening and fencing are provided so as to afford adjacent conforming uses a degree of protection from any offensive characteristics;
- v) that the use will not result in increased traffic volumes through residential areas and that adequate off-street parking and loading facilities are available, provided further that ingress and egress points to and from the site are designed in such a manner as to minimize the danger to both vehicular traffic and pedestrian movements; and,
- vi) that the proposed expansion or enlargement of a livestock facility within Development Area C shall comply with the Provincial Minimum Distance Separation II formula.

9.2.4 Holding Provisions

A By-law may be passed pursuant to the provisions of the Planning Act, to zone lands for their intended purpose and further impose a holding provision by use of the Holding Symbol "H" in accordance with the following provisions:

- i) where the lands are designated in any designation which permits development, and a plan of subdivision has received draft plan approval;
- ii) where the lands are designated in any designation which permits development, and a plan of condominium has received draft plan approval or where a proposal has been received which conforms with the intent of this Plan and development is to proceed by means of a Site Plan Agreement;
- iii) where the lands are designated for development, but, the provision of sewer and/or water services and/or roads has not yet been resolved but the Town deems the provision of such services to be close to resolution; and,
- iv) where the lands are designated Special Policy Area on Schedule "A";

No development of those lands affected by a holding provision shall be permitted and the Holding symbol shall not be removed until such time as the proposal has been approved by all relevant public agencies and all the provisions of this Plan, and, as may be applicable, the conditions of draft plan approval have been complied with. In the interim period until the Holding provision is removed in accordance with the provisions of this Plan and the Planning Act, the uses permitted shall be restricted to those existing as of the date of adoption of this Plan, conservation and preservation of the natural environment, public uses and utilities or other similar uses.

9.2.5 Temporary Use By-laws

Pursuant to the provisions of the Planning Act, by-laws may be passed to permit the temporary use of lands, buildings or structures, which may not conform to this Plan, provided that the following requirements are complied with:

- i) that the use is compatible with surrounding land uses and activities; and,
- ii) that such temporary uses or activities do not result in a hazardous condition for either vehicular or pedestrian traffic and that the relevant parking area requirements are complied with.

Such a by-law shall define the area to which it applies and prescribe the period of time for which the authorization shall be in effect having regard

for the appropriateness of the use and the temporary nature of the use or activity.

The Municipality may pass subsequent by-laws granting extensions of up to three years to a temporary use by-law; however, once the subsequent by-law has lapsed, the use permitted by the by-law must cease and if the use continues it will be viewed as an illegal use in regard to the implementing zoning by-law.

9.2.6 Height and Density Bonus Provisions

Pursuant to provisions the Planning Act, a zoning by-law, may authorize increases in the height and density of medium and high density residential or mixed use development, otherwise permitted by the by-law, that will be permitted in return for the provision of such facilities, services or other matters are set out in the zoning by-law. The Town's objectives in authorizing such increases in height or density are:

- i) to encourage the provision of underground or in-building parking for attached housing or mixed use development;
- ii) to encourage the preservation and conservation of buildings or structures of historical, contextual or architectural merit or cultural heritage value or interest;
- iii) to encourage the protection of natural features such as woodlot and environmental linkages;
- iv) to encourage the provision of parkland above and beyond that required through the provisions of this plan;
- v) to encourage the provision of unique urban design features above and beyond the requirements of this plan;
- vi) to encourage the provision of the trails system, day care and other public or quasi-public facilities;
- vii) to encourage the creation of mixed use and/or high density residential development on sites which conform to the policies of this Plan in the Built Boundary;
- ix) to encourage the provision of affordable housing other than those units required under Section 3.2.5 vii);
- x) to encourage sustainable building and site design and similar features;

- xi) to support the viability of train service in the Major Transit Station Area designation on Schedule 'A'; and,
- xii) any other public benefit identified in a Town study.

A site-specific zoning by-law will establish detailed development standards that would apply when a bonus is awarded and the relationship between these standards and the conditions which must be met, if the bonus standards are to apply.

In the granting of a height and density bonus, the Town may require the owner to enter into one or more agreements with the municipality dealing with the facilities, services or other matters to be provided.

The maximum residential density and height permitted through the bonus provisions may exceed that which is permitted in the general Official Plan policies. However, no residential development may be granted bonus density in excess of 20 percent beyond the maximum density provided in the parent zoning by-law nor may a bonus in height be granted which result in a building of 4 storeys or more than 4 storeys.

9.2.7 Development Permit By-law

A By-law may be passed pursuant to the provisions of Section 70.2 of the Planning Act to establish a development permit system, instead of traditional zoning regulations, to control all classes of land use in defined areas of the Town. Areas considered for the use of a development permit by-law will require a specialized approach to urban design, sustainability or protection of the natural environment and may include the Main Central Area, the Harbour Area, New Amherst, Cobourg East, and areas which abut/include the Greenlands System or Lake Ontario. Under the development permit system, approvals of minor variations in standards within specific established parameters may be delegated to Town staff by Council. An applicant may refer an application for a staff approved development permit to Council for their review. A range of conditions may be imposed prior to the issuance of a development permit by the Town including commitments to specific design, tree planting, travel demand management and sustainability plans.

9.2.8 Conditional Zoning

A By-law may be passed pursuant to the provisions of Section 34(16) the Planning Act, subsequent to the establishment of regulations by the Minister of Municipal Affairs and Housing, to zone lands for their intended purpose, subject to conditions where the lands are designated in any

designation which permits development. The conditions imposed may relate to any matter which implements the policies of this Plan including the provision of sewer and water services, roads, transit, parks, recreation and other community facilities, and commitments to specific design, tree planting, travel demand management and sustainability plans.

9.2.9 Interim Control By-laws

Interim Control By-laws may be passed in accordance with the provisions of the Planning Act to control the use of lands and buildings within designated areas of the Town until such time as studies required by the Town to assess planning and engineering issues are prepared and approved. The By-law may specify a time period (which shall not exceed one year) prohibiting the use of land, buildings and structures, except for those purposes as set out in the By-law.

In the event that the review or study related to an Interim Control By-law has not been finalized within one year, the Municipality may amend the Interim Control By-law in order to extend the period of time for which it is in effect, provided that total period of time it is in effect does not exceed two years from the day of passing of the Interim Control By-law.

If Council has not passed a by-law under the Planning Act subsequent to the completion or review of the study within the period of time specified in the Interim Control By-law, the provisions of any zoning by-law passed under the Act that applied to the subject lands immediately prior to the coming into force of the Interim Control By-law again come into force.

9.3 FURTHER AMENDMENTS TO PLAN

In considering an amendment to the Plan, in addition to requiring consistency with the Provincial Policy Statement and conformity with any applicable Provincial Plans such as the Growth Plan for the Greater Golden Horseshoe, regard shall be had to the following criteria which are in addition to those specified in the remainder of this Plan:

- i) The need for the proposed use;
- ii) The extent to which the existing areas in the proposed designations are developed, and the nature and adequacy of such existing development;
- iii) The physical suitability of the land for such proposed use;
- iv) The location of the areas under consideration with respect to:

- a) the adequacy of the existing and proposed road system in relation to the development of such proposed areas;
 - b) the convenience and accessibility of the site for vehicular and pedestrian traffic and traffic safety in relation thereto; and
 - c) the adequacy and availability of the municipal water and sewage facilities, and other municipal services in view of the policies contained in this Plan and in accordance with technical reports or recommendations submitted by the applicant or agencies.
- v) The compatibility of such proposed use with uses in the surrounding area; and,
 - vi) The potential effect of the proposed use on the financial position of the Town.

9.4 PLANS OF SUBDIVISION

Only those plans of subdivision or condominium shall be approved for development which:

- i) comply with the designations and policies of this Plan;
- ii) can be supplied with adequate services and community facilities; and,
- iii) will not adversely affect the financial status of the Town.

9.5 CONSENTS

- i) Consents, shall only be permitted in accordance with the policies of this Plan and where the consent does not prejudice the future or existing development of the land or abutting lands and specifically where:
 - a) a plan of subdivision is not required to ensure the proper and orderly development of the lands, which shall generally be where more than five lots are being created;
 - b) the proposed consents will not adversely affect the financial status of the Town;
 - c) the proposed use is compatible with adjacent land uses;
 - d) the proposed lot fronts on an improved public road which is maintained on a year-round basis and which is of a reasonable standard of construction;

- e) the access to the proposed lot shall not create a traffic hazard or serve to increase an existing traffic hazard as a result of limited sight lines, curves or grades;
 - f) the additional lots do not extend or create a strip of development nor limit the potential for development of the remaining lands and a consent shall be given favourable consideration if it has the effect of infilling; and,
 - g) the proposed and retained lot within Development Area C shall comply with the Provincial Minimum Distance Separation I Formula.
- ii) The Committee of Adjustment may attach any conditions to a consent authorized by the Planning Act including:
- a) dedications for appropriate road widenings or one foot reserves;
 - b) the payment of development charges as established by the Town;
 - c) the dedication of land for park purposes or the payment of cash-in-lieu of parkland;
 - d) the submission of a registered reference plan to the Committee of Adjustment prior to the consent being finalized;
 - e) entering into one or more Agreements, which are to be registered on title, dealing with such matters as the Committee considers necessary, including but not limited to the provision of municipal or other services tree protection, screening, setbacks and neighbourhood character; and,
 - f) the designation of a listed heritage property provided such a designation can be properly justified.

All applicable conditions shall be to the satisfaction of and at no cost to the Municipality and/or Committee.

- iii) A consent for a land severance shall only be considered where a sketch plan is submitted which is drawn to scale and which indicates the true dimensions of the lot; the proposed location, height, floor area and dimensions of any building or structure proposed for such lot; the dimensions of any yards, setbacks, landscaped open space; and, the location of all existing buildings or structures adjacent to the lot which is to be severed.
- iv) A consent to a land severance shall generally be denied where the effect is to create a lot of disproportionate depth and width. For the purposes of this Plan the depth of a lot should generally not be greater than three times the frontage.

9.6 SITE PLAN CONTROL

- i) All lands in the Town of Cobourg shall be designated as a site plan control area and may be subject to site plan control by-laws. The provisions of the Planning Act with respect to site plan control may be used with respect to all uses, including low density residential uses, or designations within the Official Plan. However, the following uses shall not be subject to site plan control:
 - a) agricultural and farm related buildings or structures which are utilized in farming operations; and,
 - b) electric power facilities including wind turbines and solar panels.
- ii) No development or redevelopment shall be undertaken within an area which is the subject of a site plan control by-law, including residential buildings with three or more units, unless the Town has approved one or both of the following:
 - a) Site plans showing the location of all buildings and structures existing or to be erected and all servicing and utility facilities, landscaping, and works to be provided; and,
 - b) Drawings showing plans, elevations and cross-section views for each building to be erected including the massing and conceptual design, the relationship of the buildings to adjacent buildings, streets and exterior public areas, and the provision of interior walkways, stairs, elevators, escalators to which the public has access from streets, open spaces and interior walkways in adjacent buildings.
- iii) In accordance with the Planning Act, the owner of land may be required to enter into a Site Plan Agreement and provide to the satisfaction and at no expense to the Town, any or all requirements set out in the Planning Act.
- iv) Where a proposed development is subject to site plan control, the dedication of the widening needed to achieve the road allowance to meet the County and Town rights-of-way established in Table 3 to this Plan, shall be required along the frontage of the development as a condition of site plan approval. Such dedication shall be granted to the appropriate authority free of all charges. However, the Town at its discretion may choose not to take all the required road widening where the nature of existing development means that it is unlikely that the maximum widening will be required in accordance with the policies of Sections 5 and 6.
- v) In addition to the other provisions of this section, the Town may use the site plan approval powers specifically set out in Section 41(4)(2)(d),(e) and(f) of the

Planning Act to implement any of the policies in this Official Plan, through the control of:

- a) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is exterior design; and,
- b) the sustainable design elements on any adjoining municipal road including trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

9.7 DEVELOPMENT CHARGES AND FINANCIAL REQUIREMENTS

9.7.1 Development Charges

The Town shall review and update its Development Charges By-law in conformity with this Plan.

9.7.2 Other Financial Requirements

Prior to the final approval of any development in the Town of Cobourg, the Town may require the owner to enter into servicing and other agreements, including front end requirements or accelerated payments that will ensure that the development can be adequately serviced and that an appropriate contribution has been secured toward the provision of community services.

In particular:

- i) Prior to the approval of development, the Town shall be satisfied as to the availability of water supply and sewer capacity to accommodate said development. This may require front end or accelerated payment agreements and limitations to be placed on development;
- ii) Prior to the registration of any development, the owner shall have entered into a servicing agreement, including any front end requirements or accelerated payments with the Town that will identify the capital expenditures associated with the servicing of the lands; and,

- iii) Prior to any development approvals, an assessment of infrastructure cost requirements to accommodate the development, including development phasing, the timing of infrastructure emplacement, and the methods of financing including developer front end or accelerated payment agreements shall be addressed in conjunction with other proponent's developments as required.

9.7.3 Developers Group Agreement(s)

Prior to the final approval of development on lands in Secondary Plan areas, or any other large scale development areas involving a number of landowners, the Town may require that landowners with applications for development enter into an agreement or agreements to address the sharing of the common costs of development.

9.8 LAND DEDICATION AND ACQUISITION

9.8.1 Greenland System

The Town shall consider the acquisition at no or minimal cost of the lands which form part of the Greenland System designated on Schedule 'B'. A wide range of mechanisms would be used to achieve this objective including acquisition in accordance with the Planning Act, negotiation as a condition of development approval, development bonus under Section 37 of the Planning Act, property tax exemptions for non-usable land areas, easements registered on title, land exchanges, donations, gifts, bequests and lease agreements.

9.8.2 Other Lands

The Town shall generally acquire other lands required to implement the policies of this Plan in accordance with the provisions of the Planning Act and the Development Charges Act. However, consideration will be given to the use of other mechanisms where appropriate. In particular, recognizing the importance of active recreation facilities to residents of the Town, the municipality will use all available mechanisms to attain land and funding for such facilities and their on-going operation.

9.9 PUBLIC SECTOR

It is the objective of this Plan to achieve the agreement of all public agencies involved in any aspect of development in the Town of Cobourg, to comply with the policies of this

Plan, the regulations of the zoning by-law and other related policies, regulations and guidelines, in order to achieve the implementation of the policies of the Plan.

9.10 SECONDARY PLANS

- i) Secondary Plans shall be prepared as required in accordance with the policies of this Plan. Such plans shall be adopted as an amendment to this Plan.
- ii) Secondary Plans shall generally provide more detailed policy direction than the Official Plan with respect to specific issues related to the Secondary Plan area.
- iii) Secondary Plans shall generally conform to, and be designed to implement the policies of this Plan. However, where there is a conflict between the policies of the Official Plan and the Secondary Plan, the Secondary Plan policies will supersede those of the Official Plan for the area which is the subject of the Secondary Plan.
- iv) The following Secondary Plans have been adopted and approved:
 - a) The Harbour Area Secondary Plan (Section 11) is intended to apply to the area depicted on Schedule “A”, Land Use Plan as the Harbour Area Secondary Plan. The Harbour Area Secondary Plan was adopted as Amendment No. 24 to the Official Plan for the Town of Cobourg and approved by the Ministry Municipal Affairs and Housing on August 30, 1900;
 - b) The Elgin Densmore Secondary Plan (Section 12) is intended to apply to the area depicted on Schedule “A”, Land Use Plan as the Elgin-Densmore Secondary Plan. The Elgin Densmore Secondary Plan was adopted as Amendment No. 37 to the Official Plan for the Town of Cobourg and was approved by the Ontario Municipal Board on April 6, 1994;
 - c) The New Amherst Community Secondary Plan (Section 13) is intended to apply to the area depicted on Schedule “A”, Land Use Plan as the New Amherst Community Secondary Plan. The New Amherst Community Secondary Plan was adopted as Amendment No. 49 to the Official Plan for the Town of Cobourg and was approved by the Ontario Municipal Board on September 29, 1998;
 - d) The Cobourg West Business Park Secondary Plan (Section 14) is intended to apply to the area depicted on Schedule “A” Land Use Plan as the Cobourg West Business Park Secondary Plan. The Cobourg West Business Park Secondary Plan was approved on by the Ontario Municipal Board on March 22, 2002; and,

- e) The Cobourg East Community Secondary Plan (Section 15) is intended to apply to the area depicted on Schedule “A” Land Use Plan as the Cobourg East Community Secondary Plan. The Cobourg East Community Secondary Plan was adopted as Amendment No. 61 to the Official Plan for the Town of Cobourg and was approved on June 27, 2005 and amended by Official Plan Amendment No. 66 on November 12, 2007.

9.11 PROPERTY STANDARDS

9.11.1 Minimum Standards

The Town shall maintain, and update as required, its Property Standards By-law in accordance with the Ontario Building Code.

9.11.2 Property Standards Enforcement

- i) The Town shall appoint a Property Standards Officer who will be responsible for administering and enforcing the By-law.
- ii) The Town shall also appoint a Property Standards Committee for the purpose of hearing appeals against an order of the Property Standards Officer.

9.12 LEGISLATION UNDER THE MUNICIPAL ACT

The Town shall review existing legislation pursuant to the Municipal Act and amend it as required.

9.13 CAPITAL WORKS

It is intended that the Town shall prepare a capital works programme in conformity with the proposals and policies of this Plan. The Plan will allow the Town to assess immediate and long-term requirements and plan major expenditures taking into account all the financial resources available to the Town. The programme would be reviewed annually.

9.14 LAND ACQUISITION

The Town may acquire land to implement any feature of this Plan in accordance with

the provisions of the Planning Act, the Municipal Act or any other statute.

9.15 PUBLIC MEETINGS

The Town may eliminate notice to the public for minor Official Plan amendments or zoning by-law amendments which do the following:

- i) changes to the numbers of sections or order of sections, but does not add or delete sections;
- ii) consolidates previously approved amendments in a new document without altering any approved policies or maps;
- iii) corrects grammatical or typographical errors; and,
- iv) changes references to legislation where the legislation has changed.

In all other instances, notification to the residents of the Town of public meetings in accordance with the Planning Act shall follow the procedures required by the Act.

9.16 CULTURAL HERITAGE AND ARCHAEOLOGICAL RESOURCES

The Town of Cobourg shall participate wherever feasible in:

- i) Conserving heritage buildings, landscape features and archaeological resources that are under the ownership and/or stewardship of the Town;
- ii) Conserving and mitigating impacts to all significant cultural heritage resources when undertaking municipal public works; and,
- iii) Respecting the heritage resources recognized or owned by federal and provincial agencies.

9.17 MONITORING

The Town shall monitor the implementation of the Official Plan, including measures designed to conform to Provincial Plans:

- i) through regular reports from Town staff on the effectiveness of the Official Plan policies in responding to development, protecting the Town's resources including heritage and natural resources, and implementing the intensification strategy including designated greenfield densities, intensification and affordable housing

targets; and,

- ii) a formal review every five years to ensure that the Plan continues to conform to the Growth Plan and other relevant Provincial Plans and policies; is consistent with matters of provincial interest and reflects the needs and conditions within the Town.

The Town shall also encourage the Ganaraska Region Conservation Authority and the Province to establish environmental monitoring programs in order to measure the effectiveness of the environmental policies of this Plan and the Watershed Plans applicable to the Town. The Town may participate in such programs as its financial resources permit.

10. INTERPRETATION

10.1 GENERAL

The Plan is a statement of policy. It is intended as a guide to Council and therefore, must be interpreted in general terms, provided the intent is maintained. Further, the Plan shall be read in its entirety and all relevant policies applied to each situation.

10.2 BOUNDARIES

It is intended that the boundaries of the land use designations as delineated on Schedule "A" and the boundaries and alignments of the various components set forth on Schedules "B", "C", "D", "E", "F", "G", "H", "AA", "BB", "CC", "DD", "EE", "FF", and "I" and "J", "X-1" and "X-2" are to be considered as approximate. Such boundaries and alignments are considered absolute only where bounded by roads, railways, watercourses, shoreline areas, transmission lines or other clearly discernable geographic features. Amendments to this Official Plan will not be required in order to make minor adjustments to the approximate land use boundaries or the location of roads or other boundaries provided the general intent of this Plan is maintained.

10.3 FIGURES AND QUANTITIES

It is intended that all figures and quantities be considered as approximate only and not absolute in order to provide for the necessary flexibility in the administration and interpretation of this document. An amendment to this Plan shall not be required for any reasonable variance from any of the proposed figures.

10.4 PERMITTED USES

The permitted uses are included in this Plan to illustrate the type, nature and range of uses and activities permitted within each of the respective land use designations. Specific uses shall be defined with the adoption of the Zoning By-law.

10.5 LEGISLATION

Where this Plan makes reference to a Federal or Provincial Act, regulation or guideline, such reference shall include any subsequent amendments or replacements.

10.6 DEFINITIONS

10.6.1 Active Transportation

Active transportation or active transportation mode means any method of travel that is human powered such as walking and bicycling.

10.6.2 Adjacent

Adjacent as it applies generally to urban development including protected heritage properties shall mean beside, behind and abutting, as well as across a street from a property, and where it applies to a protected heritage property shall also include any lands which are considered contiguous to the property.

Adjacent where it applies to natural features shall mean those lands contiguous to a specific natural heritage feature or area where it is likely that development or site alteration would have a negative impact on the feature or area. The extent of the adjacent lands may be recommended by the Province or based on the Town's approaches which achieve the same objective.

10.6.3 Affordable Means

- a) in the case of ownership housing, the least expensive of:
 - i) housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate income households; or
 - ii) housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;
- b) in the case of rental housing, the least expensive of:
 - i) a unit for which the rent does not exceed 30 per cent of gross annual household income for low and moderate income households; or
 - ii) a unit for which the rent is at or below the average rent of a unit in the regional market area.

10.6.4 Best Management Practices

“Best Management Practices” is a general term used in the Ministry of the Environment guidelines designating procedures for stormwater quality and quantity control. The techniques considered to be Best Management Practices reduce pollutants available for transport by run-off before it is discharged. Best Management Practices requires that stormwater management for new subdivisions be implemented in an environmentally sensitive manner with one of the prime objectives being to maintain water quality.

10.6.5 Bed and Breakfast Establishment

This term shall mean a single detached dwelling in which the proprietor resides and supplies for hire or gain to other persons, particularly tourists, on a temporary or day to day basis, lodging with or without meals, but shall not include a hotel, motel, apartment, hospital, home for the young or aged, group home or other institution or restaurant accommodating the general public.

10.6.6 Convenience Commercial Use

A convenience commercial use shall apply to either individual or groups of commercial and personal service uses serving the daily needs of residents or employees within the immediate area.

10.6.7 Municipal Comprehensive Review

An official plan review, particularly a review related to land needs, including employment land needs, which is initiated by the Town that comprehensively applies the policies of this Plan and the Growth Plan for the Greater Golden Horseshoe, and which:

- i) is based on a review of population and growth projections and which reflect projections and allocations by Northumberland County and Member Municipalities Growth Management Strategy and the Growth Plan, where applicable; considers alternative directions for growth; and determines how best to accommodate this growth while protecting provincial interests;
- ii) utilizes opportunities to accommodate projected growth through intensification and redevelopment;
- iii) is integrated with planning for infrastructure and public service facilities; and,

iv) considers cross-jurisdictional issues.

10.6.8 Density, Gross

This term shall mean the area of land including the lot area, local and collector streets, parks, including trails, schools, institutional uses and all open space lands with the exception of lands designated “Environmental Constraint Area” on Schedule “A”.

10.6.9 Density, Net

This term shall mean the area of land including the lot and local roads.

10.6.10 Environmental Buffer

A natural area intended to minimize potential conflict between human activities and sensitive environmental features. This is done by providing a natural separator and by rounding out irregularities and minimizing the length of the interface between humans and undisturbed, regenerating or protected landscapes.

10.6.11 Floor Space Index

The gross area of all buildings on a lot, divided by the lot area.

10.6.12 Garden Suite

A garden suite is a small independent building, physically separate from the principal dwelling unit with which it is associated, which may be used as a dwelling unit, or for activities accessory to those permitted in the principal dwelling unit, and which may have a primary access from a rear lane abutting the lot upon which both the garden suite and its associated principal dwelling unit are located.

10.6.13 Heritage Resources, Uses or Areas

Heritage resources features, uses or areas include resources, features, uses or areas of architectural, historical or archaeological interest including cemeteries and unmarked burials and urban districts and landscapes.

10.6.14 Significant Trees

Trees of 0.3 m (.98 ft.) caliper in size at breast height or trees which are of a significant species as determined by a qualified professional.

10.6.15 Traffic Calming

This term shall mean a form of transportation planning which seeks to harmonize the use of streets by automobiles, pedestrians, bicyclists, and other street uses.

This is accomplished through the use of streetscape design devices and techniques including sidewalks that diversify street uses and control traffic volumes and speed in neighbourhoods while maintaining maximum mobility and access. Traffic calming also attempts to make drivers aware of the fact that they are sharing the space of a street with other users.

11. HARBOUR AREA SECONDARY PLAN

11.1 SECONDARY PLAN - STRUCTURE

11.1.1 The Harbour Area Secondary Plan consists of Section 11 of the Plan and Schedules "F" and "G".

11.1.2 The Secondary Plan is applicable to those lands bounded by Albert Street, Division Street, Lake Ontario and Hibernia Street. It also includes a small area of Victoria Park, east of Division Street, and an area of public land, south of the Legion Village development, west of Hibernia Street.

11.1.3 The Secondary Plan policies consist of the following key sections:

Section 11.2 - GOALS

Sections 11.3 to 11.8 - DEVELOPMENT POLICIES

Section 11.9 - VISUAL CORRIDORS

Section 11.10 - TRANSPORTATION POLICIES

Section 11.11 - SERVICING POLICIES

Section 11.12 - IMPLEMENTATION

Section 11.13 - INTERPRETATION

11.2 GOALS

11.2.1 Introduction

The goals which the Town is seeking to achieve through the detailed policies of this Secondary Plan are outlined below. These goals provide a framework for the planning and development of the Harbour Area by both the public and private sectors.

11.2.2 Goals

- i) To ensure that all development which is permitted in the Harbour Area will enhance the quality of life in the Town on a year round

basis.

- ii) To maintain and enhance public access to the waterfront, particularly by pedestrians and bicycles, on a year round basis, as well as boaters on a seasonal basis.
- iii) To encourage development in the Harbour Area at a scale which is supportive of the total Main Central Area, both in terms of design, and from market perspective.
- iv) To strengthen the physical connections with the rest of the Main Central Area and encourage a positive awareness of the Harbour Area as a vital part of Cobourg's downtown.
- v) To ensure that the open space areas within the Harbour Area become a key focus within the Town's continuous "link-node" open space system.
- vi) To ensure that development proceeds in the manner which recognizes the environmental constraints which affect the Harbour Area.
- vii) To ensure that development only proceeds when adequate services are available.
- viii) To create/encourage development of facilities and spaces that will enhance Cobourg's tourism economy and general economy.

11.3 DEVELOPMENT POLICIES

11.3.1 Introduction

The land use designations for the Harbour Area on Schedule "F" establish the general pattern for future development in the Secondary Plan Area.

The policies for these designations are set out in Sections 11.4 through 11.8. The policies are grouped together with respect to the major development blocks in the Harbour Area. The Blocks are numbered and the boundaries of each block are also outlined on Schedule "F".

11.4 BLOCK 1 - CENTRAL AREA

11.4.1 General

The Central Area of the Harbour is bounded by Albert Street, Division Street, Lake Ontario and Third Street.

It is the prime area for private development in the Harbour Area. However it also incorporates the potential for a significant area of public open space along the water's edge.

11.4.2 Objective

To ensure that the private lands are developed in scale with existing development in the Main Central Area, particularly Victoria Hall, through maintenance of the view of the Hall's Clock Tower, and, in a manner, which enhances the public open space component of the block.

11.4.3 Public Open Space Area/Central Area

11.4.3.1 Permitted Uses

The permitted uses in the Public Open Space Area in Block 1 shall comprise an urban promenade along the water's edge and, linked to the promenade, a central plaza in the area of the Midtown Creek. The Town shall have regard for the Cobourg Harbour Land Design Concept (1997) in the development of this area.

11.4.3.2 Promenade

- a) The promenade will form the key link in the pedestrian/bicycle pathway system along the waterfront in the Harbour Area. However, this area will be more than just a pathway system with linkages to adjacent areas, as it will have the potential to incorporate a range of other public uses including community events and harbour viewing areas, as well as appropriate landscaping and street furniture.
- b) The promenade will provide limited vehicular access and parking, but pedestrians and bicyclists are intended to be the prime users.
- c) The right-of-way for the promenade is in public ownership or subject to public control and shall remain in the public domain.

11.4.3.3 Central Plaza

- a) The plaza shall be developed as a focal point for the Harbour Area, and will incorporate specific attractions such as water features, landscaping and facilities for community events to ensure its use on a four season basis.
- b) Access to the plaza shall be limited to pedestrians and bicyclists and it will be linked to the promenade, as well as other portions of the Main Central Area.

11.4.4 Commercial Area

11.4.4.1 Permitted Uses

The permitted uses in the Commercial Area in Block 1 shall comprise the full range of retail, office, financial, service, institutional, cultural, recreational and open space uses. Mixed use buildings shall be encouraged, as well as tourist-related commercial uses, in particular, development of a hotel/convention complex. Residential uses shall be permitted as part of a mixed use development. However, automotive sales and service establishments, fueling and service stations and open storage shall be prohibited. Notwithstanding the foregoing, nothing shall prevent the development of lands for new private uses within the area in accordance with approved By-law Nos. 32-96 and 33-96.

11.4.4.2 Development Applications

- a) The significance of the development of this key area to the Harbour Area is such that it is not deemed appropriate to "pre-zone" the site prior to the submission of specific proposals. Therefore, all applications for new development or redevelopment in the Commercial Area designation in Block 1 shall require an amendment to the Zoning By-law. Submission of a concurrent application for site plan approval shall also be encouraged by the Town. Applications for amendments shall be evaluated in conformity with Section 11.4.4, particularly the policies of Sections 11.4.4.2 b. and c.
- b) Applications for approval of new developments or redevelopments will be evaluated based on submission of the following information, although the requirements may be reduced depending on the nature and scale of the application:
 - i) a preliminary concept plan indicating building envelopes, density, parking areas, vehicular access arrangements,

landscaped areas, relationship to adjacent uses, and pedestrian circulation, including linkages to other areas of the Harbour;

- ii) a model, at a scale approved by the Town, indicating the relationship between the proposed development and Victoria Hall and other adjacent uses, particularly those in Block 1, with respect to height and the massing and arrangement of the buildings; and,
 - iii) Where the Town, other public body, or the applicant has identified potential site contamination, the Town shall require the applicant to complete a Phase I assessment, in accordance with the Ministry of the Environment's guideline: Records of Site Condition – A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition dated October 2004, or associated guidelines in Ontario. The Phase I assessment will be reviewed by the Town to ensure there is no contamination prior to the granting of any development approvals. If there is evidence of contamination, the applicant will be required to submit a Phase 2 assessment in accordance with the Ministry of the Environment's Guidelines. If the site is found to be contaminated, the Town shall require the applicant to submit a Ministry of the Environment acknowledged Record of Site Condition to the Town to verify site clean-up prior to the granting of a building permit.
- c) Applications for approval of new developments or redevelopments will also be evaluated based on the following criteria:
- i) Building height as defined in the applicable zoning by-law regulations shall not exceed 89.9 metres (295 feet) c.g.d. including any bonus for height granted in accordance with the provisions of Section 11.12.2 of this Plan;
 - ii) Maximum gross floor area is 2.0 times lot area;
 - iii) Siting of buildings clearly defines the street line;
 - iv) Parking areas are primarily located at the rear or side of the buildings;
 - v) Siting of buildings along the promenade in a manner which does not create a "wall" effect, through such mechanisms as the creation of openings between the buildings and a

building design with a staggered profile;

- vi) Orientation of the buildings along the promenade towards the promenade, and, where applicable to the central plaza, as well;
- vii) Maintenance of pedestrian walkways along the First Street and Second Street corridors and the Midtown Creek;
- viii) Careful integration of on-site pedestrian and vehicular circulation facilities to minimize conflicts;
- ix) Site design, where applicable, which does not restrict the potential for redevelopment of the existing buildings along Albert Street, and,
- x) Regard where applicable for the policies of Section 11.4.4.2 b.iii. with respect to site contamination.

11.4.5 Special Policy Area

11.4.5.1 General

The Special Policy Area designation is an overlay designation applicable to those lands along the Midtown Creek in Block 1 which are located below the regulatory Floodline. These areas would generally experience flooding, but only to a shallow depth, as a consequence rather than prohibiting development, building would be permitted subject to certain flood proofing measures.

11.4.5.2 Permitted Uses

The uses permitted in the Special Policy Area designation in Block 1 shall be those uses permitted within the underlying land use designation and shall include the erection of new structures and the renovation, replacement or redevelopment of existing structures in accordance with the relevant flood proofing measures specified in Section 3.12 of the Official Plan.

11.4.5.3 Policies

Lands within the Special Policy Area designation in Block 1 shall be subject to the applicable policies in Section 3.12 and, notwithstanding the provisions of Section 9 of the Official Plan, where there is a conflict between the policies of the Official Plan and the Secondary Plan, regarding the Special Policy Area designation, the Official Plan will

supersede the Secondary Plan policies for the area.

11.5 BLOCK 2 - EAST PIER/VICTORIA PARK AREA

11.5.1 General

The East Pier/Victoria Park Area consists of an extension of Victoria Park which fronts on Division Street, south of the development on the south side of Charles Street and the East Pier itself.

This area is presently under-utilised with a number of barriers, including fences and the pattern of existing land use, limiting public access. However, the entire area is in public ownership and has the potential for the development of a number of significant public uses and attractions.

11.5.2 Objective

To ensure that public accessibility to this area is maximized and that it is utilized for public uses which will assist in attracting residents and tourists to the Harbour Area.

11.5.3 Public Open Space Area/East Pier

11.5.3.1 Permitted Uses

The permitted uses in the Public Open Space Area/East Pier in Block 2 shall primarily comprise public open space uses such as a sculpture garden, pedestrian/bicycle pathway, or observation area.

In addition, harbour related public uses such as the operations of the Canadian Coast Guard and Canadian Customs would also be located on the pier.

Certain limited private uses, secondary to the main public uses may also be permitted. Such uses would be supportive of the public uses in attracting people to the pier and could include a refreshment booth and the sale or rental of fishing or other recreation equipment.

In addition, the use of a vessel beside the pier for a restaurant, museum or other similar use may be permitted, together with limited accessory shore-based uses.

11.5.3.2 Public Uses

- a) New permitted public open space uses on the pier will be designed to attract people to the pier and ensure that it becomes a significant activity area within the Harbour Area.
- b) The present location of the Coast Guard station is such that it creates a barrier to public access to the pier. The Town shall enter into discussions with the Coast Guard to obtain the relocation of the facilities in a manner which will ensure maximum access to the pier.
- c) Any additional public uses located on the pier will be designed, together with the public open space used, to reinforce the pier as a major activity area and destination point within the Harbour Area. Where such uses are proposed by other levels of government the Town will work closely with them to ensure this objective is achieved.
- d) Vehicular traffic in the area will be limited and clearly separated from areas accessible to pedestrians and bicyclists.
- e) The Zoning By-law will permit a full range of public uses on the pier.
- f) However, the Town may also place all or a portion of the pier in a holding zone pursuant to Section 36 of the Planning Act. Such a holding zone would permit only uses existing at the date of adoption of the by-law until the removal of the "H" symbol.

Council would consider removal of the holding (H) symbol where it was satisfied by the submission of engineering studies that the proposed buildings and structures for the permitted use have been designed in a manner to withstand the high waves and ice build-up which occur on regular basis on the pier.

11.5.3.3 Private Uses

- a) All applications for new private uses or redevelopment of existing uses in the East Pier Area shall require an amendment to the Zoning By-law. Applications for amendments shall be evaluated in conformity with the policies of Section 11.5, particularly Subsections 11.5.3.3 b. and c.
- b) Applications for approval of new private developments or redevelopments will be evaluated based on submission of the following information, although the requirements may be reduced depending on the nature and scale of the application:

- i) a preliminary concept plan indicating building envelopes, parking areas, vehicular access arrangements, landscaped areas, relationship with adjacent uses and pedestrian linkages, including linkages to other areas in the Harbour Area; and,
 - ii) an engineering study indicating that the proposed buildings and structures can be designed in a manner which will withstand the high waves and ice build-up which occur on a regular basis on the pier.
- c) Applications for approval of new private development or redevelopment shall also be evaluated based on the following criteria:
- i) Such uses are clearly secondary and supportive of permitted public uses on the Pier;
 - ii) Siting of the use is such that it does not create a barrier to public access to any significant portion of the Pier;
 - iii) Adequate landscaping shall be provided to limit the intrusiveness of such uses, particularly parking areas, on the other activities on the Pier; and,
 - iv) Careful integration of pedestrian and vehicular circulation facilities to minimize conflicts, particularly where the use involves any significant parking area.

11.5.4 Public Use Area/Victoria Park

11.5.4.1 Permitted Uses

The permitted uses in the Public Use Area/Victoria Park in Block 2 shall comprise the existing trailer park and any public use such as a cultural centre, library, art gallery, museum or theatre which will serve as an activity centre within the Harbour Area.

In addition, secondary public uses such as pedestrian-bicycle pathways, public parking areas or public plazas shall also be permitted.

11.5.4.2 Trailer Park Use

The existing trailer park may remain until an alternate use is developed for the Public Use Area designation and the Zoning By-law will recognize it as

a permitted use. The Town will actively investigate options for relocation of this use and the development of the lands for recreation related or other public uses.

11.5.4.3 Public Uses

- a) New public uses shall be designed to attract people to the Harbour Area and provide an anchor attraction for the east end of the urban promenade.
- b) Such uses shall be carefully designed to ensure that public access to Victoria Park is maintained and enhanced. In addition, they should be designed to emphasize the connection south to the pier and west to the urban promenade.
- c) A plaza could also be incorporated as part of such a development as a focus for public activities.
- d) The Zoning By-law shall recognize a range of public uses as permitted uses including certain secondary or accessory uses.

11.5.5 Environmental Constraint Area

11.5.5.1 General

The Environmental Constraint Area designation includes lands having inherent environmental hazards such as flood or erosion susceptibility, poor drainage, organic soils, instability or any other similar physical characteristic or limitation which, if developed upon, could result in the deterioration or degradation of the environment and consequently cause property damage or loss of life.

The use of such lands shall respect the physical constraints and limitations in order to not only protect life and property but also minimize the alteration of the natural environment and, where appropriate, maintain the hydraulic capacity of the water courses and their related flood plains.

11.5.5.2 Permitted Uses

The predominant use of land within areas so designated shall be that of conservation and preservation of the natural environment and outdoor recreation. In addition, public or private parks or other similar forms of outdoor recreational activities such as golf courses shall also be permitted.

11.5.5.3 Policies

Lands within the Environmental Constraint Area designation in Block 2 shall be subject to the applicable policies of Section 3.11, and, notwithstanding the provisions of Section 9 of the Official Plan, where there is a conflict between the policies of the Official Plan and the Secondary Plan, regarding the Environmental Constraint Area designation, the Official Plan will supersede the Secondary Plan policies for the area.

However, within the constraints imposed by the policies of Section 3.11, this area will also be subject to the general direction with regard to development outlined in Section 11.5, particularly Section 11.5.4.

11.6 BLOCK 3 - MARINA/WEST PIER AREA

11.6.1 General

The Marina Area of the Harbour is bounded to the north by a line which approximates the westerly extension of the urban promenade in Area 1, Third Street, Lake Ontario and Hibernia Street.

This area already incorporates a significant shore development for the marina which has 197 slips and the potential for expansion to approximately 450 slips. In addition, there has been significant expansion of other boating related activities such as fishing, including charter operations, which must be accommodated.

11.6.2 Objective

To provide an appropriate location for the potential expansion of the shore activities related to the marina and other boating uses.

11.6.3 Marina Area

11.6.3.1 Permitted Uses

The main permitted uses in the Marina Area in Block 3 shall comprise uses related to the marina and other boating activities, including a yacht club, boater recreation centre with facilities such as a reception hall, meeting rooms and the harbour master's office, public parking areas, boat storage areas and boat launching ramps.

In addition, other public uses and public open space uses, particularly

those related to boat and water activities may be permitted including a pedestrian/bicycle pathway system which links up to the urban promenade, a playground, a public plaza, a visitors bureau and the customs office.

The Town shall have regard for the West Harbour Waterfront Development Plan in the development of this area.

Notwithstanding the foregoing, nothing shall prevent the development of lands in this designation within the area which is the subject of By-law 24-93, in accordance with the regulations of that by-law.

11.6.3.2 Marina Development

- a) The marina is already a major attraction for visitors to the Harbour Area and, any new shore development should reinforce the attraction of this activity area. The Town will work closely with all concerned groups to ensure that development in the marina area allows for the achievement of this objective.
- b) In particular, the Town will seek to ensure that the marina development is designed in a manner which ensures that all parts of it are accessible to the public, except where there may be security concerns such as the boat storage area. Wherever possible, public uses such as a pedestrian/bicycle pathway, shall be integrated with the marina activities.
- c) The provision of additional public parking is essential to permit the expansion of the marina use and other boating uses. The property owned by the Town, to the north of the existing marina property, would provide a suitable area for such a facility.
- d) The zoning by-law shall permit the full range of permitted marina, public use and public open space uses in the Marina Area, in conformity with the policies of Section 11.6.
- e) Notwithstanding any other provisions of this section, site design for any development in the Marina Area shall, where applicable, permit the development of a potential east-west collector road, in accordance with Schedule "G" and the policies of Section 11.10.2 e., should the Town determine such a road to be necessary.

11.6.4 Public Open Space Area/West Pier

11.6.4.1 Permitted Uses

The permitted uses in the Public Open Space Area in Area 3 shall comprise a range of low density open space uses including playground areas, picnic areas, pedestrian/bicycle paths, and harbour viewing areas to be located on the West Pier and the park facility west of Hibernia Street. Fish habitat and other similar ecological features may also be permitted.

Parking areas to provide for viewing of the harbour area and public parking to serve the Harbour Area facilities may also be permitted, but, such areas shall be as limited as possible. In addition, a public boat launch and winter boat storage and similar marina related uses shall be permitted.

The Town shall have regard for the West Harbour Waterfront Development Plan in the development of this area.

11.6.4.2 West Pier

- a) The West Pier shall be expanded in size through the addition of fill material to provide additional protection for the Harbour Area and the expanded marina and to create an aquatic wetland and terrestrial habitat. The Ministry of Natural Resources, Department of Fisheries and Oceans, and the Ganaraska Region Conservation Authority will be contacted to determine if any authorizations are required.
- b) The expanded pier area shall be primarily used for low density open space uses including a lookout facility, picnic areas and a pedestrian/bicycle path.
- c) Parking facilities for vehicle viewing of the Harbour may also be located on the Pier. In addition, a public boat launch and winter boat storage and similar marina related uses may be permitted.
- d) Additional parking and other facilities to serve the marina use may be located on the Pier when the Town is satisfied that there is a significant need for such facilities and, that it is not possible to acquire additional space in the main Harbour Area.
- e) If parking and other facilities to serve the marina are permitted on the West Pier such facilities must be carefully landscaped to ensure that their impact on the adjacent uses is minimized. In addition,

such facilities must be designed so that vehicular traffic in the area will be clearly separated from areas accessible to pedestrians and bicyclists.

- f) The Zoning By-law shall permit the full range of permitted low density public open space uses in the West Pier Area, in conformity with the policies of Section 11.6. However, parking facilities other than a limited area for harbour viewing and other marina related facilities will not be permitted without a By-law amendment.

11.6.4.3 Hibernia Park Area

- a). The lands in the Public Open Space Area west of Hibernia Street shall be developed for a public park which will be primarily used for low density open space uses, including picnic areas and a pedestrian/bicycle pathway.
- b) The Zoning By-law shall permit the full range permitted low density public open space uses in the Hibernia Park Area, in conformity with the policies of Section 11.6.

11.6.5 Environmental Constraint Area

11.6.5.1 General

The Environmental Constraint Area designation includes lands having inherent environmental hazards such as flood or erosion susceptibility, poor drainage, organic soils, instability or any other similar physical characteristic or limitation which, if developed upon, could result in the deterioration or degradation of the environment and consequently cause property damage or loss of life.

The use of such lands shall respect the physical constraints and limitations in order to not only protect life and property but also minimize the alteration of the natural environment and, where appropriate, maintain the hydraulic capacity of the water courses and their related flood plains.

11.6.5.2 Permitted Uses

The predominant use of land within areas so designated shall be that of conservation and preservation of the natural environment and outdoor recreation. In addition, public or private parks or other similar forms of outdoor recreational activities such as golf courses shall also be permitted.

11.6.5.3 Policies

Lands within the Environmental Constraint Area designation in Block 2 shall be subject to the applicable policies of Section 3.11, and, notwithstanding the provisions of Section 9 of the Official Plan, where there is a conflict between the policies of the Official Plan and the Secondary Plan, regarding the Environmental Constraint Area designation, the Official Plan will supersede the Secondary Plan policies for the area.

However, within the constraints imposed by the policies of Section 3.11, this area will also be subject to the general direction with regard to development outlined in Section 11.6.

11.7 BLOCK 4 - HIGH DENSITY RESIDENTIAL/HOTEL AREA

11.7.1 General

The High Density Residential/Hotel Area is located between Hibernia and Third Streets north of the marina development and south of the existing development along Albert Street.

This area is presently developed for multiple residential uses or is vacant land. Its proximity to the Legion Village development makes the Hibernia Street frontage suitable for redevelopment for residential uses. The Albert Street frontage, because of its proximity to the Central Area of the Harbour, would appear appropriate for a mixed used development combining residential and commercial or office uses. An alternative use for the area would be a hotel/convention complex.

11.7.2 Objective

To ensure that the private lands in Block 4 are developed in a manner compatible with the surrounding development, both private and public.

11.7.3 High Density Residential/Hotel Area

11.7.3.1 Permitted Uses

The permitted uses in the High Density Residential/Hotel Area in Block 4 shall be limited to higher density forms of residential development such as apartment buildings and/or a hotel/convention complex.

In addition, the lands fronting on Third Street may include commercial,

office or institutional uses in conjunction with the high density residential or hotel use.

Notwithstanding the foregoing, nothing shall prevent the development of lands in this designation within the areas which are the subject of By-law Nos. 24-93, 4-96 and 82-97 in accordance with the regulations of the applicable by-laws.

11.7.3.2 Development Applications

- a) The significance of the development of this key area to the Harbour Area is such that it is not deemed appropriate to "pre-zone" the site prior to the submission of specific proposals. Therefore, all applications for new developments or redevelopment in the High Density Residential/Hotel Area designation in Block 4 shall require an amendment to the Zoning By-law. Submission of a concurrent application for site plan approval shall also be encouraged by the Town. Applications for amendments shall be evaluated in conformity with the policies of Section 11.7, particularly Section 11.7.3.2 b. and c.
- b) Applications for approval of new developments or redevelopment will be evaluated based on submission of the following information, although the requirements may be reduced depending on the nature and scale of the applications:
 - i) a preliminary concept plan indicating building envelopes, density, parking areas, vehicular access arrangements, landscaped areas, relationship to adjacent uses, pedestrian circulation, including linkages to other areas of the Harbour;
 - ii) a model, at scale approved by the Town, indicating the relationship between the proposed development and Victoria Hall and other adjacent uses, particularly those in Block 1, with respect to height and the massing and arrangement of the buildings; and,
 - iii) where the Town, other public body, or the applicant has identified potential site contamination, the Town shall require the applicant to complete a Phase I assessment, in accordance with the Ministry of the Environment's Guidelines for Use at Contaminated Sites in Ontario. The Phase I assessment will be reviewed by the Town to ensure there is no contamination prior to the granting of any development approvals. If there is evidence of

contamination, the applicant will be required to submit a Phase 2 assessment in accordance with the Ministry of the Environment's Guidelines. If the site is found to be contaminated, the Town shall require the applicant to submit a Ministry of the Environment acknowledged Record of Site Condition to the Town to verify site clean-up prior to the granting of a building permit.

c) Applications for approval of new development or redevelopments will also be evaluated based on the following criteria:

i) Building height, as defined in the applicable zoning by-law regulations, does not exceed 13.7 m (45 ft.) for those lands between Hibernia St., and the mid-point of the block and 10.7 m (35 ft.) for those lands between Third Street and the midpoint of the block. However, subject to the bonusing provisions of Section 11.12.2, consideration could be given to an increase in height of 3.6 m (12 ft.) for a hotel use located in the block. Notwithstanding the foregoing, building height for those lands which are subject to By-laws 82-97, 24-93 and 4-96, shall be as established in those by-laws for the respective site to which they apply;

ii) Maximum density of residential development does not exceed 98 units per net hectare, with a total maximum gross floor area of 2.0 times lot area. However, notwithstanding the foregoing, for the purposes of the calculation of density and gross floor area the gross area of Part 5, Plan 39R-1569 in the Part Lot 17, Concession B, Town of Cobourg shall be utilized.

Further, on the lands which are the subject of By-law 82-97 the maximum number of permitted dwelling units shall be 95 and the maximum floor area shall be 2.0 times the area of the lot;

iii) Siting of buildings clearly defines the street line;

iv) Parking areas are primarily located at the rear or side of the buildings;

v) Careful integration of on-site pedestrian and vehicular circulation facilities to minimize conflicts;

vi) Site design, where applicable, which would permit the development of a potential east-west collector road, in

accordance with Schedule "G" and the policies of Section 11.10.2 e., should the Town determine such a road to be necessary;

- vii) Development shall be designed to provide a landscaped north/south pedestrian connection between the marina area and Albert Street;
- viii) Development shall be designed and sited to minimize its effects on adjacent low density residential development to the north through the provision of distance separations and buffer planting; and,
- ix) Regard where applicable for the policies of Section 11.7.3.2 b.iii with respect to site contamination.

11.8 BLOCK 5 - ALBERT ST. FRONTAGE AREA

11.8.1 General

The Albert St. Frontage Area includes the lands on the south side of Albert Street between Hibernia and Third Streets, north of the High Density Residential Area.

This area includes the former Cobourg Jail building and a number of low density residential uses.

11.8.2 Objective

- a) To maintain the existing low density character of the area designated "Residential/Office Area" or to ensure that a comprehensive redevelopment of the site occurs in a manner compatible with adjacent development and its heritage character, as outlined in the Heritage Conservation District Study; and,
- b) To ensure that any development of the area designated "Residential/Commercial Area" maintains the older portion of the Jail Building and ensures that any additions to the building or new development in the area is of a compatible nature which is in keeping with the historic character of the area as outlined in the Heritage Conservation District Study.

11.8.3 Residential/Office Area

11.8.3.1 Permitted Uses

The permitted uses in the Residential/Office Area in Block 5 shall be limited to the use of the existing dwellings for single detached, duplex, semi-detached, triplex or quadruplex residential uses, or the conversion of such dwellings completely or partially to office uses.

Any redevelopment of sites within this area shall also be limited to these uses, and new office uses shall be located in house-form buildings in keeping with the surrounding existing uses.

However, if a comprehensive redevelopment of the area is proposed, which includes the majority of the existing lots then the permitted uses shall be the same as those in Block 4 - High Density Residential/Hotel Area for the Third Street frontage.

11.8.3.2 Development Applications

- a) The Zoning By-law shall zone the lands in the Residential/Office Area to permit the use of the existing buildings for the permitted uses. Applications for new redevelopment for individual lots in this designation shall require an amendment to the Zoning By-law. Submission of a concurrent application for site plan approval shall also be encouraged by the Town. Applications for amendments for individual lots shall be evaluated in conformity with the policies of Section 11.8, particularly Sections 11.8.3.2 b. and c.

Applications for comprehensive new redevelopment of the majority of the existing lots will be evaluated in conformity with the policies for Block 4 - High Density Residential/Hotel Area in Section 11.7.3.2 with the exception that building height shall not exceed 10.7 metres (35 feet). Further, all development applications shall be circulated to LACAC for their review.

- b) Applications for approval of new developments or redevelopments, with the exception of a comprehensive new redevelopment, will be evaluated based on submission of a preliminary concept plan indicating building envelopes, density, parking areas, vehicular access arrangements, landscaped areas' relationship to adjacent uses, and height; and,
- c) Applications for approval of redevelopment, with the exception of a comprehensive redevelopment, will also be evaluated based on the following criteria:

- i) Building height, as defined in the applicable zoning by-law regulations, does not exceed 10.7 metres (35 feet);
- ii) Siting of buildings clearly defines the street line;
- iii) A house form building design in keeping with the character of the area;
- iv) Parking areas are located at the rear of the buildings;
- v) Development shall be designed and sited to minimize its effects on remaining adjacent low density residential development through the provision of distance separations and buffer planting; and,
- vi) Any additions to existing dwellings are designed in a manner compatible with the existing building.

11.8.4 Residential/Commercial Area

11.8.4.1 Permitted Uses

The permitted uses in the Residential/Commercial Area shall include a full array of retail, office, financial, personal service, institutional, cultural and recreational open space facilities. Commercial uses shall include but not be limited to merchandising establishments; offices; civic administration facilities, inclusive of police stations and fire halls, hotels places of entertainment and eating establishments. Automotive sales and service establishments and service stations shall not be permitted.

In addition high density residential development shall be permitted in conjunction with the permitted commercial forms of development.

11.8.4.2 Development Applications

- a) The Zoning By-law shall zone the lands in the Public Use Area to permit the use of the existing building for the permitted uses.
- b) Applications for the redevelopment of the existing building which involve the retention of the older portions of the former Jail shall require an amendment to the Zoning By-law. Submission of a concurrent application for site plan approval shall also be encouraged by the Town. Applications for amendments shall be evaluated in conformity with the policies of Section 11.8, particularly Section 11.8.4.2 c.

- c) Applications for approval of redevelopment where the older portions of the building are to be retained shall be evaluated based on the compatibility and suitable integration of any new additions to the building with the remaining portions of the building and the adjacent uses. The following information shall be submitted to assist in the evaluation of the application:
 - i) a preliminary concept plan indicating building envelopes, density, parking areas, vehicular access arrangements, landscaped areas, relationship to adjacent uses and height; and,
 - ii) building elevations which demonstrate how any new additions will be integrated with the remaining portions of the building and the adjacent uses.
- d) Any redevelopment of the former Cobourg Jail site which involves the demolition of the older portions of the building will require an Official Plan amendment. Applications for amendments shall be evaluated in conformity with the policies in Section 11.8, particularly Sections 11.8.4.2 e. and f.
- e) Applications for approval of redevelopment where the former Jail Building is being demolished will be evaluated based on the submission of the following information, although the requirements may be reduced depending on the nature and scale of the applications:
 - i) a preliminary concept plan indicating building envelopes, density, parking areas, vehicular access arrangements, landscaped areas, relationship to adjacent uses, pedestrian circulation, including linkages to other areas of the Harbour, and height; and,
 - ii) a model, at a scale approved by the Town, indicating the relationship between the proposed development and Victoria Hall and other adjacent uses, particularly those in Block 1, with respect to height and the massing and arrangement of the buildings.
- f) Applications for approval of redevelopment will also be evaluated based on the submission of a heritage impact assessment and the following criteria:
 - i) Building height, as defined in the applicable zoning by-law

regulations, does not exceed 10.7 metres (35 feet);

- ii) Siting of buildings clearly defines the street line;
- iii) Parking areas are located at the rear of the buildings;
- iv) Development shall be designed and sited to minimize its effects on remaining adjacent low density residential development through the provision of distance separations and buffer planting;
- v) Careful integration of on-site pedestrian and vehicular circulation facilities to minimize conflicts; and,
- vi) maximum density of residential development does not exceed 98 units per net hectare, with a total maximum gross floor area of 2.0 times lot area.

11.9 VISUAL CORRIDORS

11.9.1 General

It is a goal of this Secondary Plan to encourage development in the Harbour Area at a scale which is supportive of the Main Central Area both in terms of design and from a market perspective.

To achieve this goal, the development of the Harbour Area must be sensitive to the nature of adjoining land uses and should be of such a scale and massing as to retain and re-establish the visual dominance of the Victoria Hall Clock Tower from the waterfront.

As identified in the Background Study, the most obvious visual connections occur along the north/south road corridors. The most significant is the Victoria Hall/Waterfront vista which parallels Third Street. In addition, there is a visual connection along the Midtown Creek and, a potential connection along the First Street and Second Street corridors.

11.9.2 Clock Tower View

All new development or redevelopment in the Central Area and Marina Area of the Harbour Area, together with any development along the west side of Third Street, shall be limited so that the height of the buildings or structure is lower than the Clock Tower.

11.9.3 Visual Corridors

- a) A visual corridor which will provide an unobstructed view from the waterfront to King Street and the Clock Tower shall be maintained along the Third Street.
- b) The entire Third Street corridor is already a public right-of-way. However, development along the street shall be sited in such a manner as to define the edges of the corridor and emphasize the view as well as its connection to King Street and its function as a major connection between the Main Central Area and the Harbour Area.
- c) Public improvements in the right-of-way shall, through the use of such features as special paving materials, signage, landscaping, lighting and seating, strengthen its role as a visual corridor and a major connection between the Main Central Area and the Harbour Area, as well as a pedestrian promenade and bikeway connection.
- d) A visual corridor and pedestrian path, which may include provision for bike travel shall also be established along the Midtown Creek, between Albert Street and the waterfront. This corridor, which culminates in the Central Plaza, will form a pedestrian entranceway from the north to that key feature. It will also provide a view of the Clock Tower from the plaza.
- e) In addition to the Third Street and Midtown Creek corridors, the Town shall work with the landowners in the Central Area Block to maintain a visual corridor and pedestrian path, which may include provision for bike travel along the First Street and Second Street corridors. This may be accomplished through the dedication of the land to the Town or the integration of appropriate open space or enclosed walkways in any development proposed for the sites involved.

11.10 TRANSPORTATION POLICIES

11.10.1 General

The Harbour Area shall be subject to the transportation policies in Section 6 of the Official Plan, in addition to the following special policies.

11.10.2 Road Network

a) The functional classification of roads established for the Harbour Area is the same as that for the other areas of the Town. The classification is as set out in Table 3 of the Official Plan.

b) The roads in the Harbour Area are classified as follows:

<u>Classification</u>	<u>Road</u>
Collector	Division Street Hibernia Street Albert/Queen Streets
Local	All other streets

c) Sections of Albert St. have a right-of-way which is below standard. The design requirements for Albert St. shall be determined by the Town based on the results of a special study

d) The Urban Promenade along the waterfront between Third Street and Division Street shall be designed for use by both vehicular and pedestrian traffic. However, pedestrian and bicycle traffic shall have priority.

e) A function of Third Street is as a visual corridor, a major connection between the Harbour Area and the Main Central Area, and a pedestrian promenade, as well as a linkage with the bikeway system.

11.10.3 Pedestrian/Bicycle Pathway

a) The construction of a pedestrian/bicycle pathway system along the waterfront, including the East and West Piers shall be a major objective for the Town in the development of the Harbour Area. This system may include combined pathways, or paths for pedestrian or bicycles, however the intent is that there be a comprehensive system for both pedestrian and bike movement.

b) The pedestrian/bicycle pathway system shall be located, wherever possible, so it can be easily extended into the Main Central Area, and to other areas of the waterfront, beyond the Harbour Area, as well as other portions of the Harbour Area itself. In particular, the pathway system should include pedestrian walkways, and where possible provision for bicycles, along the First Street and Second Street right-of-ways and along the Midtown Creek. In addition, Third Street shall be designed as a pedestrian promenade and incorporated into the bikeway system.

- c) The pedestrian/bicycle pathway system shall be designed to ensure that it is an attractive environment and easily identifiable through the use of special paving material, lighting, landscaping and other features.

11.10.4 Public Transit

A public transit service is presently operating within the Town. Service is provided to King Street and Albert/Queen Street in the Harbour Area. This service shall be maintained on these streets in order to provide reasonable access to transit.

11.10.5 Parking

- a) Parking shall be provided in the Harbour Area mainly through the provision of off-street parking facilities. However, the Town shall consider alternative arrangements in conformity with Section 6.6.2, Main Central Area Parking Requirements.
- b) The number of parking spaces to be provided for specific uses shall be calculated according to the parking standards established in the Zoning By-law. The Town shall consider a reduction in on-site parking standards where mixed use development is proposed after evaluating the potential for the sharing of parking spaces given the proposed mix of uses.
- c) A policy shall be developed by the Town to identify public parking locations and parking locations for employees. All parking spaces adjacent to commercial and tourist attractions shall be reserved for shoppers and other visitors. Public parking facilities shall be permitted in all land use designations in the Harbour Area.

11.11 SERVICING POLICIES

11.11.1 General

The Harbour Area shall be subject to the municipal services and utilities policies in Section 8 of the Official Plan.

However, the following special policies shall apply, recognizing that the Harbour Area is adjacent to existing sanitary sewers and water mains. Development of the area shall be dependent on the availability of water supply and sewage treatment capacity.

11.11.2 Utilization Plant Capacities

Private land owners shall be required to compensate the Town for the cost of existing water and sewage treatment facilities to the extent of the capacities utilized, and at a price subject to negotiation with the Town.

11.11.3 Stormwater Management

The lands along the Midtown Creek which are designated "Special Policy Area" on Schedule "F" are subject to flooding. Any structures within this area must conform to the policies for that designation and be designed with appropriate and approved flood proofing. However, as an alternative, an improved stormwater management system could be developed. Such a system would have to conform to a design approved by the Town of Cobourg and the Ganaraska Region Conservation Authority.

11.12 IMPLEMENTATION

11.12.1 General

This Secondary Plan shall be implemented by those powers conferred upon the Council of the Corporation of the Town of Cobourg in accordance with the relevant provisions of the Planning Act, the Municipal Act and other applicable statutes. In particular, this Plan will be implemented by such means as Zoning By-laws, Site Plan Control, and other applicable measures. Further, in implementing this Plan, the Town shall also have regard to the West Harbour Waterfront Development Plan and the Cobourg Harbour Land Design Concept.

11.12.2 Zoning By-law

- a) The Zoning By-law of the Town of Cobourg shall be amended, as soon as possible after approval of this Secondary Plan, to conform with the provisions of the Plan.
- b) No provision of this Plan shall require the Town of Cobourg to zone lands to permit immediate development for the designated use.
- c) Certain lands within the Secondary Plan may be placed in a holding zone pursuant to the policies of the Plan and the provisions of Section 36 of the Planning Act.
- d) The Zoning By-law will establish height and density limits for the

Harbour Area. However, in accordance with the provisions of Section 37 of the Planning Act, the Zoning By-law may include provisions permitting an increase of one storey in height for any portion of a development in the Harbour Area.

- e) The bonus provisions of the By-law may only be utilized where the result will be the provision of a distinct public amenity or benefit in conjunction with the proposed development. Further, such an amenity must not unduly detract from the achievement of the goals and objectives of the Secondary Plan. Proposals where bonus provisions could be utilized are restricted to Block 1, Central Area, and Block 4, High Density Residential/Hotel Area.

In Block 1, proposals where bonus provisions could be utilized are restricted to those which involve:

- i) the dedication of land to the Town for the development of the following major public facilities:
 - Central Plaza,
 - First Street corridor,
 - Second Street corridor,
 - Midtown Creek corridor,
 - Urban Promenade, and/or
- ii) the provision of a significant amount of underground parking; and/or,
- iii) the contribution of funding for the development of any of the major public facilities in subsection i.

In Block 4, proposals where bonus provisions could be utilized are restricted to those which involve a hotel use.

- f) As a condition of the application of the bonus zoning, the owner of the subject lands shall be required to enter into an agreement with the Town, to be registered against title of the land. The agreement will deal with matters to be provided, the timing of their provision and the height bonus to be given.
- g) The policies of Section 9.2.7, Development Permit By-law and 9.2.8, Conditional Zoning shall also apply in the Harbour Area

Secondary Plan.

11.12.3 Consents

Consents shall only be granted in conformity with the provisions of Section 9 of the Official Plan and where such a land severance will not limit the implementation of this Secondary Plan.

11.12.4 Capital Works and Staging

- a) The extension or development of capital works related to the public projects required for the implementation of this Plan shall be in conformity with the provisions of this Plan.
- b) A five year capital staging improvement program shall be adopted by the Town to implement the provisions of this Secondary Plan. This plan shall be reviewed and up-dated annually.

11.12.5 Financing

The Town shall investigate and utilize all available mechanisms for the financing of the public projects required to implement this Plan, including federal and provincial grant programs, land exchanges, and private or corporate donations.

11.12.6 Property Standards

The Harbour Area shall be subject to the property standards policies of Section 9 of the Official Plan.

11.12.7 Site Plan Control

The Harbour Area shall be subject to the site plan control provisions of Section 9 of the Official Plan and the policies of Section 5.2.8 shall be applicable with respect to the evaluation of external building design.

11.12.8 Land Acquisition

The Harbour Area shall be subject to the land acquisition provisions of Section 9 of the Official Plan.

11.12.9 Secondary Plan Review

The Harbour Area Secondary Plan shall be subject to the review provisions of the Official Plan.

11.12.10 Community Improvement

The Harbour Area Secondary Plan shall be subject to the community improvement provisions of the Official Plan.

11.12.11 Development Review

The Harbour Area shall be subject to the policies of Section 8, Development Review of the Official Plan. Further, any information and materials required to be submitted as part of the evaluation of a development application by this Secondary Plan shall be also be deemed to be required as part of the required information and materials in Section 8.3. In addition, all development shall be reviewed to ensure that it is compatible with the heritage character of the Main Central Area.

11.13 INTERPRETATION

The Harbour Area Secondary Plan shall be subject to the interpretation provisions of Section 10 of the Official Plan.

12. ELGIN-DENSMORE SECONDARY PLAN

12.1 SECONDARY PLAN STRUCTURE

12.1.1 The Elgin-Densmore Secondary Plan consists of Section 12 of the Official Plan and Schedule "H".

12.1.2 The Secondary Plan is applicable to the lands bounded by the following:

North: the south side of Densmore Road including the existing residential lots on the north side of Densmore Road near the easterly Town boundary;

South: the north side of Elgin Street, not including the lands within the subdivision containing Nickerson Drive and D'Arcy Street north of Elgin Street;

East: the easterly Town boundary; and,

West: a line parallel to and approximately 100 m (330 feet) east of Division Street.

12.1.3 The Secondary Plan policies consist of the following sections:

Section 12.2 - GOALS

Section 12.3 to 12.14 DEVELOPMENT POLICIES

Section 12.15 - TRANSPORTATION POLICIES

Section 12.16- SERVICING POLICIES

Section 12.17 - IMPLEMENTATION

Section 12.18 – INTERPRETATION

12.2 GOALS

12.2.1 **Introduction**

The goals which the Town is seeking to achieve through the detailed

policies of this Secondary Plan are outlined below. These goals provide a framework for the planning and development of the Secondary Plan lands by both the public and private sectors.

12.2.2 General Goals

- a) To create a community with an identifiable focus containing essential services and amenities to serve the residents.
- b) To ensure that development of the Secondary Plan area is compatible with adjacent land uses and is integrated with the surrounding community.

12.2.3 Residential Areas

- a) To create a high quality residential community with a safe, healthy, functional environment.
- b) To provide a full range of housing types and densities including the potential for the development of a minimum of 25% affordable housing.

12.2.4 Commercial Areas

To provide potential for commercial development to serve the convenience needs of area residents, as well as the travelling public, while recognizing the potential for mixed use development.

12.2.5 Open Space Areas

- a) To protect and enhance the environmentally sensitive area adjacent to Midtown Creek while encouraging the passive use of the area through the development of a trail system.
- b) To provide adequate recreational facilities for the residents of the community, as well as the opportunity to meet some of the recreational demands of the northern portion of the Town.

12.2.6 Servicing

To ensure that the services, particularly the necessary water and sewage treatment and storm water facilities, required for any part of the Secondary Plan area are committed to be in place and operative prior to or coincident with any development approvals within the Secondary Plan area.

12.2.7 Transportation

To ensure that the transportation facilities required for any portion of the Secondary Plan area are committed to be in place and operative prior to or coincident with the occupancy of any land including facilities for active transportation.

12.2.8 Finance

To ensure that the costs of services and facilities and infrastructure required to permit and support the development of the lands within the secondary Plan area are financed by the benefitting land owners, rather than the municipality, in accordance with the provisions of the Development Charges Act, 1990, and the financial goals and policies of the Town of Cobourg.

12.3 LAND USE POLICIES

12.3.1 Introduction

The land use designations for the Elgin-Densmore Secondary Plan shown on Schedule "H" establish the general pattern for future development in the Secondary Plan area. The policies for these designations are set out in Sections 12.4 to 12.14 inclusive.

12.4 RESIDENTIAL

12.4.1 General

- a) The residential policies and designations for the Elgin-Densmore Secondary Plan area are designed to ensure development of a variety of housing styles, types and densities, as well as forms of ownership in this community.
- b) The residential component of the Plan shall have a maximum ultimate population of approximately 3,700 persons.
- c) The boundaries of the respective residential designations and the alignment of the streets on Schedule "H" may be modified to a reasonable degree in the interest of achieving a desirable pattern of land uses, provided that the aggregate land areas of each density remain as shown on Schedule "H".

- d) Various forms of housing shall not be intermixed indiscriminately; rather, housing types will be arranged in a gradation so that high density developments will complement those of lower density with sufficient spacing to maintain privacy, amenity and value.
- e) An affordable housing target of 10% of any project which in total is in excess of 25 units provided that the Town may consider the provision of such units off, as well as on-site,

Within low density areas, such units shall include a variety of smaller, well designed unit types which by their nature have the potential to be moderately priced.

Within medium and high density areas, moderate priced housing shall include:

- i) units designed to meet the needs of special groups such as seniors and the handicapped; and,
- ii) small well-designed units subject to maximum floor areas.

12.4.2 Permitted Uses

The residential classification of land shall mean that the predominant form of land use in the areas so designated shall be for low, medium and high density residential uses. In addition, in all residential designations such uses which are compatible with and serve the basic residential function, such as recreational, public and institutional uses, and home occupation uses in accordance with Section 3.3 of the Official Plan, shall be permitted.

The public and institutional uses permitted within the Residential designation shall be limited to community halls, day care centres, group homes, public uses, and, local parks having an area of less than 0.4 hectares. Group homes shall only be permitted in accordance with the provisions of Section 3.3 of the Official Plan.

12.5 LOW DENSITY RESIDENTIAL

12.5.1 Permitted Uses

The residential uses permitted shall be limited to single attached or detached dwellings, semi-detached or duplex dwellings. In addition, one accessory apartment shall be permitted in each dwelling unit subject to the

regulations of the Zoning By-law. Recreational, public, institutional and home occupation uses shall also be permitted.

12.5.2 Policies

- a) The predominant form of housing within the Low Density Residential designation shall be single detached dwellings. Single attached, semi-detached and duplex dwellings shall also be permitted provided that the overall density of the development does not exceed 25 units per net hectare with a minimum density of 12 units per net hectare.
- b) Within the Low Density Residential designation, the residential lot coverage shall generally not exceed 30 per cent of the total lot area.
- c) It shall be the policy of this Plan that single attached, single detached dwellings, semi-detached and duplex dwellings and the permitted recreational, public and institutional uses shall be zoned in separate zoning classifications in the implementing zoning by-law. Home occupation uses shall also be permitted the residential zones.

12.6 MEDIUM DENSITY RESIDENTIAL

12.6.1 Permitted Uses

The residential uses permitted shall be limited to those uses permitted in the Low Density Residential designation and various forms of medium density residential uses such as row or cluster housing, quadraplexes, low rise apartments, street front townhouses or other similar forms of multiple-unit housing. Recreational, public, institutional and home occupation uses shall also be permitted.

12.6.2 Policies

- a) The maximum density of development within a Medium Density Residential designation shall not exceed 50 units per net hectare and the maximum height of buildings shall not exceed three storeys. The minimum density shall be 25 units per net hectare.
- b) Multiple-unit housing within the Medium Density Residential designation shall be designed and sited in such a manner as to minimize their effect on adjacent land uses particularly low density

residential uses.

- c) Adequate buffer planting and screening shall be provided between medium and low density residential areas in order to provide for a reasonable degree of compatibility and effective spatial separation.
- d) The development of low density residential uses on lands designated Medium Density Residential shall be generally discouraged if the effect of such development is to fragment a block of land in a manner which would preclude the development of medium density forms of housing.
- e) It shall be the policy of this Plan that the low and medium density residential uses permitted in the Medium Density Residential designation may be zoned in separate zoning classifications in the implementing zoning by-law.

12.7 HIGH DENSITY RESIDENTIAL

12.7.1 Permitted Uses

Subject to the policies set out in 12.7.2, the uses permitted shall be those permitted in Section 12.6 as well as higher density residential development such as apartment buildings

12.7.2 Policies

The potential impacts as a result of the development of the High Density Residential designation on adjacent areas is such that it is not deemed appropriate to grant development approvals prior to the review and approval of specific development proposals. Applications for development approvals shall be evaluated in conformity with the policies of Section 12.7, particularly 12.7.2 b) and c).

- a) The maximum density of development within areas designated as High Density Residential shall not exceed 98 units per hectare and the maximum height of buildings shall not exceed 6 storeys. The minimum density shall be 50 units per net hectare.
- b) Medium or high density development shall be designed and sited in such a manner as to minimize their effect on adjacent land uses, particularly low density residential area on the North side of Densmore Road.

Adequate buffer planting and screening shall be provided between medium and high density residential uses and low density uses in order to provide for a reasonable degree of compatibility and effective spatial separation.

- c) Due to the high visibility of the lands from Highway 401, buildings shall be designed in an attractive and high quality manner which will promote a positive image of the Town; in particular, buildings shall be designed to reduce the impact of the massing of the structure to portray an image consistent with the historical scale of development in Cobourg.
- d) Medium and high density residential uses shall be zoned in separate zoning categories in the implementing zoning by-law.
- e) Applications for zoning by-law amendment and for development of any residential building shall be evaluated based on:
 - i) The submission of the following information:
 - a detailed site plan;
 - a landscaping plan;
 - architectural elevations or other profile drawings or a model indicating the massing, scale and height of all buildings and the degree to which views of residents on the North side of Densmore Road will be affected, parking areas, and vehicular access arrangements;
 - sun/shadow studies showing the effect any proposed development might have on homes on the North side of Densmore Road; and,
 - sound attenuation measures as required by the Ministry of Environment, particularly to ensure noise levels on the North side of Densmore Road are not adversely affected.
 - ii) and on the following criteria:
 - a site design which minimizes the impact of the proposed new development on existing residential uses through the siting of building and parking areas and the use of significant buffer planting and screening;

- consideration of the street line along Densmore Road;
 - architectural design and massing sensitive to the surrounding community;
 - where designated service facilities, such as garbage access, recycling access, service entrances, etc. are required, consideration shall be given to property boundaries by way of measures such as significant decorative fencing or vegetative screening or grading so that such facilities are not readily visible to the North side of Densmore Road; and,
 - building design so that no unattractive face is exposed to the North side of Densmore Road.
- f) Applications for a zoning by-law amendment shall be evaluated by the Town of Cobourg after consultation with the public, in particular the Densmore Road residents. If deemed necessary, the Town may require the submission of additional reasonable information by the applicant related to traffic patterns and volume, environmental or other impacts.

12.8 SPECIAL HIGH DENSITY RESIDENTIAL

12.8.1 General

The Special High Density Residential Area is located in the west portion of the Secondary Plan in the vicinity of both the temporary and permanent alignments of Densmore Road. The purpose of the Special High Density Residential Area is to provide special policies for development adjacent to these road alignments.

12.8.2 Permitted Uses

The uses permitted in Section 12.7.1 of this Plan.

12.8.3 Policies

Any development in the Special High Density Residential designation shall conform to the policies of Section 12.7.2.

In addition, development of the lands in the Special High Density

Residential designation shall be prohibited until:

- a) the lands required for the permanent alignment of Densmore Road have been acquired and construction has been approved by the Town; or,
- b) the Town has been satisfied by the submission of a detailed site plan, as well as phasing, landscaping and grading plans for all the lands in the Special High Density Residential designation, that the plans and phasing of the development will allow for an appropriate form of development which functions with respect to access in an efficient and safe manner, regardless of which road alignment serves the Secondary Plan area; or,
- c) it has been established that the permanent alignment cannot be constructed.

12.9 SPECIAL RESIDENTIAL AREA

12.9.1 General

The purpose of the Special Residential designation is to permit either low density or medium density residential development or a mix of such uses on the narrow strip of land which lies between the south boundary of the Midtown Creek floodplain and the existing residential development along Nickerson Drive. The studies required in Section 12.9.3 will indicate the appropriate form and density of development for these lands in light of concerns related to ability to access the lands, their proximity to the environmentally sensitive area along Midtown Creek and the existing residential development, and the narrow configuration of the property.

12.9.2 Permitted Uses

The uses permitted in the Special Residential designation shall be limited to either low density residential uses or medium density residential uses or a mix of such uses.

The low density uses permitted shall be limited to single attached or detached dwellings, semi-detached and duplex dwellings.

The medium density uses permitted shall be limited to various forms of medium density residential development such as row or cluster housing, quadraplexes, low rise apartments, street front townhouses or other similar forms of multi-unit housing.

Notwithstanding the provisions of Section 12.4.2, home occupation uses and public and institutional uses shall not be permitted in the Special Residential Area designation.

12.9.3 **Policies**

- a) The potential impacts as a result of the development of the Special Residential designation on adjacent areas is such that it is not deemed appropriate to apply a zoning category to the lands prior to the approval of specific development proposals. Therefore, applications for development shall require an amendment to the Zoning By-law. Applications for amendments shall be evaluated in conformity with the policies of Section 12.9, particularly 12.9.3 (b) and (c).

- b) Applications for a zoning by-law amendment shall be evaluated based on:
 - i) the submission of the following information:
 - a detailed site plan;
 - a landscaping plan;
 - architectural elevations or other profile drawings or a model indicating the massing and scale of all buildings and the degree to which views of the Environmental Conservation Area will be retained; and,
 - servicing plans including engineering details of the northward extension of D'Arcy Street which will allow access to the development.

 - ii) on the following criteria:
 - a site design which includes significant open space areas, locates such open space areas in a manner which maximizes the views by existing residents of the lands in the Environmental Conservation Area along Midtown Creek, and which enhances the connections between the site and the lands in the Environmental Conservation Area;
 - a site design which minimizes the impacts of the proposed new development on existing residential uses through the siting of building and parking areas and the use of significant buffer planting and screening;
 - a building height of a maximum of three storeys;

- a maximum density which shall not exceed 37 units per gross hectare over the whole site, but, which could include the clustering of development at a higher density;
 - provision of adequate access and parking areas which are buffered from existing development;
 - site access from D'Arcy Street which is designed to minimize impacts of the road on the Environmental Conservation Area; and, site services and drainage facilities which will ensure that there will be no impact from the development on the lands in the Environmental Conservation Area.
- c) Applications for a zoning by-law amendment shall be evaluated by the Town of Cobourg after consultation with the Ganaraska Region Conservation Authority, the Ministry of Natural Resources and the public. If deemed necessary by the Town, the Town may require the submission of additional information by the applicant related to traffic, environmental or other impacts.

12.9.4 Special Provisions

The Special Residential Area designation which is applicable to the lands fronting on Elgin Street shall only permit medium density residential development on the lands which lie between the Midtown Creek floodplain and Elgin Street including row or cluster housing, quadraplexess, low rise apartments, townhouses and other similar forms of multi-unit housing. Home occupation uses and public and institutional uses shall also be permitted. Development shall be subject to the provisions of Sections 12.9.3 a), b) i) with and c), with the exception that the servicing plans in b)i) shall not be required to include the engineering details of the northward extension of D'Arcy Street. In addition, applications will be evaluated based on the following criteria:

- a) a site design which provides for views and connections into the Environmental Conservation Area;
- b) a site design that minimizes the impacts of the proposed new development on adjacent existing residential uses through the siting of building and parking areas and the use of buffer planting and screening;
- c) a building height of a maximum of four storeys; and,
- d) 20 units per net hectare (8 units per net acre) minimum, and, 50 units per net hectare (20 units per net acre) maximum.

12.10 COMMERCIAL/RESIDENTIAL

12.10.1 General

The lands located in the north portion of the Secondary Plan area along Densmore Road have exposure to Highway 401. The general purpose of the Commercial-Residential designation is to allow flexibility in the ultimate use of these lands. Depending upon the future nature of Densmore Road and the strength of the market for commercial uses in the north part of Cobourg, the lands designated Commercial-Residential may be used for either residential uses, commercial uses, or a combination of both.

12.10.2 Permitted Uses

a) Residential

A full range of medium and high density residential uses shall be permitted. These shall include row and cluster housing, quadraplexes, street front townhouses, and apartments up to a maximum of 6 storeys in height.

b) Commercial

The commercial uses permitted shall be those which rely heavily upon vehicular traffic for their economic existence and may include, but not necessarily be limited to motels, motor hotels, eating establishments inclusive of drive-in and take-out restaurants, motor vehicle service stations, car washes, automotive dealerships, specialized automotive repair and sales, recreational vehicle sales and service establishments.

Limited specialized retail commercial establishments, such as major furniture and appliance sales, warehouse outlets, building supply outlets or other similar retail uses requiring large enclosed areas or whose special nature or requirements in terms of size, site and/or buildings are not conducive to a location within the Main Central Area may also be permitted in the Commercial-Residential designation.

In addition, retail and personal service establishments which serve the daily needs of the residents of the immediate neighbourhood shall also be permitted.

12.10.3 Area Policies

- a) Co-ordination of development in the Commercial-Residential designation is essential to ensure high quality compatible uses. To ensure such co-ordination, it is not deemed appropriate to "pre-zone" these sites prior to the submission of specific development proposals. Therefore, all applications for development shall require an amendment to the Zoning By-law. Applications for amendments shall be evaluated in conformity with the policies of Sections 12.10.3, 12.10.4, 12.10.5 and 12.10.6.
- b) Applications for approval of development will be evaluated based on submission of:
 - i) a concept plan for all lands owned by the applicant in the Commercial/Residential designation indicating building envelopes, density, height, parking areas, vehicular access arrangements, landscaped areas, relationship to adjacent uses, where such information can be established, and pedestrian circulation including linkages to other key sites in the Secondary Plan area; and,
 - ii) a noise study where required to determine what noise attenuation measures are required to reduce noise to an acceptable level.
- c) Applications for approval of development will also be evaluated based on the following criteria and conformity with the policies in Section 12.10.4, 12.10.5, 12.10.6 and, where reasonably applicable, 12.7.2.e).
 - i) Due to the high visibility of the lands from Highway 401, buildings shall be designed in an attractive and high quality manner which will promote a positive image of the Town; in particular, buildings shall be designed to reduce the impact of the massing of the structure to portray an image consistent with the historical scale of development in Cobourg;
 - ii) Total building height does not exceed 6 storeys with a minimum height of three storeys:
 - iii) A minimum of floor space index of 0.5 and a maximum floor space index of 2.0 shall be required, provided that the Town may consider a reduction in the minimum density for the

initial phase of development where the approved development plan provides for the ultimate achievement of the minimum density;

- iv) Siting of buildings clearly defines the street line along Densmore Road; and,
 - v) Careful integration of commercial and residential uses to minimize conflicts, or clustering of such uses, with provision of adequate buffering, to minimize conflicts.
- d) Commercial and residential uses, other than those in mixed use buildings, shall be zoned in separate zoning categories in the implementing zoning by-law.

12.10.4 Residential Policies

- a) The residential density of the lands in the Residential/Commercial designation shall not exceed 98 units per net residential hectare with a minimum density of 50 units per net hectare.
- b) Medium or high density development shall be designed and sited in such a manner as to minimize their effect on adjacent land uses particularly low density residential uses.

Adequate buffer planting and screening shall be provided between medium and high density residential uses and low density uses in order to provide for a reasonable degree of compatibility and effective spatial separation.

12.10.5 Commercial Policies

- a) The development of commercial uses shall be designed and sited in such a manner as to minimize their effects on adjacent land uses. Adequate buffer planting and screening shall be provided between commercial and residential uses to provide a reasonable degree of compatibility and effective spatial separation.
- b) Outdoor storage shall only be permitted where it can be demonstrated that such storage shall have no negative effects on surrounding residential areas, or on views from Highway 401. All outdoor storage areas associated with commercial uses will be fenced or suitably screened. Council may permit the temporary storage of materials without screening for display purposes only, provided vehicular movement is not endangered and that all parking requirements can be complied with.

- c) All commercial development shall be designed in a manner which will have a minimum negative impact on the surrounding residential lands. To minimize the effects, commercial developments shall include:
 - i) architectural buffer fencing of sufficient dimensions to screen the view of vehicles and their headlights;
 - ii) sufficient landscaping to enhance the aesthetics of the development and buffer the commercial development from the residential uses;
 - iii) floodlighting which is directed away from residential areas;
 - iv) visual screening of roof-top mechanical equipment;
 - v) visually screened, fully enclosed garbage compounds appropriately designed and sized to accommodate all refuse;
 - vi) shipping and receiving facilities which are located and designed in a manner to minimize negative impacts on surrounding residential uses; and,
 - vii) a scale, massing and architectural design sensitive to the surrounding residential neighbourhood.
- d) Commercial development be designed in such a manner that an unattractive building face is not exposed to Highway 401 or Densmore Road.

12.10.6 Mixed Commercial-Residential Policies

- a) The scale, massing and design of mixed commercial-residential developments shall be compatible and in harmony with adjacent land uses having regard for the intent of this Plan as it applies to such adjacent areas.
- b) Regard shall be had for the following matters in assessing proposals for the development of mixed commercial-residential uses, namely:
 - (i) the provision of adequate open space and amenity areas for the residential component and that the location of such amenity areas is functionally separated from public areas associated with the commercial component;

- (ii) that any negative effects which may result from the commercial component are minimized in terms of the residential function; and,
- (iii) that off-street parking, service and loading areas for the commercial use are physically and functionally separated from those facilities associated with the residential component.

12.10.7 Commercial/Residential - Special Policy Area

12.10.7.1 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures in Section 3.9.2, plus uses that serve the daily needs of residents in the area.

12.10.7.2 Prohibited Uses, Buildings and Structures

The prohibited uses, buildings and structures in Section 3.9.2, with the exception of those uses that serve the daily needs of residents in the area.

12.10.7.3 Land Use Policies

The development of these lands shall be carried out in accordance with all applicable provisions of the Official Plan, particularly the land use policies in Section 3.9.4.2 -, Section 4 - Greenlands System, Section 5 - Community Design and Improvement, and the site plan review provisions of the Planning Act. In addition, development on the subject lands will only be permitted subject to strict conformity with environmental audit provisions of Section 4 to the satisfaction of the Municipality and Ganaraska Region Conservation Authority and a Zoning By-law Amendment.

12.11 SCHOOLS

12.11.1 General

The lands designated "School" on Schedule "H" shall be used for the purposes of a secondary school for the Peterborough Victoria Northumberland and Newcastle Separate School Board and a primary school for the Kawartha Pine Ridge District School Board. The respective locations of each school are indicated on Schedule "H". Should either or both of the sites not be used for the purpose of schools, a full range of

residential uses may be permitted.

12.11.2 Permitted Uses

The permitted uses shall include educational facilities operated by either the Peterborough Victoria Northumberland and Newcastle Separate School Board or the Kawartha Pine Ridge District School Board. Associated uses such as playing fields and other accessory uses shall also be permitted

Should either of the sites be deemed unnecessary for the above-noted uses by the respective school boards, a full range of residential uses shall be permitted which include single attached or detached dwellings, semidetached and duplex dwellings, row or cluster housing quadrplexes, street front townhouses or other similar forms of multi-unit housing, and apartments.

12.11.3 Policies

- a) Adequate parking and loading areas shall be provided and access points designed in a manner which will minimize the danger to vehicular and pedestrian traffic.
- b) Schools shall be designed in a manner which is in keeping with the character of the surrounding residential neighbourhood.
- c) Playgrounds and open spaces shall be located and designed in a manner which will allow them to be shared and functionally connected where possible with municipal parkland and open space.
- d) Adequate buffer planting, screening, and/or fencing shall be provided between schools, and abutting residential uses.
- e) Low density residential uses shall be developed in accordance with the policies of Section 12.5 of this Plan.
- f) Medium density residential uses shall be developed in accordance with the policies of section 12.6 of this Plan.
- g) High density residential uses shall be developed in accordance with the policies of Section 12.7 of this Plan.

12.12 COMMUNITY PARK

12.12.1 General

The purpose of the Community Park designation is to allow for the development of a park for active and passive recreation purposes to serve not only the Elgin-Densmore community but other areas in the north portion of Cobourg.

12.12.2 Permitted Uses

The uses permitted shall include areas for active and passive recreational pursuits such as playgrounds, baseball diamonds, soccer fields, tennis courts, public arenas and accessory buildings and structures associated with such uses.

12.12.3 Policies

- a) Adequate parking areas shall be established and access points shall be designed in such a manner that the road pattern provides for safe movement of vehicular and pedestrian traffic.
- b) Regard shall be had for the compatibility of recreation uses with adjacent land uses, and where necessary, such facilities shall be designed in such a manner as to provide adequate spatial separation, buffer planting, landscaping and fencing so as to ensure that adverse effects associated with such uses are minimized.
- c) The Community Park shall be designed in a manner which will allow it to be functionally connected to the playgrounds and open space on lands in the Schools designation. Active playing fields within the Community Park shall be located as far from the Midtown Creek floodplain as possible.

12.13 ENVIRONMENTAL CONSERVATION AREA

12.13.1 General

The Environmental Conservation Area designation consists primarily of the environmentally significant woodlot adjacent to Midtown Creek, as well as valley lands below the Regional Storm floodline required for flood control and conservation purposes. The purpose of the designation is to protect the natural features of the area and preserve the coldwater fishery

potential of Midtown Creek. The designation also recognizes that the lands are flood susceptible and policies are designed to protect life and property and maintain the hydraulic capacity of Midtown Creek and its floodplain.

12.13.2 Permitted Uses

The permitted uses shall include conservation and preservation of the natural environment, fish and wildlife management, and flood and erosion control. Passive recreation uses such as pedestrian trails which do not require major physical alteration to the natural environment may also be permitted.

12.13.3 Policies

- a) The erection of buildings and structures or the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be prohibited within the Environmental Conservation Area, except where buildings or structures are intended for flood or erosion control, landscape stabilization or essential utilities. Works shall only be undertaken provided the concerns outlined in the first paragraph of Section 12.13.3 (e) i) and ii) can be met and the approval of such works shall be based on the studies required in the second paragraph of Section 12.13.3 (e) i), ii), iii), and iv) of this Plan. Further, all works shall be in accordance with the regulations of, and approved by the Ganaraska Region Conservation Authority and/or the Ministry of Natural Resources.
- b) The development of a trail system shall also be permitted provided it causes a minimum of disruption to the natural landscape. Wherever possible such a system should utilize existing pathways which may have been created. Such a trail system is intended for public use, although some portions of the trail system may be required to cross private lands. In the event that a trail system must cross private lands, the Town shall attempt to acquire adequate lands for the trail right-of-way.
- c) It is the intent of this Plan that, with the exception of the lands shown to remain in private ownership on Schedule "H", the lands designated "Environmental Conservation Area" shall be dedicated to the Town for conservation purposes. These areas will not constitute part of the parkland dedication requirements under the provisions of the Planning Act.
- d) Where any land designated Environmental Conservation Area is held under private ownership, this Plan shall not be construed as

implying that such areas are free and open to the general public nor that the lands will be purchased by the Municipality or a public agency.

- e) The Town may consider applications for an Official Plan amendment for the redesignation of privately owned lands in the Environmental Conservation Area for other purposes, only where the purchase of such lands by the Town or other public authority is not possible. Applications will be evaluated by the Town, in conjunction with the Ganaraska Region Conservation Authority and/or the Ministry of Natural Resources. Applications will be required to demonstrate that:
- i) any environmental and/or physical hazards which affect the site can be mitigated in a manner consistent with accepted engineering techniques and resource management practices and in accordance with the regulations of the Ganaraska Region Conservation Authority and/or the Ministry of Natural Resources; and,
 - ii) development will not locate in significant natural areas including the significant habitat of endangered or threatened species, significant wetlands, including coastal wetlands, significant woodlands, significant valleylands, significant wildlife habitat, significant areas of natural and scientific interest or in adjacent lands within 120 metres of the feature, unless it can be determined that there will be no negative impacts on the natural features or their ecological functions, and the development is designed in a manner which:
 - recognizes natural systems and processes and ensures they are maintained and enhanced, including the health and functionality of existing natural corridors;
 - minimizes disruption to existing landforms and landscape features including wooded areas, through such approaches as clustering of buildings on less sensitive parts of the site; and,
 - will result in no changes to the natural quality and hydrogeological characteristics of Midtown Creek.

As a basis for the evaluation of such applications for redesignation, the Town will require the submission of:

- i) appropriate engineering studies which addresses:

- the existing environmental and/or physical hazards which affect the site;
 - the potential impact of such hazards; the potential impact of the proposed development on the Environmental Conservation Area; and,
 - the proposed methods by which these impacts may be integrated in a manner consistent with accepted engineering techniques and resource management practices;
- ii) an environmental impact study including an analysis of natural features and systems on the site and adjacent to the site, including the location of any significant natural areas and the location of any stream corridors or other linear natural features which may serve as passageways for animal movement;
- iii) submission of a detailed site plan, landscaping and grading plans, which demonstrate:
- how natural systems and processes will be maintained; and,
 - how disruption to existing landform and landscape features will be minimized; and,
- iv) appropriate engineering studies which demonstrate that there will be no changes to the natural quality and hydrogeological characteristics of Midtown Creek.

There is no public obligation, however, either to redesignate or purchase any land if there is an existing or potential hazard that would be difficult or costly to overcome, or if it is determined that development cannot be designed in a manner which minimizes impacts on the natural environment in an appropriate manner.

- f) It shall be the policy of this Plan that Environmental Conservation Areas shall be zoned in a zoning category which

is in conformity with the policies of the Environmental Conservation Area designation.

- g) It shall be a policy of this Plan to impose building setbacks from Environmental Conservation Areas in the implementing zoning by-law in relation to the extent and severity of the existing or potential hazard and protection of the natural environment.

12.14 SPECIAL ENVIRONMENTAL CONSERVATION AREA
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12.14.1 General

The Special Environmental Conservation Area designation applies to lands which are outside of the Regional Storm floodline yet form a part of the environmentally significant woodlot which is adjacent to Midtown Creek.

The Special Environmental Conservation Area is shown on Schedule "H" as an "overlay" designation which is superimposed on the underlying land use designations. The policies of the overlay designation apply to the development of these lands, as well as the policies of the underlying land use designations. Lots and land uses from adjacent designations shall be permitted to extend into the Special Environmental Conservation Area but no buildings, structures or alteration to the natural environment shall be permitted.

12.14.2 Permitted Uses

The uses permitted shall include those uses permitted in the underlying land use designation, as well as conservation and preservation of the natural environment, fish and wildlife management and flood and erosion control. Passive recreation uses such as pedestrian trails which do not require major physical alteration to the natural environment may also be permitted.

12.14.3 Policies

- a) It is the intent of this Plan that all major vegetation, particularly trees which form a part of the woodlot adjacent to Midtown creek shall be preserved and enhanced. To ensure that this objective is achieved; regardless of the policies of the underlying land use designation:

- i) The erection of buildings and structures or the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be prohibited within the Special Environmental Conservation Area, except where buildings or structures are intended for flood or erosion control, landscape stabilization or essential utilities. Works shall only be undertaken provided the concerns outlined in the first paragraph of Section 12.13.3 (e) i) and ii) can be met and the approval of such works shall be based on the studies required in the second paragraph of section 12.13.3 (e) i), ii), iii), and iv) of this Plan. Further, all works shall be in accordance with the regulations of, and approved by the Ganaraska Region Conservation Authority and/or the Ministry of Natural Resources.
- ii) The development of a trail system shall also be permitted provided it causes a minimum of disruption to the natural landscape. Wherever possible such a system should utilize existing pathways which may have been created. such a trail system is intended for public use, although some portions may cross private lands. In the event that a trail system must cross private lands, the Town shall attempt to acquire adequate lands for the trail right-of-way.
- iii) The Town shall require, as a condition of development, the preservation and enhancement of existing vegetation in the Special Environmental Conservation Area using all available mechanisms including the subdivision approval process, the site plan approval process of the Planning Act, 1990 and the provisions of the Trees Act.
- iv) Where the underlying designation is "Low Density Residential" development may be designed so that individual lots extend into the Special Environmental Conservation Area. No buildings or structures may be located on such lands in the Special Environmental Conservation Area, however, such lands may be taken into account in the calculation of lot coverage and density. In addition, provided an appropriate setback is provided between the edge of the Special Environmental Conservation Area designation and any building or structure, the lands in the Special Environmental Conservation Area may form part of a required rear or side yard.
- v) Where the underlying designation is "Community Park", the Town will develop and implement a Master Plan which will

protect the vegetation in the Special Environmental Conservation Area and will enhance and expand it as appropriate.

vi) Where the underlying designation is "Schools", no buildings and structures may be located on such lands, however, such lands may be taken into account in the calculation of lot coverage and density. In addition, provided an appropriate setback is provided between the edge of the Special Environmental Area designation and any building or structure, the lands in the Special Environmental Conservation Area may form part of a required rear or side yard.

- b) Where any land designated Environmental Conservation Area is held under private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public nor that the lands will be purchased by the municipality or a public agency.
- c) It shall be the policy of this Plan that Special Environmental Conservation Areas shall be zoned in a separate classification in the implementing zoning bylaw.
- d) It shall be a policy of this Plan to impose appropriate building setbacks from Special Environmental Conservation Areas in the implementing zoning by-law.

12.15 TRANSPORTATION POLICIES

12.15.1 General

The Elgin-Densmore Secondary Plan shall be subject to the transportation policies in Section 6 of the Official Plan, in addition to the following special policies.

12.15.2 Road Network

- a) The proposed general transportation network serving the Secondary Plan area is shown on Schedule "H". This road network shall be integrated with and form a part of the Town's "Transportation Plan" shown on Schedule "E" of the Official Plan.
- b) The proposed system is intended to be flexible in terms of specific

locations. The alignment of roads may be modified to a reasonable degree in the interest of achieving desirable and appropriate urban design and subdivision patterns.

- c) The road network within the Secondary Plan shall be classified by function to facilitate the planning and implementation of road improvements, maintenance and operation.
- d) The classification of roads within the Secondary Plan shall be as follows:

Arterial Roads

Arterial Roads shall have two or four traffic lanes which are intended to function as strategic links in the overall road network. Arterial roads shall be designed to facilitate the movement of relatively high volumes of local and through traffic at moderate operating speeds. Access to abutting properties be limited. The design right-of-way width shall vary from 26 metres to 36 metres. Bike lanes may be required on or off street.

Collector Roads

Collector Roads shall have two traffic lanes which are primarily intended to function as connecting road links between arterial and local roads. Generally, collector roads are to be designed to carry somewhat reduced traffic volumes than arterial roads and may also provide direct access to abutting properties. The design right-of-way width may vary from 20 to 30 metres. Bike lanes may be required on street.

Local Roads

Local Roads shall have two traffic lanes which provide access to abutting properties and which are designed to facilitate predominantly local traffic movements at low operating speeds. The design right-of-way width shall be 20 metres.

12.15.3 Densmore Road

- a) Densmore Road which is proposed to be realigned with respect to its intersection with Division Street, shall be classified as a Collector Road. Opportunity exists for Densmore Road to cross Division Street and ultimately connect to White Street to the west to form an east-west collector road in the north portion of Cobourg.

- b) The present intersection of Densmore Road and Division Street must be moved because of traffic operational concerns created by its close proximity to the on-off ramps for the Highway 401-Division Street interchange. Therefore, Densmore Road is required to be realigned to connect with Division Street at a point further south than its present location. Schedule "H" indicates both a temporary and a permanent realignment of Densmore Road.
- c) The permanent realignment of Densmore Road will facilitate the development of an east-west collector road across Division Street. The temporary re-alignment provides access to Division Street which will not require any acquisition of lands external to the Secondary Plan lands.
- d) The existing right-of-way for Densmore Road shall be terminated in cul-de-sacs at such time that Densmore Road is realigned to the south in either the temporary or permanent location as shown on Schedule "H".

However, if suitable access southward to the proposed permanent Densmore Road right-of-way can be provided for landowners which currently access the existing Densmore Road, and all of these landowners agree to such access, the remaining portion of Densmore Road may be closed.

- e) Development in the Secondary Plan lands may proceed using the temporary alignment of Densmore Road, with the exception of those lands in the Special High Density Residential Area designation traversed by the temporary alignment which are subject to the policies of the Special High Density Residential designation.
- f) It shall be the policy of the Town to proceed as soon as possible to acquire the lands outside the Secondary Plan area required for the construction of the permanent realignment of Densmore Road.
- g) When all required lands for the permanent realignment have been acquired, the Town will proceed with its construction subject to the financial capability of the municipality.

12.15.4 Collector Roads

- a) The street shown on Schedule "H" which runs northward from Elgin Street shall be the only collector road within the Plan. This road is intended to provide a second access to the Secondary Plan lands.
- b) The precise location of this street shall be subject to the results of a

"backwater study" and the comments of the Ganaraska Region Conservation Authority which will determine the effects that the road will have on the hydraulics of Midtown Creek.

- c) The location of this street shall be coordinated with access points on the south side of Elgin Street if possible.
- d) The collector road shall be designed in a manner which minimizes effects on natural environmental features and ecological functions.

12.15.5 Local Roads

A number of local roads may eventually be developed within the Secondary Plan at such time that the lands are subdivided, Schedule "H" shows the location of only one local road which is essential to the transportation network of the Secondary Plan.

12.15.6 Pedestrian Trail System

- a) A pedestrian trail system shall be developed in the Environmental Conservation Area and the Special Environmental Conservation Area designations which will serve as part of the overall transportation network of the Plan and be designed to connect with the Town's Pedestrian and Bicycle Path Network as shown on Schedule "E" of the Official Plan.
- b) The trail system is shown schematically on "Schedule "H". The exact location of the system may vary.
- c) The development of a trail system shall cause a minimum of disruption to the natural landscape. Wherever possible such a system should utilize existing pathways which may have been created. Such a trail system is intended for public use, although some portions of the trail system may be required to cross private lands. In the event that a trail system must cross private lands, the Town shall attempt to acquire adequate lands for the trail right-of-way.
- d) The trail system which is located in the Environmental Conservation Area and Special Environmental Conservation Area shall primarily be for pedestrian use, however, at least one pathway within the system shall permit bicycles in order that the Town's proposed bicycle system may connect to the Secondary Plan lands.
- e) In addition to the pedestrian and bicycle trail system in the Environmental Conservation Area and Special Environmental

Conservation Area, a complete pedestrian and bicycle trail system will also be developed in the rest of the Secondary Plan area.

12.15.7 Parking

- a) As a condition of development or redevelopment, adequate off-street parking and loading facilities shall be provided and ingress and egress to sites will be limited in number and designed to acceptable standards for traffic safety. The use of shared access points shall be encouraged where practical to minimize traffic hazards on Arterial or Collector Roads. The Town shall consider a reduction in on-site parking standards where mixed use development is proposed after evaluating the potential for the sharing of parking spaces given the proposed mix of uses.
- b) Where appropriate, on-street parking on Arterial and Collector Roads shall be limited to encourage the efficient movement of traffic.
- c) Where necessary and feasible, off-street parking, driveways and/or loading areas adjacent to residential uses will be suitably screened or buffered through the use of fences, berms or other appropriate landscape treatment. All parking areas shall be suitably surfaced and appropriately illuminated to facilitate and ensure the safety and convenience of pedestrian or vehicular access.

12.15.8 Public Transit

Bus service currently runs past the Secondary Plan lands on Division Street and Elgin Street. Extension of the bus service into the Secondary Plan lands shall be encouraged as soon as feasible.

12.16 MUNICIPAL SERVICES AND UTILITIES

12.16.1 General

The Elgin-Densmore Secondary Plan shall be subject to the Municipal Servicing and Staging Strategy policies of Section 7 of the Official Plan, in addition to the following special policies.

12.16.2 Sanitary Sewage

- a) Sewage from the Elgin-Densmore Secondary Plan area will be treated by Water Pollution Control Plant No. 1.

- b) That adequate uncommitted reserve sewer servicing capacity in the sewage treatment plant must be in place, operative and be allocated by the Town of Cobourg to a development proposal prior to the granting of any development approvals.

12.16.3 Water Treatment and Distribution

- a) That adequate uncommitted reserve water treatment capacity must be in place, operative and be allocated by the Town of Cobourg and Cobourg Public Utilities Commission to a development proposal prior to the granting of any development approvals.
- b) Prior to or coincident with the occupancy and use of any land within the Secondary Plan area the following shall be undertaken:
 - i) the feeder water main on Division Street between Cobourg Street and Elgin Street shall be upgraded to the satisfaction of the Town of Cobourg and the Cobourg Public Utilities Commission; and,
 - ii) the watermain on Elgin Street shall either be replaced or enhanced by the installation of a supplementary main within the study area.

12.16.4 Storm Water Management

- a) Treatment of the watercourse system, watercourse design and stormwater management shall be in accordance with the recommendations contained in the Cobourg-Midtown Creek Master Drainage Plan. However, generally there shall be no reconstruction or relocation of Midtown Creek.
- b) A Functional Drainage Report shall be prepared to the satisfaction of the Ganaraska Region Conservation Authority and the Town of Cobourg, for the entire Secondary Plan area, prior to the approval of individual development applications. The Functional Drainage Report shall address the specific design, construction, and phasing of stormwater management works and shall have regard for the maintenance of the natural ecological functions of watercourses and waterbodies and surrounding lands which are subject to such works.
- c) One or more storm water detention facilities will be required. The precise location of such facilities shall be determined based on the results of the Functional Drainage Report but such facilities shall

not be located in the Environmental Conservation Area designation.

12.16.5 **Utilities**

- a) All local power and telephone lines and other cable services to serve the development in the Elgin-Densmore Secondary Plan area shall be located underground, where feasible.
- b) All such services shall be permitted in any land use designation in the Secondary Plan.

12.17 IMPLEMENTATION

12.17.1 **General**

This Secondary Plan shall be implemented by the powers conferred upon the Municipality by the Planning Act, the Municipal Act and other applicable statutes. In particular, this Plan will be implemented by such means as zoning by-laws, subdivision plans, site plan control and other applicable measures.

12.17.2 **Master Servicing Plan**

In order to ensure that an appropriate approach has been developed for the servicing of the lands in the Elgin-Densmore Secondary Plan area, a Master Servicing Plan will be prepared which will ensure that the necessary approvals and the required contributions of funds and lands and commitments for services will be in place and operative prior to or coincident with the occupancy and use of land for the following services:

- water;
- sewage;
- stormwater; and,
- transportation.

12.17.3 **Conditions of Development**

Notwithstanding any other provisions of this Plan, prior to any development in the Secondary Plan area the following conditions must be met:

- a) Full urban services and utilities are committed and allocated to a development proposal prior to the granting of any development approvals.
- b) Any transportation facilities required to accommodate the development are committed to be in place and operative prior to or coincident with occupancy and use of the land.
- c) The costs of providing services to facilitate development of the Secondary Plan area, including any expansion of the waste water and water treatment facilities, shall be borne by the developers of the lands, rather than the municipality in accordance with the provisions of The Development Charges Act and the financing policies of the Town of Cobourg.
- d) Storm drainage facilities approved by the Town of Cobourg and the Ganaraska Region Conservation Authority are committed to be in place and operative prior to or coincident with the occupancy and use of the land.
- e) Erosion and sediment control plans shall be prepared to the satisfaction of the Ganaraska Region Conservation Authority prior to any construction or regrading. Such plans shall reflect the Provincial Guidelines on Erosion and Sediment Control for Urban Construction Sites.
- f) Prior to development approvals being granted for a development proposal in the vicinity of Highway 401 a noise study shall be prepared by a qualified acoustical consultant, in accordance with Provincial Policy to the satisfaction of the Ministry of the Environment and Energy and the Municipality, to ensure that:
 - i) noise levels are within accepted Provincial standards;
 - ii) noise levels on the north side of Densmore Road are not adversely affected by the development which is proposed on the south side of Densmore Road; and,
 - iii) the recommendations of the approved noise report are implemented through development agreements.
- g) The Town of Cobourg is satisfied that the cost sharing by the benefitting land owners towards the provision of transportation, waste water, water, stormwater and other identified infrastructure needs are secured in accordance with Town policies through a

Master Servicing Plan and the provisions of the Development Charges Act. With respect to any required works on Elgin Street related to the development of the Secondary Plan area, the County of Northumberland shall also be satisfied that all monies are secured from benefitting land owners.

- h) The Town is satisfied that an affordable housing target of 10% of any project which in total is in excess of 25 units provided that the Town may consider the provision of such units off, as well as on-site through the submission of information which demonstrates the affordability of the Residential units.

Within low density areas, such units shall include a variety of smaller, well designed unit types which by their nature have the potential to be moderately priced.

Within medium and high density areas, moderate priced housing shall include:

- i) units designed to meet the needs of special groups such as seniors and the handicapped; and,
 - ii) small well-designed units subject to maximum floor areas.
- i) The Department of Fisheries and Oceans is satisfied that development will result in no net loss of fish habitat. Where there is a loss of fish habitat due to construction, remedial action plans in accordance with the Fisheries Act will be required.

12.17.4 Development Review

The Elgin-Densmore Secondary Plan Area shall be subject to the policies of Section 8, Development Review of the Official Plan. Further, any information and materials required to be submitted as part of the evaluation of a development application by this Secondary Plan shall be also be deemed to be required as part of the required information and materials in Section 8.3.

12.17.5 Zoning By-law

- a) No provision of this Plan shall require the Town of Cobourg to zone lands to permit immediate development for the designated use.
- b) Certain lands within the Secondary Plan lands may be placed within a holding zone pursuant to the provisions of the Planning Act, 1990 and Section 9.2.4 of the Official Plan.

- c) The policies of Section 9.2.7, Development Permit By-law and 9.2.8, Conditional Zoning shall also apply in the Elgin-Densmore Secondary Plan Area.

12.17.6 Plans of Subdivision

- a) The Secondary Plan area is subject to subdivision control and part-lot control.
- b) Approval of plans of subdivision shall be in accordance with the policies of Section 9.4 of the Official Plan.

12.17.7 Consents

Development shall generally take place by plan of subdivision. Consents shall only be permitted in accordance with the provisions of Section 9.5 of the Official Plan.

12.17.8 Capital Works and Staging

The extension or development of capital works related to public projects required for the implementation of this Secondary Plan shall be in conformity with the provisions Section 9.13 of the Official Plan.

12.17.9 Maintenance and Occupancy Standards

The Elgin-Densmore Secondary Plan area shall be subject to the maintenance and occupancy standards policies of Section 9.11 of the Official Plan.

12.17.10 Site Plan Control

The Elgin-Densmore Secondary Plan area shall be subject, to the site plan control provisions Section 9.6, of the Official Plan. However, all the lands in the Secondary Plan area may be designated as an area of Site Plan Control in accordance with the provisions of the Planning Act, not just those lands specified in Section 9.6. In addition the policies of Section 5.2.8 shall be applicable with respect to the evaluation of external building design.

12.17.11 Land Acquisition

The Elgin-Densmore Secondary Plan area shall be subject to the land acquisition policies of Section 9.8 of the Official Plan.

12.17.12 Secondary Plan Review

The Elgin-Densmore Secondary Plan area shall be subject to the review provisions of Section 9.10 of the Official Plan.

12.17.13 Community Improvement

The Elgin-Densmore Secondary Plan area shall be subject to the community improvement provisions of Section 5.6 of the Official Plan.

12.18 INTERPRETATION

The Elgin-Densmore Secondary Plan area shall be subject to the interpretation policies of Section 10 of the Official Plan.

13. NEW AMHERST COMMUNITY SECONDARY PLAN

13.1 SECONDARY PLAN STRUCTURE

13.1.1 The New Amherst Community Secondary Plan consists of Section 13 of the Official Plan and Schedules “AA” through “FF”.

13.1.2 The New Amherst Community Secondary Plan is applicable to the following lands:

The site is south of Highway 2, west of Rogers Road, North of Lake Ontario and east of the westerly boundary between the Town of Cobourg and the Township of Hamilton. The area proposed for urban development is approximately 152 hectares (377.5 acres) and includes lands south of the St. Lawrence and Hudson Rail and CN Rail rights-of-way.

13.1.3 The Secondary Plan policies consist of the following sections:

Section 13.2 - GOALS AND OBJECTIVES

Section 13.3 - DESIGN PRINCIPLES

Section 13.4 to 13.15 - DEVELOPMENT POLICIES

Section 13.16 - TRANSPORTATION POLICIES

Section 13.17 - MUNICIPAL SERVICES AND UTILITIES

Section 13.18 - IMPLEMENTATION AND STAGING PLAN

Section 13.19 - INTERPRETATION

13.2 GOAL AND OBJECTIVES

13.2.1 **Introduction**

This section presents the overall Goal of the New Amherst Community Secondary Plan and includes a set of Objectives which describe how the Goal will be achieved.

13.2.2 Goal

The Goal of the New Amherst Community Secondary Plan is to provide a policy framework to guide the development of the Community in the Town of Cobourg.

13.2.3 Objectives

The Objectives, described in Sections 13.2.3 to 13.2.8, inclusive, outline how the New Amherst Community will meet present and future housing needs in a built environment which satisfies the employment, commerce, community and aesthetic needs of its residents while reducing their reliance on the automobile as a primary means of transportation.

- a) Land Use
 - i) To ensure continuity of neighbourhoods by developing the lands within the New Amherst Community in a staged manner through a series of development blocks.
 - ii) To ensure that the development provides for a diversity of housing needs, through its mixed use design and provides, within walking distance, commercial, open space and employment opportunities.
 - iii) To integrate the New Amherst Community with existing and future development in the Town of Cobourg through road linkages, common public transit routes and pedestrian/bicycle path networks.
- b) Residential Areas
 - i) To create a high quality residential community with a safe, healthy, functional environment.
 - ii) To provide a range of housing types and densities, including affordable housing, to meet the needs of future residents in accordance the Provincial Policy Statement.
 - iii) To provide a choice of lifestyles to enrich the New Amherst Community.

c) Commercial Uses

- i) To promote economic growth and employment opportunities within the New Amherst Community through the establishment of neighbourhood commercial areas in close proximity to residential areas that service local community needs.
- ii) To provide potential for commercial development to ensure a high degree and diversity of services to community residents as well as other public travelling through and to the area.
- iii) To allocate commercial lands within the development so as to ensure that commercial establishments benefit from the close proximity of a residential client base and to provide a high degree of choice in terms of “setting” to potential commercial developments.

d) Transportation

- i) To provide collector connections to adjacent commercial and residential development through higher density residential areas.
- ii) To minimize the need for automobile trips by establishing commercial, educational and recreational services in each stage of the development.
- iii) To provide a network of local streets and lanes to service residential areas scaled to promote pedestrian and bicycle use and discourage automobile use for day to day needs.
- iv) To design streets that complement the open space and recreational areas of the development and enhance the aesthetics of the community through the use of landscaping, sidewalks, and greened mediums.
- v) To minimize potential conflicts between vehicular and non-vehicular traffic by a variety of

mechanisms which may include rear laneways for access to garages and parking areas.

- vi) To promote the use of community transit routes which will connect the New Amherst community with the existing service commercial areas.
- e) Open Space, Recreation and Natural Features
- i) To promote pedestrian and bicycle modes of travel through the establishment of connected open space areas and continuous pedestrian/bicycle paths.
 - ii) To buffer the proposed residential area and the existing St. Lawrence and Hudson and CN rail lines along the south side of the development through the establishment of an open space area and the preservation of existing vegetation to mitigate noise and vibration effects.
 - iii) To create a community core by establishing an east/west public open space corridor through the centre of the New Amherst Community which is easily accessible to all residents.
 - iv) To integrate the open space system with the existing and future Lake Ontario Waterfront Trail System via bicycle and walking paths through a connected open space corridor.
 - v) To protect the form and function of significant natural heritage features such as the Carr Marsh Area of Natural and Scientific Interest (ANSI).
- f) Servicing
- i) To require that water, sewage and storm water facilities be in place and operative prior to or coincident with the occupancy of the land.
 - ii) To provide for the continuous, orderly, sequential, cost-effective extension of municipal services and, correspondingly, to develop the New Amherst Community in defined blocks and according to predetermined stages.

- iii) To ensure the costs of services and infrastructure required to support the development of the lands within the New Amherst Community Secondary Plan are financed by benefiting landowners, not the Town of Cobourg, in accordance with the provisions of the Development Charges Act (or successor legislation) or other legislative means available to the municipality and the Official Plan policies of the Town of Cobourg.

13.3 DESIGN PRINCIPLES

13.3.1 Introduction

The Design Principles form a vision for the New Amherst Community by outlining fundamental guidelines that address all aspects of the New Amherst development. Design Principles are generic in nature and are developed based upon the proposed function and aesthetic environment of the New Amherst Community.

The Design Principles govern the following components of the New Amherst Community:

- Housing
- Streets, Lanes and Paths
- Open Space/Park Areas
- Community Features
- Commercial District
- Natural Features.

13.3.2 Housing: The End Product of the New Amherst Community Must Be Diverse Community

- The New Amherst Community shall include a high diversity in housing types and densities that service all economic and age groups.
- Housing development shall encourage social interaction through reduced lot frontage, use of front porches/balconies and primary access to the front of residential buildings.
- Although diverse in density and type, all housing development

shall be compatible with neighbouring development and have a high standard of building design which complements the neighbourhood.

- Private outdoor amenity areas shall be provided by rear yard, decks and balconies.
- Front streetscapes shall have a consistent architectural character through building shape, design and building materials.
- Views of paved areas shall be minimized by the provision of street landscaping, parking structures/areas in the rear of all buildings, shared driveways and by siting residential buildings to street frontage areas.
- Housing development shall proceed in neighbourhood blocks versus random development of lots with little or no continuity.

13.3.3 Streets and Lanes: Streets Are Public Places

- Streets shall be aligned in a modified grid pattern to provide for view corridors to community features and open space areas.
- Streets and lanes shall provide sufficient access for vehicles, pedestrians, bicycles, utilities and services. The right-of-way and general design of a street or lane shall be defined by the volume and type of its users.
- Landscaping, lighting and other design amenities for streets and lanes shall generally be consistent throughout the New Amherst Community.
- Rear lanes may be used for vehicular access to residential garages and parking areas to minimize interaction of pedestrians and vehicular traffic and improve aesthetics of front streetscapes.
- Where feasible, parking shall be encouraged to be located at the rear of all buildings.

Pedestrian/Bicycle Access

- All collector and local roads shall have sidewalks.

- Roads with high traffic volumes that serve as primary access routes to community features shall have bicycle path links.
- The New Amherst Community shall have a continuous bicycle path route linked to open space areas, parks, schools, commercial/civic areas and public transit. The bicycle path route shall provide varying scenic views and access to public recreation facilities in the New Amherst Community.
- Where possible, walking and cycling traffic should be directed to a corner or controlled crossing point.
- Where possible, walking/bicycle paths should be visible from adjacent roads and public spaces for surveillance purposes.

13.3.4 Parks and Open Spaces

- The New Amherst Community shall provide community and neighbourhood parks and smaller parkettes specially distributed throughout the development to ensure that these areas are available to the entire community.
- Wherever possible, larger community parks shall be located adjacent to schools to maximize use.
- Parks shall be designed to incorporate existing trees and hedgerows. New landscaping shall consist of native, hardy species.
- The east/west recreational corridor shall be designed as the central commons area for the New Amherst Community and provide areas for civic events, unstructured play, active recreational activities and landscaped gardens. The architecture and landscaping should clearly identify this area as the primary landmark for the New Amherst Community.
- Community parks should complement and integrate the community with significant natural heritage features and areas such as Carr Marsh Area of Natural and Scientific Interest (ANSI), and the environmentally sensitive area between the St. Lawrence and Hudson and CN rail lines. Devices such as walking/bicycle paths could be used for controlled access and ensure minimal disturbance to naturally significant areas.

13.3.5 Community Features: Community Features Should Be Visually and Physically Accessible

- Community features include parks, schools, civic buildings and other public land uses.

- Community features shall be situated at the termination of streets and, wherever possible, be the subject of visual corridors.
- Community features shall be linked and be accessible via roadways, sidewalks, public transit and bicycle/walking paths. The most appropriate types of linkages shall be defined by the size and service area of the feature and the type of transportation most likely used by visitors.

13.3.6

Commercial District: Commercial Facilities Must Meet The Day-To-Day Needs of the Community

- The service area for commercial establishments within the Service Commercial designation is the New Amherst Community and, due to direct highway access, surrounding areas. Therefore, commercial establishments within this area shall generally be large scale specialty stores that complement commercial services offered at the Northumberland Mall.
- The intended service area for commercial establishments within the Neighbourhood Centre designation is the New Amherst Community. Therefore, commercial establishments within this area shall be smaller scale, service based stores (i.e. restaurants, dry cleaners, variety stores, boutiques, hardware stores, etc.).
- The commercial establishments within the Neighbourhood Centre designation shall generally be consistent in architecture and design with neighbouring buildings.
- The commercial establishments within the Neighbourhood Centre designation can be integrated with multi-family residential units to provide a client base for commercial establishments and rental residential units within the community so as to permit a sector of the community to “live and work” in the same neighbourhood.
- Where feasible, parking facilities will be located at the rear of commercial buildings to enhance storefronts.
- The Neighbourhood Centre development must be easily accessible by vehicle, public transit, bicycle and walking and generally be no more than a 5-minute walk from any point in the New Amherst Community.

13.3.7 Natural Features: Development Shall Complement Existing Natural Features

- Existing natural features, within and adjacent to the New Amherst development, include natural heritage features such as Carr Marsh Area of Natural and Scientific Interest (ANSI) to the southwest, the Lake Ontario shoreline and the lands between and just to the north of the CN and St. Lawrence and Hudson rail lines.
- Where feasible, existing trees and hedgerows will be maintained. If new vegetation is planted, native, low maintenance, hardy species shall be used.
- An Environmental Constraint (Special) designation shall protect natural environmental features from residential and commercial development. Only recreational activities shall be permitted within the Environmental Constraint (Special) designation. The design of any recreational facilities within this designation must minimize disturbance to environmentally sensitive areas and, to the extent feasible, maintain existing vegetation.

13.4 DEVELOPMENT POLICIES

13.4.1 Introduction

The land use designations for the New Amherst Community Secondary Plan, as illustrated in Schedule “AA” of this Plan establish the general pattern for the future community in the New Amherst Planning Area. Sections 13.5 through 13.11 list the policies for each designation as set out in the New Amherst Community Secondary Plan.

13.5 NEIGHBOURHOOD EDGE

13.5.1 Purpose

Lands designated Neighbourhood Edge border the New Amherst Planning Area on the west side and abut the open space corridor along the south edge of the development. The main purpose of this designation is to provide for a transition from the New Amherst community, within the Town of Cobourg and the rural area, within the Township of Hamilton, to the west.

13.5.2 Permitted Uses

The uses permitted shall be limited to low density residential use including single detached and semi detached dwellings or detached two-unit such as semi-detached and duplex dwellings, home occupation uses and public, recreational and institutional uses compatible with the low density residential designation such as neighbourhood parks.

13.5.3 Policies

- a) The predominant form of housing shall be single detached dwellings. Single attached, semi-detached and duplex dwellings shall also be permitted provided that the overall net density does not exceed 33 units per hectare with a minimum density of 12 units per net hectare. The term "net density" refers to the area of land including the lot and the local and collector roads, wherever used in this Secondary Plan.
- b) Within the Neighbourhood Edge designation the lot coverage shall generally not exceed 30 percent of the total lot area.
- c) It shall be policy of this Secondary Plan that single-family attached and detached dwellings and two-family dwellings and the permitted public recreational and institutional uses may be zoned in separate zoning classifications in the Zoning By-law.
- d) The lands within the Neighbourhood Edge designation which are located to the west of Streets "Y" and "M" (Schedule "AA") should be zoned so as to provide for an "Urban/Rural Transition Zone" within a 7.5 metre (25 foot) setback from the rear lot line. Ancillary structures, such as garden sheds and appurtenances, such as swimming pools, shall be prohibited within this zone.
- e) Final approval of the lands located to the west of Streets "Y" and "M" shall be subject to Site Plan Approval. Site development plans shall include a landscape plan to be submitted to the Town for approval. The Township of Hamilton shall be consulted by the Town with respect to the approval of respective Site Plans.
- f) The landscape plans to be prepared further to Policy 13.5.3 e) shall include plantings using native coniferous and deciduous plant species within the portions of respective lots zoned "Urban/Rural Transition Zone."

13.6 NEIGHBOURHOOD GENERAL

13.6.1 Purpose

The intent of the Neighbourhood General designation is to provide a variety of low and medium density housing types throughout the community in a manner which complements varying densities of development.

13.6.2 Permitted Uses

The Neighbourhood General uses permitted may include the low density residential uses identified in Section 13.5.2 (Neighbourhood Edge) as well as medium density residential uses including triplex, quadruplex, townhouse and similar dwelling units. In addition, institutional uses which are compatible with the permitted uses in the Neighbourhood General designation are permitted.

One garden suite building shall be permitted on each lot used for single, semi-detached and townhouses subject to the regulations of the Zoning By-law.

13.6.3 Policies

- a) The Neighbourhood General designations shall provide a variety of low and medium density housing types to locate throughout the lands in the Neighbourhood General designation. The Zoning By-law may establish restrictions on the percentage of neighbourhood which can be used for any particular housing types.
- b) Medium density housing is encouraged to locate on the lands immediately adjacent to the Neighbourhood Centre designation to provide a transition between the more compact development areas, and the surrounding lands designated as Neighbourhood General.
- c) The predominant form of housing shall be single detached, semis, duplexes, triplexes, quadruples and townhouses. The overall net density shall not exceed 37 units per hectare with a minimum density of 12 units per net hectare.

13.7 NEIGHBOURHOOD CENTRE

13.7.1 Purpose

The Neighbourhood Centre designation is intended to accommodate a range of low to medium density residential housing as well as commercial uses which will serve the day-to-day needs of residents in the surrounding neighbourhoods.

Neighbourhood Centres have been located to be within 400 metres (i.e. a 5 minute walk) of most households in the New Amherst Community.

13.7.2 Permitted Use

Permitted uses within the Neighbourhood Centre designation may include the following low and medium density residential uses: semi-detached, duplex, triplex and quadruplex dwellings; apartments; row and cluster housing; and, mixed use (commercial/ residential) buildings. In addition, institutional uses which are compatible with the permitted uses in the Neighbourhood Centre designation, are permitted.

The other components of the Neighbourhood Centre designation include individual or groups of retail commercial and personal service establishments which serve the daily needs of residents in the New Amherst community.

13.7.3 Policies

- a) Structures shall not exceed four storeys in height and shall generally be a minimum of two storeys in height.
- b) The predominant form of housing shall be attached, street front houses, apartments, row and cluster housing, quadruples and mixed use (commercial/residential) buildings. The overall net density shall not exceed 60 units per hectare, with a minimum overall net density of 37 units per hectare .
- c) Development within the Neighbourhood Centre designation shall incorporate links to existing and proposed pedestrian and bicycle pathways.
- d) The siting and design of buildings and ancillary structures, inclusive of the proposed storefronts, lighting and signs, shall serve to minimize any adverse effects on adjacent residential properties and shall be compatible with any recreational or

residential development surrounding the area.

- e) The design of buildings within the Neighbourhood Centre lands surrounding the east node of the recreational corridor (i.e. public square) shall be compatible with and complement the recreational facilities (i.e. gazebos, pedestrian bridges, etc.) through the use of vegetative buffers, decorative storefronts and other means.
- f) Adequate buffer planting and screening shall be provided between a Neighbourhood Centre commercial use and any adjacent residential areas. Such buffer planting may include provision of trees and shrubs in order to provide for a reasonable degree of compatibility and suitable spatial separation.
- g) The lands within the Neighbourhood Centre designation which are located in the northwest part of the New Amherst Community (Schedule "AA") shall be zoned so as to provide for an "Urban/Rural Transition Zone" within a 7.5 metre (25 foot) setback from the westerly boundary with the Township of Hamilton. All buildings and structures shall be prohibited from this zone. Site development plans for these lands shall include a landscape plan for the transition zone, to be submitted to the Town for approval. The Township of Hamilton shall be consulted by the Town with respect to the approval of the site plan(s). The landscape plans shall include plantings using native coniferous and deciduous plant species within the area zoned "Urban/Rural Transition Zone".
- h) Adequate off-street parking and loading areas shall be provided and access to such areas shall be designed in a manner which will minimize the danger to vehicular and pedestrian traffic.
- i) It shall be the policy of this Secondary Plan that Neighbourhood Commercial areas be zoned in a separate classification in the Zoning By-law where under suitable provisions and regulations are prescribed to govern the future development and use of such lands. The Zoning By-law shall distinguish areas within the Neighbourhood Centre designation which shall only be used for residential uses, mixed-use and strictly commercial on the ground floor of mixed use buildings.

13.8 SERVICE COMMERCIAL

13.8.1 Purpose

Lands adjacent to Highway 2 at the northwest entrance to the development have been designated Service Commercial. The intent of this designation is to allocate lands within the New Amherst Planning Area for larger scale commercial uses which service the needs of the New Amherst community and take advantage of the vehicular traffic along Highway 2. The lands designated Service Commercial have been strategically located to:

- Reflect existing commercial land uses.
- Complement the lands designated Neighbourhood Centre as well as the Northumberland Mall.
- Provide a graduated pattern of commercial uses from Highway 2 along Lovshin Road, into the New Amherst Community.
- Be compatible with high intensity traffic area on Highway 2.

13.8.2 Permitted Uses

The land uses within the Service Commercial designation shall be limited to service oriented commercial uses which rely heavily upon vehicular traffic for their economic existence including, but not limited to hotels, motels, eating establishments (including drive-in/take-out restaurants), motor vehicle service stations and car washes, automotive dealerships, specialized automotive repair and sales, recreational vehicle sales and service establishments. Limit of specialized retail commercial establishments such as building supply outlets, nursery sales/commercial greenhouses, or other similar retail uses shall also be permitted within the Service Commercial Designation.

In addition, mixed use development may be permitted in accordance with the provisions of 3.9 of the Official Plan.

13.8.3 Policies

- a) The design of development within the Service Commercial designation shall consider the following;
 - The access/egress of vehicular traffic to/from the

development shall not impede traffic flow along adjacent streets. A minimum number of joint access points is recommended.

- Adequate buffer using vegetation, fencing and separation distances shall be provided where a Service Commercial establishment adjoins Neighbourhood General uses.
- Outdoor storage areas will be fenced and suitably screened from adjacent land uses. Temporary storage of materials may be permitted for display/promotional purposes without screening provided vehicular traffic flow is not impeded and minimum parking requirements are complied with.
- The type, design and location of signs used by Service Commercial establishments shall be incorporated into the landscaping design plan for the development and shall, to the extent feasible, be compatible with surrounding Neighbourhood Centre uses and not be visually intrusive with Neighbourhood General uses.
- The impact of the proposed development on stormwater quality and quantity.

The above considerations shall be addressed through site plan control.

- b) Depending on the size or type of Service Commercial development, Council may require the developer to submit the following:
- a feasibility analysis which will identify any potential impacts on other commercial areas in the Town or adjacent municipalities;
 - a traffic and site access impact analysis demonstrating that the proposal can be developed without causing major problems for traffic flows adjacent to the site;
 - conceptual plans for the site and buildings; and,
 - other specific studies which address specific and justifiable concerns of potential neighbours of the development.

- c) Where potential adverse effects of Service Commercial uses on neighbouring land uses including noise, lighting and traffic generation are identified, appropriate mitigation measures will be implemented through site plan control.
- d) The integration of specified facilities, such as access points and parking areas, shall be required so as to minimize disruption of the traffic flows on Highway 2.
- e) Service Commercial uses shall be fully serviced by municipal water and sewage systems.
- f) It shall be a policy of this Secondary Plan that Service Commercial uses shall be zoned in a separate classification in the Zoning By-law. Regard shall be had for, among other matters, setback from property lines, traffic flow, parking and loading requirements, landscaped open space, maximum building coverage, signage and, control over the outside storage of goods and materials.

13.8.4 Special Provisions

13.8.4.1 Lands at the South-West Corner of Elgin Street West (County Road #2) and Rogers Road

13.8.4.1.2 Permitted Uses, Buildings and Structures

The uses, buildings and structures permitted in Section 13.8, plus the following additional uses:

- a) a home, automotive, tire and battery (Canadian Tire) use up to a total maximum building area of 7,500 sq m (80,700 sq ft), plus a 2,900 sq m (31,200 sq ft) outdoor garden centre;
- b) one retail commercial unit having a total maximum building area of 1,300 sq m (14,000 sq ft);

13.8.4.1.3 Land Use Policies

The development of these lands shall be carried out in accordance with the policies and provisions of the Official Plan, particularly Section 13.0 New Amherst Community Secondary Plan, Section 13.8 Service Commercial Area, Section 4.0 Greenlands System, Section 5.0 Community Design and Improvement, the Cobourg Gateway Design Guidelines (October, 2001), and the Site Plan Control

provisions of the Planning Act. In addition, the development shall conform to the following urban design guidelines:

i) Streetscape Design

- a) Building mass shall be situated adjacent to the streetlines to frame the street space, provide a sense of enclosure to the road, screen parking areas and enhance the site's gateway appearance.
- b) A significant architectural and/or landscape feature shall be incorporated into the site design at the intersection to reflect the site's important gateway characteristics.
- c) A substantial landscaped buffer shall be provided along the streetlines, excluding the area of any buildings and driveway crossings, to create a defined street 'edge'.
- d) In order to ensure a positive interface between public and private spaces, the site design shall incorporate decorative architectural and/or landscaping elements, such as:
 - low masonry/metal fence walls;
 - berms;
 - rockery and elevated rock gardens;
 - special building and roofline treatments;
 - landmark features (clocks, towers, cupolas, bays, pergolas, weather vanes, art);
 - outdoor activity areas (ie. patios, plazas, squares);
 - extensive plant material; and,
 - other identifiable features deemed appropriate by the Town.
- e) Parking areas shall be designed to reduce their impact on the streets and other public spaces in accordance with Section 5.2.1.2 of this Plan. No parking will be permitted between the building(s) and the streets.
- f) Service and storage areas shall be designed so as to minimize visual impacts from public streets. Innovative methods of design and decorative screening treatment will be used for all service and open storage areas.
- g) Signage shall be designed as an integral part of the overall development, particularly the building and landscape design,

with emphasis on the co-ordination of size, scale, design, colour and materials used.

ii) Building Design

- a) The subject lands shall have a high quality of urban and architectural design. In particular, emphasis should be given to creating attractive design features and animating the facades of all buildings which face and/or are visible from the public street.

Accordingly, the following critical building design elements shall be considered:

- the innovative use of architecture and facade treatment (ie. landmark features, recesses and projections, rooflines, parapets, columns, bands, canopies);
 - generous window areas along the applicable street exposure(s);
 - appropriate variation in building materials, textures and colours, reflecting the heritage of the community; and,
 - the location of doors and walkways in relation to the street;
- b) The site and buildings should be designed to ensure that it is easy for visitors to orient themselves by incorporating features which terminate vistas, frame views and clearly identify entrance and exit areas.

iii) Pedestrian Connections

- a) The site and building design shall maximize opportunities for equal access for all persons to buildings and/or facilities. Development shall conform to the Town's Safe Community Design and Barrier Free Access design policies of Section 5.2 of the Official Plan, Accessibility Guidelines and other applicable design standards during the Town's Site Plan Control process.
- b) At least one (1) direct, clearly defined pedestrian connection, which forms an extension of the public transportation system, shall be required to the main entrance of any new buildings, where conditions permit. Consideration should also be given to secondary, internal connections for improved pedestrian access within and around the site.

- c) Pedestrian routes shall be functionally separated from parking and driveway areas and should be comprised of a variety of pavement materials, textures, colour, landscaping and changes in elevation. 'Street furniture' such as benches, bicycle racks, waste receptacles, and pedestrian-scale lighting should be provided along the main pedestrian route(s), where appropriate.
- d) Provision shall also be made to accommodate bicycles. (This is a change)

iv) Holding Symbol

A Holding (H) Symbol shall be utilized to ensure that the policies of this Plan are maintained.

13.9 INSTITUTIONAL

13.9.1 Purpose

The blocks of land designated Institutional in the New Amherst Community Secondary Plan area ensure that adequate lands are provided for private and public facilities serving the education, cultural, religious and health and welfare needs of the New Amherst community.

13.9.2 Permitted Uses

Permitted uses of lands designated Institutional include educational and health facilities, places of worship, community centres, police stations, fire halls and related uses.

13.9.3 Policies

- a) Adequate buffer planting, using native coniferous and deciduous plant species, screening and/or fencing shall be provided between Institutional uses and adjacent uses.
- b) Adequate parking and loading areas shall be provided and access points designed in a manner which will minimize the danger to pedestrian and vehicular traffic.
- c) To the extent feasible, existing woodlots/vegetation within

institutional lands shall be preserved and enhanced.

- d) Open spaces and recreational facilities (playgrounds, sports fields, etc.) within the institutional lands shall be situated and designed within linkages to surrounding Neighbourhood - Edge, General and Centre uses, as well as Recreational - Open Space uses. Pedestrian trails and bicycle paths should also be linked to those paths proposed in the above designations.
- e) It shall be the policy of this Secondary Plan that Institutional uses be zoned in a separate Category in the Zoning By-law.
- f) Public access to school, parkland and open space areas shall be encouraged. Where applicable, adjacent “Recreational - Open Space” designated lands shall be encouraged for use as parks, accessible to the entire community.
- g) Surplus unnecessary Institutional lands may be designated for Neighbourhood General residential uses to be developed, in accordance with the Neighbourhood General designation policies in Section 13.6, without amendment to this Secondary Plan.

13.10 RECREATIONAL - OPEN SPACE

13.10.1 Purpose

The intent of the Recreational - Open Space designation is to allocate publicly accessible lands for open spaces, gardens, active and passive recreational uses to provide meeting areas and contribute to the community focused character of the New Amherst Community Secondary Plan.

13.10.2 Permitted Uses

The permitted uses within lands designated Recreational - Open Space include passive and active recreational facilities (i.e. playgrounds, sports fields, tennis courts, public areas and auxiliary buildings as necessary), open space public gardens, civic uses such as landmarks, gazebos and dedicated parks, solar aquatic green houses and small-scale public facilities.

13.10.3 Policies

- a) The lands designated Recreational - Open Space shall be dedicated to the Town of Cobourg as part of the parkland dedication requirements under the provisions of the Planning Act.
- b) Civic and public uses within the Recreational designation shall be located and designed in a manner so as to provide a visual focus surrounded by open space/park land uses.
- c) Adequate parking areas shall be established and access points shall be designed in a manner that provides for the safe movement of vehicular and alternative (pedestrian, bicycle) traffic.
- d) The design of Recreational uses/facilities shall be compatible with adjacent land uses and shall consider adequate separation. Buffer planting, landscaping and, where necessary, fencing shall be used to mitigate effects from incompatible land uses.
- e) Recreational facilities shall be designed in a manner so as to ensure accessibility to the surrounding community. Linkages to existing/proposed pedestrian/bicycle paths, institutional playgrounds, open space areas and surrounding Neighbourhood - Edge, General and Centre uses shall be established.
- f) Where feasible, existing woodlots/vegetation shall be preserved and enhanced to buffer the lands from surrounding land uses and improve the aesthetics of the development.
- g) Adequate north/south pedestrian access to the east/west recreational corridor and its proposed drainage swale in the centre of the development shall be established through the use of pedestrian bridges.

13.11 ENVIRONMENTAL CONSTRAINT (SPECIAL)

13.11.1 Purpose

The Environmental Constraint (Special) designations for the New Amherst Community Secondary Plan are primarily intended to

provide buffer areas and to link green spaces throughout the development. The Environmental Constraint (Special) areas of the New Amherst Community Secondary Plan may include lands, which exhibit inherent environmental hazards such as flood and erosion susceptibility and/or poor drainage.

13.11.2 Permitted Uses

The predominant use of lands so designated shall be for conservation and preservation of the natural environment and outdoor recreation. Permitted uses shall include passive recreational uses such as pedestrian walkways, bicycle pathways, playgrounds (where appropriate) and public access for hiking, cross-country skiing and other similar outdoor recreational uses.

13.11.3 Policies

- a) Where feasible, existing vegetation and natural features shall be preserved and enhanced with special consideration to mature healthy trees.
- b) The development of lands designated “Environmental Constraint (Special)” shall be compatible with adjacent land uses. Adequate spatial separations, buffer planting, landscaping and fencing shall be used as necessary to ensure that adverse effects of Environmental Constraint (Special) uses are minimized.
- c) If application is made to establish a permitted use a study should be completed to ensure that adverse environmental effects are minimized.

13.12 STUDY AREA ONE

Development of lands designated “Study Area One” on Schedule “AA” shall be subject to the approval of an amendment to the Official Plan which will establish the land use designations for the lands. The following studies shall be completed as a basis for the Official Plan amendment.

- i) A tree inventory, to identify either individual trees or portions of the existing woodlot which should be retained as part of a proposed development plan.
- ii) An investigation of local groundwater and surface water drainage to determine the extent of lands which are subject to flooding.

- iii) An evaluation of the locally significant wetland.
- iv) A noise feasibility study.

These studies shall be completed to the satisfaction of the Town of Cobourg and the Ganaraska Region Conservation Authority (GRCA).

13.13 STUDY AREA TWO

Development of the lands designated 'Study Area Two' on Schedule "AA" shall be subject to the approval of an amendment to the Official Plan, which will establish the land use designations for the lands. The following studies shall be completed as a basis for the Official Plan amendment:

- i) an environmental study, which will include appropriate engineering studies, an environmental audit, a site plan, and a landscaping and grading plan, as required in Section 4.2, of the "Environmental Constraint Area" policies in the Official Plan;
- ii) a land use analysis which will address the policies of the Official Plan including the identification of appropriate land uses, housing mix and densities, and the proposed phasing of development;
a transportation study to identify the appropriate road network including connections to existing roads, traffic, impacts, pedestrian/bicycle pathways and transit routes;
- iv) a servicing study to address the provisions of sanitary, storm and water services; and,
- v) a noise feasibility study.

These studies shall be completed to the satisfaction of the Town in consultation with other concerned agencies, including the Ganaraska Region Conservation Authority (GRCA), prior to the approval of the Official Plan. Furthermore, these studies shall comply with all Provincial Policy Statements and the GRCA Water Management Plan Policies (Sept. 1995).

13.14 STUDY AREA THREE

Development of the lands designated "Study Area Three" on Schedule "AA" shall be subject to the approval of an amendment to this Plan which will establish the land use designations for the lands. The following studies shall be completed as a

basis for the amendment to this Plan:

- i) a final hydrological/stormwater design study to establish the final sizing and location for the western stormwater management structure;
- ii) an investigation of the local ground water and surface water drainage as well as the characteristics of the local woodlot to establish the final location of the stormwater structure; and,
- iii) the identification of developable lands.

These studies shall be completed to the satisfaction of the Town of Cobourg and the Ganaraska Region Conservation Authority.

13.15 OVERLAY POLICY AREA

- a) The lands contained within the area identified on Schedule “AA” as “Overlay Policy Area” lie within a separation distance from an existing livestock barn. The separation distance was calculated by the Ontario Ministry of Agriculture, Food and Rural Affairs in compliance with “Minimum Distance Separation (MDS) Formula One”, as outlined in the “Agriculture Code of Practice.” The following policies shall apply to the lands contained within this identified area:
 - i) The land use designations of Schedule “AA” and the associate policies of this Secondary Plan shall apply.
 - ii) Building permits for the development of lands within the respective land use designations shall not be issued by the Town until the subject livestock barn is either demolished or truly converted to a use other than a livestock use.
 - iii) A holding provision, by use of the Holding Symbol “H” shall be placed on the respective zones for the lands contained within the “Overlay Policy Area” in the Zoning By-Law.
 - iv) The holding provision shall be removed by Council at such time as the subject livestock barn has either been demolished or truly converted to a use other than a livestock use.

13.16 TRANSPORTATION POLICIES

13.16.1 General Policies

- a) The New Amherst Community Secondary Plan shall be subject to the transportation policies in Section 6 of the Town of Cobourg Official Plan, in addition to those policies included in Section 13.16 of this Secondary Plan.

13.16.2 Road Network

- a) The proposed transportation network serving the New Amherst Community Secondary Planning Area is illustrated on Schedule “DD”. The road network includes collector and local roads, laneways, pedestrian and bicycle paths and internal/external transit linkages.
- b) The road network as illustrated in Schedule “DD” shall be integrated and form part of the Town of Cobourg’s “Transportation Plan” (Schedule “E” of the Official Plan).
- c) The proposed transportation network shall be developed to generally comply with the “Alternative Development Standards Guideline” issued by the Ministry of Municipal Affairs and Housing (April 1995).
- d) The proposed system is intended to be flexible in terms of specific locations. The alignment of roads may be modified to a reasonable degree in the interest of achieving desirable and appropriate urban design and subdivision patterns. However, the Town will work with the railways to maintain existing rights-of-way over the railway.
- e) Modification to the orientation of Local Roads and/or the extension of Local Roads may be undertaken without amendment to this Plan. Any significant modifications to the location and/or the extension of designated “Collector Roads” shall only be undertaken by amendment of this Plan.
- f) The road network within the New Amherst Community Secondary Plan shall be classified by function to facilitate the planning and implementation of road components, maintenance and operation. The classification of roads within the Secondary Plan shall be:

Collector Roads

Collector Roads shall have two traffic lanes (3.5 metres per lane) with the exception that Lovshin and Kerr Streets may be increased to four lanes if deemed necessary by the Town based upon traffic volumes. Collector Roads are primarily intended to function as connecting road links from Highway 2 and other local roads within the New Amherst Planning Area. Collector roads shall provide direct access to abutting properties. The design right-of-way width shall generally vary from 20 to 26 metres within a maximum 30 metres, if required, to accommodate a central median. The following are identified as Collector Roads:

- Lovshin Street between Highway 2 and the Kerr Street Extension
- New Amherst Parkway from Highway 2 and Lovshin Street
- Kerr Street between Rogers Road and Lovshin Street.

Local Roads

Local Roads shall have two traffic lanes with a minimum of 3.0 metres per lane which provide access to abutting properties and are designed to facilitate predominately local traffic movements at low operating speeds. The design right-of-way shall be 20 metres or less and as approved by the Town provided that it is demonstrated to the satisfaction of the municipality that such road can serve the contemplated traffic volume.

Laneways

Laneways shall be designed to provide access to rear garages/driveways. The laneways shall have a minimum of 5.5 metres of road with at least 0.75 metres of additional space on either side to permit motorists to comfortably maneuver in and out of their garages/driveways.

- g) Prior to the granting of draft approval of a Plan of Subdivision, street types including right-of-way widths, pavement widths, and utility services shall be provided to the satisfaction of the Town.

13.16.3 Street Design

- a) The overall design is based on a grid system with modifications and curves in the road alignment to improve the aesthetics of the roadscape and recognize natural or man-made features.
- b) Sidewalks and greened curb areas shall be encouraged on all roads within the New Amherst Community Secondary Plan to enhance the pedestrian orientation of the streets.

13.16.4 Parking

- a) Primary parking for residences will be provided with garages/driveways which may be accessed through rear laneways.
- b) Where feasible primary parking for commercial and institutional establishments should be at the rear of buildings.
- c) On-street parking shall be permitted in accordance with the provisions of the implementing zoning by-law. Where appropriate, on-street parking shall be limited to encourage the efficient movement of traffic.
- d) In residential areas, visitor parking may be generally provided on-street at the rate of 0.25 spaces per unit. For commercial establishments, 3.5 spaces per 100 m² of store area should be provided with shared utilization of parking areas for different commercial establishments, where required. On-street parking for commercial uses should be pooled and located in clearly identified areas that are differentiated from travelling lanes.

13.16.5 Public Transit

- a) The provision of community transit routes which connect the New Amherst community with the existing service commercial uses will be encouraged.
- b) Future transit stops should be located near public meeting areas and neighbourhood centre areas and be at most a 5 minute walk from any areas in New Amherst.

13.16.6 Pedestrian and Bicycle Path Systems

- a) The New Amherst Community Secondary Plan includes a pedestrian and bicycle path as illustrated in Schedule “DD” of this Secondary Plan. Although the exact location of pathway may vary, it will link directly with the Pedestrian and Bicycle Path Network proposed for the Town of Cobourg (Schedule “B” of the Town’s Official Plan) and provides access to the Lake Ontario shoreline at its proposed Pedestrian/Bicycle Paths.
- b) The trail system is located in the recreational corridor running east/west through the New Amherst Planning Area. Secondary links to open space, recreational uses, schools and other public places within the New Amherst development shall be considered, as needed.
- c) The development of a Path system shall cause a minimum of disruption to the natural landscape. Wherever possible, such a path system should utilize existing natural/man-made pathways which may have been created. Such a system is intended for public use.

If portions of the system cross private lands, the Town shall attempt to acquire adequate lands for the trail right-of-way.

13.16.7 Railway Noise and Vibration/Highway Noise

- a) Noise and vibration-sensitive areas are considered to be those areas of land lying within 500 m (1640 ft) of rail lines for noise and 75 m (250 ft.) of rail lines for vibration, having a development component that includes outdoor passive recreation areas; and/or a residential component such as dwellings, and/or bedrooms, sleeping quarters, living rooms, reading rooms, offices and other noise sensitive uses. The noise sensitive area for Highway No. 2 is 250 metres. Within this area, a preliminary noise assessment will be undertaken to determine the specific lands for which there is a need to undertake the noise analysis identified in Subsection b).
- b) Prior to the registration of a development plan located within a noise and vibration sensitive area as defined in subsection 13.16.7 (a) of this Secondary Plan, Town Council may require that the owner/developer engage a qualified acoustical engineer to undertake an analysis of noise and vibration and to recommend abatement measures to the satisfaction of

Appendix I, Outdoor and Indoor Sound Level Limits - Road and Rail, the Town and the Provincial Government in consultation with the appropriate rail company.

13.17 MUNICIPAL SERVICES AND UTILITIES

13.17.1 General

- a) The New Amherst Community Secondary Plan Area is subject to the development of sewage allocation policies in the Official Plan and shall be serviced by piped water and sanitary sewage systems within the Town of Cobourg. Servicing of lands within the development land area will be such that adequate uncommitted capacity in the sewage treatment plant must be in place, operational and allocated by the Town of Cobourg to a development proposal prior to draft approval of a plan of subdivision for the subject lands.
- b) Stage One of the development shall be preceded by the completion of a Functional Design Report detailing the proposed internal servicing systems for each stage of development.
- c) The New Amherst Community Secondary Plan shall be subject to the Municipal Services and Utilities policies of Part Six of the Town's Official Plan, in addition to the following policies specific to the development.

13.17.2 Sanitary Sewage

- a) Sewage from the New Amherst Community Secondary Plan development will be treated at Water Pollution Control Plant No. 1.
- b) Adequate reserve capacity at the designated Water Pollution Control Plant will be in place and operative prior to or coincident with draft approval of the plan of subdivision for the subject lands.

13.17.3 Water Treatment and Distribution

- a) Adequate water treatment capacity must be allocated by the Town of Cobourg and the Cobourg Public Utilities Commission prior to or coincident with the draft approval of the plan of

subdivision for the subject lands.

- b) The sizing and routing of the internal New Amherst water distribution system will be identified in the Functional Design Report required prior to the development of Stage One of the New Amherst Planning Area.

13.17.4 Stormwater Management

- a) Treatment of the on-site drainage design and stormwater management shall be in accordance with the policies and regulations of the Ganaraska Region Conservation Authority.
- b) A Functional Drainage Report shall be prepared, to the satisfaction of the Ganaraska Region Conservation Authority and the Town of Cobourg, for the entire Secondary Plan area, prior to the approval of individual development applications. The Functional Drainage Report shall address the specific design, construction, and phasing of internal stormwater management works and shall have regard for the maintenance of the natural ecological functions of watercourses and waterbodies and surrounding lands which are subject to such works. The Functional Drainage Report shall also address the potential effects of discharge as post-development surface runoff into Hamilton Township and shall propose means to prevent or mitigate any adverse effects on receiving watercourses and natural areas in the Township. The Township of Hamilton shall be consulted in this regard prior to approval of the Functional Drainage Report.
- c) The Stormwater Management Practice Report (Appendix “D” of this Plan recommends that two wet ponds, one in each the West and East Catchment Areas. The ponds will be sized to contain 100-year storm flows, however, the size and location of the ponds will be identified in the Functional Design Report. Any stormwater management facilities proposed by the Storm Water Management Plan will be located entirely within the Secondary Plan area (or, alternatively, within the municipality).
- d) Pending approval from the Town and an assessment of their physical feasibility from detailed design, suitable plantings will be used in areas as conveyance controls and will be designed to provide a small degree of flood attenuation and provide an attractive landscaped feature.

13.17.5 Utilities

- a) Municipal utilities shall be provided through the extension of existing facilities in the Town of Cobourg. The Functional Design Report shall determine the type, routing and linkages for utilities which are subject to this Secondary Plan.
- b) Utilities shall be permitted in all land use designations within this Secondary Plan.

13.17.6 Telecommunications Network

- a) A state-of-the-art telecommunications infrastructure shall be developed within the Secondary Plan area, providing hightech communications services to commercial uses, home-based businesses and, where possible, residences.
- b) Wiring of this system shall be incorporated into a single utility corridor with other utilities where feasible.

13.18 IMPLEMENTATION STAGING PLAN

13.18.1 General

- a) The New Amherst Community Secondary Plan is based on principles of New Urbanism. The Design Principles contained in Section 13.3 of this Secondary Plan, in conjunction with applicable provincial standards shall provide the basis for the community design.
- b) This New Amherst Community Secondary Plan shall be implemented by the powers conferred upon the municipality by the Planning Act, the Municipal Act and other applicable statutes. This Plan will be implemented by such means as zoning by-laws, subdivision plans, site plan control, part lot control by-laws and other applicable measures.

13.18.2 Master Servicing Plan

In order to ensure that an approach has been developed for the external servicing of the lands in the New Amherst Community Secondary Plan area, a Master Servicing Plan will be prepared which will ensure that the necessary approvals and the required contributions of funds and lands and commitments for services will be

in place and operative prior to or coincident with draft approval of the plan of subdivision for the subject lands for the following services:

- water;
- sewage;
- stormwater; and,
- transportation.

13.18.3 Staging and Phasing Plan

- a) Development shall be staged to provide for the co-ordinated and orderly extension of the community and to ensure the most efficient and economical use of existing and proposed infrastructure.
- b) Development will generally follow an east to west, followed by south, pattern from the existing urban built form of the municipality. It is anticipated that there will be three Stages of development as illustrated on Schedule “EE” of this Plan, although there may be more or less without an amendment to this Plan based on:
 - the manner and rate in which growth and development are occurring in the New Amherst area and municipality;
 - the availability of and demand for housing, community facilities, transportation facilities and infrastructure in the New Amherst area and municipality;
 - the financial capability of the Town and/or other public bodies; and,
 - the context of changing Municipal and Provincial policies and priorities.
- c) Prior to the issuance of draft approval for any Stage or part thereof, the current Stage under construction shall have reached 50% completion. Council may waive this requirement provided the following criteria have been addressed to the satisfaction of the Town, which criteria shall be addressed to the satisfaction of the Town in any event prior to the issuance of draft plan approval for any Stage or part thereof:
 - that there is a demonstrated demand and need for additional housing units and diversity in the housing market within the municipality to achieve its projected demographic and market requirements;
 - that transportation requirements, both internal and external to the New Amherst area, will be met within an acceptable time

frame. In that regard, the proponent may be required to prepare a Traffic Impact Study to the satisfaction of the Town and any other municipality that has jurisdiction;

- that community and other public service facilities (schools, parks, institutional uses, transit, etc.) will be provided to satisfy needs in the New Amherst area and surrounding community within an acceptable time frame;
- that water and sewer services and capacity are available to the applicable Stage; and,
- that development will progress in a co-ordinated and orderly fashion to avoid scattered or disjointed development patterns, with particular regard given to the appropriate integration of infrastructure, community facilities and neighbourhoods.

d) As a condition of draft plan approval, the proponent may be required to complete or update, to the satisfaction of the Town and any other municipality that has jurisdiction, a Traffic Impact Study that addresses the following:

- i. identify any external road and intersection improvements necessary to accommodate the incremental traffic generated by the development. Particular consideration shall be given to the status of the Kerr Street link to William Street;
- ii. the relationship between the New Amherst area and the existing residential community to the east and traffic impacts on that road network;
- iii. bus transit routes to serve the New Amherst area; and,
- iv. additional terms of reference and technical assumptions will be confirmed in consultation with the Town Engineer prior to commencing the Traffic Impact Study.

e) As a condition of draft approval, the proponent shall carry out an archaeological resource assessment and mitigate, through avoidance or documentation, adverse impacts of any significant archaeological resources found. No demolition, grading, filling, or any form of soil disturbances shall take place prior to the issuance of a letter from the Ministry of Tourism and Culture to the approval authority indicating that all archaeological resource concerns have met licensing and resource conservation requirements. The study will be undertaken by a qualified consultant to the satisfaction of the Town in consultation with the Ministry of Tourism and Culture. Where approval of a plan of subdivision is not required, the archaeological

resource assessment shall be carried out prior to site plan approval and shall be subject to the provisions of this policy.

- f) Within each Stage, development may be phased for the purposes set out in sub-paragraph 13.18.3(a). Phasing within each Stage shall be implemented through the execution of necessary agreements, final approval of plan(s) of subdivision and/or condominium and removal of the “H” Holding Zone.
- g) Availability of services, servicing capacity, infrastructure and/or other matters described in this Plan must be verified before proceeding with any development.

13.18.4 Conditions of Development

In addition to any other provisions of this Secondary Plan, prior to Council issuing final approval of a draft plan of subdivision, the following conditions must be met:

- a) Arrangements satisfactory to the Town made by the applicant with the appropriate authorities having jurisdiction to ensure that water, wastewater, stormwater drainage, road and utilities facilities necessary to be in place and operative prior to occupation.
- b) Erosion and sediment control plans be prepared by the applicant to the satisfaction of the Ganaraska Region Conservation Authority prior to any construction on affected lands. These facilities must be in place and operative prior to or coincident with the occupancy of the affected lands. Such plans shall reflect the Provincial Guidelines on Erosion and Sediment control for Urban Construction.
- c) The costs of providing services to facilitate development of the Secondary Plan area, including any expansion of the wastewater and water treatment facilities, shall be borne by the developers of the lands, rather than the municipality in accordance with the provisions of The Development Charges Act and the financing policies of the Town of Cobourg.
- d) The Town of Cobourg is satisfied that the costs toward the provision of transportation, wastewater, water, stormwater and other identified infrastructure needs are secured in accordance with Town policies through a Master Servicing Plan and the provisions of the Development Charges Act.

13.18.5 Development Review

The New Amherst Secondary Plan Area shall be subject to the policies of Section 8, Development Review of the Official Plan. Further, any information and materials required to be submitted as part of the evaluation of a development application by this Secondary Plan shall be also be deemed to be required as part of the required information and materials in Section 8.3.

13.18.6 Zoning By-Law

- a) Appropriate new Zoning provisions shall be prepared which conform with and implement the policies of this Secondary Plan.
- b) The Zoning provisions may include “Holding Zones” in accordance with Section 36 of the Planning Act and Section 9.2.4 of the Official Plan for the Town of Cobourg.
- c) The policies of Section 9.2.7, Development Permit By-law and 9.2.8, Conditional Zoning shall also apply to the New Amherst Secondary Plan.

13.18.7 Plans of Subdivision

- a) The New Amherst Community Secondary Plan is subject to subdivision control and part lot control.
- b) Plans of subdivision shall conform with policies and designations in this Secondary Plan. Approval of plans of subdivision shall be in accordance with the policies of Section 9.4 of the Official Plan.
- c) A condition of draft approval shall include the requirement to comply with the Design Principles contained in Section 13.3 of this Secondary Plan.

13.18.8 Consents

Development shall generally take place by plan of subdivision. Consents shall only be permitted:

- for technical or legal purposes;
- where the municipality is satisfied that the consent will not prejudice the ultimate subdivision of land or the principles set

out in this Plan; or,

- in accordance with the provisions of Section 9.5 of the Official Plan.

13.18.9 Part Lot Control

Conveyance of lots or blocks within the New Amherst Community Secondary Plan area will be subject to Section 50(5) of the Planning Act "Part Lot Control" unless the Town relieves identified lands of this requirement in accordance with Section 50(7) of the Act "Designation of Lands Not Subject to Part Lot Control."

13.18.10 Land Acquisition

The Secondary Plan shall be subject to the land acquisition policies of Section 9.8 of the Official Plan for the Town of Cobourg.

13.18.11 Site Plan Control

All lands in the New Amherst Community shall be designated as a site plan control area subject to the provisions of Section 9 of the Official Plan and the policies of Section 5.2.8 shall be applicable with respect to the evaluation of external building design. The provisions of the Planning Act with respect to site plan control may be used with respect to all uses, including low density residential uses, or designations within the Secondary Plan area.

13.19 INTERPRETATION

- a) The New Amherst Community Secondary Plan is intended as a guide to development. Some flexibility in the interpretation is permitted, at the discretion of Council, provided that the principles of the Secondary Plan and intent of the policies are maintained.

- b) The New Amherst Community Secondary Plan shall be subject to the interpretation policies of Section 10 of the Official Plan.

14. COBOURG WEST BUSINESS PARK SECONDARY PLAN

14.1 INTRODUCTION

14.1.1 Purpose

The purpose of the Cobourg West Business Park Secondary Plan is to establish a more detailed planning framework for the Business Park in support of the general policy framework provided by the Official Plan.

14.1.2 Location

The Cobourg West Business Park Secondary Plan Area is located as shown on Schedules “I” and “J” of this Official Plan and is bounded by:

- i) North: Highway 401;
- ii) East: Burnham Street;
- iii) South: Elgin Street West; and,
- iv) West: Town Boundary.

14.2 DEVELOPMENT CONCEPT

The Secondary Plan is designed to implement the Community Vision, Principles and Objectives in Section 2 of the Official Plan through the creation of a gateway to the Town of Cobourg with a high quality, high exposure business/employment campus environment which reflects the unique character of the Town by:

- i) providing the opportunity to accommodate a wide range of employment and commercial uses, while recognizing and protecting existing uses;
- ii) ensuring strong urban design standards, particularly at key locations which provide gateways to the Town along Highway 401, at the intersection of Burnham Street and Elgin Street West and at the intersection of Roger’s Road and Elgin St. West;
- iii) creating a transportation system which ensures the maximum degree of connectivity for pedestrians, bicyclists, and vehicular traffic utilizing public roads, private driveways, transit, and public and private pedestrian/bicycle path facilities; and,

- iv) utilizing the public road allowances, stormwater facilities and semi-public spaces to introduce an open space system to the Secondary Plan area.

14.3 LAND USE STRATEGY

14.3.1 Purpose

The land use designations on Schedule “1” establish the general pattern of development for the existing and future use of the Secondary Plan area during the planning period. The policies for these designations are set out in this section. Development shall also conform to all the other policies of this Secondary Plan.

14.3.2 Employment Area

14.3.2.1 Purpose

The Employment Area designation on Schedule “1” permits the full range of employment uses and related uses. However, the intent is that the lands in this designation will be developed as a high quality business park, and that development should reflect that concept, particularly with respect to urban design.

14.3.2.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) industrial in enclosed buildings;
- ii) office;
- iii) wholesale;
- iv) research and development;
- v) institutional;
- vi) education and training;
- vii) data processing; and,
- viii) public park and recreation uses.

14.3.2.3 Hazardous Uses

Notwithstanding the policies of Section 14.3.2.2, the Town shall not permit industrial uses which are considered to be a significant health or safety concern to residents or the natural environment. Where there is a concern with the potential impact of an industrial use, an evaluation report shall be prepared by the Town, at the cost of the applicant where applicable, based on terms of reference approved by the Town and the applicant. The report shall evaluate the impacts of the proposed use and whether appropriate mitigation measures can be developed to reduce impacts to a level acceptable to the Town. The applicant shall be required to implement any necessary mitigative measures, if the development is to be permitted.

14.3.2.4 Prohibited Uses, Buildings and Structures

Prohibited uses, buildings and structures shall include:

- i) retail and service commercial uses, with the exception of:
 - a) products produced and/or assembled on the premises which may be retailed from the premises subject to the regulations of the zoning by-law and provided that the retail commercial operation occupies less than 15% of the area of the main building; and,
 - b) service, commercial, residential and office uses which are in the same building as, and related to, an institutional use including a residential unit for a manager or caretaker for the operation; and,
- ii) eating establishments, with the exception that an eating establishment may be permitted as an ancillary use if it is subordinate to and supports the main use on the site.

14.3.2.5 Land Use Policies

The lands in the Employment Area designation shall be zoned to create a high quality, high exposure business/employment campus environment. The Zoning By-law will permit industrial uses in enclosed buildings, business uses such as offices and major institutional uses including a hospital. The area will be subject to design controls. In particular, open storage will be appropriately screened and will be limited in the site area which it can occupy in accordance with the policies of Section 14.4 of this Secondary Plan.

14.3.2.6 Special Provisions

14.3.2.6.1 Building Supply Use - northwest corner of DePalma Drive and Strathy Road, along Highway 401

Notwithstanding any other policies of this Plan, the lands south of Highway 401 at the northwest corner of DePalma Drive and Strathy Road, as shown on Schedule A of this Amendment, “building supply use” and “garden centre” shall be added to the uses already permitted in Section 14.3.2.2. Development of the subject lands shall be in accordance with the policies of the Secondary Plan and, where applicable, the Official Plan.

14.3.2.6.2 DePalma Lands

- i) Notwithstanding any other policies of this Plan, the following uses are permitted on the DePalma Lands as shown on Schedule I – Cobourg West Business Park Secondary Plan Land Use and Transportation Plan in addition to the uses already permitted in Section 14.3.2.2, subject to the following special provisions:
 - a. hotel, motel, conference centre, convention and banquet facility;
 - b. stand-alone service commercial uses, including personal service uses, eating establishment uses and drive-thru facilities (but excluding banks) shall only be permitted in accordance with clause ii) a) below;
 - c. stand-alone building supply uses shall only be permitted in accordance with clause ii) b) below;
 - d. stand-alone retail commercial uses shall only be permitted in accordance with clause ii) b) below;
 - e. retail commercial and service commercial uses, including eating establishment uses, which are accessory to a principal permitted use are permitted up to 15% of the gross floor area of the principal permitted use;
 - f. medical and dental clinics subject to clause iii) below; and
 - g. laboratories.
- ii) Notwithstanding the foregoing, the permitted uses for the lands fronting directly onto the north side of the DePalma Drive extension, and the lands south of the DePalma Drive

extension, shall be subject to the following special provisions:

- a. stand-alone service commercial uses, including personal service uses, eating establishment uses and drive-thru facilities but excluding banks, may be permitted to a maximum total of no more than 2,322 sq. m. (25,000 sq. ft.) of gross floor area prior to December 31, 2020, and thereafter a further 1858 m² (20,000 ft.²) may be allowed (i.e. a maximum total of up to 4,180 sq. m. (45,000 sq. ft.) of gross floor area); and,
- b. stand-alone retail commercial uses and stand-alone building supply uses may be permitted to a maximum total of no more than 2,322 sq. m. (25,000 sq. ft.) of gross floor area prior to December 31, 2020, and thereafter a further 3251 m² (35,000 ft.²) may be allowed (i.e. a maximum total of up to 5,574 sq. m. (60,000 sq. ft.) gross floor area) PROVIDED THAT at no time shall stand-alone building supply uses exceed 1,858 sq. m. (20,000 sq. ft.) of gross floor area.
- c. With respect to a. and b. above, any additional stand-alone service commercial uses, stand-alone building supply uses and stand-alone retail commercial uses proposed beyond the respective maximum individual gross floor area and/or beyond a maximum total gross floor area of 9,755 sq. m. (105,000 sq. ft.) on or after January 1, 2021 shall be subject to:
 - the findings of a Planning Justification Report to be submitted to the Town which demonstrates the appropriateness of the DePalma Lands for additional commercial space based on:
 - Locational and transportation factors;
 - The existing and planned function of the DePalma Lands employment area, other nearby employment and commercial areas, and employment and commercial areas within the community as a whole; and,
 - The timing of development relative to other employment and commercial areas in the general vicinity of the DePalma lands and within the community as a whole; and
 - An updated Retail Market Impact Analysis to be submitted

to the Town.

- An updated Employment Land Needs Study to be submitted to the Town for additional commercial uses on the DePalma Lands, but such a study shall only be required for applications submitted after January 1, 2026. Applications submitted prior to January 1, 2026 shall be subject to a letter report/brief which shall evaluate and/or address any significant changes in the local and regional employment market.

The aforementioned provisions shall be evaluated as part of a Zoning By-law Amendment in accordance with all relevant policies of the Official Plan, including but not limited to, Section 3.8.3.2 and Section 14 (Cobourg West Business Park Secondary Plan), to the satisfaction of the Town.

- iii) Notwithstanding the foregoing, for lands subject to this amendment, medical and dental clinics may be permitted on or after January 1, 2021 but not before.
- iv) For additional clarity, the time horizons referenced in clauses ii) a), b) and c) and iii) above shall restrict the occupancy of floor space and shall not preclude the advancement of planning applications or approvals for permitted gross floor area in advance of the time horizons specified.
- v) Individual stand-alone building supply uses and stand-alone retail commercial uses shall have a minimum gross floor area of 465 sq. m. (5,000 sq. ft.) with the exception that 2 units less than 465 sq. m. (5,000 sq. ft.) shall be permitted.
- vi) Major stand-alone retail commercial uses with 4,645 sq. m. (50,000 sq. ft.) or more of retail gross floor area, including supermarkets, department stores, home and auto supply, and warehouse membership clubs shall be prohibited. In addition, supermarkets and department stores having a gross floor area less than 1,400 sq. m (15,000 sq. ft) and banks, which are considered anchor uses, shall be prohibited. Permission for such uses shall be subject to the findings of an updated Employment Land Needs Study (beyond January 1, 2026) and an updated Retail Market Impact Analysis, to be submitted to the Town which shall be evaluated as part of an Official Plan Amendment and a Zoning By-law Amendment in accordance with all relevant policies of the Official Plan,

including but not limited to Section 3.8.3.2 and Section 14 (Cobourg West Business Park Secondary Plan), to the satisfaction of the Town. Notwithstanding the foregoing, any application for a supermarket and/or a department store with 1,400 sq. m (15,000 sq. ft) or more of gross floor area shall require the submission of a Retail Market Impact Study.

Major stand-alone retail commercial uses shall be defined as large-scale or large-format stand-alone retail stores with 4,645 sq. m (50,000 sq. ft) or more of retail gross floor area that have the primary purpose of retail commercial activities.

- vii) The aforementioned clauses shall be regulated in and through the implementing Zoning By-law.
- viii) In the event of any conflict between the above policies and other policies in the Town Official Plan or the Cobourg West Business Park Secondary Plan, the provisions of this section shall apply.
- ix) Section 14.3.2.4 shall not apply to the subject lands.

14.3.3 Major Institutional Area

14.3.3.1 Purpose

The Major Institutional Area designation on Schedule “I” is designed to recognize a location for a range of institutional uses which serve the Town as a whole, as well as the surrounding area. The institutional uses may include public, quasi-public and private non-profit uses. These lands may also include office uses which are compatible with the existing residential orientation of the lands.

14.3.3.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) institutional uses including hospitals, schools and other major educational uses, large religious facilities, supportive housing such as nursing homes and seniors housing, and large scale group homes;
- ii) service, retail commercial, residential and office and other uses which are related to the institutional use, including a residential unit for a manager or caretaker for the operation;

- iii) park and recreation uses;
- iv) high or medium density residential uses unrelated to any institutional uses; and,
- v) office uses unrelated to any institutional uses.

14.3.3.3 Land Use Policies

14.3.3.3.1 Zoning By-law

The Zoning By-law shall zone the lands in the Major Institutional Area designation to permit the use of the existing buildings and minor expansions of such buildings for the permitted uses. Applications for new development or redevelopment in this designation shall require an amendment to the Zoning By-law. Applications for amendments shall be evaluated in conformity with the policies of this Plan, particularly Section 14.3.3.3.2 and 14.3.3.3.3.

14.3.3.3.2 Information Requirements

Applications for approval of new developments or redevelopments will be evaluated based on the submission of the information requirements in Section 8.3.1 of the Official Plan, including a concept plan for all the lands in the Major Institutional Area designation in accordance with the requirements of Section 8.3.1 ii).

14.3.3.3.3 Evaluation Criteria

Applications for approval of new development or redevelopment in the Major Institutional Area designation shall also be evaluated based on their conformity with the criteria of Section 8.3.2, the policies of this Secondary Plan, particularly Section 14.4, and the following additional criteria:

- i) proposed uses, buildings and structures are of a size and scale which can be appropriately integrated with the character of the lands and existing development in the Major Institutional Area designation and adjacent area, particularly existing and proposed residential development;
- ii) designed to ensure that there are no significant negative impacts with respect to privacy, shadowing and noise, and that

appropriate buffering can be provided between any residential and non-residential development;

- iii) designed to ensure that the design of development of lands along Burnham and Elgin Streets reinforces the role of the area as a key gateway to the Town;
- iv) maximum height of six storeys and minimum height of 2 storeys;
- v) maximum floor space index of 2.0;
- vi) site design would permit the development of a local road connection to Strathy Road in the general area designated on Schedules “I” and “J”; and,
- vii) pedestrian access is provided to the trail system proposed adjacent to the existing stormwater facility.

14.3.3.3.4 Modifications to Existing Institutional Uses

- i) Where an existing institutional use is proposed to be expanded, or closed and replaced with a new use, the Town will work with the existing and/or new use to ensure that any changes to the site are designed to be in character with the surrounding uses and the relevant requirements of Section 14.3.3.3 are satisfied. Further, where the existing building is of historical or architectural interest, any new development or redevelopment shall incorporate all or portions of such buildings where feasible.
- ii) Where an existing institutional use is being closed, and the lands are not acquired by the Town or other public agency, alternative uses shall be permitted in order of priority:
 - a) other compatible institutional uses;
 - b) high and medium density residential uses; and,
 - c) office uses.

All other uses shall require an Official Plan amendment. Further, where the existing institutional building is of historical or architectural interest, any new development or redevelopment shall incorporate all or portions of such buildings when possible.

14.3.4 Shopping Node Area

14.3.4.1 Purpose

The Shopping Node Area designation is intended to apply to a shopping area along both sides of Strathy Road which forms an extension of the existing shopping node focussed on Northumberland Mall on Elgin Street West. The designation also recognizes the location of this area in the Cobourg West Business Park and its potential for development for employment uses.

14.3.4.2 Permitted Uses, Buildings and Structures

The permitted uses, buildings and structures are:

- i) commercial;
- ii) industrial in enclosed buildings;
- iii) office;
- iv) wholesale;
- v) research and development;
- vi) institutional;
- vii) education and training;
- viii) data processing;
- ix) park and recreation; and,
- x) hotel, motel, conference, convention and banquet facility.

14.3.4.3 Land Use Policies

14.3.4.3.1 Special Policy Area

Notwithstanding any other policies of the Official Plan, the development of the lands in the Shopping Node Area - Special Policy Area designation on Schedule "I" shall be limited as follows:

- i) a maximum of one department store with a maximum gross floor area of approximately 14,864 square metres (160,000 sq.

ft.) exclusive of warehouse and service areas, provided that no more than 11,892 m² (128,000 ft²) shall be devoted to the sale and display, service and storage of non food type merchandise and services and no more than 4,181 m² (45,000 ft²) shall be devoted to the sale and display, preparation, service and storage of food type merchandise.

The sale of a wide range of goods and services, including food, shall be permitted in the department store and appropriately defined in the implementing zoning by-law.

- ii) a maximum of one supermarket having a maximum gross floor area of approximately 7,432 sq. m. (80,000 sq. ft. exclusive of warehouse and service areas, plus up to 1,860 sq. m. (20,000 sq. ft.) of second floor mezzanine space dedicated to non-retail accessory uses such as office and administrative functions, meeting rooms, and photo labs; and,
- iii) department stores and supermarkets shall have a minimum gross floor area of 1393 sq. m. (15,000 sq. ft.).
- iv) Notwithstanding the provisions of this section with respect to maximum gross floor area and limits on retail commercial store size, in order to achieve the urban design objectives of the Plan, a retail commercial store, personal service facility or eating establishment or a building with a mix of such facilities with a minimum size of 465 sq. m. (5,000 sq. ft.) and a maximum size of 929 sq. m. (10,000 sq. ft.) shall be located abutting the Strathy Road frontage on the supermarket site.

In addition, in the Shopping Node Area - Special Policy Area:

- i) the total maximum gross floor area exclusive of second floor, non-retail accessory supermarket mezzanine space, shall be 31, 587 sq. m. (340,000 sq. ft.) of which:
 - a) The total maximum gross floor area of retail commercial (excluding the department store and supermarket) shall be 8,026 sq. m. (86,400 sq. ft.);
 - b) the total maximum gross floor area of personal service and eating establishments shall be 3,716 sq. m. (40,000 sq. ft.) and,
 - c) the total maximum gross floor area of retail commercial (excluding the department store and supermarket),

personal service and eating establishments shall be 9,290 sq. m. (100,000 sq. ft.).

However, subject to review and evaluation by the Town and a zoning by-law amendment, the total maximum gross floor area of 21, 367 sq. m. (230,000 sq. ft.) may be expanded by up to 1,400 sq. m. (15,069 sq. ft.) without the submission of a comprehensive market analysis.

- ii) retail commercial stores, other than the department store and supermarket, shall have a minimum gross floor area of 697 sq. m. (7,500 sq. ft.) with the following exceptions only:
 - a) 3 units of between 372 and 697 sq. m. (4,000 and 7,500 sq. ft.), and,
 - b) 2 units less than 372 sq. m (4,000 sq. ft.); or, 1 unit between 465 sq. m and 697 sq. m. (5,000 and 7,500 sq. ft.).

14.3.4.3.2 New Shopping Node Facilities

Proposals for extensions of the Shopping Node Area designation on Schedule “I” shall require an amendment to the Official Plan. Applications for an official plan amendment or applications for a zoning by-law amendment for the expansion of existing or approved development in the Shopping Node Area designation of more than 1,400 sq. m. (15,069 sq. ft.) gross floor area shall be evaluated based on conformity with the following criteria, in addition to the criteria of Section 8.3.2 of the Official Plan and the policies of this Secondary Plan, particularly Section 14.4:

- i) there will be no significant impact by the proposed development on the viability of established commercial areas within the community, particularly the commercial component of the Main Central Area, as demonstrated by the submission of a market study in accordance with the requirements of Section 3.8.3.2. of the Official Plan;
- ii) traffic volumes generated by the proposal can be safely accommodated by the existing or proposed transportation network as demonstrated by the submission of a traffic impact study; and,
- iii) adequate off-street parking, service and loading areas will be provided for all permitted uses, and access points to and from

such areas shall be limited in number and designed in a manner which will minimize the danger to both pedestrian and vehicular traffic as demonstrated by the submission of a traffic impact study.

14.3.5 Mixed Use

The policies of Section 3.9 of the Official Plan shall apply to lands in the Mixed Use Area designation.

14.4 GREENLANDS SYSTEM/COMMUNITY DESIGN

14.4.1 Purpose

This section establishes an integrated approach to the development of greenlands features and community design within the Secondary Plan area. This approach reflects the relevant policies of Section 4, Greenlands System and Section 5, Community Design and Improvement, of the Official Plan, and the specific features of the planned development in the Secondary Plan. Schedule “J”, Community Design Plan, identifies the key design features which comprise the underlying community design structure for the Secondary Plan area.

Review of site plan applications for development in the Secondary Plan area in accordance with the provisions of the Planning Act, shall be subject to the following design guidelines, in addition to all other applicable Town of Cobourg planning, building and engineering criteria.

14.4.2 401 Landscape Corridor

All development abutting Highway 401 or related interchanges or service roads as designated on Schedule “J” shall be designed to achieve a landscaped corridor along the highway. In particular, to implement this direction:

- i) Buildings shall be designed so that all elevations facing the 401 present an attractive articulated elevation;
- ii) Views of primary buildings shall be permitted, however, service and open storage areas shall be sited away from prominent views from Highway 401 and other public streets.

Decorative screening, such as fences, berms, walls, plant material and/or other screening deemed appropriate by the Town shall be required where service or open storage areas are visible from Highway 401 or a public street; and,

- iii) Parking which is visible from the 401 will be at least partially screened by berms and landscaping and other features and shall be designed in conformity with the provisions of Section 5.2.1.2 vi) of the Official Plan.

14.4.3 Streetscape Design

- i) Building mass is encouraged adjacent to all streetlines to provide a sense of enclosure to the road. For those buildings located near the streetline, no parking shall be permitted between the buildings and the streetline. Where buildings are not located adjacent to the streetline, enhanced site landscaping and other features, will be used to provide a sense of enclosure to the road.
- ii) The Town shall also require the creation of focal points for the Secondary Plan area through the development of a building at or near the streetline and/or a significant landscape feature at:
 - a) the southeast and southwest corners of Strathy Road and White St.;
 - b) the northwest and southwest corners of White Street and Burnham St.;
 - c) the northwest and northeast corners of Strathy Road and Elgin St. W.; and,
 - d) in recognition of its gateway function, Roger's Road and Elgin St. W.
- iii) Parking areas shall be designed to reduce their visual impact in accordance with the policies of Section 5.2.1.2 vi) of the Official Plan. In addition, a substantial landscape buffer adjacent to parking areas shall be provided along the streetline of Strathy Road, White St, Burnham St., Elgin Street West and Roger's Road, excluding the area of driveway crossings;
- iv) Service and open storage areas shall be sited away from prominent views from public streets. Decorative screening,

such as fences, walls, plant material and/or other screening deemed appropriate by the Town shall be required where service areas face a public street and for all open storage areas.

- v) Signage shall be designed as an integral part of the building and landscaping with consideration to the size, scale, colour and material used. Sign design and specifications shall be subject to the provisions of the Town's Sign By-law and site plan review.

14.4.4 Pedestrian/Bicycle and Secondary Vehicular Connections

- i) Pedestrian/bicycle paths will be provided along all public roads as designated on Schedule "J" to this Plan in accordance with the Link-Node System outlined in Section 4.4.2 of the Official Plan. However, where bicycle paths are designated on one side of a road, they may be relocated to the other side of the road without amendment to this Plan.
- ii) Direct, clearly defined pedestrian and vehicular connections which form an extension of the public transportation system shall be required through all sites used for commercial or institutional uses. These pedestrian and vehicular routes shall provide for connections:
 - a) from the existing commercial development to the south to White Street to the north;
 - b) from Strathy Road to the east to future development to the west;
 - c) to future transit stops;
 - d) to all buildings; and,
 - e) from the hospital to adjacent commercial development.
- iii) In particular, on each site a minimum of one direct clearly defined pedestrian connection shall be provided from the main entrance for each major use through the parking area to an adjacent street. The Town shall also determine during the review of the site plan, requirements for additional pedestrian connections.

In evaluating the site plans for development in the Shopping Node Area designation in the southeast quadrant of DePalma Drive and Strathy Road and the Special Shopping Node Area designation, special regard shall be had to the establishment of a clearly defined pedestrian walkway system which will connect these two areas internally as well as through the parking areas with Strathy Road and DePalma Drive.

- iv) The Town shall explore with area landowners opportunities for maximizing pedestrian connections between commercial and institutional sites within the Secondary Plan area and to the Elgin St. West commercial area.
- v) Pedestrian/bicycle routes shall be functionally separated from parking and driveway areas and shall utilize a variety of pavement materials, textures, colour, landscaping and changes in elevation. Street furniture such as benches, public telephones, waste receptacles, bicycle racks and pedestrian scale lighting shall be provided along the main pedestrian routes.

14.4.5 Burnham/Elgin Landscape Corridor

Burnham and Elgin Streets are two of the major accesses to the Town. As such, the Town shall work with the landowners and develop a landscape plan for the road allowance and abutting lands within the Secondary Plan which will provide for enhanced landscaping treatment such as a double row of street trees, decorative fencing, walls, signage, berms, plant material, banners and other features. A particular focus of the plan would be gateway features at Highway 401 and Burnham Street, and at the intersection of Burnham and Elgin St. West and the intersection of Roger's Road and Elgin Street West.

14.4.6 Urban and Architectural Design

The Secondary Plan area shall have a high quality of urban and architectural design. In particular:

- i) Site and building design shall ensure that it is easy for visitors to orient themselves by ensuring that there are features which terminate vistas, frame views and clearly identify entrance and exit areas;
- ii) Building design shall take into consideration the heritage of the community and the Town shall attempt to ensure that the

heritage building which was located on the north side of Elgin Street West, west of Strathy Road, is preserved and reused in an appropriate setting as part of the development of the area or, if this is not feasible, elsewhere in the Town;

- iii) The Safe Community Design and Barrier Free Access design policies of Section 5.2 of the Official Plan shall be applicable to development in the Secondary Plan area; and,
- iv) Development adjacent to the hospital site at White Street and Burnham Street shall be evaluated by the Town, in consultation with the hospital, to ensure that any impacts on the hospital area are appropriately mitigated.

14.4.7 Open Space

The Secondary Plan area has no significant environmental features, however, the Town shall develop an open space system utilizing:

- i) enhanced landscaping of the public road allowances, particularly Burnham and Elgin St. W;
- ii) pedestrian/bicycle paths as designated on Schedule “J” to this Plan; and,
- iii) stormwater facilities.

In addition, the Town shall, through the site plan review process, require the submission of detailed landscape plans. In reviewing these plans, the Town will seek to ensure that semi-public spaces are created which link to, and enhance the function of the public open space system.

Further, in accordance with Section 4.5.2 of the Official Plan, the Town will control the removal of any trees through the application review process.

14.4.8 Supermarket Urban Design Considerations

In addition to the policies of this Section, in evaluating the site plan for a proposed supermarket development in the Shopping Node Area designation, the Town shall require:

- i) the establishment of a direct, clearly defined, visible and substantial pedestrian walkway system through the parking area and driveway areas which will connect the supermarket to Strathy Road and to the adjacent developments to the north and south;

- ii) development of a building on the Strathy Road frontage to enhance a sense of enclosure to the Road and no parking shall be permitted between that building and the Road;
- iii) substantial attention to the design and animation of the facade of all buildings which face the public street, including the eastern wall of the supermarket; and,
- iv) that surface parking areas be substantially landscaped with primary treatments applied at the street edge including low walls or substantial hedges or other plantings, along major drive aisles and the primary pedestrian walkways.

14.4.9 Gas Station Design Considerations

Gas stations development shall be designed to achieve the following:

- i) where feasible, retail/service buildings should be placed at the street with access from the street and the pumps and the design of the street facing and interior facades should be equally treated;
- ii) car wash buildings should be located at the rear of properties and buffered from any adjoining sensitive uses with appropriate noise walls; and,
- iii) the perimeter of gas station sites should include significant landscaping including low walls or substantial hedges or other plantings.”

14.5 TRANSPORTATION STRATEGY

The lands in the Cobourg West Secondary Plan shall develop in accordance with the Transportation Strategy in Section 6 of the Official Plan and the detailed transportation plan on Schedules “I” and “J” to this Secondary Plan.

14.6 MUNICIPAL SERVICING AND STAGING STRATEGY

The lands in the Cobourg West Secondary Plan shall develop in accordance with the Municipal Servicing and Staging Strategy in Section 7 of the Official Plan. In addition, the following specific policies are applicable:

i) Stormwater Management

a) Northeast Catchment Area

Stormwater management in the northeastern catchment area shall be in conformity with the Cobourg/Midtown Creek Master Drainage Plan. To implement the Secondary Plan, the Town shall determine the modifications and additions required to the existing stormwater management system to accommodate further development in accordance with the Drainage Plan through a co-operative process with the applicants.

b) Northwest Catchment Area

A Master Drainage Plan Study has not been completed for the northwestern catchment area, therefore, quality control criteria shall be based on Level 1 protection, while quantity control is based on zero increase in the post-development flow rates versus the pre-development levels for all storm levels up to the 1:100 year storm. Stormwater management in the northwestern catchment area will be controlled by a new communal stormwater facility at the western boundary of the Secondary Plan area as designated conceptually on Schedule "J". The outlet for the pond is outside the Town boundary to the west. This outlet should be under the ownership of the Municipality as a condition of development in the western catchment area.

c) Southwest and Southeast Catchment Areas

These areas are relatively small and are largely developed. Redevelopment or new development shall be required to meet lot-level control for quantity and quality stormwater management.

ii) Sewage System

A functional sanitary collection system can be designed and constructed to current municipal standards for the Secondary Plan area. However, the majority of the western drainage basin would need to drain by gravity through the New Amherst Secondary Plan area. Securement by the Town of ownership of an outlet for the sanitary sewage collection system for the western drainage basin must be a condition of development of that area.

14.7 DEVELOPMENT REVIEW

Development applications in the lands in the Cobourg West Secondary Plan shall be subject to review in accordance with the provisions of Sections 8, Development Review of the Official Plan. Further any information and materials required to be submitted as part of the evaluation of a development application by this Secondary Plan shall also deemed to be required as part of the required information and materials in Section 8.3. In particular, in accordance with the provisions of Section 8.3.1 xii), a traffic impact analysis carried out by a qualified transportation engineer, shall be required for each development in the Secondary Plan area to confirm the adequacy of the transportation system.

14.8 IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of the Cobourg West Business Park Secondary Plan shall be in accordance with the policies of Section 9 and Section 10 respectively of the Official Plan. In addition, the policies of Section 5.2.8 shall be applicable with respect to the evaluation of external building design.

15. COBOURG EAST COMMUNITY SECONDARY PLAN

15.1 INTRODUCTION

15.1.1 General

The following text and Schedules X1, X2, X3 and X4 constitute the Secondary Plan for the Cobourg East Community Secondary Plan. The boundaries of the Secondary Plan area are shown on Schedule X1.

15.1.2 Purpose

The primary purpose of this Secondary Plan is to provide the basis for the development of a diverse community area in a manner that has the greatest positive impact on the quality of life in Cobourg.

15.2 GOALS AND STRATEGIC OBJECTIVES

15.2.1 Natural Heritage

15.2.1.1 Goal

It is the goal of this Secondary Plan to protect and enhance significant natural heritage features and ecological functions in the Secondary Plan area and beyond.

15.2.1.2 Strategic Objectives

- a) To ensure that the protection of significant environmental features and their associated ecological functions take precedence over the development of such lands.
- b) To ensure that a thorough understanding of the natural environment including the values, opportunities, limits and constraints that it provides, guides land use decision-making in the Town.
- c) To require that land use planning contributes to the protection, maintenance and enhancement of water and related

resources and aquatic ecosystems on an integrated watershed management basis.

- d) To maintain and enhance significant woodland features and the habitats and ecological functions they provide.
- e) To recognize that a healthy community is made up of an interconnected system of open spaces and natural heritage features.
- f) To promote the retention of natural heritage features so that they can be enjoyed by future generations and serve as a legacy of the community's desire to protect their role and function.
- g) To increase awareness of the role natural heritage features play in establishing the character of the community.

15.2.2 Urban Character

15.2.2.1 Goal

It is the goal of this Secondary Plan to support the development of an urban area that is diverse, liveable, safe, thriving and attractive.

15.2.2.2 Strategic Objectives

- a) To ensure that the built-out area achieves an urban character that is unique to Cobourg, and to do so by incorporating land use and design standards that respect and take advantage of the natural landforms found in the Secondary Plan area and human values found in the built heritage of Cobourg.
- b) To ensure that all new urban development has a positive contribution on urban life in the Town.
- c) To ensure that all urban streets are defined by buildings and public spaces wherever possible and appropriate.
- d) To encourage a high quality of site and building design for all forms of development within the Town.
- e) To exercise appropriate municipal development control in order to achieve a consistently high standard of site, building and landscape design.
- f) To ensure that neighbourhoods are compact, pedestrian-friendly with the mix of housing types, community facilities, commercial centres and open spaces.

- g) To foster a sense of civic identity and pride through a high standard of urban design in all future developments that considers
- h) the appropriate integration of public and private spaces;
 - a high degree of visual diversity, interest and aesthetic quality;
 - a well-defined public realm, including an interconnected open space network;
 - the sensitive integration of new development with existing development; and,
 - a transit supportive and pedestrian oriented development pattern.

15.2.3 Economic Development

15.2.3.1 Goal

It is the goal of this Secondary Plan to provide opportunities for economic development in a manner that fosters competitiveness and a positive business environment.

15.2.3.2 Strategic Objectives

- a) To ensure that the quality and character of life in the Town is sustained and improved in context of the GTA and the global economy.
- b) To facilitate opportunities to provide a range of goods and services to the public within Cobourg through the use of a flexible policy regime.
- c) To establish, maintain and enhance employment areas that provide a range of job opportunities and a broad range of commercial and service facilities geared specifically to meet the needs of residents of the Town and the wider area.
- d) To ensure that a sufficient supply of serviced employment generating lands is available for development at all times.

15.2.4 Infrastructure

15.2.4.1 Goal

It is the goal of this Secondary Plan to ensure that all infrastructure, including sanitary sewers, water distribution and stormwater management facilities and roads meet the needs of present and

future residents and businesses in an efficient, environmentally-sensitive, cost effective and timely manner.

15.2.4.2 Strategic Objectives

- a) To ensure that consideration is given to the economics of providing services to the people of the Town as part of the review of any development proposal to ensure that the development pattern is efficient and does not lead to inefficiencies or a decline in the level of municipal service.
- b) To ensure that all necessary infrastructure required to serve the Secondary Plan area is built as necessary prior to, or coincident with, urban development.
- c) To establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including trains, automobiles, trucks, public transit, cycling and walking.
- d) To establish a street pattern within new development areas that is based on a permeable grid pattern of arterial, collector and local roads.

15.2.5 Housing

15.2.5.1 Goal

It is the goal of this Plan to ensure that an adequate supply of land and housing choices are available for present and future residents.

15.2.5.2 Strategic Objectives

- a) To encourage and support opportunities for mixed-use development in appropriate locations that assist in the achievement of residential intensification and affordable housing.
- b) To ensure that a full range of housing opportunities are available for residents in the Town.
- c) To encourage the development of seniors housing in the Town.

15.3 LAND USE CONCEPT

The designations that are intended to implement the Goals and Strategic Objectives contained within Section 15.2 are described below:

15.3.1 Living Area

This designation applies to lands that are intended to be primarily used for residential purposes in the Secondary Plan Area.

15.3.2 Employment Area

This designation applies to lands that are intended to be used for employment uses. There are three sub-designations in this category, and they are Business Park, Light Industrial and General Industrial.

15.3.3 Commercial Area

This designation is intended to apply to lands that are intended to be used for commercial purposes. Three sub-designations are contained within this category and they are Mixed Use and Service Commercial One and Service Commercial Two..

15.3.4 Community Use Area

This designation applies to lands that will be the site of parkland, public recreational facilities and school facilities.

15.3.5 Environmental Area

This designation applies to lands which are not to be developed because they are the site of significant natural heritage features and/or are within a floodplain.

15.4 LAND USE PLAN

15.4.1 Living Area

15.4.1.1 Objectives

It is the intent of this designation to:

- a) encourage the provision of a range of housing types to accommodate persons with diverse social and economic backgrounds, needs and desires;
- b) encourage the provision of a full range of housing opportunities to meet the Town's projected housing needs;

- c) ensure that residential areas permit a variety of complementary and compatible land uses including special needs housing, community facilities, schools, small-scale commercial uses and open space areas;
- d) promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of residential intensification, where appropriate;
- e) establish a comprehensive set of design guidelines and policies that foster the establishment of an urban environment that is safe, functional and attractive; and,
- f) maintain and enhance the character and identity of existing residential areas.

15.4.1.2 Permitted Uses

Permitted uses in the *Urban Living Area* designation include:

- a) single detached dwellings;
- b) semi-detached dwellings;
- c) duplex dwellings;
- d) townhouse, multiple and low and mid-rise apartment dwellings subject to Section 15.4.1.9;
- e) accessory apartments in single-detached dwellings subject to Section 15.4.1.4;
- f) home occupations subject to Section 15.4.1.5;
- g) bed and breakfast establishments in single detached dwellings, subject to Section 15.4.1.6;
- h) garden suites, subject to Section 15.4.1.7;
- i) special needs housing subject to Section 15.4.1.8;
- j) private home daycare for up to five children;
- k) convenience commercial uses subject to Section 15.4.1.10;
- l) community uses subject to Section 15.4.4; and,
- m) day nurseries.

15.4.1.3 Density and Height

Low density development (singles, semis, duplexes) shall have a density of no less than 20 and no more than 25 units per net residential hectare. Medium density development (townhouses, multiples, low-rise apartment) shall have a density of between 35 and 50 units per net residential hectare. High density development (low and mid-rise apartment) shall have a density that does not exceed 120 units per net residential hectare. The maximum building height shall not exceed six storeys in the Living Area designation.

In order to ensure that a wide range of housing types are available and to ensure that infrastructure is used effectively no more than 65% of the dwelling units in the Secondary Plan Area shall be in the form of low density development. While not every specific proposal needs to comply with this policy, this housing mix shall be planned for in an equitable manner across the entire Secondary Plan Area

15.4.1.4 Accessory Apartments

Accessory apartments may be permitted in conjunction with a single detached dwelling in the Urban Living Area designation subject to the regulations of the Zoning By-law and the following criteria:

- a) the accessory apartment will comply with the Ontario Building and Fire Codes;
- b) adequate parking is available on the lot for both dwelling units; and,
- c) the accessory apartment is designed and located in such a manner to not have an impact on the character of the surrounding neighbourhood.

As a condition of approval, the Town may require that the accessory apartment be registered in accordance with the provisions of the *Municipal Act*.

15.4.1.5 Home Occupations

Home occupations are permitted, provided:

- a) it is wholly located within a dwelling unit;

- b) it is clearly secondary to the primary use of the property as a residence, in terms of floor space utilization, and is compatible with surrounding residential uses;
- c) it is located in the principal residence of the person conducting the home occupation;
- d) no outside storage of goods, materials, equipment or service vehicles other than cars, vans and light trucks related to the home occupation occurs;
- e) adequate on-site parking is provided for the home occupation use, in addition to the parking required for the residential use, and such parking is provided in locations compatible with the surrounding residential uses; and,
- f) the sign identifying the home occupation is limited in size and in accordance with the municipal Sign By-law.

The implementing zoning by-law shall further detail the conditions under which a home occupation may be permitted. A home occupation may be permitted in an accessory building, provided a minor variance has been granted and issues related to compatibility, scale and the type of home occupation have been considered.

15.4.1.6 Bed and Breakfast Establishments

Bed and breakfast establishments are permitted in single detached dwellings subject to Site Plan Control and the following criteria:

- a) the use shall not have a negative impact on the enjoyment and privacy of neighbouring properties;
- b) the use is clearly secondary to the primary use of the dwelling as a residence;
- c) the bed and breakfast establishment must be the principal residence of the owner and operator;
- d) the character of the dwelling as a private residence is preserved;
- e) adequate parking facilities are available on the lot for the proposed use;
- f) no more than three rooms are available for guests; and,

- g) the use will not cause a traffic hazard.

The implementing Zoning By-law shall further detail the conditions under which a bed and breakfast establishment may be permitted.

15.4.1.7 Garden Suites

Garden suites may be permitted in conjunction with a single detached dwelling in the Urban Living Area designation provided that:

- a) it is located in the rear yard and appropriate buffering and siting of the suite relative to adjacent properties is provided;
- b) adequate parking is available on the lot for both the single detached dwelling and the garden suite;
- c) a site specific Temporary Use By-law is passed pursuant to the *Planning Act*, and,
- d) the applicant enters into an agreement with the Town which addresses site location, buffering and installation/removal and maintenance during the period of occupancy.

15.4.1.8 Special Needs Housing

Special Needs Housing such as long term care facilities and retirement homes may be permitted subject to an amendment to the implementing Zoning By-law and provided Council is satisfied that:

- a) the site has access and frontage onto an Arterial or Collector road as shown on Schedule 2 to this Plan;
- b) the site is large enough to accommodate the building, on-site parking and appropriate buffering in the form of landscaping, fencing and trees;
- c) the building does not exceed six storeys in height and is buffered from adjacent low density residential uses by setbacks, landscaping, fencing and trees to ensure compatibility of the use with adjacent land uses; and,
- d) the use will not cause traffic hazards or an unacceptable level of congestion on surrounding roads.

15.4.1.9 Townhouse, Multiple and low and mid-rise Apartment Uses

In considering an application to permit a townhouse, multiple or low and mid-rise apartment development, Council shall be satisfied:

- a) the proposal respects the character of adjacent residential neighbourhoods, in terms of height, bulk and massing;
- b) the use can be easily integrated with surrounding land uses;
- c) the site is located on an arterial or collector road as shown on Schedule X2 or is located adjacent to a community use area as shown on Schedule X1;
- d) the use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads; and,
- e) the site has adequate land area to incorporate required parking, recreational facilities, landscaping and buffering on-site.

15.4.1.10 Convenience Commercial Uses

- a) Permitted Uses

The following uses are considered to be convenience commercial uses:

- i) retail uses;
- ii) service use;
- iii) offices;
- iv) banks and financial institutions;
- v) private and commercial schools;
- vi) commercial fitness centres;
- vii) restaurants; and,
- viii) medical and dental clinics

- b) Conditions for Approval

Convenience commercial uses may be permitted in the Urban Living Area designation provided Council is satisfied that:

- l) the use will not cause or create traffic hazards or an unacceptable level of congestion on surrounding roads;

- ii) the use can easily be accessed by pedestrians;
- iii) the uses are clearly designed to serve the needs of the surrounding residential and/or employment area;
- iv) the use is located on a site that has adequate land area to incorporate required parking, waste management facilities, landscaping and buffering on-site; and,
- v) the scale, massing and siting of the development is compatible and consistent with development on adjoining lands.

Convenience commercial uses may be permitted to locate within the main floor of multiple residential and apartment buildings, provided that the location and design of such uses are compatible with the main residential use and will conform to this section of the Plan. In such cases, no more than 100 square metres shall be used for convenience commercial uses on a lot and parking spaces will not be required for the use.

In cases where convenience commercial uses form the principal use of the lot, it is intended that the uses permitted serve the local retail and service needs of the surrounding residential area and/or employment area.

On this basis, the implementing zoning by-law shall restrict the size of a convenience commercial centre on one lot to about 500 square metres (with no one commercial use generally exceeding more than 50% of gross floor area).

15.4.2 Employment Area

15.4.2.1. Objectives

It is the intent of this designation to:

- a) ensure that there are sufficient lands available for the creation of diverse employment opportunities at strategic locations;
- b) ensure that the Town is positioned to accommodate new and expanded business activities that provide jobs to local residents;
- c) ensure that new industrial development occurs in an orderly manner and in conjunction with the establishment of appropriate sewage and water services; and,

- d) streamline the approval process for the development and expansion of employment uses.

15.4.2.2 Designations

- a) There are three sub-designations within the Employment Area designation and they are:
 - i) Business Park;
 - ii) Light Industrial; and
 - iii) General Industrial

The main distinction between the three sub-designations is primarily related to the outdoor storage component of a use.

- b) Permitted Uses

Permitted uses within all sub-designations shall be limited to:

- i) business and professional offices in free-standing buildings;
- ii) industrial uses within wholly enclosed buildings, such as manufacturing, assembling, processing, fabricating, warehousing, wholesaling and distribution facilities;
- iii) computer, electronics and data processing facilities;
- iv) research and development facilities;
- v) printing and associated service establishments;
- vi) industrial malls, containing one or more of the uses permitted in this designation;
- vii) public works garages; and,
- viii) public transit facilities including stations and parking areas.

No use that causes, or is likely to cause air pollution, offensive odours, ground or surface water pollution, or noise in excess of Provincial regulations or guidelines shall be permitted.

- c) Secondary Uses

The following secondary uses may be permitted within all sub-designations:

- i) commercial fitness centres;
- ii) restaurants;
- iii) day nurseries; and,

- iv) private and commercial schools.

Motor vehicle repair establishments and motor vehicle body shops may be permitted as secondary uses only in the General Industrial and Light Industrial designations.

- d) Conditions under which Secondary Uses may be permitted

In considering an application to develop a secondary use, Council shall be satisfied that the use:

- i) will not have a negative impact on the operation of industrial uses on adjacent lands;
- ii) will not compromise the ability of adjacent industrial uses to expand in the future;
- iii) will complement and support the employment uses in the area;
- iv) is supported by adequate parking and loading facilities on the site;
- v) is designed to blend in with its surroundings and with other buildings in the area;
- vi) incorporates landscaping to enhance the site and surrounding area; and,
- vii) if it abuts or is in close proximity to an existing residential use, fencing, landscaping, berming or a combination of these features are utilized to ensure that there is adequate screening between the uses.

- e) Outdoor Storage

Outdoor storage may be permitted within the Light Industrial and General Industrial sub-designations, provided the outdoor storage is:

- i) not located between the main building and the street;
- ii) clearly accessory to the main use on the property;
- iii) set back an appropriate distance from the side and rear lot lines, having regard to the nature of adjacent land uses; and,
- iv) completely enclosed year round by a combination of landscaping, fencing, berming and/or other forms of screening.

- f) Land Use Compatibility - the General Industrial sub-designation is located adjacent to the Living Area designation and the Kerr Street extension. In this regard, a combination of landscaping, fencing, berming and/or other forms of screening will be required where development will abut development in the Living Area designation. In addition, lands adjacent to the Kerr Street extension should be attractively landscaped to mitigate the impacts of general industrial uses on the character of the residential area on the north side of the Kerr Street extension.

15.4.3 Commercial Area

15.4.3.1 Objectives

It is the intent of this designation to:

- a) encourage commercial development that will provide a range of goods and services, at appropriate locations, to meet the needs of the Secondary Plan Area's residents, employees and businesses;
- b) anticipate and accommodate new trends in retailing as appropriate;
- c) encourage and promote development that combines commercial, residential and other land uses to facilitate the more efficient use of urban land and the establishment of a human-scale pedestrian environment;
- d) promote the efficient use of existing and planned infrastructure by creating the opportunity for various forms of commercial and residential intensification, where appropriate;
- e) require a high standard of urban design for development and redevelopment in Commercial Areas;
- f) foster the establishment of an urban environment that is safe, functional and attractive; and,
- g) ensure that all new development in Commercial Areas is compatible with adjacent development.

15.4.3.2 Designations

There are two sub-designations within the *Commercial Area* designation and they are:

- Mixed-use Main Street Area; and,
- Service Commercial One
- Service Commercial Two.

15.4.3.3 Mixed-Use Main Street Area

The policies below apply to the Mixed-Use Main Street Area designation:

a) Permitted Uses

Permitted Uses are limited to:

- i) retail and service commercial uses;
- ii) medical and dental offices;
- iii) hotels and bed and breakfast establishments;
- iv) places of entertainment;
- v) day nurseries;
- vi) private and commercial schools;
- vii) places of worship and other institutional uses;
- viii) private recreational uses, such as banquet halls and private clubs;
- ix) restaurants;
- x) small-scale supermarkets and specialty food stores not exceeding 3,000 square metres of gross leaseable floor area;
- xi) residential uses; and,
- xii) long-term care facilities and retirement homes.

b) Form of Development

Elgin Street East is intended to function as the "main street" of the Cobourg East Community. It is further the intent of this Secondary Plan that the ground floor of most of the buildings within this sub-designation be reserved and protected for street-level retail and office uses. New residential uses, including apartments, as well as small scale inns and bed and breakfast establishments are generally directed to the upper floor of buildings on Elgin Street East.

c) Height

In order to maintain a consistent facade, the maximum height of buildings fronting on Elgin Street East shall be four storeys. Building heights greater than four storeys may be permitted on the rear portions of buildings, or at intersections, subject to the approval of a zoning by-law amendment.

d) Parking Management

As development occurs in the Mixed-Use Main Street Area, a comprehensive parking management strategy should be completed for the area. The intent of the strategy would be to identify public and private parking options in the area and the means to secure their development. Shared parking would also be investigated. A phasing plan should also be developed as part of the management strategy to ensure that appropriate parking facilities are available as development occurs. A key component of any review of parking in this area will be the feasibility of relying upon some amount of on-street parking to provide the required parking for uses in the area.

e) Urban Design

The Main Street Mixed-Use area shall be developed as a pedestrian oriented focal point in the Cobourg East community. In this regard, it is a policy of this plan to require the preparation of detailed urban design and streetscape guidelines for the Main Street area before development occurs. The intent of this policy is to ensure that all issues respecting building placement, landscaping and land uses are considered on a comprehensive basis to ensure that the goals and objectives of this Official Plan are met.

15.4.3.4 Service Commercial One

The policies below apply to the *Service Commercial Area* designation.

a) Permitted Uses

Permitted uses are limited to:

- i) service commercial one uses;
- ii) places of entertainment;
- iii) private and commercial schools;
- iv) repair shops;
- v) business offices;

- vi) private recreational uses, such as banquet halls and private clubs; and
- vii) small-scale retail uses with a maximum floor area of 100 square metres;
- viii) motor vehicle related uses, with the exception of a vehicle body repair use unless it is accessory to a permitted primary use.

b) Form of Development

It is the intent of this designation to encourage the development of comprehensively planned multiple unit buildings in an attractive setting which reflects the Gateway function of the area. If such uses are not developed, it is the intent of this Secondary Plan to provide opportunities for space extensive motor vehicle related commercial uses in this designation, provided they are attractively landscaped in keeping with the intent of this Plan.

15.4.3.5 Service Commercial Two

The policies below apply to the Service Commercial Two designation.

- a) Permitted Uses - Permitted uses are limited to the uses permitted in the Service Commercial One designation, with the exception that motor vehicle related uses are not permitted.
- b) Form of Development - The provisions of Section 15.4.3.4 b) shall apply with the exception of the references to motor vehicle related uses.

15.4.4 Community Use Area

15.4.4.1 Objectives

It is the intent of this designation to:

- a) ensure that a full range of community uses is available to meet the social, cultural and educational needs of Town residents;
- b) ensure that community uses are located in a manner that complements natural heritage features; and,
- c) ensure that community uses are as accessible as possible to residents.

15.4.4.2 Community Uses

Community uses include:

- a) public parks and village squares;
- b) public schools;
- c) public recreational facilities; and
- d) places of worship.

The location for each type of community use is shown conceptually on Schedule X1.

15.4.4.3 Public Parkland

- a) Objectives

It is the objective of this Secondary Plan to:

- i) establish and maintain a system of public open spaces, parkland and recreational facilities that meets the needs of present and future residents;
- ii) enhance existing parkland areas wherever possible to respond to changing public needs and preferences;
- iii) ensure that appropriate amounts and types of parkland are acquired by the Town through the development process;
- iv) encourage the dedication and donation of environmentally sensitive lands into public ownership to ensure their continued protection;
- v) promote the establishment of a continuous linear open space system connecting natural, cultural and recreational land uses within the Town;
- vi) co-ordinate with other public and private agencies in the provision of open space, recreational and cultural facilities; and,
- vii) encourage the development of a walking and cycling trail system within the open space system that is accessible to the public utilizing trails, paths, streets

and other public open spaces.

b) Parkland Hierarchy

The development of new public parkland in the Secondary Plan Area shall be in accordance with Section 4.3.2 of this Plan.

15.4.4.4 Public Schools

a) Location

A total of seven school sites are shown conceptually on Schedule X1. It is the intent of this Plan that:

- i) schools are designed and built to adequately serve the surrounding neighbourhood and/or catchment area; and,
- ii) new schools are planned and sites are reserved as part of the planning process for the establishment of new neighbourhoods.

b) Schools as Focal Points

It is the intent of this plan that schools become a focal point of the surrounding neighbourhood, both from a social perspective and from a geographic perspective. In this regard, every effort should be made to locate schools on sites which are visible from the surrounding lands and which are located in a central location in a neighbourhood. Preference will be given to school sites that are located on heights of land and/or which are visible from the surrounding neighbourhood and/or which are easily accessible by residents in the planned catchment area.

c) Alternative Uses

The final determination of the need for a particular school site rests with the applicable school board. If such a site is deemed to not be necessary, the affected lands can be developed in accordance with the policies of the Urban Living Area designation. If the lands are developed with alternative lands uses, regard shall be had to the role of the site as a focal point in the area. As a result, urban design guidelines in accordance with Section 15.5.9 (b) shall be prepared to support the development of alternative land uses. Prior to

approving development on such a site, Council shall be satisfied that the proposed uses and how they are arranged ensure that the site becomes a focal point in the surrounding neighbourhood.

15.4.4.5 Public Recreational Facilities

One major public recreational facility site has been identified in the northern portion of the Secondary Plan area on Greer Road. It is the intent of this Secondary Plan that this site be considered for acquisition by the Town for the establishment of a multi-purpose recreational facility serving the needs of all Town residents. The location of this site is shown conceptually on Schedule X1.

The site has been located adjacent to a high school site and other open space uses shown conceptually on Schedule X1 to encourage the development of a major focal point in the Cobourg East Community. The site is also prominent from a topographical perspective, since it is located on a height of land that offers excellent views of the Town to the west. On this basis, careful regard should be had to the design of the facility and its architectural presence in the Town as a landmark.

15.4.4.6 Places of Worship

Four place of worship sites have been shown conceptually on Schedule X1. Such uses may be established provided Council is satisfied that:

- a) the site has access and frontage onto an Arterial or Collector Road as shown on Schedule X2 to this Plan;
- b) the use is intended to serve and support the immediate neighbourhood;
- c) the use will not cause any traffic hazards or an unacceptable level of congestion on surrounding roads;
- d) the site is large enough to accommodate the building, on-site parking, play areas, where required, and appropriate buffering in the form of landscaping, fencing and trees to ensure the compatibility of the use with adjacent land uses;
- e) the noise generated by the use will not adversely affect the enjoyment of neighbouring properties; and,

- f) the use will be a positive addition to the neighbourhood and will provide a service that is required by residents.

15.4.5 Environmental Area

15.4.5.1 Objectives

It is the intent of this Secondary Plan to:

- a) establish a balanced relationship between development and nature by preserving natural features and ecological systems and protecting people and property from environmental hazards;
- b) maintain, improve and where possible, restore the health, diversity, size and connectivity of natural heritage features, hydrologically sensitive features and related ecological functions;
- c) maintain natural stream form and flow characteristics and the integrity and quality of watercourses;
- d) ensure that the natural heritage system is maintained as a series of inter-connected natural features for the benefit of present and future generations;
- e) provide the tools to properly assess development applications located in close proximity to natural heritage features;
- f) ensure that all development is appropriately setback from natural heritage features;
- g) eliminate the potential for the loss or fragmentation of significant wetlands and the habitats and ecological functions they provide;
- h) provide opportunities, where appropriate, for passive outdoor recreational activities; and,
- l) protect significant scenic and cultural heritage resources.

15.4.5.2 Permitted Uses

The following uses may be permitted in accordance with the objectives set out in Section 15.4.5.1, the other policies of this Plan and Conservation Authority Regulations:

- a) passive non-motorized recreational uses, such as nature viewing and pedestrian trail activities, only on publicly owned lands, but not including golf courses;
- b) forestry and conservation uses;
- c) archaeological activities;
- d) essential transportation and utility facilities;
- e) natural/outdoor educational activities and interpretation centres; and,
- f) essential watershed management and flood and erosion control projects carried out or supervised by a public authority.

15.4.5.3 Use of Lands in Private Ownership

Council shall work with the County and the Conservation Authority and other public agencies, such as the Province, to develop and implement a land securement strategy that would result in the transfer of lands within the natural heritage system into public ownership. However, given the financial limitations of every level of government, this policy does not imply that all lands within the natural heritage system will be purchased by the Town or other public agency.

Council shall consider every opportunity to obtain the dedication of lands within the natural heritage system through the development approval process. However, such dedications will not be considered as part of the required parkland dedication set out by the *Planning Act*.

15.4.5.4 Reductions to Environmental Area Designation

Reductions to the spatial extent and/or the ecological function of a significant natural heritage feature within the *Environmental Area* shall not be permitted. The boundaries of lands within the *Environmental Area* designation can be refined through the development process without an Official Plan Amendment subject to the approval by the Town, in consultation with the appropriate Conservation Authority, of an Environmental Impact Study.

15.4.5.5 Special Study Area Overlay

a) Location

Certain areas have been identified as being within the Special Study Area Overlay on Schedule 'X1'. These areas are considered to be sensitive to development. In addition, these lands may also act as a buffer between more sensitive environmental areas and development areas.

b) Development Permissions

Development may be permitted in these areas provided an Environmental Impact Study has been completed and is considered to be satisfactory to the Town. If this occurs, the subject lands may be developed in accordance with the underlying land use designation.

c) Requirements for Environmental Impact Study

All Environmental Impact Studies (EIS) shall be prepared by experts qualified in the fields of ecology, hydrogeology and/or environmental planning and shall be prepared in accordance with a work plan that has been approved by the Town in consultation with the Ganaraska Region Conservation Authority.

The work plan shall identify the boundaries of the area to be studied and may include lands beyond the area for which the EIS is being carried out.

The objective of the EIS is to identify and assess the potential impacts of a specific development proposal on the key environmental functions, attributes and linkages of the potentially affected area and to ensure that the proposed development complies with the policies and intent of the Secondary Plan with respect to protection of the natural environment.

Components of an EIS shall generally include:

- I) A detailed study area description, including an assessment of the terrain conditions, hydrogeology, surface water, biological setting and hazard lands;

- ii) A characterization of existing natural heritage features and functions on-site and adjacent to the subject lands, including the roles of vegetation, surface water and groundwater;
- iii) A detailed description of the proposed development or land use activities, including servicing and grading plans and the locations of building envelopes where appropriate;
- iv) A prediction of the potential direct, indirect, and cumulative effects of the proposed development on the natural and physical environment;
- v) An identification and evaluation of options to avoid or mitigate impacts, including recommendations for the establishment of buffers/setbacks, erosion and sediment control, surface and sub-surface drainage, and habitat maintenance, restoration and enhancement;
- vi) A strategy for implementing the recommended mitigation measures; and,
- vii) A summary of predicted net effects following mitigation.

15.5 URBAN DESIGN

15.5.1 Objectives

It is the intent of this Plan to:

- a) promote development which is based on good design principles and standards that reflect the goals, objectives, and policies of this Secondary Plan;
- b) encourage high quality design that is complementary and compatible with existing development, the Town's cultural and natural heritage, and which fosters a strong sense of civic identity and pride;

- c) ensure high quality design is employed in the development of all public works and that these public works contribute to an improved urban environment;
- d) exercise appropriate municipal development control in order to achieve a consistently high quality of site, building and landscape design; and,
- e) ensure the safety and security of public and publicly accessible places through urban design.

15.5.2 Urban Design Policies/Guidelines

The policies of this section are intended to provide the basis for the consideration of any application submitted in accordance with the Planning Act. Regard shall be had to the detailed urban design guidelines that are attached to this Plan as Appendix 'B'.

15.5.3 Public Realm

The look, feel and treatment of public areas such as roads, parks, and public open spaces is a key component of what makes up the character of the community. Therefore, high quality design in the public realm shall be encouraged in the development of all public parks and open spaces, roads, buildings and engineering projects. The development of new public buildings shall be in accordance with relevant provisions of this Section of the Plan. The following additional policies shall apply to the design of these public areas and to the public works carried out in these areas.

- a) An integrated design and treatment of streetscape features shall be promoted throughout the Secondary Plan Area.
- b) Streetscape features located within public rights-of-way, such as lighting fixtures, directional and street signs, parking meters, transit shelters, and street furniture shall be complementary in their design and located in an integrated manner, so as to avoid visual clutter.
- c) Road designs shall include well-designed streetscape features, incorporating, among other things: street tree planting, street lighting and furnishings, sidewalk and boulevard treatments, a variety of paving materials, and, where appropriate, bicycle lanes, community mailboxes and future transit shelters.

- d) Road designs may incorporate traffic calming techniques such as narrower rights-of-way, traffic circles, and speed control devices, where appropriate, to promote a safer pedestrian environment and/or to maintain vehicles within designated speed limits. The Town will consider alternative standards for public road rights-of-way in order to achieve urban design objectives in certain areas of the Secondary Plan Area.
- e) Services and utilities shall be encouraged to locate underground in order to maintain a pleasant visual environment along public roads. Above-ground utility service providers shall be encouraged to co-operate with the Town in identifying locations which minimize the visual impacts of such equipment and facilities where located within the public road right-of-way.

15.5.4 Safety

Personal safety for individuals shall be promoted by including the provision of:

- a) Appropriate lighting, visibility and opportunities for public surveillance for parking lots, walkways, parking garages and open space areas;
- b) Unobstructed views into parks and open spaces from adjoining streets and publicly accessible buildings;
- c) Landscaping that maintains views for safety and surveillance; and,
- d) Clear and appropriately located signage, which precludes entrapment or the perception of entrapment.

15.5.5 Public Art

- a) The creation of public art in public and private spaces which fosters community identity by interpreting local history, traditions and culture shall be encouraged.
- b) The integration of art into new development shall be encouraged, particularly within the Mixed-Use Designation.

- c) Consideration shall be given to incorporating public art into new public buildings, bridges, parks and noise barriers where appropriate and feasible.

15.5.6 Views and Vistas

- a) The preservation, enhancement and/or creation of significant views and vistas shall be encouraged.
- b) Public and institutional buildings shall be encouraged to locate:
 - i) at the termination of a street or view corridor;
 - ii) at street intersections; and.
 - iii) on heights of land.

15.5.7 Gateways

A number of gateways have been identified within the Secondary Plan Area on Schedule X1. These areas are intended to function as the main entry points into the community. Particular regard has to be had to the design of buildings and the public realm in these gateway areas to ensure that they are appropriate entry points into the community. As a result, specific urban design guidelines will be required in these gateway areas to meet the goals and objectives of this Secondary Plan.

15.5.8 Implementation

The Town shall employ all relevant municipal development controls in order to achieve a consistently high standard of site, building and landscape design.

The urban design policies of this Plan shall be implemented by:

- a) ensuring that the implementing Zoning By-law is amended to include standards that reflect the objectives and policies of this Plan;
- b) ensuring that the Town's engineering standards are regularly refined to reflect the objectives and policies of this Plan and any Council-adopted Urban Design Guidelines;

- c) ensuring that the Town's Site Plan Manual sets out the minimum requirements of the Town in a clear and concise manner;
- d) ensuring that all Public Works decisions generally conform with this Plan and Town-approved Urban Design Guidelines; and,
- e) utilizing Architectural Control in the Cobourg East Secondary Plan areas, where appropriate, to detail proposed building designs and materials, and in order to avoid repetitive building forms along residential subdivision streets.

15.5.9 Urban Design Guidelines

- a) All development applications shall be evaluated to determine the extent to which the application achieves the Urban Design objectives of this Plan as set out in Section 15.5.1 and the relevant Council-adopted Urban Design Guidelines required by Sections 15.5.9 b) and c).
- b) Council may require the preparation of area-specific Urban Design Guidelines as part of the consideration of major development proposals or the preparation of area-specific studies.
- c) For residential subdivision plans, the Town shall require, prior to draft plan of subdivision approval, the preparation of Community Urban Design Guidelines for the subdivision plan, to guide the overall character of the proposed subdivision through design features such as street light design, sidewalk materials and locations, perimeter fencing, utility placement, community mailbox locations and/or facilities, gateway or entrance features, street tree planting in the public right-of-way, and park and public open space design.
- d) For residential subdivision plans, the Town shall require, as a condition of draft plan of subdivision approval, the preparation of Architectural Control Guidelines which detail the proposed building designs and materials, in order to avoid repetitive building forms along internal streets within residential plans of subdivision. The Town may also require, as a condition of draft plan of subdivision approval, an external architectural peer review prior to the issuance of construction permits for

each building, and to ensure that the intent of the Architectural Control Guidelines is secured.

15.5.10 Development Approvals

- a) The urban design policies of this Plan, and any Council-adopted Urban Design Guidelines, shall be employed in the evaluation of all development applications within the Town.
- b) The Town shall exercise its powers of zoning and site plan approval to encourage a high quality of building and landscape design and shall review and amend its Site Plan Manual in order to implement the Urban Design policies of this Plan and any Council-adopted Urban Design Guidelines.
- c) For development requiring site plan approval, the Town may request the applicant to prepare design guidelines in conjunction with the submission of site plan application, where the context of the development area is sensitive in nature.
- d) The Town shall exercise control over signs and fences in accordance with applicable legislation and shall ensure that its municipal by-laws are regularly reviewed and amended to reflect the Urban design policies of this Plan and any Council-adopted Urban Design Guidelines.

15.6 CULTURAL HERITAGE RESOURCES

15.6.1 Objectives

Ensuring that heritage features inherited from the past are passed on for enjoyment and care by future generations is a key issue in prudent heritage conservation planning. On this basis, it is the objective of this Secondary Plan to:

- a) actively encourage the incorporation of farmhouses, residences and major agricultural built heritage elements such as barns and silos into the evolving future landscape;
- b) protect and maintain the character-defining elements, i.e., treelines and hedgerows, associated with the road allowance for Stanton Road south of Elgin Road;

- c) protect and maintain character-defining elements, i.e., treelines and hedgerows and the rolling topography, associated with the Danforth Road and Elgin Road Roadscapes; and,
- d) protect and maintain as much as possible of the rural landscape characteristics such as treelines, hedgerows, fencing, etc., associated with the agricultural landscape.

Achieving these objectives will assist in creating a new landscape in the Cobourg East Community that provides an element of continuity between old and new. Incorporating cultural heritage components assists in making the area visually diverse and hence more environmentally distinctive. It also enables greater depth and texture to be incorporated into the new landscape, making it physically more interesting and reflective of the area's past.

15.6.2 Policies

15.6.2.1 Designation of Property

The Town may designate a number of built heritage features under Part IV of the **Ontario Heritage Act**. Additionally, The Town shall ensure the retention of any municipally designated features in the process of subdivision plan approval, site plan approval or any other development approvals or agreements negotiated as part of acceptable development of the community.

Where identified built heritage features or cultural landscape units cannot be reasonably conserved as part of the development of the Cobourg East Community, such features may be recorded or otherwise documented through photography, measured drawings or other means as considered appropriate.

Consideration may be given to the relocation, preferably within the study area, of built heritage features if conservation in-situ is not possible.

Additionally, in the detailed site planning of the Cobourg East Community care shall be taken to conserve and respect built heritage features and agricultural remnants of the former rural landscape. The Town will work with landowners to achieve the inclusion in future development of such features as:

- improved public access to heritage properties;

- the inclusion of areas of open space making use of and preserving rural landscape features including barn ruins, foundations, existing treelines, hedges and fence lines;
- interpretive devices such as plaques and displays; and,
- the use of compatible and appropriate building materials and design in new construction adjacent to heritage property.

15.6.2.2 Public buildings, street and park names

The Town will endeavour to commemorate historical farming families from the Cobourg East Community in the naming of public buildings, streets, parks or other public places.

15.6.2.3 Existing Rural Landscape Character.

Important cultural landscape components of the existing rural landscape will be considered for incorporation into future development by encouraging the preservation of hedgerows, fence lines, existing tree stands, tree-lined roads and farm buildings.

15.6.2.4 Land disturbance

Land disturbance undertaken within the Cobourg Secondary Plan Area, including public works such as: berm construction and slope or bank stabilization; shall be kept to a minimum and it shall only be undertaken in a manner that does not destroy or adversely affect cultural heritage resources, i.e., built heritage features and cultural heritage landscapes.

15.7	TRANSPORTATION
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15.7.1 Objectives

It is the objective of this Plan to:

- a) facilitate the movement of people and goods within and to the Secondary Plan area;
- b) establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including trains, automobiles, trucks, public transit, cycling and walking;

- c) promote public transit, cycling and walking as energy efficient, affordable and accessible forms of travel;
- d) ensure that new roads are constructed safely, designed in a grid-oriented street network to help distribute car and truck traffic evenly and provide access for the future operation of an efficient public transit system;
- e) ensure that appropriate right-of-way widths for all existing and proposed roads are provided in accordance with the *Planning Act*;
- f) encourage the use of alternative development standards for roads, where appropriate;
- g) encourage the efficient use of land along transportation corridors to maximize the use of public transit; and,
- h) restrict development on private roads.

15.7.2 Pedestrian And Cycling Routes And Facilities

Council shall develop an interconnected system of cycling and walking routes providing access to major activity and employment areas and to future public transit. In order to plan for and encourage walking and cycling, Council shall:

- a) consider the provision of safe and convenient cycling and walking routes in the review of all development applications;
- b) investigate and provide for bicycle lanes wherever possible in the construction or reconstruction of roads and bridges;
- c) encourage and support measures which will provide for barrier-free design of pedestrian facilities;
- d) ensure that lands for bicycle/pedestrian paths are included with the land requirements for roads;
- e) ensure that the rights and privacy of adjacent property owners are factored into the design process for pedestrian and cycling routes; and,
- f) ensure that all pedestrian and cycling routes are designed to be safe. It is a policy of this Plan that dedicated bike lanes be established on all arterial and collector roads as shown on Schedule X2 to this Plan.

The preferred locations for an integrated pedestrian and cycling route system is shown on Schedule X3 to this plan.

15.7.3 Road Network

15.7.3.1 Road Classification System

a) For the purposes of this Plan, all roads in the Cobourg East Community are classified as follows:

- Arterial Road;
- Collector Road; or
- Local Road

The types of roads described in this section of the Plan are shown on Schedule X2.

b) The location of any future Arterial and Collector Roads shown on Schedule X2 are approximate, unless the road existed when the Secondary Plan was adopted. The exact alignment of future Arterial and Collector Roads shall be determined either through municipal studies or during the consideration of development applications. No Amendment to the Official Plan will be required to modify the locations of future roads, provided their function and location will continue to generally conform with the intent of the Official Plan.

c) Right-of-Way Widths

Right-of-way widths for every type of road are set out on Schedule X2. The right-of-way width for any public road may allow for the placement of travel lanes, turning lanes, utilities, infrastructure, high occupancy vehicle lanes, sidewalks, paths, bicycle lanes, medians, streetscaping and landscaped boulevards, where appropriate.

As a condition of a development approval, land for road widenings shall be conveyed at no expense to the Town in accordance with the provisions of the *Planning Act*.

d) Traffic Calming

The Town may investigate traffic calming measures to be implemented in certain locations within the Secondary Plan Area and/or as a requirement of a development approval to promote pedestrian safety and mitigate the effects of automobile traffic within the Town. Traffic calming features may be permitted subject to an

evaluation by the Town of functional, operational, servicing and financial issues associated with their use.

e) Off-Street Parking

The Town shall require that, as a condition of development or redevelopment, adequate off-street parking and loading facilities are provided. In addition, points of ingress/egress to parking areas shall be limited in number and the sharing of access points with adjacent similar uses shall be encouraged. The design and layout of parking facilities are addressed through the Town's Urban Design policies.

f) On-Street Parking

On-street parking shall be encouraged in the Mixed-Use designation and in the vicinity of Community uses. The number of required parking spaces on a lot may be reduced by a factor to take the location and number of on-street parking spaces into account.

g) Public Off-Street Parking

The Town will endeavour to provide off-street parking to serve the Elgin Street East area. In this regard, Council may:

- i) operate municipal parking lots or structures on properties the Town owns, acquires and/or leases, and provide direction for establishing new lots and structures;
- ii) establish areas where payment of cash-in-lieu of required parking may be accepted. A reserve fund may be established to be used for the improvement or expansion of public parking facilities; and,
- iii) use, or authorize the use of vacant lands for parking on a temporary basis, where such parking is needed and desirable.

h) The Town shall review off-street and on-street parking regulations to reflect evolving patterns of automobile use at the time of the preparation of the implementing Zoning By-law. Reduced parking requirements may be considered where sufficient public off-street and on-street parking facilities exist. In addition, parking requirements may be reduced if the uses on the lot each require parking at different times of the day. Opportunities for the sharing

of parking in mixed use development will be considered during the review of a development application.

- i) Given that increased traffic is expected generally in Cobourg and in the Secondary Plan Area, it is a policy of this Secondary Plan that a grade separation be identified and protected for Brook Road and its intersection with the CN and CP Rail Lines. The timing of the development of the Brook Road grade separation will be a consideration in the Staging and Phasing Plan required in Section 15.9.3 of this Plan.

15.7.4. Rail Network

The following policies apply to the rail network in the Town:

- a) Any proposed residential or other sensitive land use development within 300 metres of the railway right-of-way will be required to undertake noise studies and within 75 metres of the railway right-of-way will be required to undertake vibration studies, to the satisfaction of the Town and the appropriate railways, and shall undertake appropriate measures to mitigate any adverse effects from noise and vibration that were identified. Development adjacent to the railway shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided, to the satisfaction of the Town in consultation with the appropriate railway.

15.8 SERVICING

All new development within the Cobourg East Secondary Plan Area shall be serviced by municipal water and sewer services and stormwater management facilities. Existing development within the Secondary Plan Area shall, over time, also be connected to these same services, as appropriate. This section of the Plan outlines how services are to be provided to the Secondary Plan Area.

15.8.1 Water Treatment and Distribution

The maximum day water supply requirements may increase by approximately 154 litres per second. On the basis of the scale of development proposed, two servicing scenarios have been developed.

- i) This alternative would entail the servicing of the Secondary Plan Area by an expanded zone 2 booster station. Two storage tanks

would be required, an elevated tank would be required for a new zone 3 and either an elevated tank or a pumped storage reservoir would be required for zone 2.

- ii) This alternative would entail a new reservoir and pumping facility constructed within zone 3. Newly elevated storage tank would be constructed as well.

The second alternative is the proposed alternative.

15.8.2 Waste Water Collection and Treatment

The maximum day waste water collection and treatment could increase by approximately 136 litres per second. Two servicing alternatives have been developed

- I) This alternative would see an average day flow of 100 litres per second and a peak design flow of 264 litres per second directed to plant 2.
- ii) This alternative would see an average day flow of 70 litres per second and a peak design flow of 170 litres per second directed to plant 2 with the balance directed to plant 1.

Alternative 1 is the proposed alternative.

Each of the above alternatives will require additional treatment capacity in the Town's sewage treatment plants.

15.8.3 Stormwater Management

It is the intent of the Town to ensure that the stormwater management system constructed within the Secondary Plan Area:

- a) maintains an appropriate water balance;
- b) ensures that the appropriate amount of water is returned to the groundwater system;
- c) addresses and maintains water quality;
- d) minimizes erosion within the Secondary Plan Area; and,
- e) controls the quantity water during storm events.

In order to ensure that the above criteria are met, a number of stormwater management ponds will be required to support development within the Cobourg East Secondary Plan.

15.8.4 Master Servicing Plan

In conjunction with the development phasing plan required by Section 15.9 of this Plan, a Master Servicing Plan shall also be prepared to address water supply, sanitary servicing and stormwater management.

15.9	DEVELOPMENT PHASING
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15.9.1 Objectives

It is the intent of this Plan:

- a) to ensure that development occurs in an orderly, well-planned manner;
- b) to ensure that the provision of community services and facilities is co-ordinated with the development of new development areas;
- c) to give priority to the development of employment lands, infilling and completion of existing neighbourhoods and communities; and,)to maintain an appropriate balance between residential and non-residential assessment.

15.9.2 General Phasing Criteria

Development in the Cobourg East Secondary Plan Area shall be phased to ensure that the development occurs in a logical and cost effective manner. In this regard, the Town shall be satisfied that any application for development:

- a) contributes to the protection and enhancement of natural heritage features and ecological functions and provides opportunities for public ownership of these lands, if such lands are part of the proposal;
- b) involves the logical completion or extension of the existing urbanized area, roads and other infrastructure to avoid scattered development patterns;

- c) can be adequately and economically serviced by municipal water and wastewater services and storm drainage facilities;
- d) provides the park sites, school sites and portions of a community-wide trail system that may be required in a timely manner;
- e) provides an opportunity, if feasible, for both employment and residential uses in order to encourage improved live/work relationships and to attract non-residential assessment;
- f) provides a mix and range of housing to accommodate the Town's housing needs; and,
- g) can be accommodated within the financial capabilities of the Town to provide the necessary services without decreasing the level of service to existing development.

15.9.3 Staging and Phasing Plan

- a) Given the size of the Cobourg East Community Secondary Plan area, there are a number of phasing options and opportunities. However, it is the intent of this Plan that development occur on lands located on the western and/or southern portions of the Secondary Plan area first, as shown on Schedule “X4” to this Plan.
- b) Prior to the draft approval of any Plan of Subdivision or the approval of any other major development in the Secondary Plan Area, a Development Phasing Plan shall be prepared. The Development Phasing Plan shall:
 - i) identify the limits of the first and possible future phases of development in the entire Secondary Plan Area;
 - ii) identify the infrastructure improvements required to service the first and latter phases;
 - iii) describe how the infrastructure improvements will be staged;
 - iv) Identify if/when the grade separation for Brook Road and the Kerr Street extension will be required and then appropriately staged in a manner that ensures that the improvements are in place prior to a certain threshold of development being reached.
 - v) describe how the objectives set out in Section 15.9.2 of this Plan are met.

- c) Once the Development Phasing Plan for the Secondary Plan area has been accepted by Council, area-specific phasing plans for larger development properties shall be prepared and approved by Council, prior to Draft Plan Approval. Each individual phasing plan shall conform to the overall Development Phasing Plan for the Secondary Plan area and shall satisfy the objectives of the Town as set out in Section 15.9.2.
- d) In order to ensure that development within each development area subject to an approved area-specific phasing plan occurs in a logical manner, approximately 50% of each phase shall be completed prior to the Draft Approval of any Plan of Subdivision in the following phase. Council may waive this requirement provided the Town is satisfied that:
 - i) there is a demonstrated demand and need for additional housing units and diversity in the housing market in the next phase(s) to fulfill market requirements;
 - ii) required infrastructure improvements, parks and other public facilities will be provided within an acceptable time frame; and,
 - iii) development will progress in a co-ordinated and orderly fashion to avoid scattered or disjointed development patterns, with particular regard given to the appropriate integration of infrastructure, community facilities and neighbourhoods.

15.10	DEVELOPER COST SHARE AGREEMENTS - Financial Agreements
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It is a policy of this Plan that new development shall be responsible for the cost of any upgrades to existing infrastructure and new infrastructure that will benefit such new development. The following policies also apply:

- a) Costs of local infrastructure or service improvements within the Secondary Plan Area which benefit more than one individual development shall be equitably apportioned amongst landowners within the Secondary Plan area on a net developable areas basis or benefitting area basis.
- b) Such costs may include community use lands and facilities, schools, parks, trails and community infrastructure facilities or public works (including oversizing) and including roads, sanitary,

water and storm water facilities, financing and indexing adjustments, including upgrades to works outside the Secondary Plan Area necessary to permit development within the Plan area. For those facilities not of community wide benefit, costs will only be allocated to those landowners who benefit by the specified work.

- c) Prior to the draft approval of any plan of subdivision, a Cost Sharing Agreement will be required to establish, to the satisfaction of the Town, the means of providing community facilities and services as well as common amenities (e.g. collector road, municipal sanitary and water services, parkland, schools) for the Secondary Plan Area.
- d) It is also recognized that the Cost Sharing Agreement will establish rights for adjacent landowners to connect to the services of the Secondary Plan Area provided such landowners pay their fair share of the related infrastructure costs.
- e) Furthermore, it is recognized that adjacent landowners may seek to secure easement rights across the properties in the Secondary Plan Area in order to provide the necessary municipal services to adjacent lands.
- f) The Cost Sharing Agreements may be registered on title for each participating landowner and the covenants and obligations of the Cost Share Agreement survive any transfer in ownership of a relevant parcel of land.

15.11 HEIGHT AND DENSITY BONUSING
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15.11.1 Bonusing Triggers

Council may pass a by-law pursuant to the Planning Act that increases the maximum density and/or height permitted by this Official Plan for medium density residential development if the increase will result in the provision of a significant public benefit that would have not otherwise been realized. A significant public benefit could include the:

- a) provision of special needs housing;
- b) provision of needed community facilities;
- c) provision of parkland over and above what would be required by this Plan;

- d) dedication of lands that are the site of a significant natural heritage feature;
- e) provision of public transit facilities;
- f) conservation/enhancement/restoration of a significant built heritage feature;
- g) provision of public art in a key location; or,
- h) any other public benefit that has been identified in a Council-initiated study.

15.11.2 Criteria

It is the intent of this Plan that there has to be a clear and measurable public interest served by the granting of a height and/or density bonus. Prior to granting a bonus, Council shall be satisfied that:

- a) The proposed development will conform with the development policies of the applicable designation of this Plan;
- b) The built form will contribute to the urban design policies of this Plan, as set out in Section 15.5;
- c) The use will be a positive addition to the urban landscape and contribute to the vibrancy of the urban area;
- d) The development of the use will potentially facilitate the development or establishment of other uses in the area, thereby furthering the objectives of this Plan.

It is the intent of this Plan that each request for a bonus shall be considered on a case-by-case basis. The approval of one request by Council shall not be considered a precedent for other requests.

15.11.3 Implementation

A site-specific zoning by-law passed by Council shall establish detailed development standards that would apply when a bonus is awarded and the relationship between these standards and the conditions that must be met.

In the granting of a height and density bonus, the Town may require the owner to enter into one or more agreements with the municipality dealing with facilities, services or other matters to be provided.

15.12 TIMING OF DEVELOPMENT

- a) No new lots shall be created in the Cobourg East Community Secondary Plan area for any purpose, unless:
 - i) The Development Phasing Plan for the entire Secondary Plan area has been approved by the Town;
 - ii) an area-specific phasing plan has been prepared for the lands on which the new lot(s) is proposed;
 - iii) the intent of the application is to consolidate parcels of land for development purposes or to create a new parcel to facilitate new development.
- b) The re-zoning of any land within the Secondary Plan to permit a new use or an expansion to an existing use is considered to be premature until the Development Phasing Plan identified in Section 15.8.3(b) has been approved and the area-specific phasing plan identified in Section 15.8.3(c) has been approved.

15.13 RELATIONSHIP WITH OFFICIAL PLAN

The provisions of the Official Plan as amended from time to time, regarding the implementation of that Plan shall apply in regard to this Secondary Plan, insofar as they affect the subject area; except in the event of departure, the provisions of this Secondary Plan shall prevail. In particular, the Cobourg East Community Secondary Plan Area shall be subject to the policies of Section 8, Development Review of the Official Plan. Further, any information and materials required to be submitted as part of the evaluation of a development application by this Secondary Plan shall also be deemed to be required as part of the required information and materials in Section 8.3. Further, with respect to the site plan control provisions of Section 9, the policies of Section 5.2.8 shall be applicable with respect to the evaluation of external building design.

15.14 MINIMUM DISTANCE SEPARATION

New development on lands subject to this Plan is not required to comply with the Minimum Distance Separation formula.

15.15 IMPLEMENTING ZONING BY-LAW

Council shall adopt a new comprehensive Zoning By-law to implement the provisions of this Secondary Plan.

The comprehensive Zoning By-law may be more restrictive than this Secondary Plan, with respect to both permitted uses and density. Since a range in use and density is permitted within each of the designations, it is not intended that every area and development proceed to the maximum use and density permitted by the designation, but rather that Council shall have regard for the opportunities and constraints affecting each site, including the relationship with nearby areas of lower density housing, if any.

The policies of Section 9.2.7, Development Permit By-law, and 9.2.8, Conditional Zoning shall also apply in the Cobourg East Community Secondary Plan.

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