

**Amendment No. 14
to the
Official Plan of the
Township of Cavan Monaghan**

Bill 109 and Bill 23 Conformance

Prepared For:

The Corporation of the Township of Cavan Monaghan

Prepared By:

The Biglieri Group

April 26, 2023

**Adoption By-law for Official Plan No. 14
By-law No. 2023-XX**

Being a By-law passed pursuant to the provisions of Section 21 of the Planning Act, R.S.O. 1990, as amended.

The Council of the Corporation of the Township of Cavan Monaghan, in accordance with the provisions of Section 21 of the Planning Act, R.S.O. 1990, as amended, hereby enacts as follows:

1. Amendment No. xx to the Official Plan of the Township of Cavan Monaghan, consisting of the attached explanatory text is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the County of Peterborough for approval of Amendment No. XX to the Official Plan of the Township of Cavan Monaghan.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice under Section 17(23) of the Planning Act.
4. This By-law shall come into force and take effect on the day of final passing thereof subject to the approval of Peterborough County.

Enacted and passed this ____ day of _____, 2023.

Signed: _____
Matthew Graham, Mayor

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____
Cindy Page, Clerk

Certified that the above is a true copy of By-law No. 2023-xx, as enacted and passed by the Council of the Township of Cavan Monaghan on the ____ day of _____, 2023.

Signed: _____
Cindy Page, Clerk

**Certificate
Amendment No. XX
Official Plan of the
Township of Cavan Monaghan**

The attached explanatory text constituting Amendment No. xx to the Official Plan of the Township of Cavan Monaghan, was prepared by the Council of the Township of Cavan Monaghan and was adopted by the Council of the Township of Cavan Monaghan by By-law No. 2023-XX in accordance with the provisions of Sections 21 of the Planning Act, R.S.O. 1990, on the ____ day of _____, 2023.

Signed: _____
Matthew Graham, Mayor

CORPORATE SEAL OF
MUNICIPALITY

Signed: _____
Cindy Page, Clerk

This amendment to the Official Plan of the Township of Cavan Monaghan, which has been adopted by the Council of the Township of Cavan Monaghan, is hereby approved in accordance with the provisions of Section 21 of the Planning Act, R.S.O. 1990 as Amendment No. 14 to the Official Plan of the Township of Cavan Monaghan.

Date

Iain Mudd, Director Planning

**Amendment No. 14
Official Plan of the
Township of Cavan Monaghan**

Table of Contents

Introduction	2
Statement of Components	2
Part "A" -- The Preamble	3
1.0 Purpose of the Amendment.....	3
2.0 Location:.....	4
3.0 Basis of the Amendment	4
PART "B" – The Amendment.....	5
1.0 Introductory Statement	5
2.0 Details of the Amendment	5
3.0 Implementation and Interpretation	8
Part "C" – The Appendices	9

DRAFT

**Amendment No. 14
to the
Official Plan of
The Township of Cavan Monaghan**

Introduction

Statement of Components

- Part “A” The Preamble does not constitute part of this Amendment.
- Part “B” The Amendment, consisting of the following text constitutes Amendment No. xx to the Official Plan of the Township of Cavan Monaghan.
- Part “C” The Appendices do not constitute part of Amendment No. 14 to the Official Plan of the Township of Cavan Monaghan, and contain background information and public and agency comments pertaining to the Amendment as well as the draft implementing Zoning By-law Amendment.

Part “A” -- The Preamble

1.0 Purpose of the Amendment

The Township of Cavan Monaghan Official Plan currently is in compliance with recent provincial legislative changes through Provincial Bill 109, *More Homes for Everyone Act, 2022* and Bill 23, *More Homes Built Faster Act, 2022*. Therefore, the purpose of Amendment No. 14 to the Township of Cavan Monaghan Official Plan is to:

1. Amend Section 3.5.2 ‘Cultural Landscapes’ to delegate the authority of site plan control from Council to delegated Staff;
2. Amend Section 3.9 a) to allow accessory apartments as secondary to the primary residential use of the property, and is permitted in serviced urban areas in conjunction with single-detached, semi-detached and townhouse dwellings. No more than two (2) accessory apartments are permitted per property;
3. Amend Section 4.1.2.b ‘Settlement Area’ Permitted Uses section to allow accessory apartments without the need for a temporary use bylaw;
4. Amend Section 4.1.3.e ‘Settlement Area’ General Development Policies section to allow two accessory apartments in residential designations and include townhouse dwellings as part of the list of residential designations
5. Amend Section 4.8.5.c ‘Implementation’ to delegate the authority of site plan control from Council to delegated Staff;
6. Amend Section 5.1.4.b to delegate the authority of site plan control from Council to delegated Staff;
7. Amend Section 5.1.4.c to delegate the authority of site plan control from Council to delegated Staff;
8. Amend Section 6.7.4.c to delegate the authority of site plan control from Council to delegated Staff;
9. Amend Section 8.4 to add that applicants are entitled to a pro-rated refund if an application is determined as complete after 60-120 days based on the type of application;
10. Amend Section 8.5 to add that a pre-application process can be a tool used during the pre-consultation process;

11. Amend Section 8.6.2 'Holding Provisions' to allow the Executive Director, Planning & Development or Chief Administrative Officer to remove the holding provision;
12. Amend Section 8.7 'Site Plan Control' to increase the threshold for Site Plan Control Area for residential buildings containing more than ten units; and
13. Amend Section 8.12 'Parkland Dedication' to increase the land dedication for public recreation from 1.0 hectare per 300 dwelling units to 1.0 hectare per 600 dwelling units.

These amendments apply to the entirety of the Township of Cavan Monaghan.

2.0 Location:

The Amendment applies to all lands located within the Township of Cavan Monaghan.

3.0 Basis of the Amendment

Official Plan Amendment No. 14 has been initiated by the Township of Cavan Monaghan to bring its Official Plan, Zoning By-law and select By-laws to reflect recent Provincial legislation. Currently, the Township Official Plan does not comply with recent changes made through Provincial Bill 109, *More Homes for Everyone Act, 2022* and Bill 23, *More Homes Built Faster Act, 2022*. Consequently, a number of the policies governing General Development Criteria, Site Plan Control, Parkland Dedication, Holding Provisions, Accessory Units, and Pre-Consultation have to be amended to amend the Official Plan into conformity with Provincial legislation.

Part “B” – The Amendment

1.0 Introductory Statement

All of this part of the document entitled Part “B” – The Amendment, consisting of the following text, constitutes Amendment No. 14 to the Official Plan of the Township of Cavan Monaghan.

2.0 Details of the Amendment

The Official Plan of the Township of Cavan Monaghan is hereby amended as follows:

1. Section 3.5.2 (Cultural Landscapes) is hereby replaced with the following wording which delegates the authority of site plan control from Council to Township Staff:

Cultural landscapes include natural and man-made features that define the character of the Township. The rolling hills associated with the Oak Ridges Moraine and the historic agricultural buildings and landscapes in Cavan Monaghan create a cultural landscape that defines much of the character of the rural areas of the Township.

All development shall be designed in a manner that is sensitive to the cultural landscapes in the Township. Historic buildings, trails and roadways shall be preserved wherever possible. New structures built in the area of these features shall be designed to reflect the surrounding landscape and built form. The Township will use site plan control to ensure that new development is sited and designed to complement the historic and natural character of the Township.

2. Section 3.9 a) is replaced with the following wording which increases the number of accessory apartments (ADUs) permitted in conjunction with a single-detached dwelling unit, semi-detached and townhouse dwellings, within the serviced urban area.

Garden suites and accessory apartments shall be permitted in all designations that permit residential units (with the exception of the Oak Ridges Moraine). A Temporary Use By-law will be required for garden suites for a maximum of 20 years. When considering such uses, Council shall be satisfied that:

- a) The ADU is being permitted in conjunction with a single-detached dwelling unit and will remain secondary to the single detached dwelling. The accessory apartment will be secondary to the primary residential use of the property, and is permitted in conjunction with single-detached, semi-detached and townhouse dwellings. No more than two (2) accessory apartments are permitted per property within the serviced urban area.

3. Section 4.1.2 (Settlement Area Permitted Uses) is hereby amended by splitting subsection b) into b) and c) and updating subsections c), d), and e) to be renamed as d, e and f as follows:

- b) Accessory apartments;
 - c) Garden Suites on a temporary basis;
 - d) Complementary uses such as home-based businesses subject to Section 3.11 of this Plan;
 - e) Institutional uses which serve the needs of the surrounding residential areas such as private and public schools, places of worship and daycare centres; and,
 - f) Local commercial uses which serve the needs of the surrounding residential areas, which include small scale retail uses, convenience stores, personal services and personal commercial uses intended to meet the day-to-day needs of residents.
4. Section 4.1.3e) (General Development Policies) is hereby replaced with the following wording which allows two (2) accessory apartments to be developed in association (/) with residential dwelling and to include townhouse units in the list of residential dwellings.

Two (2) accessory apartment units (over and above) may be permitted in conjunction with a single-detached, semi-detached, or townhouse dwelling in the Residential designation subject to the regulations of the Zoning By-law and the following criteria:

5. Section 4.8.5 (Millbrook Special Policy Area - Implementation) subsection c) is hereby replaced with the following wording which delegates site plan control from Council to delegated Township Staff:

Where required by Council, the proponent of any new development or redevelopment, may be required to submit CAO and the Executive Director, Planning and Development for approval, site plans in accordance with Section 8.7 Site Plan Control in this Plan, and Section 41 of the Planning Act, R.S.O. 1990;

6. Section 5.1.4 (Countryside Areas General Development) subsection b) is hereby replaced with the following wording which delegates site plan control from Council to Township Staff, and subsection c) is hereby replaced with the following wording which delegates site plan control from Council to Township Staff:

- b) Home-based industries operated outside of a dwelling are permitted subject to Site Plan Control. Prior to approving a Site Plan Application, the

Township shall be satisfied that, in addition to those criteria for home-based businesses, in Section 3.11 the following criteria shall apply:

- c) Farm related commercial tourism establishments on farm properties are permitted subject to Site Plan Control. Prior to approving such an application, the Township shall be satisfied that:
7. Section 6.7.4 (General Development Criteria Lands in Proximity of a Key Natural Heritage Feature and Hydrologically Sensitive Feature) subsection c) is hereby replaced with the following wording which delegates site plan control from Council to Township Staff:

When applying Site Plan Control to implement this policy, the Township may:

8. Section 8.4 (Complete Application) is hereby amended by adding the following subsection h) as follows:

h) If an application is submitted and no decision is made with respect to a complete application within: 60 days for Site Plan Control applications; 90 days for zoning by-law amendment application and 120 days for Official Plan Amendments and Official Plan and Zoning Bylaw Amendments, applicants may be entitled to a pro-rated refund as outlined in the User Fees and Charges Bylaw.

9. Section 8.5 (Pre-Consultation) is hereby amended by adding pre-application as a method that can be used during the pre-consultation process:

Prior to the submission of any development application for which the Township is the approval authority, proponents shall consult with the Township in accordance with the provisions of this Plan and the Township's Pre-consultation By-law. The County of Peterborough is encouraged to participate in the Township's pre-consultation process as appropriate. The pre-consultation process is intended to address the requirements for a complete application and may require the applicant to go through the pre-application process and/or more than one pre-consultation meeting involving other agencies and Township Departments

Where development proposals are located within 1.0 km of the City of Peterborough the proponents shall also consult with the City.

10. Section 8.6.2 a) (Holding Provisions) is hereby replaced with the following wording which allows planning staff, in addition to council, to use and remove holding provisions as follows:

a) Council and delegated Township Staff may utilize Holding provisions as provided for under Section 36 of the Planning Act to establish zoning

provisions prior to completing technical, administrative, or financial aspects of the development. Where Council or delegated Township Staff uses a Holding provision, the use of land may be restricted to existing uses until one or more of the following conditions have been fulfilled:

11. Section 8.7 a) (Site Plan Control) subsection (v) is hereby replaced with the following wording which increases the minimum dwelling units that can be developed without requiring site plan control as follows:

v) A residential building containing less than ten dwelling units, except those dwellings designated under the Ontario Heritage Act;

12. Section 8.12 (Parkland Dedication) subsection b) parts i), iii), and v) are hereby replaced with the following wording which decreases the amount of land dedication required per dwelling unit;

i) For residential development, redevelopment or plans of subdivision providing for low, medium and/or high density uses, conveyance or dedication shall be either equal to 5 percent of the land proposed for development, redevelopment or subdivision or 1.0 hectare per 600 dwelling units, whichever is greater;

iii) For mixed-use development, conveyance or dedication requirements will only apply to the residential portion of the development proposal in the amount equal to 1.0 hectare per 600 dwelling units. However, in no instance shall the contribution be less than 2 percent of the land area or the equivalent cash-in lieu value;

v) For residential plans of subdivision, the standard of 1.0 hectare per 600 dwelling units may be applied to blocks within the plan of subdivision, provided such blocks are excluded from the calculation for the 5 percent of the land proposed for subdivision.

3.0 Implementation and Interpretation

The Implementation and Interpretation of Official Plan Amendment No. 14 shall be in accordance with the respective policies of the Official Plan of the Township of Cavan Monaghan.

Part “C” – The Appendices

The following appendices do not constitute part of Official Plan Amendment No. xx, but are included as information supporting the Amendment.

- **Appendix No. 1 - Zoning By-law Amendment**
- **Appendix No. 2 – Public and Agency Comments**
- **Appendix No. 3 – Minutes of Public Meeting**