

## **SECTION 9 - INFILLING**

### 9.1 **INTRODUCTION**

In the past, small concentrations of residential uses (i.e. single-detached dwellings) have developed in certain locations within the agricultural areas of the County of Perth. Generally, these concentrations have developed in the form of strip or ribbon development along public roadways. Their development has, to a great extent, predated the establishment of Official Plan and Zoning By-law controls in the local municipalities throughout the County.

In some instances, the existing development in these small concentrations of residential uses is such that a limited number of new lots for residential development could be accommodated through the infilling process. Generally, the existing land uses within these small residential concentrations is such that the creation of infill residential lots would not involve the loss of productive farmland nor would it result in any significant additional impact on the surrounding farming operations.

### 9.2 **GOALS**

The following goals are established for the "Infilling" designation:

- (a) To permit a limited amount of new residential development to occur within small concentrations of existing residential development in areas designated "Infilling"; and
- (b) To confine the permitted infill development so as to minimize the impact on surrounding agricultural lands and farming operations.

### 9.3 **LAND USE DESIGNATION AND MAPPING**

Policies for the "Infilling" designation shall apply to the areas shown as "Infilling" on Schedule "A" (Land Use Plan) to this Official Plan. The Schedule "A" map consists of the County-wide map which shows the general location of the "Infilling" designation and a number of smaller inset maps (e.g. Schedule "A5-1", "A5-2", etc.) which show the specific boundaries for the "Infilling" designation.

The areas shown as "Infilling" on Schedule "A" include only those areas designated for infilling purposes in previous Official Plan documents in the County.

### 9.4 **DEFINITION/PERMITTED USES**

The "Infilling" designation shall mean that the permitted uses of land shall be limited to residential uses, home occupations, and bed and breakfast establishments. The only type of residential use permitted shall be single-detached dwellings.

9.5 **POLICIES**

9.5.1 **Designated Areas**

The areas designated "Infilling" in this Plan are very specific as to their location and shall be subject to a strict interpretation as opposed to a general interpretation. The designated areas apply to small concentrations of existing residential lots and the designated areas shall not be interpreted so as to "spill over" onto abutting farm or other properties.

9.5.2 **Lot Creation**

The only method by which new lots can be created within a designated "Infilling" area is the consent/severance process. The consent/severance policies as set out in this Plan shall apply.

All new lots that are created must constitute a residential infilling situation. For the purpose of this Plan, a residential infilling situation is defined as a proposed residential lot/use located between two existing dwellings which are situated on the same side of a public street and which existing dwellings are separated by a distance of not more than 75 metres.

*AMENDED BY OPA Nos. 10 & 24 50 & 123 132* Notwithstanding the above definition of infilling, a limited amount of new residential development that does not meet the infilling definition may be permitted within the designated "Infilling" areas at Lot 26, Concession 1, Elma Township; the north easterly part of Lot 15, Concession 6, Elma Township; part of Lot 19, Concession 4, Elma Township; and part of Lot 43, Concession 7, Wallace Township; part of Lot 15, Concession 11 and part of Lot 15, Concession 12 in the Logan Ward of the Municipality of West Perth; part of Lot 6, Concession 4 in the Wallace Ward of the Town of North Perth; part of Lot 6, Concession 4 in the Wallace Ward of the Town of North Perth (fronting on Road 148); part of Lot 24, Concession 2 in the Wallace Ward of the Municipality of North Perth (fronting on Line 87) ; part of Lot 7, Concession 5 in the Wallace Ward of the Municipality of North Perth.

9.5.3 **Residential Uses**

Permitted residential uses shall be limited to single-detached dwellings and shall be subject to the following criteria:

- (a) Individual sewage disposal systems are generally to be used. Such systems will be subject to the regulations and requirements of the authority having jurisdiction over same and all required permits must be obtained prior to the issuance of a building permit. Development in areas considered to be unsuitable for accepting sewage effluent from individual sewage disposal systems shall not be permitted;

- (b) Individual water supply systems are generally to be used. Communal or municipal services may be appropriate in certain circumstances, (e.g. failed/failing systems, physical constraints, municipal acceptance). Regardless of the type of water supply system, these are subject to the regulations and requirements of the authority having jurisdiction;
- (c) Minimum lot sizes shall be appropriate for the proposed residential use and shall take into consideration the on-site servicing requirements for the use. Minimum lot size requirements shall be set forth in the implementing zoning by-laws of local municipalities;
- (d) Drainage characteristics of the subject property and the impact of the proposed development on the drainage of surrounding lands shall be considered. New residential development shall not be permitted in those instances where the drainage characteristics of the lot in question are not conducive to the new development and/or where the drainage of a surrounding property(s) would be adversely affected;
- (e) Access to the proposed lot must be available from a public road which is developed to municipal or greater standards and which is maintained on a year-round basis. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. Development fronting onto and having access to a provincial highway require building, land use, and entrance permits from the Ministry of Transportation;
- (f) The location of the proposed development must be such that it will not have a negative impact on the surrounding agricultural lands and farming operations. Where the proposed lot is in proximity to an existing livestock and/or poultry operation, all new development must meet the minimum distance separation provisions of MDS I and MDS II. Further, the proposed dwelling must be situated such that it is no closer to the neighbouring livestock and/or farm operation than the existing dwellings;
- (g) A new residential use shall be permitted only in a situation that qualifies as infilling as defined in Section 9.5.2 of this Plan; and
- (h) The implementing zoning by-laws of the local municipalities shall set forth appropriate zone regulations for new residential development in "Infilling" areas.

9.5.4 **Home Occupations**

Home occupations that comprise a secondary use carried on entirely within a single-detached dwelling may be permitted. Such home occupations must be small-scale in size; shall be conducted only by the occupants of the dwelling; must be clearly be secondary to the main use of the dwelling as a private residence; and shall not change the character of the dwelling as a private residence. Not more than one home occupation per dwelling is permitted. The local municipality's implementing zoning by-law will make provision for home occupations and will contain provisions to regulate the kinds of activities to be permitted, size of home occupations, parking requirements, and signage or other evidence of the home occupation activity.

9.5.5 **Bed and Breakfast Operations**

Bed and breakfast operations carried on entirely within a single-detached dwelling may be permitted. Where permitted, a bed and breakfast operation must be clearly secondary to the main use of the dwelling as a private residence and it shall not change the character of the dwelling as a private residence. Bed and breakfast operations must satisfy all applicable requirements of the authorities having jurisdiction over sewage disposal and water supply. The local municipality's implementing zoning by-law shall establish specific requirements for the purposes of regulating and controlling bed and breakfast operations.

*ADDED BY OPA No. 32*

9.5.6 **New Site Specific Amendments**

- (1) Part of Lot 5, West Mitchell Road Concession, Blanshard Ward, Township of Perth South (Schedule "A-36"):

Notwithstanding the policies of Sections 9.4 and 9.5.3 of this Official Plan to the contrary, a five unit apartment building shall be permitted as an additional permitted use on the subject property within the "Infilling" designation, subject to the following criteria:

- (a) a new water supply system and a new sewage disposal system must be installed, as approved by the appropriate regulatory bodies;
- (b) an amendment to the Township of Perth South's Zoning By-law is required; and
- (c) a Site Plan Agreement pursuant to the provisions of the Planning Act is required.

*ADDED BY OPA No. 148*

- (2) Part of Lot 5, West of Mitchell Road Concession, Blanshard Ward, Township of Perth South (Schedule "A-148"):

Notwithstanding the policies of Section 9 of this Official Plan, a 0.65 hectare (1.6 acre) enlargement of the existing property containing an

institutional use (i.e. church building) located within the "Infilling" designation may be permitted, subject to the following criteria:

Institutional uses described as a church building and associated parking area shall be permitted on a 0.65 hectare (1.6 acre) property at this location subject to the following:

- (a) The institutional use and its associated parking area shall be permitted on only the 0.65 hectare (1.6 acre) portion of the subject property;
- (b) an amendment to the Township of Perth South's Zoning By-law is required; and
- (c) an application for Consent to the County Land Division Committee to enlarge the church property to the north, while retaining a lot containing the existing dwelling is required.

*ADDED BY OPA No. 178*

- (3) Part of Lot 1, Concession 6, Downie (Gore) Ward, Township of Perth South (Schedule "A-178"):

Notwithstanding the policies of Section 9.5.2 and Section 9.5.3 (f) of this Official Plan to the contrary, the creation of a new lot for residential purposes located within the "Infilling" designation may be permitted, subject to the following:

- (a) An application for Consent to the County of Perth Land Division Committee to create a new residential lot, while retaining a lot containing the existing dwelling and accessory structure is required;
- (b) An amendment to the Township of Perth South's Zoning By-law is required; and
- (c) The water supply and sewage disposal systems for the proposed severed lot must be approved by the appropriate regulatory bodies.

9.6 **CONSENT/SEVERANCE POLICIES**

The following specific policy shall apply to consent applications which involve land within the "Infilling" designation as shown on Schedule "A" (Land Use Plan).

They are intended to implement the foregoing goals and policies and are to be applied in addition to the general consent/severance policies set forth in Section 16.3 of this Plan.

9.6.1 **Lot Creation**

All new lot creation within areas designated "Infilling" by this Plan shall occur through the consent/severance process. All new lots created within the "Infilling" designation must satisfy the specific policies of Section 9.5.2 of this Plan.

9.6.2 **Residential Uses**

Applications for consent that involve the creation of a new lot for residential use may be permitted provided the following criteria are satisfied:

- (a) The lot to be created is situated within an "Infilling" area identified on Schedule "A" (Land Use Plan);
- (b) The infilling criteria set forth in Sections 9.5.2 are satisfied; and
- (c) The specific policies of Section 9.5.3 are satisfied.

9.6.3 **Lot Enlargement**

Consents for the purpose of enlarging existing residential lots in the "Infilling" designation may be permitted provided the following policies are satisfied:

- (a) The land to be severed for lot enlargement purposes is located within an "Infilling" area identified on Schedule "A" (Land Use Plan);
- (b) The area being severed for lot enlargement purposes should be minimal in size; and
- (c) All of the lots involved in the lot enlargement proposal (e.g. enlarged lot and retained lot) must be in conformity with the provisions of the local municipality's implementing Zoning By-law.

9.7 **Site Specific Amendments**

*ADDED BY OPA No. 24*

- (1) Part of Lot 6, Concession 4, Wallace Ward, Town of North Perth (Schedule "A-28"):

Notwithstanding the policies of Sections 9.5 and 9.6 of this Official Plan to the contrary, an amendment to the Town of North Perth's implementing Zoning By-law is required to permit the proposed dwelling, and to recognize the existing distance separation to the neighbouring barn located to the north-east of the subject property. In addition, a condition of any consent approval by the Land Division Committee on the subject property must include that the existing barn shall be removed and the foundation cleaned up.

*ADDED BY OPA No. 50*

- (2) Part of Lot 4, Concession 6, Wallace Ward, Town of North Perth (Schedule "A-53"):

Notwithstanding the policies of Sections 9.5 and 9.6 of this Official Plan to the contrary, because of the small lots involved, the water supply and sewage disposal systems must be approved (for both the proposed

severed and retained land) by the appropriate regulatory bodies and an amendment to the Town of North Perth's Zoning By-law is required to permit the proposed residential use.

*ADDED BY OPA No. 69*

- (3) Part of Lot 18, Concession 7, Mornington Ward, Township of Perth East (Schedule "A-70"):

Notwithstanding the policies of Section 9.4 of this Official Plan to the contrary, a use described as a small engine sales and repair business shall be permitted as an additional use on the subject property. An amendment to the implementing Zoning By-law shall be required in order to zone the subject property so as to permit this additional use and a Site Plan Agreement pursuant to Section 41 of the Planning Act shall also be required.

*ADDED BY OPA No. 123*

- (4) Part of Lot 24, Concession 2, Wallace Ward, Municipality of North Perth (Schedule "A-121"):

Notwithstanding the policies of Section 9.5 and 9.6 of this Official Plan to the contrary, the water supply and sewage disposal systems for the two proposed severed lots and the retained lot must be approved by the appropriate regulatory bodies.

*ADDED BY OPA No. 132*

- (4A) Part of Lot 7, Concession 5, Wallace Ward, Municipality of North Perth (Schedule "A-130"):

Notwithstanding the policies of Sections 9.5 and 9.6 of this Official Plan to the contrary, the water supply and sewage disposal system for the proposed severed lot and the retained lot must be approved by the appropriate regulatory bodies.

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