

SECTION 18 - IMPLEMENTATION

18.1 **GENERAL POLICIES**

- (a) The policies of this Plan shall be implemented by the County, the County Land Division Committee, local municipalities, and local Committees of Adjustment through the powers conferred upon them by the Planning Act, R.S.O. 1990, the Municipal Act, R.S.O. 1990, the Ontario Building Code Act, R.S.O. 1990, and any other applicable statutes of the Province of Ontario;

ADDED BY (b) Upon approval of this Official Plan pursuant to the provisions of the
OPA No. 47 Planning Act, R.S.O. 1990, the policies and provisions of this Official Plan are deemed to be in compliance with the policies of the Provincial Policy Statement (2005);

- (c) The decisions of County Council, the County Land Division Committee, local municipal Councils, and local Committees of Adjustment in respect to planning matters must be consistent with and in conformity to the relevant policies of this Official Plan;

- (d) Pursuant to Section 24(1) of the Planning Act, R.S.O. 1990, no public work shall be undertaken by the County or a local municipality that does not conform to the intent and policies of this Official Plan;

- (e) County Council and local municipal Councils may acquire, hold, or dispose of land for the purposes of implementing any policies of this Official Plan subject to the provisions of the Planning Act, R.S.O. 1990, the Municipal Act, R.S.O. 1990, and any other applicable statutes of the Province of Ontario; and

- (f) All forms of development agreements regarding subdivisions, consents, condominiums, variances and site plans are required to conform to the policies of this Official Plan.

18.2 **DIVISION OF LAND BY PLAN OF SUBDIVISION**

The policies of Section 16.2 shall apply in respect to the division of land through the plan of subdivision process.

Upon Provincial approval of this Official Plan, the County of Perth shall be the approval authority for all plans of subdivisions within local municipalities in Perth County.

18.3 **DIVISION OF LAND BY CONSENT**

The general consent policies of Section 16.3 of this Official Plan and the applicable consent policies of the specific land use designations as contained in this Official Plan shall apply in respect to the division of land through the consent process.

The County of Perth shall be the approval authority for all consent applications within local municipalities in Perth County. Pursuant to the Planning Act, the consent approval authority may be delegated to a Committee of County Council or a County Land Division Committee.

18.4 **SITE PLAN CONTROL**

18.4.1 **Objective and Purpose**

The objectives and/or purposes of using site plan control are to ensure a high standard of development and to ensure a high standard of compatibility between adjacent land uses within the County of Perth and local municipalities. The provision, maintenance, and regulation of various on-site features as identified in the provisions of Section 41 of the Planning Act are seen as one means of achieving these objectives and/or purposes.

18.4.2 **Application**

It is the intent of this Official Plan that site plan control apply to all development within the County of Perth, excepting the specific types of development as exempted by this section. Pursuant to the provisions of Section 41(2) of the Planning Act, all of the lands within the corporate limits of the local municipalities in Perth County, as shown on Schedule "A" to this Official Plan, are hereby identified as a proposed site plan control area. Local municipalities are encouraged to pass by-laws designating the lands within their jurisdiction as a site plan control area.

Notwithstanding the foregoing, a local municipal Council may exempt the following types of development from the site plan control requirement:

- (a) Single-detached dwellings;
- (b) Agricultural buildings and structures; and
- (c) Use of land for the purpose of extracting aggregate resources.

For the purposes of these site plan control policies, development shall be defined as the construction, erection or placement of one or more buildings or structures on land where the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishing of a commercial parking lot or of sites for the location of three or more trailers as defined in Section (a) of paragraph

101 of Section 210 of the Municipal Act or of sites for the location of three or more mobile homes as defined in Subsection 46(1) of the Planning Act or of sites for the construction, erection or location of three or more land lease community homes as defined in Subsection 46(1) of the Planning Act.

18.4.3 **Approval of Site Plans**

Where the Council of a local municipality has passed a site plan control by-law, plans showing all buildings and structures to be erected and all facilities and works to be provided in conjunction with the development will be required consistent with the provisions of the Planning Act. Drawings showing plan, elevation and cross-section views may be required for all buildings to be erected including all buildings to be used for residential purposes regardless of the number of units contained therein within a designated site plan control area.

18.4.4 **Site Plan Detail**

In accordance with the provisions of Section 41(7) of the Planning Act, a local municipality may require the owner of land to provide to the satisfaction of and at no expense to the municipality any or all of the following:

- (a) Widenings of highway that abut the land;
- (b) Access to and from the land;
- (c) Off-street vehicular loading and parking facilities;
- (d) Pedestrian access;
- (e) Lighting facilities;
- (f) Landscaping and other facilities for the protection of adjoining lands;
- (g) Facilities and enclosures for the storage of garbage and other waste material;
- (h) Required municipal easements; and
- (i) Grading of lands and disposal of storm water.

18.4.5 **Site Plan Control Agreements**

Where required by a local municipal Council, the owner shall enter into a Site Plan Control Agreement(s) with the municipality dealing with and ensuring the provision of any or all of the facilities referred to in Section 18.4.4 above. Where such agreements are required, it is a policy of this Plan that such agreements be registered against the title of the subject land and further that the local municipalities are entitled to enforce the provisions thereof against the owner and all subsequent owners of the subject land.

18.4.6 **Highway Widening**

Concerning the provisions of Section 18.4.4(a) above pertaining to the widening of highways, the following policy shall apply:

- (a) County Council shall have the authority to require road widening along any County road that does not have a standard right-of-way width of 30 metres;
- (b) Local municipal Councils shall have the authority to require road widening along any local municipal road that does not have a standard right-of-way width of 20 metres;
- (c) Where road widening is required, it is a policy of this Plan that the amount of land to be obtained for widening shall be taken in equal amounts from both sides of the roadway, measured from the existing roadway centre lines, except where geological, topographical, utility lines or other conditions or obstructions dictate otherwise. However, in such cases, no more than half of the required widening will be taken by dedication from any one side through site plan control.

18.5 **HOLDING PROVISIONS**

This section of the Official Plan contains policy for the use of holding provisions in the Zoning By-law. It has been included in order to provide local municipal Councils with the authority to use the holding provisions of Section 36 of the Planning Act, R.S.O. 1990 when preparing a Zoning By-law to implement this Official Plan.

18.5.1 **Objectives**

The following have been established as the objectives for using holding provisions in a Zoning By-law:

- (a) To assist in the phasing of development and/or redevelopment;
- (b) To co-ordinate development and/or redevelopment with the provision of water, sanitary sewage, storm sewer, and other services;
- (c) To control development and/or redevelopment which may necessitate special design requirements; and
- (d) To forestall development and/or redevelopment until such time that stated planning related criteria can be satisfied.

18.5.2 **Policy for the Use and Removal of Holding Provisions**

To achieve the foregoing objectives, the following policies shall be applied:

18.5.2.1 **Locational Criteria**

To aid in the selection of sites or areas that may be subject to holding provisions, the following locational criteria are identified:

- (a) Those lands in a built-up area which are undeveloped;
- (b) Those lands which are unserviced;
- (c) Those lands which do not have adequate access or frontage onto a public roadway;
- (d) Those lands which are adjacent to a hazardous, noxious, temporary, or otherwise undesirable use or activity; and
- (e) Those lands which are near or fronting onto public roads which are subject to hazardous conditions or inadequate to handle current traffic volumes.

18.5.2.2 **Removal of Holding Provisions**

Removal of the holding provisions shall be accommodated by an amending By-law and shall be in accordance with the provisions of Section 36 of the Planning Act, R.S.O. 1990 and related regulations made under the Act.

Removal of the holding provisions shall occur only after Council has been satisfied that all prescribed conditions or criteria have been satisfied.

18.5.3 **Implementation**

It is intended that holding provisions shall be implemented by means of a local municipality's implementing Zoning By-law. Land or lands shall be zoned for its/their intended use and the holding symbol (H) shall be added as a suffix, separated from the principal zone by a hyphen.

The Zoning By-law shall specify the uses of land permitted and any regulations applying to the land during the time in which the holding provisions are in place. Conditions or criteria that are to be satisfied before the holding provisions can be removed shall be clearly stated in the Zoning By-law.

In all cases, the provisions of Section 36 of the Planning Act and related regulations made under the Act shall be followed when imposing and/or removing holding provisions in a Zoning By-law.

AMENDED BY OPA No. 147

18.6 **TEMPORARY USE BY-LAWS**

This section of the Plan contains policy to guide local Councils in their use of Temporary Use By-laws pursuant to the authority of Section 39 of the Planning Act, R.S.O. 1990.

The Temporary Use By-law is a By-law passed by a local municipal Council for the purpose of allowing a use that is otherwise prohibited by that municipality's Zoning By-law. A Temporary Use By-law must define the land or lands to which it applies and it shall prescribe the period of time during which it is in effect, which period of time shall not exceed three years from the day of passing of the By-law except in the case of a "Garden Suite" where a Temporary Use By-law cannot exceed a period of twenty years. A local municipal Council may extend the period of time during which a temporary use is permitted by passing further By-laws, each of which shall not be in effect for more than three years.

In enacting a Temporary Use By-law, local municipal Councils shall have regard to the following:

- (a) Conformity to this Official Plan. Temporary Use By-laws shall not be passed for the purpose of permitting uses that are not in conformity with this Plan;
- (b) Compatibility of the proposed use with the surrounding land uses;
- (c) Adequacy of any services that may be required for the proposed use;
- (d) Access of parking requirements; and
- (e) Traffic impacts.

18.7 **INTERIM CONTROL BY-LAWS**

Interim Control By-laws may be passed by local municipal Councils in accordance with the provisions of Section 38 of the Planning Act for the purpose of controlling the use of land, buildings and structures within specifically identified areas for a specific period of time (i.e. not exceeding one year in length with provision for extending the time period for a total time period of not more than two years).

Prior to passing an Interim Control By-law, it is first necessary for a local municipal Council to pass a resolution directing that a review or study be undertaken in respect to land use planning policies in the municipality or in any area or areas thereof. It is intended that any Interim Control By-law be passed in order to adequately control development in a designated area or areas while the review or study is being completed. Where an Interim Control By-law ceases to be in effect, a local municipal Council may not for a period of three years pass a further Interim Control By-law that applies to any lands to which the original Interim Control By-law applied.

18.8 **BY-LAWS FOR INCREASED HEIGHT AND DENSITY**

Pursuant to the provisions of Section 37 of the Planning Act, a local municipal Council may include in its Zoning By-law regulations to permit increases in the height and density of a permitted development in return for the provision of such facilities, services or matters as are set out in the By-law. This practice is commonly referred to as bonus zoning and it is considered as an appropriate means of assisting in implementing Official Plan policy.

18.8.1 **Objective and Purpose**

The objective or purpose of bonus zoning is to encourage social amenities and design features resulting in a public benefit which cannot be obtained through the normal development process. The facilities, services or matters that would be provided in consideration of height or density bonus should be reasonable, in terms of the cost/benefit implications for both the local municipality and the developer and must result in a benefit to the general public and/or an enhancement of the design or amenities of a development to the extent that a greater density or height is warranted. In all cases, the height and density bonuses received should not result in a scale of development that is incompatible with adjacent uses or exceeds the capacity of available municipal services.

18.8.2 **Application of Bonus Zoning**

Local municipal Councils may pass By-laws providing for bonusing to achieve the following objectives:

- (a) To support the provision of the development of affordable housing as provided for in this Plan;
- (b) To encourage aesthetically attractive development through the provision of enhanced landscaped open space and architectural review relating to building design materials and colours;
- (c) To support the provision of and improve access to, public open space which is supplementary to any parkland dedication requirements;
- (d) To support the provision of daycare facilities;
- (e) To support the preservation of structures and/or districts identified as architecturally and/or historically significant by the municipality;
- (f) To support innovative and environmentally sensitive development which incorporates and protects environmental features, promotes energy conservation, encourages construction techniques to reduce waste and promote water conservation; and
- (g) To support the provision of amenities accessible and beneficial to the public.

18.8.3 **Implementation**

The local municipality's implementing Zoning By-law may contain bonus zoning provisions for all forms of development. Where bonus zoning provisions are provided, the provisions will describe the facilities, services, or matters that qualify for the density bonus provisions and the extent of the height and density increases that may be available.

Where an owner decides to provide facilities, services or matters in return for an increase in the height or density of development, the local municipality may require that the owner enter into one or more agreements with the municipality concerning the provision of facilities, services or matters. Pursuant to the provisions of Section 37(4) of the Planning Act, such agreement(s) may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and all subsequent owners of the land.

18.9 **MAINTENANCE AND OCCUPANCY STANDARDS**

ADDED BY OPA No. 47 Since the improvement and maintenance of all properties is essential for a healthy community environment, programs that will aid in the prevention of property neglect and aid in property maintenance will be encouraged throughout the County.

Under the provisions of Section 15.1 of the Building Code Act, the Council of a municipality may pass a By-law:

- (a) for prescribing standards for the maintenance and occupancy of property within the municipality or within any defined area or areas and for prohibiting the occupancy or use of property that does not conform with these standards;
- (b) for requiring property that does not conform with the standards to be repaired and maintained to conform with the standards or for the site to be cleared of all buildings, structures, debris or refuse left in graded or levelled conditions; and
- (c) for prohibiting the removal from any premises of any sign, notice or placard placed thereon pursuant to a By-law passed under Section 15.1 of the Building Code Act.

This Plan encourages the local municipalities to establish appropriate property maintenance and occupancy standards program through the adoption and Property Maintenance and Standards By-laws under the Building Code Act and the implementation of these By-laws through the provisions of the Building Code Act.

18.10 **COMMUNITY IMPROVEMENT**

18.10.1 **Introduction**

Community improvement may generally be described as including all those activities, both private and public, which work towards maintaining, rehabilitating, and redeveloping the existing physical environment to accommodate the economic and social priorities of the community. Having recognized the need to maintain quality services, facilities, and an attractive physical environment in order to induce private investment, it is the intent of this Plan to establish certain policies to guide and direct community improvement.

In developing and establishing community improvement policies for the County of Perth, it is important to consider both the rural and urban components of the County. The vitality and well being of the County is dependent upon both of these components. The interaction and inter-relationships between the two components is extremely important in establishing a viability of both public servicing projects and private development schemes. It is important to recognize that many of the services provided in an urban area, be they public or private, serve a broader area encompassing the surrounding rural areas and are, to varying extents, dependent upon the residents of the rural areas for their continued existence.

The community improvement policies established by this Official Plan are based on policies contained in previously approved local Official Plan documents. They have been modified as necessary in order to address the broader scale or context within which they apply.

18.10.2 **Principal Goal**

The principal goal for community improvement in the County of Perth shall be to foster a continuing process of comprehensive renewal in the form of redevelopment, rehabilitation, and maintenance as a means of ensuring the economic and social vitality of the various communities throughout Perth County.

18.10.3 **Objectives**

By establishing the above goal, the County of Perth wishes to reconfirm a sense of pride among the citizens of the County and of the respective local municipalities and as a direct or indirect benefit of that pride, encourage private sector investment throughout the County and local municipalities. The following objectives are intended to assist in achieving the principal goal:

- (a) To promote a program of continued community improvement on a comprehensive scale, where economically feasible;
- (b) To assist in establishing a framework for guiding the expenditure of funds on future community improvement endeavours without unduly burdening financial capabilities of the County and of the local municipalities;
- (c) To encourage County and local municipal participation in cost sharing programs for community improvement which are sponsored by the Provincial and/or Federal Governments;
- (d) To strive towards an adequate distribution of both hard and soft services throughout the County and the local municipalities, where economically feasible;
- (e) To encourage the improvement of municipal services and facilities, where necessary, to a suitable standard to serve present and future needs of the communities throughout the County;
- (f) To assist in creating a climate which is favourable for private investment in community improvement;
- (g) To encourage the maintenance, rehabilitation, and/or renovation of existing residential, commercial, industrial, and institutional buildings in both the urban and rural parts of the County; and
- (h) To support industrial development by encouraging the provision of adequate services and facilities in the urban areas throughout the County.

18.10.4 **Community Improvement Criteria**

To facilitate the selection of community improvement areas, the following general criteria are established:

- (a) An inventory and analysis of deficiencies in the availability and/or condition of:
 - (i) roads in terms of their designated function;
 - (ii) sidewalks, curbs, gutters, and catch basins;
 - (iii) streetlighting (age, effectiveness and energy efficiency);
 - (iv) storm sewer systems and their ability to comply with present standards and future requirements;
 - (v) buildings and structures associated with the provision of municipal services.
- (b) An evaluation of the provision and/or quality of recreational services, including community parks and playgrounds, community centres, and other community recreational facilities;

- (c) An appraisal of the availability, accessibility, and aesthetic appearance of parking facilities;
- (d) An evaluation of the provision and quality of soft and/or community services (e.g. community centres, libraries);
- (e) An assessment of areas containing older building stock where poor maintenance or decay is evident and rehabilitation is needed; and
- (f) A review of existing land uses in regard to the compatibility of neighbouring properties (e.g. residential/commercial, residential/industrial, commercial/ industrial land use conflicts).

It is intended that the above criteria be implemented at the local municipal level with assistance, where appropriate, from the County. The inventories, evaluations, and appraisals should be maintained/carried out on an ongoing basis in order that they are up-to-date and to permit both the local municipalities and the County with the necessary information to address changing conditions/needs in the various communities throughout the County.

18.10.5 **Delineation of Community Improvement Areas**

ADDED BY In considering the above criteria, all of the Wards in each of the local
OPA No. 47 municipalities are designated as Community Improvement Areas.

18.10.6 **Implementation**

In order to achieve the principal goal and the objectives set forth in the preceding sections, the Council of the County of Perth and the Councils of the local municipalities shall employ a number of implementation methods and procedures. These may include, but are not necessarily limited to, the following:

- (a) Exercise the appropriate provisions of the Planning Act, R.S.O. 1990, pertaining to community improvement;
- (b) Designate community improvement project areas by By-law, as appropriate;
- (c) Prepare and adopt community improvement plans for the designated community improvement project areas, as necessary;
- (d) Acquire and hold lands in community improvement areas, where appropriate;
- (e) Clear, grade, or otherwise prepare land for community improvement;
- (f) Apply to the appropriate Provincial and/or Federal Agencies for funding assistance to assist in the improvement and rehabilitation efforts of the communities throughout the County;

- (g) Encourage the review and enforcement of Property Maintenance and Occupancy Standards By-laws in those local municipalities where they presently exist and the preparation of Property Maintenance and Occupancy Standards By-laws in those local municipalities where they do not presently exist;
- (h) Co-operation between the County, local municipalities, community improvement groups, and community services clubs in dealing with the establishment, operation, maintenance of community facilities;
- (i) Encourage the integration of community improvement objectives into municipal programs, where appropriate;
- (j) Encourage rehabilitation of private properties and buildings by providing owners with information on Government sponsored programs and associated funding mechanisms; and
- (k) Encourage the restoration and rehabilitation of historical structures through establishment of heritage preservation policies, where appropriate. Local municipal Councils may establish local architectural conservation advisory committees (L.A.C.A.C.) pursuant to Section 28 of the Ontario Heritage Act to assist and advise Councils on all matters related to cultural heritage resource conservation in the municipality.

18.11 **OTHER MUNICIPAL BY-LAWS**

It is a policy of this Plan to encourage County Council and local municipal Councils to review existing By-laws and/or prepare new By-laws that are consistent with the policies of this Plan. Such By-laws may regulate matters such as automobile wrecking yards, building administration, fill placement or alteration of grade, gravel pits, manure pits, signs, solid waste disposal areas, trailers, and tree maintenance and preservation.

18.12 **ZONING BY-LAW**

The Zoning By-law is the primary means of implementing the policies of this Official Plan. Existing Zoning By-laws throughout the County have been adopted at the local municipal Council level and each of the local municipalities has its own respective Zoning By-law. Generally, the Zoning By-law defines the uses permitted in specific locations within a municipality and sets forth specific zoning standards or regulations related to the permitted uses.

18.12.1 **Official Plan Conformity**

It is a policy of this Plan that all municipal Zoning By-laws conform to the policies of this Official Plan. Following adoption of this Plan and its subsequent approval by the Ministry of Municipal Affairs and Housing, local municipal Zoning By-laws shall be brought into conformity with the policies of this Plan. This will be done through either the Zoning By-law Amendment process or through a comprehensive update of a municipality's existing Zoning By-law.

18.12.2 **Conforming Uses**

Uses of land which legally existed at the date of adoption of this Plan and which are in conformity with the policies for the applicable land use designation as established by this Plan shall be considered to be conforming uses under this Official Plan. Such existing uses shall be placed in an appropriate zone in the local municipality's implementing Zoning By-law, which zone shall make provision for such uses and establish suitable zone regulations and provisions for such uses.

18.12.3 **Non-Conforming Uses**

Uses of land which legally existed at the date of adoption of this Plan and which are not in conformity with the policies for the applicable land use designation as established by this Plan shall be considered to be existing non-conforming uses under this Official Plan. The following policies shall apply to existing non-conforming uses:

- (a) As a general rule, existing non-conforming land uses should, in the long term, cease or relocate in order that the subject land can be converted or redeveloped to a use that is in conformity with this Official Plan;
- (b) As a general rule, existing non-conforming uses should be zoned as non-conforming uses in the local municipality's Zoning By-law. Notwithstanding this, a local municipal Council may recognize a use permitted by zoning existing prior to the adoption of this Plan or a long-standing non-conforming use as a permitted use in its updated Zoning By-law provided that the local municipal Council is satisfied with respect to the following:
 - (i) The use, or existing zoning, does not involve hazardous activities or substances or generate traffic that threatens the safety of the surrounding area;
 - (ii) The use, or existing zoning, does not contribute to air, water or land pollution problems; or
 - (iii) The use, or existing zoning, can or has achieved an acceptable measure of compatibility with adjacent uses, is not associated with any building deterioration or lack of property maintenance, and does not interfere with the development of conforming uses in the surrounding area.

18.12.4 **Extension, Enlargement or Change in Use of Existing Non-Conforming Uses**

The extension, enlargement, or change in use of non-conforming uses, buildings, and/or structures that do not conform to this Official Plan and the local municipality's Zoning By-law may be considered pursuant to the provisions of Section 34(10) or Section 45(2) of the Planning Act without the need for an amendment to this Official Plan. The former section involves a By-law passed by a local municipal Council while the latter section involves permission from the local municipality's Committee of Adjustment. Prior to making a decision in respect to an application for the extension, enlargement, or change in use of a non-conforming use, the local municipal Council or its Committee of Adjustment, as the case may be, shall be satisfied that the following criteria, in addition to those set out in the applicable sections of the Planning Act, are met:

- (a) The use is a legal non-conforming use and has been continuous from the day the local municipality's Zoning By-law was passed;
- (b) The extension, enlargement or change in the non-conforming use should be in keeping with the general intent of the Official Plan and should not aggravate those aspects of the use that do not conform to the Official Plan and local municipal Zoning By-law;
- (c) That the extension, enlargement or change in use is necessary to avoid undue hardship to the applicant;
- (d) That the extension, enlargement or change in use will be in appropriate proportion to the size of the existing non-conforming use;
- (e) The characteristics of the existing non-conforming use and the extension, enlargement, or change in use shall be examined with respect to noise, vibration, fumes, dust, odours, lighting, and traffic. No extension, enlargement, or change in non-conforming use shall be permitted if the above nuisance factors are created or increased so as to add to the extent of incompatibility of the non-conforming use with uses in the surrounding area;
- (f) That the extension, enlargement, or change in non-conforming use will not interfere with desirable development in adjacent areas which is in conformity with the Official Plan and local municipal Zoning By-law;
- (g) Services such as water, sewage disposal, and storm water drainage that may be necessary to serve the use in its expanded, enlarged, or changed form must be adequate; and
- (h) That provisions for off-street parking and loading facilities are adequate.

Pursuant to Section 45 of the Planning Act, the Committee of Adjustment may impose conditions as it deems appropriate to the approval of an application for the extension, enlargement, or change in a legal non-conforming use.

Notwithstanding that the opportunity does exist to make application for the extension, enlargement, or change in a legal non-conforming use, neither a local municipal Council or its Committee of Adjustment shall, under any circumstances, be obligated to approve such applications.

18.13 **COMMITTEES OF ADJUSTMENT**

Pursuant to the provisions of Section 44 of the Planning Act, each of the local municipal Councils in the County has established a Committee of Adjustment to deal with the specific application types addressed in Section 45 of the Planning Act. These include:

- (a) applications for minor variance from the provisions of the Zoning By-law or any other By-law that implements the Official Plan;
- (b) applications to allow the extension or enlargement of a legal non-conforming use;
- (c) applications to allow a change in the use of buildings or land from a legal non-conforming use to a similar or more compatible non-conforming use; and
- (d) applications to allow uses that conform with the uses permitted in a By-law, where the uses permitted in the By-law are defined in general terms.

18.13.1 **Review Criteria**

A Committee of Adjustment, when considering an application for minor variance to a local municipal Zoning By-law, or any other By-law implementing the Official Plan, shall take into account the provisions of the Planning Act and the following criteria:

- (a) That the general intent and purpose of the Official Plan are maintained;
- (b) That the general intent and purpose of the local municipality's Zoning By-law are maintained;
- (c) That the extent of the variance requested is "minor" in nature; and
- (d) That the variance requested is desirable for the appropriate development or use of the subject land, building, or structure.

In addition to the above, the Committee may give consideration to the following:

- (e) Whether constraints and/or restrictions to meeting the requirements of the Zoning By-law due to physical or inherent conditions of the site are involved;
- (f) Whether alternative designs of the proposal which would be in conformity with the relevant By-law are clearly not feasible or appropriate for the site;
- (g) Whether the concerns of the effect on adjacent owners, residents, and community in general have been considered;
- (h) Whether the approval of the minor variance would create an undesirable precedent;
- (i) That compliance with the standards of the relevant By-law would be unreasonable or impossible and would propose an undue hardship on the applicant; and
- (j) Whether the proposal will have an impact on existing water supply and/or sewage disposal services.

18.13.2 **Conditions**

In accordance with the provisions of Section 45 of the Planning Act, a Committee of Adjustment may attach such conditions as it deems appropriate to the approval of an application for minor variance.

18.14 **BUILDING INSPECTION AND ADMINISTRATION**

At present, building administration and inspection is carried out at the local municipal level. Each local municipality has a Chief Building Official who is responsible for building inspection and administration/enforcement of the municipality's building permit system.

Each of the local municipal Councils has passed a Building By-law pursuant to the Ontario Building Code. This By-law sets forth criteria and regulations concerning the municipality's building permit system. Such By-laws are intended to assist the local municipal Council in ensuring the health and safety of the municipal residents and the general public.

In accordance with the provisions of Section 6 of the Ontario Building Code Act, it is a policy of this Plan that building permits will not be issued where the proposed construction does not conform to the policies of this Plan and the provisions of the local municipality's implementing Zoning By-law.

18.15 **OFFICIAL PLANS**

18.15.1 **County Official Plan**

ADDED BY This County Official Plan as adopted by County Council and approved by the Ministry of Municipal Affairs and Housing shall serve as a County Official Plan *OPA No. 47* and shall serve as the Official Plan document for the rural Ward areas (former Townships) in the County (i.e. Blanshard, Downie, North Easthope, South Easthope, Ellice, Elma, Fullarton, Hibbert, Logan, Mornington, and Wallace). The previously existing Official Plan for these former Township municipalities were repealed and no longer in force upon the adoption and Provincial approval of this County Official Plan.

18.15.2 **Local Municipal Official Plans**

ADDED BY The local Official Plans for the three urban Wards in the County (i.e. Listowel, Milverton, and Mitchell Wards) shall remain in force and shall function as the Official Plan document for these respective Ward areas. Upon adoption and Provincial approval of the County Official Plan, it is a policy of this Plan that the local Official Plans for the Listowel, Milverton, and Mitchell Wards be amended, as necessary, to conform to the County Official Plan. Subsequent amendments to these local Official Plan documents must conform to the County Official Plan.

The above-noted local municipal Official Plan documents shall remain in force until replaced with new documents or until such time that they are incorporated into the County Official Plan.

18.15.3 **Secondary Plans**

In order to provide more detailed planning policies for specific areas covered by the County Official Plan, it may be necessary to prepare what are commonly referred to as Secondary Official Plans. Secondary Official Plans will apply to specifically identified areas and provide detailed land use policy for these specific areas. Larger villages and special policy areas are likely candidates for the preparation of secondary plans. As an example, it may be necessary to prepare a Secondary Plan to provide detailed policy for a village area where municipal water and municipal sewage services are being established.

Secondary plans for areas covered by the County Plan shall be in the form of an amendment to the County Plan. The policies of such secondary plans are intended to be complementary and supportive of the County Official Plan policies.

18.16 **REVIEW OF OFFICIAL PLAN**

County Council, following the adoption of this Official Plan, shall from time to time, and not less frequently than every five years, hold a special meeting for the purpose of determining the need for revisions to the Plan. Such special meetings shall be open to the public and suitable advertisement of the meetings shall be given in advance of the meetings.

In addition, this Plan shall be subject to continued review by the County and whenever it is found necessary, due to economic, social, or environmental developments or considerations, may be amended in order to make necessary changes. The provisions of the Planning Act shall apply in respect to the consideration of such amendments.

ADDED BY OPA No. 47

18.17 **CONTAMINATED SITES**

This Plan encourages the redevelopment and reuse of lands that, because of past activities or usage, may be contaminated. Where development is proposed on lands that are contaminated or on lands that are suspected of being contaminated, the development proposal shall be accompanied by a preliminary analysis of the present and past uses of the lands and surrounding lands sufficient to determine the likelihood of site contamination. Where the preliminary analysis indicates the likelihood of contamination, further detailed analysis will be required to determine the nature, extent and levels of contamination and appropriate clean-up measures consistent with the requirements of the Ministry of the Environment.

ADDED BY OPA No. 47

18.18 **ACCESSIBILITY ISSUES**

In accordance with the Accessibility for Ontarians with Disabilities Act (AODA), this Official Plan supports initiatives aimed at providing accessibility to persons with disabilities. The County and the local municipalities in the County are encouraged to take into consideration accessibility issues when dealing with new development, including both private sector and public sector development. Development applications such as plans of subdivisions/condominiums and site plan agreements should be carefully reviewed during the review/approval processes for same to ensure that appropriate provisions are made for accessibility by persons with disabilities.

ADDED BY OPA No. 142

18.19 **COMPLETE APPLICATIONS**

Ensuring that applications made under the Planning Act contain all materials required to thoroughly review the proposal promotes engagement and empowers councils to make better informed decisions in a timely manner. The review of complete applications supports a consistent approach to development within the County of Perth while also providing a streamlined approval process, assisting

with the appropriate allocation of municipal resources, and delivering greater transparency between public and private interests.

Applications for amendments to the County Official Plan, Plans of Subdivision, Plans of Condominium and applications for consent to the County's Land Division Committee will not be accepted by the County for processing if they are deemed to be incomplete.

Applications for Zoning By-law Amendment or Minor Variance will not be accepted for processing by the Township of Perth South, the Township of Perth East, the Municipality of West Perth and the Municipality of North Perth if they are deemed to be incomplete by the local municipality.

To be deemed complete, an application must satisfy all applicable statutory requirements and be accompanied by the studies, information or other material listed below. The specific studies, information and material required may be scoped as set out through pre-submission consultation with representatives of municipalities and external agencies.

18.19.1 **Pre-Submission Consultation**

Any applicant requesting amendment to the County Official Plan or for approval of a Plan of Subdivision or Plan of Condominium or application to County's Land Division Committee shall be required to hold a pre-consultation meeting pursuant to the County of Perth Pre-Submission Consultation By-law.

18.19.2 **Required Information**

- (a) The content scope and necessity of the studies, information or other material will be determined through a Pre-Submission Consultation meeting with the County, the applicable area Municipality and other agencies as required and shall be in keeping with the scope and complexity of the applications.
- (b) The studies, information or other material submitted must be conducted by a qualified professional retained by the County or local municipality at the expense of the applicant.
- (c) The County and local municipalities may refuse studies, information or other material submitted if it considers the quality of the submission unsatisfactory.
- (d) The County and local municipalities may require a peer review of any studies, information or other material submitted by an appropriate agency or professional consultant retained by the County at the applicant's expense.
- (e) Through the course of review process, an application which has otherwise been deemed to be complete, additional studies, information or other material may be required to address specific issues to enable County Council and local municipal councils to make informed decisions.

18.19.3 **Studies, Information and other Material**

Studies, information and other material that may be required to process an application are listed below:

- (a) Affordable Housing Report/ Rental Conversion Assessment;
- (b) Aggregate/Mineral Resource Analysis;
- (c) Agricultural Impact Assessment;
- (d) Air Quality Study;
- (e) Archaeological Assessment;
- (f) Construction Management Plan;
- (g) Cut and Fill Analysis;
- (h) Dust Impact Analysis;
- (i) Environmental Impact Study;
- (j) Environmental Site Assessment and/or Record of Site Condition;
- (k) Floodline Delineation Study/ Hydraulics Study;
- (l) Heritage Impact Assessment (For Heritage Resources and/or Cultural Heritage Landscapes)
- (m) Hydrogeological Assessment;
- (n) Landfill Impact Study;
- (o) Land Use Compatibility Study;
- (p) Lighting Plan;
- (q) Minimum Distance Separation Analysis;
- (r) Natural Heritage Study;
- (s) Noise Impact Study;
- (t) Odour Impact Assessment;
- (u) Parking Analysis;
- (v) Pedestrian Route and Sidewalk Analysis;
- (w) Planning Justification Report;
- (x) Preliminary Grading Plan;
- (y) Preliminary Stormwater Management Report/Plan and/or update to an existing Stormwater Management Report/Plan;
- (z) Retail/ Commercial Impact Analysis Study;
- (aa) School Accommodation Issues Assessment;
- (bb) Servicing Options Report;
- (cc) Slope Stability Study and Report;
- (dd) Soils/Geotechnical Study;
- (ee) Staging of Development Plan;
- (ff) Traffic Calming Options Report;
- (gg) Transportation Impact Study;
- (hh) Tree Retention Plan;
- (ii) Urban Design Report/Brief;
- (jj) Vibration Study;

Or any other study deemed to be appropriate to the application by the County or local municipality.