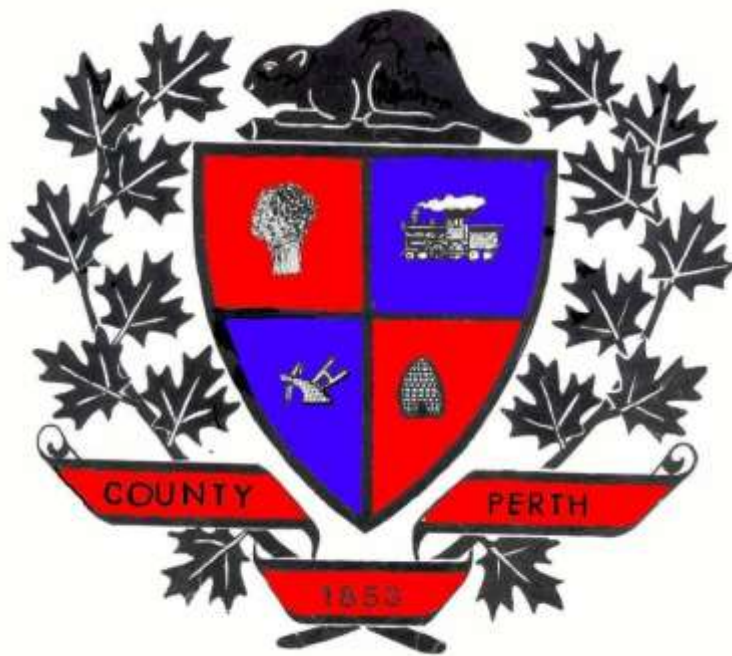


# County of Perth

## Official Plan



**Consolidated October, 2024**



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## **SECTION 1 -INTRODUCTION**

This Official Plan constitutes the Official Plan for the County of Perth. It has been adopted by Perth County Council pursuant to the provisions of Section 17 of the Planning Act, R.S.O. 1990, and as a specific response to the County of Perth being designated as a prescribed County by the Ministry of Municipal Affairs and Housing pursuant to the provisions of Section 17(13) of the Planning Act, R.S.O. 1990.

This Official Plan represents the first County Official Plan document in Perth County. While Perth County has not had an upper tier Official Plan in the past, it has been very active in the planning area through its Planning and Development Office and the strong interaction between that Office and the local municipalities. Prior to the adoption of the County Plan, each of the fourteen local municipalities in the County had a local Official Plan document which was prepared by the local municipality with the assistance of the Planning Office. Throughout the rural parts of the County, the basic planning principles and land use policies remain consistent from one Township to the next. Within the urban areas, there is also a high degree of consistency in terms of basic principles and planning policies.

*ADDED BY* This Official Plan document as adopted by Perth County Council replaces *OPA NO. 47* the previous local Official Plan documents for the former eleven townships in the County. The County Official Plan will serve as both the upper tier and lower tier Plan for these areas. This Plan will not replace the local Official Plans for the serviced urban areas in the County (i.e. Listowel Ward in the Town of North Perth, Milverton Ward in the Township of Perth East, Mitchell Ward in the Municipality of West Perth) at the present time. The local Official Plans for the Listowel, Milverton, and Mitchell Wards will continue in effect and will be updated as necessary to conform to this County Plan. All amendments to a local Official Plan must conform to the County Official Plan. At a subsequent time, these local Plans may be incorporated into the County Plan such that the County Plan will serve as both the upper and lower tier Plan throughout the County.

This Official Plan does not apply to the City of Stratford or the separated Town of St. Marys. Policies for the City of Stratford and the Town of St. Marys are contained in their respective Official Plan documents.

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## **SECTION 2 - CHARACTERISTICS OF THE COUNTY**

This section is intended to provide a brief overview of some of the characteristics of the County of Perth. It does not constitute Official Plan policy, but rather is general background information which provides some of the rationale or support for policy content of this Plan.

### 2.1 **POPULATION**

*ADDED BY OPA #47* The 2001 population for the geographic area of Perth County (statistics Canada) was 73,675. County municipalities (4 local municipalities) had a population of 37,706, or 51.2 per cent of the above total. The City of Stratford and the separated Town of St. Marys had a combined population of 35,969 or 48.8 per cent of the above total.

Comparable figures for the geographic County in 1971, 1981, and 1991 were 62,973, 66,096, and 69,976, respectively. The average annual rate of growth throughout the County from 1971 to 2001 has been approximately 0.55 per cent.

Comparable figures for the County municipalities in 1971, 1981, and 1991 were 33,816, 34,952, and 36,814, respectively. The average annual rate of growth in the County municipalities from 1971 to 2001 has been approximately 0.38 percent.

As a general rule, population growth within the urban wards in the County has been higher than in the rural wards (i.e. former Townships). For example, the populations of Listowel, Mitchell, and Milverton have increased by 26 percent, 58 per cent, and 43 per cent, respectively, between 1971 and 2001. Over the same time period, the population in most of the rural wards remained relatively constant with the Blanshard, Hibbert, and Downie Wards experiencing small decreases in population.

Population projections were carried out as a part of the research for the County Official Plan when it was prepared in 1997 and were updated in 2004. Using the cohort survival projection method for the rural wards (i.e. former Townships) and a fixed rate of increase for the urban wards (Listowel, Milverton, and Mitchell), the population of the County municipalities (not including Stratford and St. Marys) is projected to be 41,214 by 2021.

### 2.2 **AGRICULTURE RESOURCE BASE**

Agricultural land use activities are the predominant land use activity in Perth County. The County's good land base for agricultural and farming activities, its favourable climatic conditions, and its skilled work force are all contributing factors to the importance of agriculture in Perth County. Perth County's soil and land base are particularly suited for agricultural activities. According to the Canada Land Inventory, approximately 90 per cent of the total land area in the County has either a Class 1, 2, or 3 soil capability rating for agriculture. Statistics Canada information indicates that approximately 93 percent of the total

land area in the County was farmed in 2001 (i.e. cropland, summer fallow, improved pasture, unimproved pasture, and other land). Perth County's agricultural and farming activities are important in that they are the livelihood for a significant proportion of the rural population, they are an important source of employment, they contribute to the County and local economies (gross farm receipts of 506.1 million dollars in 2002), and they produce significant amounts of agricultural produce for local, regional, provincial, and international consumption.

*ADDED BY OPA#6* There is a broad spectrum of farming activities within the County, ranging from those which rely on horse power to those which rely on the most advanced technologies. All of these farming activities are important to the agricultural character of the County.

Previous planning documents throughout the rural or Township portions of the County have placed a major emphasis on the importance of preserving and protecting the agricultural resource base. Agricultural or farming areas have been kept for farming activities while land use activities which are incompatible with agricultural or farming activities have either been severely restricted or prohibited. New non-farm growth and development has been focused or concentrated in settlement areas, particularly those with full municipal services (Listowel, Milverton, and Mitchell). This Official Plan carries forward the principles and importance of protecting and preserving Perth County's good agricultural land resource base to ensure future food and fibre production by present and future generations of farmers in Perth County.

### 2.3 **SETTLEMENT AREAS**

*ADDED BY OPA # 47* The primary settlement areas within the geographic boundaries of the County of Perth are Listowel, Milverton, Mitchell, Stratford, and St. Marys. All are serviced with a full range of municipal services. Listowel, Milverton, and Mitchell are member municipalities of Perth County while Stratford and St. Marys are separated municipalities. Listowel, Milverton, and Mitchell are Wards within the Town of North Perth, Township of Perth East, and the Municipality of West Perth and are therefore a part of the member municipalities of Perth County while Stratford and St. Marys are separated municipalities. These serviced settlement areas have accommodated the vast majority of non-agricultural or non-farm activity which has occurred within Perth County. They are important residential centres in that they have accommodated and will continue to accommodate a large percentage of the County's population. They are important business and commerce centres that serve their resident populations and the surrounding rural populations, both within and outside of the County. They are important for their industrial activities in terms of production of goods and services and employment of resident and area populations. They have in the past played an important role in the overall growth and economy of Perth County and will continue to do so in the future. It is intended that these serviced settlement areas will accommodate most of the non-farm related growth that is to occur in the County during the planning period of this Official Plan and beyond.



There are a number of smaller settlement areas scattered throughout Perth County. Their size, mix of land uses, and functions vary considerably. None of these smaller settlement areas are serviced by full municipal services. While these smaller settlement areas have experienced varying amounts of growth in the past, it is anticipated that future growth of these areas will be limited and constrained due to the lack of municipal services. It is expected that they will continue to play an important role for the resident and surrounding area populations. Many of the smaller settlement areas host commercial and industrial uses which provide local services and employment opportunities to the residents of the settlement area and surrounding rural areas. These settlement areas have been classified as villages and hamlets in this Official Plan.

*ADDED BY OPA #47* In 2004 and 2005, some of the municipalities in the County have been examining the possibilities and options for providing municipal water and sewage services to some of their village areas. Should these investigations lead to the provision of municipal water and sewage services in the village areas, such villages are likely to play a greater role than they have in a recent past with respect to growth and development issues.

#### 2.4 **NATURAL RESOURCES/ENVIRONMENT AREAS**

Due to the good agricultural resource base in Perth County, many of the natural resource features present in the County prior to settlement in the 1800's have either been cleared or drained in the pursuit of agricultural land use activities. As a result, the amount of remaining natural resource features or areas in Perth County is relatively small. They consist of a number of wetland areas, wooded areas (approximately 9 per cent forest cover), and watercourses and valley lands.

*ADDED BY OPA #47* Owing to the relatively small amount of natural resource features and areas remaining in Perth County, the significance and importance of the remaining areas is heightened and deserving of greater attention. This County Plan takes a strong position in respect to the protection, preservation, enhancement, and improvement of the natural resource features and areas within the County. Through the "Natural Resources/Environment" designation, many of the natural resource features and areas are identified as a separate land use designation.

Complementary policies for other land use designations established by this Official Plan carry forward the principles of protection, preservation, enhancement, and improvement of natural resource features.

*ADDED BY OPA #47* This County Plan takes a strong position in respect to the protection, preservation, enhancement, and improvement of the natural resource features and areas within the County. Through the "Natural Resources/Environment" designation, many of the natural resource features and areas are identified as a separate land use designation.

The County recognizes the importance of looking at a watershed perspective in respect to resource management issues and land use planning activities. Accordingly, where it is considered appropriate by the County, support will be given to watershed plans.

## 2.5 **MINERAL AGGREGATE RESOURCE BASE**

*ADDED BY OPA #47* Mineral aggregate resources in Perth County consist primarily of gravel, sand, and limestone. In 2006, there were 42 licensed gravel and sand pits in Perth County while there was only one licensed quarry operation.

Overall, Perth County does not have an abundance of mineral aggregate resources. Primary and secondary gravel and sand deposits tend to be few in number while tertiary deposits are inconsistent from both a quality and quantity standpoint. While there are vast amounts of limestone material throughout Perth County, those resources which are overlaid by minimal amounts of overburden are very small and localized in location (Blanshard-St. Marys areas). It is important that this Official Plan protect and preserve both the operating and potential gravel, sand, and limestone resource areas in order that these aggregate materials can be used to serve local and County demands for aggregate material.

*ADDED BY OPA #47*

## 2.6 **CITY OF STRATFORD AND TOWN OF ST. MARYS**

While the City of Stratford and the Town of St. Marys are geographically located within Perth County, they do not form part of the County from a political standpoint. Stratford is a separated City and St. Marys is a separated Town. Both have their own Official Plan documents which apply independent of the County of Perth Official Plan and the local Official Plans of member municipalities in the County.

This Official Plan acknowledges that both Stratford and St. Marys are an integral part of the commerce and economy of the geographic area of Perth County. This Official Plan encourages the co-operation between the County (and its member municipalities) and the City of Stratford and the Town of St. Marys in all matters that are of mutual interest.

## 2.7 **COUNTY RESTRUCTURING**

In 1996-97 the County of Perth and its fourteen member municipalities undertook a municipal restructuring exercise to look at the reform of local governance in the County. The study resulted in a Proposal For the Reform of Local Governance which was submitted to the Ministry of Municipal Affairs and Housing for approval in May 1997. The proposal called for the County's fourteen local municipalities to be amalgamated into four larger municipalities which were, to a large extent, based on communities of interest. The County's proposal was approved by Order of the Minister of Municipal Affairs and Housing pursuant to the Municipal Act on June 26, 1997. The Minister's approval order became effective on January 1, 1998.

Under the restructuring proposal, the four local municipalities in the County are as follows:

- (a) Town of North Perth - consisting of the former Town of Listowel and the former Townships of Elma and Wallace.
- (b) Township of Perth East - consisting of the former Village of Milverton and the former Townships of Ellice, North Easthope, South Easthope and Mornington.
- (c) Township of Perth South - consisting of the former Townships of Blanshard and Downie.
- (d) Township of West Perth - consisting of the former Town of Mitchell and the former Townships of Fullarton, Hibbert, and Logan.

Each of the 14 former municipalities are identified as a Ward of their respective new municipality (i.e. Milverton Ward of the Township of Perth East).

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### **SECTION 3 - APPROACH**

*ADDED BY* This Official Plan is the County of Perth's first County-wide Official Plan.  
*OPA # 47* There were many reasons for the County wanting to establish a County Official Plan, including the following:

- the desire for a common and consistent approach to planning throughout the rural parts of the County.
- the County having been prescribed by the Province as a upper-tier level of Government requiring a County Plan.
- the desire to reduce needless duplication of work associated with the continued review and updating of Official Plans for the rural ward areas throughout the County.
- the desire to take on greater responsibilities in respect to subdivision approvals, local Official Plan Amendment approvals, and planning in general throughout the County.

*ADDED BY* This County Official Plan will serve as both an upper-tier Official Plan and a  
*OPA # 47* lower-tier Official Plan throughout the area comprised of the rural ward areas in the County. While it establishes basic or general policies aimed at directing and focusing non-farm growth to the serviced urban areas within the County, the local Official Plan documents for the Listowel Ward in the Town of North Perth, the Milverton Ward in the Township of Perth East, and the Mitchell Ward in the Municipality of West Perth will remain in effect for the time being. These remaining Official Plan documents may be incorporated into the County Plan through the amendment process at a later date.

The Planning period for this Plan is intended to be 20 years, extending from 1997 thru to 2017. The Plan will be reviewed and monitored on an ongoing basis to assess the effectiveness of the policy in achieving the desired goals and objectives and to address the need for policy revisions resulting from changing conditions (e.g. Provincial policy). County Council will conduct meetings in order to assess the need to review the Plan and obtain public input concerning same in accordance with the provisions of the Planning Act, R.S.O. 1990.

Some of the specific purposes of the Plan are as follows:

- (a) To consolidate current planning policies for the eleven townships into one County-wide planning document;
- (b) To establish, with the assistance of public input, appropriate goals, objectives, and policy to guide and direct land use activities and decisions throughout the County;
- (c) To recognize and emphasize the importance of the serviced urban settlement areas in the County in accommodating future non-farm growth needs in the County;

- (d) To emphasize the importance of agriculture in the County and to establish a policy framework aimed at protecting and preserving Perth County's excellent agricultural land resource base for use by present and future generations of farmers for food production;
- (e) To provide a policy framework which will protect, preserve, enhance, and improve the natural resource base in the County;
- ADDED BY OPA # 47* (f) To reduce the potential for land use conflicts by establishing a policy frame-work that will assist in discouraging, limiting, and prohibiting the indiscriminate mixing of non-compatible land uses;
- (g) To provide guidance for County Council, local municipal Councils, the Land Division Committee, Committees of Adjustment, Planning Advisory Committees, and municipal administrators/staff in all decisions regarding land use planning matters and activities;
- (h) To prepare a County-wide Official Plan document which will serve to inform property owners and the general public in respect to planning issues and planning goals, objectives, and policies throughout the County;
- (i) To promote an increased public awareness of the policies that will be used to guide future land use activities throughout Perth County and provide a policy framework for the implementation of Provincial and County interests;
- (j) To promote, protect and improve the health and well being of the residents of the Perth County through appropriate land use planning; and
- ADDED BY OPA # 47* (k) To incorporate the County's economic development goals and objectives into this Plan.

*ADDED BY OPA # 47* In establishing and reviewing this Official Plan, County Council has established a number of basic land use planning priorities, including the following:

- (i) The need to direct and focus urban and non-farm related growth to the designated settlement areas, particularly serviced urban settlement areas, and to allow for the logical and orderly growth of the serviced settlement areas;

- (ii) The need to preserve and protect the excellent agricultural land resource base in the County and to create a land use and policy environment that supports the continuation of the agricultural industry and farming operations in the County;
- (iii) The need to protect, preserve, and enhance the natural resource features and their functions;
- (iv) The need to develop and maintain a complete and comprehensive planning strategy/program that takes into account Provincial policy, local interests, economic development, and the roles and responsibilities of the various parties.

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*ADDED BY OPA # 47*

**SECTION 3A - ECONOMIC DEVELOPMENT**

Economic development is an important part of the growth and development strategies of the County and of the local municipalities in the County. The economic prosperity of the County and its member municipalities, the residents of the County, and the business community in the County are essential components of the overall economic health of the area and contribute towards making Perth County an attractive and desirable place to live and work. This Official Plan recognizes and acknowledges the importance of having an overall economic development strategy in place for the County and the need for a concerted effort on the part of all economic development parties/partners throughout the County to implement and achieve the goals and objectives of the overall economic development strategy.

The economic development strategy for the County is set out in the “County of Perth Economic Development Strategic Plan” document prepared for the County by Brown & Associates in 2003. It, supported by previous and subsequent economic related studies conducted in the County (e.g. “The Economic Impacts of Agriculture on the Economy of Perth County”, Harry Cummings & Associates, 2000; “Economic Base Analysis For Perth County”, Mathew Fischer & Assoc. Ltd., 2004), establishes an overall economic vision for the County and sets out goals, objectives, and an implementation plan aimed at fulfilling the vision. The economic development vision statement for the County as stated in Section 3.1.1 of the “County of Perth Economic Development Strategic Plan” is “Committed to the preservation, growth and viability of Perth County communities through business, industrial and agricultural development.”

Through the policies of this Plan, the County supports and encourages the following economic development goals and objectives:

- (a) the preservation of the agricultural resource base and the continued development of the agricultural sector, including agricultural production, service related businesses, value-added operations, secondary farm occupation opportunities, and technological improvements (including bio-technical advancements);
- (b) the development, attraction, and retention of small business investment, with a specific focus on downtown business districts; the attraction, retention, and expansion of industrial/commercial business investment in the region;
- (c) the development, attraction, and retention of small business investment, with a specific focus on downtown business districts;

- (d) creation and retention of full-time employment opportunities within the County, with specific focus on the development of opportunities for youth;
- (e) the broadening and diversification of municipal tax assessment to improve financial viability of the County and the local municipalities through the increase of industrial, commercial, and small business assessment throughout the County;
- (f) the facilitation of a positive business development culture in local government downtown business districts, communities, and residents;
- (g) the proficient provision of and development of community infrastructure for rural, residential, commercial, and industrial consumers;
- (h) the facilitation of residential development in the County, including increasing the inventory of residential units for first-time homeowners, expanding opportunities for continuum of care housing units, and providing for a mixture of housing types to address the full range of housing needs;
- (i) the acquisition and/or servicing of land by local municipalities for industrial development;
- (j) the provision of an adequate supply of land designated for residential, commercial, and industrial purposes in the serviced settlement areas in the County to accommodate future and development needs;
- (k) the continual monitoring of the capacity and capability of local municipalities' key servicing infrastructure (i.e. municipal water supply; municipal sewage treatment; roads) in order to properly plan for and be ready for future development opportunities;
- (l) the co-operation and co-ordinated efforts of the various economic development parties/partners throughout the County in order to achieve both the broader economic development strategy and the specific economic goals and objectives; and
- (m) promotion of tourism initiatives and programs throughout the County.

*ADDED BY OPA # 47*

**SECTION 3B – HEALTHY COMMUNITIES**

This Official Plan encourages actions/initiative that support a healthy community in Perth County and healthy living by the residents of Perth County. While the ability of an Official Plan document to achieve a healthy community and healthy living in Perth County is limited, this Official Plan supports and encourages actions/initiative such as:

- (a) the development of a compact development form in the serviced urban areas throughout the County in order to encourage and facilitate active transportation (i.e. walking, cycling, etc.);
- (b) the siting of new public buildings, where appropriate, in locations that encourage and support active transportation;
- (c) subdivision designs that include suitable open space area and incorporate walkways and space for active living;
- (d) the linking of neighbouring residential and commercial areas with open space, where appropriate;
- (e) the development of recreational facilities, open space areas, and trail systems to cater to the Recreations and healthy lifestyle needs of Perth County residents; and
- (f) encourage the use of and sustain existing trails and open spaces throughout Perth County.

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## **SECTION 4 - LAND USE DESIGNATIONS AND MAP SCHEDULES**

### **4.1 LAND USE DESIGNATIONS**

This Official Plan establishes several land use designations and sets forth specific goals and policies applicable to each designation. Each designation is defined according to its primary function or use and may make provision for additional uses which are considered to be complimentary to the primary function.

The land use designations established by this Plan are as follows:

Agriculture  
Settlement Areas  
    Serviced Urban Area  
    Village  
    Hamlet  
Mobile/Modular Home Park  
Urban Fringe  
Infilling  
Mineral Aggregate Resources  
Natural Resources/Environment  
Recreation  
Flood Plain  
Cultural Heritage

In addition to the above designations, this Plan establishes a “Flood and Fill Constraint Area” which is intended to act as an overlay and the policies of which will apply in addition to the policies of the underlying land use designations.

### **4.2 MAP SCHEDULES**

*ADDED BY OPA # 47* Schedule “A” is the Land Use Plan for this Official Plan. The Land Use Plan delineates the location of the land use designations referred to in Section 4.1 and throughout this Official Plan. The Schedule A “Land Use Plan” consists of the following:

- (a) the principal Schedule “A” map or the entire County area;
- (b) more detailed schedule or inset maps identified as Schedule “A1-1”, “A1-2”, “A2-1”, etc. These schedules have been used for the purpose of providing greater accuracy and detail concerning the extent and location of land use designations in the “Village”, “Hamlet”, “Urban Fringe”, “Modular/Mobile Home Park”, and “Infilling” designations;

- (c) schedules or maps from individual Official Plan Amendments, which are identified as Schedule "A-1", "A-2", etc. These maps are included as a part of Schedule "A" to more accurately identify areas affected by specific Official Plan Amendments.

In establishing the extent of the various designations shown on Schedule "A", priorities were given to certain designations in those cases where a particular area could have been subject to two or more designations e.g. prime agricultural lands which are licensed for a gravel pit operation will be designated "Aggregate Resources".

Schedule "B" is the Transportation and Cultural Heritage map for this Official Plan. It identifies roadways, railway lines and a number of cultural heritage sites.

Schedule "C" identifies those lands throughout the County which are considered to the "Flood and Fill Constraint Areas". The "Flood and Fill Constraint Areas" shown on Schedule "C" are to be applied in conjunction with the land uses policies for the underlying land use designation (i.e. Agriculture).

Schedules "A", "B", and "C" as contained in this Plan are considered to form part of this Official Plan.

#### 4.3

#### **SCHEDULE "A" - DETAILED MAPS**

As noted above, Schedule "A" consists of the principal Schedule "A" map and several detailed maps which provide greater accuracy and detail concerning the extent and location of various land use designations. The detailed maps forming part of Schedule "A" are listed below:

- (a) "Village areas" –

Schedule "A1-1" (Gowanstown),	Schedule "A1-2" (Trowbridge),
<del>Schedule "A1-3" (Atwood), #</del>	Schedule "A1-4" (Monkton),
Schedule "A1-5" (Newton),	Schedule "A1-6" (Millbank),
Schedule "A1-7" (Brunner),	Schedule "A1-8" (Rostock),
Schedule "A1-9" (Gads Hill),	Schedule "A1-10" (Wartburg),
Schedule "A1-11" (Sebringville),	<del>Schedule "A1-12" (Shakespeare), #</del>
Schedule "A1-13" (Nithburg),	Schedule "A1-14" (Kirkton),
Schedule "A1-15" (Dublin),	Schedule "A1-16" (Staffa);

*# Explanatory Note: OPA No. 104 replaced Schedules "A1-3" and "A1-12" with "A6-1" and "A6-2" respectively.*

(b) "Hamlet" areas –

Schedule "A2-1" (Kurtzville),  
Schedule "A2-2" (Molesworth),  
Schedule "A2-3" (Britton),  
Schedule "A2-4" (Newry),  
Schedule "A2-5" (Donegal),  
Schedule "A2-6" (Carthage),  
Schedule "A2-7" (Hesson),  
Schedule "A2-8" (Poole),  
Schedule "A2-9" (Kinkora),  
Schedule "A2-10" (Amulree),  
Schedule "A2-11" (Lisbon),  
Schedule "A2-12" (Sebastopol),  
Schedule "A2-13" (Avonton),  
Schedule "A2-14" (St. Pauls),  
Schedule "A2-15" (Rannoch),  
Schedule "A2-16" (Woodham),  
Schedule "A2-17" (Brodhagen),  
Schedule "A2-18" (Bornholm),  
Schedule "A2-19" (St. Columban),  
Schedule "A2-20" (Cromarty),  
Schedule "A2-21" (Russeldale),  
Schedule "A2-22" (Fullarton),  
Schedule "A2-23" (Carlingford);

(c) "Mobile/Modular Home Park" areas

Schedule "A3-1" (Crystal Lake)

(d) "Urban Fringe" areas –

Schedule "A4-1" (North of Listowel),  
Schedule "A4-2" (East of Listowel),  
Schedule "A4-3" (West of Listowel),  
Schedule "A4-4" (West of Palmerston),  
Schedule "A4-5" (South of Milverton),  
Schedule "A4-6" (West of Stratford),  
Schedule "A4-7" (North of Stratford),  
Schedule "A4-8" (East of Stratford [Little Lakes]),  
Schedule "A4-9" (East of St. Marys),  
Schedule "A4-10" (West of St. Marys),  
Schedule "A4-11" (South of St. Marys),  
Schedule "A4-12" (North of Mitchell),  
Schedule "A4-13" (East of Mitchell),  
Schedule "A4-14" (South of Mitchell);

(e) "Infilling" areas –

Schedule "A5-1" (Brotherston),  
Schedule "A5-2" (Wallace),  
Schedule "A5-3" (Trecastle),  
Schedule "A5-4" (West of Listowel),  
Schedule "A5-5" (East of Listowel [Lot 48, Con. 1, Elma]),  
Schedule "A5-6" (East of Listowel [Lot 56, Con. 1, Elma]),  
Schedule "A5-7" (Part of Lot 15, Concession 5 North of Atwood),  
Schedule "A5-8" (Part of Lot 15, Concession 6 North of Atwood),  
Schedule "A5-9" (Lot 9, Con. 4, Elma),  
Schedule "A5-10" (Dorking),  
Schedule "A5-11" (North of Millbank),  
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Schedule "A5-13" (East of Milverton),  
Schedule "A5-14" (Topping),  
Schedule "A5-15" (Harmony),  
Schedule "A5-16" (Conroy),  
Schedule "A5-17" (Dunn's Bridge),  
Schedule "A5-18" (Science Hill),  
Schedule "A5-19" (Prospect Hill),  
Schedule "A5-20" (Kennicott),  
Schedule "A5-21" (North of Dublin).

Serviced Urban areas

ADDED BY (f) Schedule "A6-1" (Atwood),  
OPA No. 104 Schedule "A6-2" (Shakespeare)

*ADDED BY* In addition to the detailed maps identified above, Schedule "A" also consists  
*OPA No. 47* of the various Schedule maps included in the various site specific  
amendments that have been made to the County Official Plan.



## **SECTION 5 - AGRICULTURE**

### **5.1 INTRODUCTION**

Agricultural land use activities have been and continue to be the predominant land use activity in Perth County. These agricultural activities and the industry associated with same are of major importance to the local municipal and County economies. Perth County's good land base for agriculture, its favourable climatic conditions, and its skilled farm work force are all contributing factors to the importance of agriculture in Perth County.

*ADDED BY* The importance of agriculture in the County is evidenced by the following:  
*OPA No. 47*

- (a) 90 percent of the County's total land area is classified as having Class 1, 2, or 3 soil capability for agriculture.
- (b) approximately 93 percent of the County's total land area was farmed in 2001.
- (c) the 2,570 farms in the County in 2002 produced total gross farm receipts of 506.1 million dollars.
- (d) Perth County continues to rank high compared to other agricultural areas with respect to hog production, dairy production, poultry production, and crop production.

*ADDED BY* Municipally, there has been a strong support for agricultural land use activities and the agricultural industry in Perth County. Previous Official Plan documents for each of the County's former eleven townships placed a high priority on the protection and preservation of agricultural lands. This commitment to and support for agricultural activities is carried forward into this County Official Plan document. The Plan contains policy aimed at protecting and preserving the physical resource base, supporting farm operators and farm operations, and minimizing land use incompatibilities in agricultural areas. It provides a very clear direction that Perth County's good agricultural resource base must be protected and preserved to ensure future food and fibre production by present and future generations of farmers in Perth County.

### **5.2 GOALS**

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

- (a) To ensure that prime agricultural lands in Perth County are protected and preserved for the production of food, fibre and fuel;
- (b) To provide agriculture with an area free from conflicting and/or incompatible land use activities, particularly non-farm related development;

- (c) To support the needs of agriculture and the agricultural community by permitting land use activities that are complementary to and supportive of agriculture;
- (d) To ensure maximum flexibility for farmers to engage in differing types of agricultural operations;
- (e) To prevent the break-up of farms into smaller holdings for non-farm use;
- (f) To encourage the carrying out of good farm management and land stewardship practices on farm properties; and
- (g) To state a strong municipal commitment to agriculture as the predominant land use activity in Perth County and a major economic importance to the County.

### 5.3

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

The policies for the “Agriculture” designation shall apply to the areas shown as “Agriculture” on Schedule "A" (Land Use Plan) to this Official Plan.

The areas shown as "Agriculture" on Schedule "A" contain those lands in the County that are most suitable for agricultural usage. The areas as shown are intended to identify and protect broad agricultural areas of high agricultural capability (e.g. Class 1, 2, or 3 soil capability for agriculture) notwithstanding that at a parcel scale a particular property or part thereof may have lower agricultural capability (e.g. Class 4, 5, 6, or 7 soil capability for agriculture).

For the purpose of this Plan, the Canada Land Inventory mapping at a scale of 1:50,000 has been used.

### 5.4

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

The “Agriculture” designation shall mean that areas so designated will be used and developed for farming uses of all types. Farming uses shall include, but are not necessarily limited to, general farming, animal or poultry operations including intensive livestock farms, animal breeding, cash crop farming, specialty cropping, woodlots/forestry, market gardening, aquaculture, orchards, apiaries, greenhouses, horticulture, nurseries, and agricultural research uses.

Other uses permitted include secondary farm occupations, home occupations, and bed and breakfast/farm vacation operations that are complementary to and conducted on farm properties; small scale commercial and industrial activities that are primarily and directly related to agriculture and necessary in proximity to farming operations; wayside permit aggregate operations; portable asphalt plants; and limited institutional uses as permitted by specific policies of this Plan.

5.5 **POLICIES**

5.5.1 **Farm Unit**

The predominant type of development permitted in the "Agriculture" designation shall be the farm unit. The farm unit consists of the land base, the principal farm residence, supplementary farm residences that are required for the farm operation, and barns, silos, drivesheds, manure storage facilities and other farm buildings/structures that support the farm operation. Secondary farm occupation uses, home occupation uses, and bed and breakfast/farm vacation uses, where they exist, are considered as part of the farm unit. Woodlots which are located on farm properties shall be considered as part of the farm unit.

For the purposes of this Plan, only individual farm properties shall be considered as farm units. Where a farmer owns two or more farm properties and where those farm properties are separate lots for Planning Act purposes, each of the farm properties shall be considered as a separate farm unit.

5.5.2 **Farm Parcel Size**

*ADDED BY OPA No. 47* It is a policy of this Plan that farm parcel size be large enough to facilitate flexible and efficient farm operations over the long term. The size of individual farm operations should be large enough to permit the carrying out of a wide range of agricultural activities. The splitting up of original farm units (e.g. 40.5 hectare/100 acre units) into smaller farm parcels will be discouraged.

5.5.3 **Minimum Distance Separations**

In order to minimize land use incompatibilities in the "Agriculture" designation, the minimum distance separation provisions of MDS I and MDS II shall apply in respect to all new development in the "Agriculture" designation. The minimum distance separation provisions of MDS II shall also apply to the expansion or enlargement of existing livestock and poultry operations. Specific provisions/requirements for MDS I and MDS II will be set forth in the implementing Zoning By-laws for each of the Townships in the County.

Notwithstanding the above, variances to the MDS II distances may be approved in accordance with the applicable provisions of the Planning Act provided that the variances are minor in nature (no unacceptable adverse impact) and/or provided the subject building proposal mitigates an environmental impact associated with the subject farming operation.

ADDED BY OPA No. 47

5.5.4 **Livestock and Poultry Operations and Nutrient Management**

The following policies shall apply in respect to livestock and poultry operations and Nutrient Management associated with farming operations:

- (a) Livestock and poultry operation shall have sufficient land base on which to properly spread all manure generated by that operation. The Province's guide to agricultural land use and the provisions of the MDS documents shall be used to determine the amount of land base required for a particular livestock or poultry operation. The land base may be owned by the farm operator, leased/rented by the farm operator under a proper agreement, and/or accessible under some other acceptable contact arrangement. It is the responsibility of the farmer/farm operator to ensure that the required land base is available at all times for the spreading of manure from the livestock/poultry operation;
- (b) Proposals for new and/or expanded livestock and poultry operations shall be carefully reviewed in respect to their manure storage and management components. Prior to issuing a building permit for a new and/or expanded livestock/poultry barn, the proponent must satisfy the local municipality that there is adequate manure storage capacity at the site of the livestock/poultry barn and that there is an adequate land base on which to spread the manure generated by the new and/or expanded operation. Where it is determined that there is insufficient storage capacity or where there is insufficient land base, no building permit will be issued;
- (c) The policies and provisions of the Provincial Nutrient Management Act and regulations made thereunder shall apply in respect to all new and/or expanding livestock and poultry operations (e.g. all large, intensive livestock and poultry operations of 300 NU and greater; new livestock and poultry operations involving more than 5 NU; expansions of existing greater than 5 NU livestock and poultry operations) and other matters regulated thereunder;

The various issues addressed through both the Provincial and the local municipal nutrient management regulations shall be reviewed from time to time by the County in consultation with the Ministry of Agriculture, Food and Rural Affairs to assess whether changes to the policies of the Official Plan are required;

- (d) All new and/or expanded livestock and poultry operations are required to satisfy the MDS II requirements of Section 5.5.3 above;
- (e) All manure storage facilities (e.g. liquid manure storage, dry manure storage, run-off collection) shall be properly located, constructed, and maintained so as to not impact negatively on ground water resources, surface water resources, and surrounding lands. The minimum distance

separation provisions of MDS II shall apply to all new and/or expanded manure storage facilities, except in those situations where a variance from the MDS requirements has been approved. Specific provisions regulating manure storage facilities shall be contained in the local municipality's implementing Zoning By-law; and

- (f) "Best Management Practices" farming practices are to be used in the management of manure storage facilities and the spreading of manure. The Ministry of Agriculture, Food, and Rural Affairs "Best Management Practices" publications are to be used in the determination of best management farming practices.

Early in 1997, the County established an Agricultural Review Committee for the purpose of dealing with complaints concerning farm management practices as they relate to manure issues associated with livestock and poultry operations throughout the County. This Committee is comprised of members from various farm groups in the County and it operates as a "peer review" group. Where there is legitimacy to a complaint and the Committee provides suggestions as to how the farmer can deal with the issue, the farmer is encouraged to act on the suggestions in an effort to satisfactorily resolve the issue.

#### 5.5.5 **Woodlots**

All woodlots located on farm properties in the "Agriculture" designation shall be considered to form part of the farm unit. It is a policy of this Plan that all woodlots be retained and that the clearing of woodlots will not be permitted with the exception of any clearing permitted in accordance with the provisions of the County of Perth's Tree Cutting By-law. Where clearing of a woodlot or part of a woodlot area is permitted under the Tree Cutting By-law, it is a policy of this Plan that, at a minimum, an area equivalent in size to that cleared be planted and maintained as woodlot.

Freestanding woodlot properties shall also be considered as a farm unit. Woodlots/forestry uses are considered to be a farming use and are permitted uses under Section 5.4 of this Plan.

*Paragraph deleted by OPA No. 47.*

#### 5.5.6 **Additional Farm Residences**

Farm residences in addition to the principal farm dwelling may be permitted on a farm property in the following cases:

5.5.6.1 **Farm Family or Labourers**

Where a farm operation is such that it requires an additional farm residence for the accommodation of farm family or labourers working on the farm operation, an additional residence in the form of a non-permanent dwelling that can be easily removed once the need for the additional farm residence has been fulfilled (e.g. mobile home) shall be permitted. The establishment of such additional farm residence shall be subject to the following criteria:

- (a) The type, nature, size, and scale of the farm operation is such that the need for an additional farm residence is warranted;
- (b) The additional farm residence is to be a non-permanent dwelling that can be easily removed once the need for the additional farm residence has been fulfilled (e.g. mobile home);
- (c) The additional farm residence is considered as a part of the farm unit and consent to sever that residence from the farm unit shall not be permitted;
- (d) As a general rule, not more than one additional farm residence shall be permitted on a farm unit. Notwithstanding this, it is recognized that some agricultural operations and practices in certain parts of the County may warrant more than one additional farm residence on a farm unit. In such cases, the local municipality may choose to permit more than one additional farm residence on a farm unit provided that its implementing Zoning By-law contains specific provisions and/or criteria to regulate such residences;
- (e) The additional farm residence must be located in proximity to the principal farm residence and farm buildings and must use the existing driveway for access, unless an alternative access is approved;
- (f) The additional farm residence shall meet the MDS I requirements or be no closer to neighbouring livestock and/or poultry operations than the existing dwelling;
- (g) Prior to establishing an additional farm residence, the local municipal Council may choose to require a written agreement with the owner(s) of the subject property to address the non-permanent aspects of the additional farm residence; and
- (h) The subject farm property must be suitable for accommodating the water supply and sewage treatment for the additional dwelling. Wherever possible, water supply and sewage service shall be from the well and sewage service for the principal farm dwelling.

### 5.5.6.2 **Farm Retirement Dwellings**

Where a farmer is retiring from his/her farm operation and wishes to remain close by that farm operation, a farm retirement dwelling in the form of a non-permanent dwelling that can be easily removed once the need for the farm retirement dwelling has been fulfilled (e.g. mobile home) shall be permitted for the purpose of accommodating the retiring farmer. The establishment of such farm retirement dwelling shall be subject to the following criteria:

- (a) The farm retirement dwelling is to be a non-permanent dwelling that can be easily removed once the need for the farm retirement dwelling has been fulfilled (e.g. mobile home);
- (b) The farm retirement dwelling is considered as a part of the farm unit and consent to sever that residence from a farm unit shall not be permitted;
- (c) Not more than one farm retirement dwelling shall be permitted on a farm property;
- (d) The farm retirement dwelling must be located in proximity to the principal farm residence and farm buildings and must use the existing driveway for access, unless an alternative access is approved;
- (e) The additional farm residence shall meet the MDS I requirements or be no closer to neighbouring livestock and/or poultry operations than the existing dwelling;
- (f) Prior to establishing a farm retirement dwelling, the local municipal Council may choose to require a written agreement with the owner(s) of the subject property to address the non-permanent aspects of the farm retirement dwelling; and
- (g) The subject farm property must be suitable for accommodating the water supply and sewage treatment for the additional dwelling. Wherever possible, water supply and sewage service shall be from the well and sewage service for the principal farm dwelling.

### 5.5.6.3 **Garden Suites**

Where a garden suite dwelling is proposed for a farm property, such garden suite dwelling may be permitted subject to the following criteria:

- (a) An amendment to the local municipality's implementing Zoning By-law, in the form of a temporary use Zoning By-law Amendment, is required; and
- (b) The provisions of Section 5.5.6.2, with the necessary change in reference from "farm retirement dwelling" to "garden suite dwelling", shall apply.

5.5.6.4 **Converted Dwellings**

The conversion of the principal residence to contain an additional dwelling unit to serve any of the above purposes may be permitted subject to the following criteria:

- (a) The principal dwelling shall be large enough to accommodate both the principal dwelling and the additional dwelling;
- (b) The principal dwelling shall be structurally suitable for the conversion;
- (c) On-site servicing (e.g. water, sewage) must have sufficient capacity for the additional dwelling unit;
- (d) As a general rule, not more than one additional dwelling shall be permitted through this converted dwelling policy. Notwithstanding this, it is recognized that some agricultural operations and practices in certain parts of the County may warrant more than one additional farm residence on a farm unit. In such cases, the local municipality may choose to permit more than one additional farm residence on a farm unit provided that its implementing Zoning By-law contains specific provisions and/or criteria to regulate such residences; and
- (e) Notwithstanding the policy of clause (a) above, a local municipal Council may choose to permit an addition to an existing dwelling for the purpose of accommodating the additional dwelling unit. In such cases, the local municipality's implementing Zoning By-law shall contain specific provisions and/or criteria to regulate such dwelling units.

*ADDED BY OPA NO. 142*

5.5.6.5 **Second Dwelling Units**

Second Dwelling Units described in Section 6.3A are permitted subject to the following criteria:

- (a) Notwithstanding the policies of Section 6.3A to the contrary, a Second Dwelling Unit may be permitted on a lot where another additional farm residence exists and may be located within a building accessory to the farm regardless of the date of construction;
- (b) The additional farm residence is considered as a part of the farm unit and consent to sever that residence from the farm unit shall not be permitted;
- (c) The additional farm residence must be located in proximity to the principal farm residence and farm buildings and must use the existing driveway for access, unless an alternative access is approved;
- (d) The additional farm residence must meet the MDS I requirements or be no closer to neighbouring livestock facilities than the existing dwelling; and



- (e) The subject farm property must be suitable for accommodating on-site servicing (e.g. water, sewage) for the additional dwelling. Wherever possible, water supply and sewage service shall be from the well and sewage service for the principal farm dwelling.

*ADDED BY OPA NO. 47*

*AMENDED BY OPA Nos. 94 & 103*

5.5.7 **Secondary Farm Occupations**

A secondary farm occupation may be permitted on a farm property as a part of the farm unit. Secondary farm occupation uses are intended to provide the farmer/farm family members with an additional means of income. They are to be small-scale in nature and they must be secondary to the principal use of the farm property for farming purposes. Secondary farm occupation uses shall be subject to the following criteria:

- (a) A secondary farm occupation use must be secondary to the principal use of the farm property for farming purposes, with the principal farming use being conducted by the farm family residing on the farm property and who are actively involved in the farming operation on the farm property. The secondary farm occupation use must be established as and continue to operate as a part of the farm unit. Secondary farm occupation uses are not permitted as separate or independent uses from a farm operation. They must be located within the farm building cluster and be served by existing farm driveways. The severance of a secondary farm occupation use from a farm property shall not be permitted;
- (b) A secondary farm occupation use shall be conducted only by the farmer/farm family members residing on the farm property and who are actively involved in the farming operation on the farm property. Notwithstanding this, a local municipality may, through specific provisions in its implementing Zoning By-law, permit a secondary farm occupation use to have up to a maximum of two off-farm resident employees (i.e. two full-time equivalents);
- (c) Secondary farm occupation uses shall be limited to those uses which fall into one or more of the following categories:
  - (i) related to agriculture and farming;
  - (ii) value-added processing or packing operations;
  - (iii) the manufacture or fabrication of goods;
  - (iv) a shop for a trade occupation (e.g. electrician, plumber, carpenter, painter, welder); or
  - (v) a craftsperson or artist;

- (d) A secondary farm occupation use shall be conducted inside of buildings and/or structures, with the exception that a minimal amount of outdoor storage area is permitted. The maximum floor area of all buildings and/or structures used for a secondary farm occupation use may vary from local municipality to local municipality and shall be regulated through specific provisions in the respective implementing Zoning By-laws; however, the maximum floor area permitted shall not exceed 375 square metres (4,036 square feet);
- (e) A secondary farm occupation use must not interfere with the ability of the farmer/farm family members to conduct the farming operation and must be compatible with and not hinder surrounding farm operations;
- (f) Not more than one secondary farm occupation use is permitted on a farm property at any one time;
- (g) Secondary farm occupation uses shall be considered as permitted uses in the "Agriculture" zones(s) of the local municipality's implementing Zoning By-law and shall not be placed in a separate zone category. The implementing Zoning By-law shall set out specific zone provisions for secondary farm occupation uses that are consistent with the criteria in this Plan;
- (h) Secondary farm occupation uses must be such that they can be served by private water supply and sewage disposal services. Secondary farm occupation uses that involve high water usage shall not be permitted;
- (i) A local municipality may, in its implementing Zoning Bylaw, establish specific provisions to permit vocational uses such as trades (e.g. electrician, plumber, carpenter, painter, welder) or artists (e.g. painter, woodworker, sculptor) to be conducted as an accessory use on non-farm residential lots in the Agriculture Zone subject to zoning provisions that have the effect of minimizing off-site impacts. *(AMENDED BY OPA No. 189)*
- (j) The property on which a secondary farm occupation is located or is proposed to be located must be eligible for the Farm Property Class Tax Program or have a valid Farm Business Registration Number in order for secondary farm occupation to continue and/or be established; and
- (k) Local municipalities are responsible for monitoring secondary farm occupation uses to ensure that they continue to operate as secondary farm occupation uses in accordance with the criteria set out in this Plan. It is a policy of this Plan that any secondary farm occupation use that develops or grows beyond the secondary farm occupation use criteria established by this Plan shall be required to cease at its farm property location and should be encouraged to re-locate in a nearby settlement area (e.g. hamlet, village, serviced urban area).

Where the policies of Clauses (b) and (d) above provide a local municipality with flexibility in establishing specific provisions regulating the number of off-farm resident employees and the maximum floor area of a secondary farm occupation use, the policies of this Official Plan shall not be applied or used so as to prevent a local municipality from establishing specific provisions in its implementing Zoning By-law that permit a lesser number of off-farm resident employees and/or a lesser maximum floor area than the maximums set forth in this Official Plan. Where a local municipality chooses to establish provisions permitting a lesser number of off-farm resident employees and/or a lesser floor area maximum than the maximums permitted by this Official Plan, the local municipal Zoning By-law establishing such lesser requirements shall be considered to be in absolute compliance with the policies of Clauses (b) and (d) above.

#### 5.5.8 **Home Occupations**

Home occupations that comprise a secondary use carried on entirely within a farm dwelling or an existing dwelling in the "Agriculture" designation may be permitted. Such home occupations must be small-scale in size; shall be conducted only by the farm dwelling residents; must 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 shall be permitted. The local municipality's implementing Zoning By-law will permit home occupations within the "Agriculture" zones and shall contain provisions to regulate the kinds of activities to be permitted, size of home occupation areas, parking, signage or other evidence of the business activities.

#### 5.5.9 **Bed And Breakfast/Farm Vacation Operations**

Bed and breakfast/farm vacation operations carried on within principal farm dwellings in the "Agriculture" designation may be permitted. Where permitted, a bed and breakfast/farm vacation operation must clearly be secondary to the main use of the dwelling as a private residence and it shall not change the overall character of the dwelling as a private residence. Bed and breakfast/farm vacation operations must satisfy all applicable requirements of the Perth District Health Unit, particularly in respect to sewage disposal and water supply. The local municipality's Zoning By-law may contain provisions to regulate size of operation, licensing requirements, parking, signage, or other matters.

#### 5.5.10 **Farm-related Commercial And Industrial Activities**

*ADDED BY* Farm-related commercial and industrial uses that offer services in which the  
*OPA No. 47* predominant amount of activity is primarily and directly related to meeting agricultural/farming requirements and which are necessary in close proximity to farm operations may be permitted in the "Agriculture" designation.

This Plan recognizes that the agricultural community requires farm-related

commercial and industrial uses which are supportive of agricultural/farming activities. Prior to the establishment of such uses, the proponent/developer must first satisfy the local municipality that a location in the "Agriculture" designation is necessary and appropriate. Consideration must be given to the availability of alternative locations in nearby settlement areas, the availability of alternative locations having poor soil capabilities for agriculture, and the possible reuse of other non-farm use properties in the vicinity. Where a proponent/developer satisfies Council in respect to the above-noted need and location issues, the farm-related commercial and industrial use may be permitted subject to the following criteria:

- (a) The loss of productive farmland shall be discouraged. Such uses shall be encouraged to locate on lands having lower soil capabilities for agriculture (e.g. Classes 4, 5, 6 or 7) or on lands that have proven to be unsuitable for farming due to their small size and/or irregular shape;
- (b) The amount of land for the use shall include only the minimum necessary to support the use and its servicing needs;

*ADDED BY  
OPA No. 47*

- (c) While such uses should generally be small-scale in nature, it is acknowledged that some larger uses such as feedmills, grain storage and drying operations, livestock assembly yards, livestock trucking operations, and farm equipment sales and service operations, are appropriate in the "Agriculture" designation due to the nature of their operation and land use compatibility conflicts that may occur in settlement areas;
- (d) Farm-related commercial and industrial uses are encouraged to locate in groups, where possible, rather than spread out in a scattered manner;

*ADDED BY  
OPA No. 6*

- (e) The minimum distance separation provisions of MDS I shall apply in respect to all new farm-related commercial and industrial uses. Where an existing farm-related commercial or industrial use is being expanded through a building expansion, the building expansion shall either satisfy the MDS I distances or be located no closer to neighbouring farm operations than the existing farm related commercial or industrial use building;
- (f) A use must be one that does not require municipal water or sewage services and the method of water supply and sewage disposal must satisfy all applicable requirements concerning same. Generally, any permitted farm-related industrial use should be a "dry" operation where waste water discharges are minimal and which meets the applicable regulations of the appropriate regulatory authority;
- (g) Access shall be available from a public road of reasonable construction, year-round maintenance, and capable of accommodating the nature of traffic generated by the use. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. All access, development and signage

must meet the applicable requirements of the appropriate approval authority;

- (h) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on ground and surface water quality and quantity, both upstream and downstream and on adjacent properties and roadways. Where such potentially deleterious materials as liquid fertilizers are stored and handled on-site, appropriate spills containment and contingency plans shall be required;
- (i) All new and/or expanded farm-related commercial and industrial uses shall be subject to site plan approval to address site plan details such as setbacks, building location, on-site parking, loading and unloading areas, and access;
- (j) An amendment to the local municipality's implementing Zoning By-law shall be required for all new farm-related commercial and industrial uses permitted in accordance with this section. An exception to this policy shall apply where a property is already zoned for farm-related commercial and industrial use in a local municipality's implementing Zoning By-law; and
- (k) Permitted farm-related commercial and industrial uses may be permitted a maximum of one accessory residence in the form of a mobile home dwelling provided that the following criteria are satisfied:
  - (i) The mobile home dwelling location must satisfy the minimum distance separation provisions of MDS I;
  - (ii) Where the accessory mobile home dwelling is being established in conjunction with a new farm-related commercial and industrial use, the proponent/developer must enter into an agreement with the local municipal Council stating that the commercial/industrial use is to be substantially completed prior to the establishment of the accessory residence or the implementing Zoning By-law must contain provisions for this purpose; and
  - (iii) An accessory mobile home residence shall continue to be an accessory part of the farm-related commercial/industrial activity and consent to sever such residence from the commercial/industrial activity shall not be permitted. Access to an accessory mobile home residence must be from the existing access driveway. No new access driveway shall be permitted for the accessory dwelling.
- (l) Adequate distance separation and buffering shall be provided from adjacent residential areas or other sensitive uses such as seniors housing or hospitals. Distance separation shall be addressed though the local municipal zoning by-law while buffering (e.g. fencing, landscaping) shall be considered at the site plan stage.

### 5.5.11 **Institutional and Public Uses**

The establishment of new institutional uses and public uses, with the exception of landfill sites and sewage treatment facilities, shall not be permitted in the "Agriculture" designation. New institutional uses shall be permitted to locate in settlement areas subject to the applicable "Settlement Area" policies of this Plan.

Existing institutional uses and public uses in the "Agriculture" designation are recognized as permitted uses. Limited expansion of buildings and structures may be permitted provided that the applicable requirements of the implementing Zoning By-law are met and provided that such expansion satisfies the minimum distance separations of MDS I. Limited expansion of land area may be permitted provided that there is a demonstrated need for the additional land area, that there are no reasonable alternative locations which avoid prime agricultural lands or which have lower soil capabilities for agriculture, that the minimum amount of land comprises the enlargement, and that the expansion will not adversely affect neighboring livestock and/or poultry operations.

Notwithstanding the above, new schools, churches, and cemeteries are permitted within the "Agriculture" designation where such schools, churches, cemeteries service the immediate rural community which relies on horse drawn vehicles as their primary means of transportation subject to the following criteria:

- (a) Reasonable justification in support of the selected site must be provided. Such justification must give consideration to alternative sites on non-prime farmland areas and hamlet areas in the vicinity;
- (b) Permitted land areas for these uses shall be as follows:
  - (i) not more than 1 1/2 acres for a freestanding school;
  - (ii) not more than 2 1/2 acres for a church cemetery; and
  - (iii) not more than 3 1/2 acres for a combined school, church and cemetery;
- (c) The schools, churches, and cemeteries are required to satisfy the minimum distance separation provisions of MDS I. To assist in meeting the provisions of MDS I, a school and/or church may be located on a farm property as a part of a farm building cluster and served by the principal farm access driveway. Where a church is to be located on a farm property and adjacent to a cemetery on a separate lot, the access to the church may be by the access driveway serving the cemetery use. Due to the passive nature of the use, a freestanding cemetery on a separate lot shall be interpreted as similar to a passive recreational use and will be a "Type "A" Land Use" for the purpose of MDS I;

- (d) In the case of schools, the use of long term leases as opposed to land severances, shall be encouraged;
- (e) In respect to cemeteries, acceptable arrangements must be made for the perpetual care of the cemetery; and
- (f) An amendment to the local municipality's implementing zoning by-law and a site plan agreement shall be required for such schools, churches and cemeteries.

#### 5.5.12 **Aggregate Operations**

The following aggregate operations and related processing activities are permitted in the "Agriculture" designation:

##### 5.5.12.1 **Wayside Permit Aggregate Operations**

Aggregate extraction operations under the authority of a wayside permit issued by the Ministry of Natural Resources pursuant to the provisions of Part 3 of the Aggregates Act, R.S.O. 1990 shall be permitted in the "Agriculture" designation.

The local municipality's implementing Zoning By-law shall permit wayside permit aggregate operations in the "Agriculture" zones and shall set forth regulations concerning same.

It is a policy of this Plan that wayside permit extraction areas be rehabilitated to agricultural use once the aggregate material has been removed or when the wayside permit expires, whichever occurs first. Further, substantially the same acreage and average soil capability for agriculture as existed previous to the extraction shall be restored.

##### 5.5.12.2 **Portable Asphalt Plants**

Portable asphalt plants, used by a public road authority or its agent, are permitted throughout the "Agriculture" designation without the need to amend this Plan or the local municipality's implementing Zoning By-law. Portable asphalt plants are subject to the following criteria:

- (a) A certificate of approval for each plant must be obtained from the Ministry of Environment and Energy;
- (b) Each plant shall comply with minimum separation distances established by the Ministry of Environment and Energy;
- (c) Plant sites shall not be permitted in natural environment or environmentally sensitive areas within the "Agriculture" designation;
- (d) Sites having previously been in agricultural use shall be rehabilitated back to their former agricultural use;

- (e) Each plant shall be removed from the site upon completion of the public project; and
- (f) Prior to locating a portable asphalt plant on productive agricultural land, consideration shall be given to the use of existing asphalt plants in the area, locating the portable asphalt plant in a licensed pit or a wayside pit, and locating the plant on lesser quality or inactive agricultural lands.

5.5.12.3 **On-Site Farm Use**

The removal of aggregate material from a farm property by the farm owner for use on that property shall be permitted by the Plan.

5.5.13 **Natural Environment Features**

It is a policy of this Plan that agricultural and farming activities be conducted in a manner which preserves, protects, and enhances the remaining natural environment features in the "Agriculture" designation.

5.5.14 **Significant Areas of Natural and Scientific Interest (ANSI's) - Earth Science**

The "Agriculture" designation includes a number of significant areas of natural and scientific interest (ANSI's) which have been identified by the Ministry of Natural Resources. These ANSI's have been classified as earth science ANSI's and they include seven specific areas which are known as the Wartburg Road Cut, the Staffa Kame Complex, the North Thames Valley, the Lucan Moraine, the Carlingford Spillway, the Harmony Cut, and the St. Marys Cement Company South Quarry. The size of the identified ANSI's varies considerably, the smallest being approximately 1 hectare in size and the larger being approximately 1,400 hectares in size.

Development and site alteration may be permitted within an earth science ANSI provided that such development will not negatively affect the overall character of the geological feature that formed the basis for its classification. An environmental impact statement or other appropriate study may be required to assess the impact of the development or site alteration. The advice and assistance of the Ministry of Natural Resources regarding these studies may be sought in regard to such matters.

5.5.15 **Existing Lots Of Record**

It is recognized that there are several existing lots of record in the "Agriculture" designation which are both vacant and smaller than the minimum lot area requirements for farm use as set out in the local municipalities implementing Zoning By-law. It is the general intent of this Plan that such lots be developed and used for farming uses or other uses permitted in the "Agriculture" designation by this Plan; however, it is also recognized that this may not always be possible and/or practical. Where farming uses or other permitted uses are



not possible and/or practical, the vacant existing lot of record may be used for a single-detached dwelling through a site specific Zoning By-law Amendment for the purpose of permitting such use. When considering site specific Zoning By-law Amendments for this purpose, the following criteria apply:

- (a) The proponent must satisfy the local municipal Council that farming or other permitted uses are not possible or practical on the subject existing lot of record;
- (b) The lot is suitable for the construction of a single-detached dwelling;
- (c) The lot must be located such that it will have no adverse affect on surrounding livestock and/or poultry operations and for this purpose the minimum distance separation provisions of MDS I must be met;
- (d) The location of the proposed single-detached dwelling should, wherever possible, be such that it does not preclude the use of the balance of the existing undersized lot for agricultural purposes;
- (e) All applicable requirements concerning water supply and sewage disposal are satisfied;
- (f) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on adjacent properties and roadways;
- (g) The lot must front onto and have access onto a public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. Approval of the appropriate road authority for the proposed access shall be required. Approval of the appropriate road authority shall be required for access and building issues;
- (h) Notwithstanding any provisions of this Plan to the contrary, the enlargement of an existing lot of record for the purpose of permitting the establishment of a single-detached dwelling shall not be permitted; and
- (i) Notwithstanding the above noted policies, a local municipal Council shall be under no obligation to approve a Zoning By-law amendment request to permit a single-detached dwelling use.

*ADDED BY OPA No. 47*

5.5.15.1 **Conversion of Existing and Former Institutional Uses**

There are several existing or former institutional uses in the “Agriculture” designation. Where farming uses or other permitted uses in the “Agriculture” designation are not possible or practical on these lots, the existing or former institutional use lot may be used for residential purposes, through a site specific Zoning By-law Amendment for the purpose of permitting such use. When considering such a Zoning By-law Amendment Application for this purpose, the following criteria shall apply:

- (a) The existing building is suitable for the conversion to a residential dwelling;
- (b) The use must be located such that it will have no adverse affect on surrounding livestock and/or poultry operations and for this purpose the minimum distance separation provisions of MDS I must be met;
- (c) Wherever possible, the balance of the existing lot should be used for agricultural purposes;
- (d) All applicable requirements concerning water supply and sewage disposal are satisfied;
- (e) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on adjacent properties and roadways;
- (f) The lot must front onto and have access onto a public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. Approval of the appropriate road authority for the proposed access shall be required. Approval of the appropriate road authority shall be required for access and building issues;
- (g) Notwithstanding any provisions of this Plan to the contrary, the enlargement of an existing or former institutional use lot for the purpose of permitting the establishment of a residential dwelling shall not be permitted; and
- (h) Notwithstanding the above noted policies, a local municipal Council shall be under no obligation to approve a Zoning By-law amendment request to permit a residential use.

*AMENDED BY OPA No.153*

5.5.16 **Non-farm Residential Development**

New non-farm residential development, excepting single-detached dwelling uses that may be permitted by Section 5.5.15 or created by the provisions of Section 5.6.3.1 of this Plan, shall not be permitted in the "Agriculture" designation. Consents involving the creation of new non-farm residential building lots shall not be permitted, with the exception of surplus farm dwelling severances permitted under Section 5.6.3.1 of this Plan.

5.5.17 **Topsoil Preservation**

*ADDED BY OPA No. 47* This Plan encourages the use of appropriate farming/farm management practices to ensure the continued preservation of topsoil. The provisions of any Topsoil Preservation By-laws shall apply in respect to the removal of topsoil throughout the County.

5.5.18 **Potential Future Development Areas**

*AMENDED*

*BY OPA*

*Nos.34 & 60*

This Plan identifies one potential future development area adjacent to the former Town of Listowel. The property is an approximate 5.07 hectare property described as part of Lots 41 and 42, Concession 1 in former Township of Elma.

The land use designation for this property under this Official Plan is "Agriculture" and agricultural uses, with the exception of intensive livestock and/or poultry operations, are permitted uses on these lands. The subject lands has been identified as "Potential Future Development Areas" on Schedule "A" to indicate that it may be a logical area for future growth and development associated with the adjacent serviced urban centre.

An amendment(s) to the County Official Plan will be required to redesignate the subject lands to an appropriate land use designation prior to any future development of urban type uses. Demonstration of proven need for proposed development and a municipal servicing strategy for such development will be prerequisites to considering any future official plan amendments for these lands.

*ADDED BY OPA No. 47*

5.5.18(A) **On-Farm Energy Sources**

On-farm electrical generation facilities (e.g. wind power generation systems, methane digesters) are permitted on farms as a part of a farm unit subject to the policies of Section 17.4 and 17.9 of this Plan and all other applicable regulations.

5.5.19 **Site Specific Amendments**

The following policies from site specific amendments to previous Official Plan Amendment documents and/or from Official Plan documents are being carried forward into this Official Plan and shall apply as follows:

*Explanatory Note: The OPAs Nos. referenced in this Section correspond with the OPA numbers from the former local Official Plans and Not the County Official Plan.*

- (1) Part of Lot 10, Concession 16, Blanshard (OPA No. 8):

A single-detached dwelling shall be permitted on an approximate 1.6 hectare property. The second dwelling is to form a part of the use of the subject property and consent to sever either of the two dwellings on this property shall not be permitted.

- (2) Part of Lot 6, North Boundary Concession, Blanshard (OPA No. 12):

Notwithstanding the policies of Sections 5.5.3 and 5.5.4, the modernization of an existing mink operation on the subject land shall be permitted subject to the following:

- (a) Modernization consists of replacement of eleven complete mink sheds and two partial mink sheds, all of which presently exist on the subject property, with five new mink sheds and the erection of an addition to an existing mink shed;
- (b) No certificate of compliance is required for this modernization;
- (c) The number of livestock units for this modernized mink operation shall not exceed 37.5 units; and
- (d) Specifics for the location of the five new mink sheds shall be addressed in Blanshard's implementing Zoning By-law.

- AMENDED BY (3)** Part of Lot 7, Concession 16 in the Blanshard Ward of the Township of  
**OPA No. 124** Perth South:

Uses described as a business and professional office, a seminar and lecture room facility, and an existing dwelling unit shall be permitted within an existing mill building located on the subject property. The water supply and sewage disposal system for these uses must be approved by the appropriate regulatory bodies and an amendment to the Township of Perth South's Zoning By-law shall be required in order to zone the subject property appropriately for these permitted uses.

- (4) Part of Lots 3 & 4, Concession 14, Downie (OPA No. 3):

An agricultural use described as a fish farm and accessory uses, excluding any accessory residential use, is permitted on the subject approximate 2.4 hectare property.

- 5.5.19 (5) Part of Lot 11, Concession 8, Downie Township:

A use described as a nursery and landscaping business and accessory uses, including accessory retail use, shall be permitted on a 7.3 hectare property at the subject location.

- (6) Part of Lot B, Concession 8, Gore of Downie Township:

A use described as a nursery and garden center business and accessory uses, including accessory residential and accessory retail use, shall be permitted on a 4 hectare property at the subject location.

- (7) Part of Lot 7, Concession 1, Downie Township:

Commercial uses specifically described as a medical office and a decorating business, both on the main floor of the main building, and a residential use in the remainder of the main building shall be permitted on a 2.83 hectare property at this location subject to the following:

- (a) Uses do not require municipal water or sewage services and require approvals of appropriate regulatory agency is required;
- (b) Access is to be from Highway 8 and Ministry of Transportation approval is required;
- (c) An amendment to the Township's implementing Zoning By-law is required; and
- (d) A site plan agreement is required.

- (8) Part of Lot A, Concession 5, Gore of Downie Township:

Uses described as an office, shop, and yard area associated with a sand and gravel business and a road construction business; a communication tower; and accessory uses, excluding any residential use shall be permitted on an approximate 5.8 hectare property at this location subject to the following:

- (a) The subject 5.8 hectare area shall continue to form a part of a larger 8 hectare property and no severance of these specific uses from the larger 8 hectare property shall be permitted; and

- (b) Uses do not require municipal water or sewage services and require approval of the appropriate regulatory agency.

*AMENDED BY OPA No. 136*

5.5.19 (9) Part of Lot 2, Concession 6, Downie Township:

Uses described as an auction centre use involving the sale of farm machinery, implements, agricultural related items, as well as the sale of trucks and cars in conjunction with the aforementioned agricultural related items, and a farm equipment sales and service establishment uses shall be permitted on a 1.39 hectare (3.43 acre) portion of a 40.47 hectare (100 acre) farm property at this location subject to the following:

- (a) The auction centre use and the farm equipment sales and service establishment use shall be confined to a 1.39 hectare (3.43 acre) portion of the subject property;
- (b) The auction centre use and the farm equipment sales and service establishment use shall continue to be owned in conjunction with the farm operation at this location;
- (c) The auction centre use and the farm equipment sales and service establishment use shall be secondary to the main farming use of the property and they shall be small-scale in terms of building size and number of employees;
- (d) The uses do not require municipal water or sewage services and require approval of the appropriate regulatory agencies for sewage and water services;
- (e) Road access to the auction centre use and the farm equipment sales and service establishment use shall be limited to Line 26;
- (f) An amendment to the Township's implementing Zoning By-law is required; and
- (g) A site plan agreement is required.

(10) Part of Lot 21, Concession 1, Ellice (OPA No. 8):

Notwithstanding the provisions of Section 5.5.10, an existing farm-related industrial use described as the manufacturing of farm equipment and accessory uses, which industrial use is not small-scale in nature is permitted on the southerly portion of Lot 21.

- (11) Lot 20, Concession 12 and Part of Lot 20, Concession 11, Ellice (OPA No. 22):

A third dwelling in the form of a mobile home shall be permitted as part of the agricultural use of the subject land and subject to the following:

- (a) The owner entering into an agreement with the Township governing such issues as installation, maintenance, removal, and occupancy of the mobile home as well as any security bond or other financial security Council requires;
- (b) An amendment to the Township's implementing Zoning By-law; and
- (c) Consent to sever any of the dwellings from the subject property shall not be permitted.

- 5.5.19 (12) Part of Lot 13, Concession 14, Mornington (OPA No. 6):

An existing use described as a farm equipment sales and repair business and accessory uses (excluding any accessory dwelling use) shall be permitted on an approximate 2.13 hectare area which forms part of a larger 34 hectare property at this location subject to the following:

- (a) No new buildings or structures shall be permitted;
- (b) The use does not require municipal water or sewage services and the method of water supply and sewage disposal shall meet the applicable requirements of the appropriate regulatory body;
- (c) Access to the business use shall be from Road 124 and the access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network; and
- (d) Consent to sever the approximate 2.13 hectare area from the larger 34 hectare parcel shall not be permitted.

- (13) Part of Lot 39, Concession 1, North Easthope (OPA No. 1):

Notwithstanding the policy of Section 5.4, uses described as farm-related commercial and industrial activities that process farm supplies, farm equipment or repairs or that offer services in which the predominant amount of activity is primarily and directly related to meeting on-site farming requirements; small-scale industrial uses; warehousing and storage uses; and accessory office uses shall be permitted on the approximate 2.8 hectare property at this location subject to the following:

- (a) Any industrial operation must be a "dry" industrial operation;

- (b) Access must not create nor generate conditions that are considered to be hazardous to traffic movement on surrounding road network;
- (c) Use must not adversely affect the existing drainage scheme of the surrounding lands; and
- (d) An amendment to the Township's implementing Zoning By-law is required.

*AMENDED BY* (14) Part of Lot 41, Concession 1, North Easthope Ward, Township of Perth East (previously subject, in part, to North Easthope's OPA No. 6)  
*OPA No. 23*

Notwithstanding the policy of Section 5.4, a use described as a building centre, hardware outlet, and building supply yard is permitted on an approximate 2.44 hectare area in the south-east corner of Lot 41, Concession 1 in the North Easthope Ward of the Township of Perth East subject to the following:

- (a) The use does not require municipal water or sewer services and further that the method of water supply and sewage disposal must meet the applicable requirements of the appropriate regulatory body;
- (b) Access must not create or generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. Main access shall be to Line 34 (Highway 7/8). Any access to Road 111 shall be limited to and maintained as a restricted access. All requirements of the applicable road authorities (i.e. MTO, Perth East) must be satisfied;
- (c) The use of the rear portion of the subject area (i.e. most northerly area measuring 72.1 metres by 106 metres) shall be used only for storage associated with the permitted building centre, hardware outlet, and building supply use;
- (d) An amendment to the Township of Perth East Zoning By-law shall be required in order to permit the increase in depth and area of the building centre, hardware outlet, and building supply use area; and
- (e) A new or revised site plan agreement shall be required for the subject property.

(15) Part of Lot 19, Concession 6, North Easthope (OPA No. 12):

Notwithstanding the policy of Section 5.4, an existing business described as a vehicle repair garage and farm machinery/equipment repair shop



shall be recognized as a permitted use on an approximate 0.3 hectare property at this location subject to the following:

- (a) An adequate and potable water supply shall be available to serve the use;
- (b) An adequate sewage disposal system shall be available to serve the use;
- (c) Enlargement and/or expansion of the building area associated with the repair business is permitted provided that the ground floor area for the building enlargement and/or expansion does not exceed 196 square metres; the building enlargement and/or expansion shall not exceed one storey in height of 4.3 metres or less (no loft area or second floor area is permitted), and that the southerly wall of the building enlargement and/or expansion be in line with the main southerly wall of the existing building and be no closer than 6.2 metres from the rear lot line;
- (d) Accessory uses are permitted, excluding any form of dwelling unit;
- (e) A site plan control agreement is required; and
- (f) An amendment to the Township's implementing Zoning By-law.

5.5.19

- (16) Part of Lot 41, Concession 1, North Easthope (G.E.V. Management Ltd. OPA):

Notwithstanding the policy of Section 5.4, uses described as an automobile repair shop including the repair, maintenance and storage of vehicles, products or equipment related to the permitted use, but excluding a body or metal fabricating shop; an automobile sales establishment including small engine sales and motorized snow and water recreational vehicle sales but excluding boat sales (includes retail store for these purposes); an airport transit/motor vehicle charter service licensed under a Federal or Provincial statute but excluding a taxi cab business (includes a personal service shop related to this use); an office use; a single financial institution; and accessory uses, excluding any accessory residential use shall be permitted on an approximate 1.4 hectare property at this location subject to the following:

- (a) A maximum gross floor area for the specific retail store noted above, the specific personal service shop noted above, office use, and financial institution shall not exceed 511 square metres;
- (b) Unless communal services are available, permitted uses shall be served by a private on-site well and sewage treatment facility

and such shall be in accordance with the applicable regulations of the appropriate regulatory agency. Uses involving high water usage are not permitted;

- (c) A site plan agreement is required; and
- (d) An amendment to the Township's implementing Zoning By-law is required.

- (17) Part of Lot 11, Concession 1, North Easthope  
Part of Lot 20, Concession 1, North Easthope (OPA No. 14):

Notwithstanding the policy of Section 5.5.11, the relocation of two existing church uses (Shakespeare Presbyterian Church at Lot 20, Concession 1 and the Linglebach United Church at Lot 11, Concession 1) from their current sites to new locations in the "Agriculture" designation may be permitted subject to the following:

- (a) Location on good agricultural land shall be permitted only where there is no other suitable alternative location in designated settlement areas or other non-farm use properties. Where good agricultural land is involved, only the minimum amount of land required may be used;
- (b) The amount of land required for the use shall include only the minimum necessary to support the use and its servicing requirements;
- (c) MDS I separation distances must be met;
- (d) The uses do not require municipal water or sewage services. Method of water supply and sewage disposal shall satisfy the applicable regulations of the appropriate regulatory body;
- (e) Access must be available from a public highway or public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (f) If consent to sever land is required, the applicable policies of this Plan must be satisfied;
- (g) An amendment to the Township's implementing Zoning By-law as required.

- (18) Part of Lot 35, Concession 1, South Easthope (OPA No. 3):

Notwithstanding the policy of Section 5.4, uses described as a golf driving range, a miniature golf course, and accessory uses (excluding any

dwelling use) shall be permitted on an approximate 8 hectare area at this location subject to the following:

- (a) Adequate and acceptable water supply and sewage disposal services for the permitted uses;
- (b) Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (c) A minimum of 644 feet between the Sebben livestock barn on abutting property and the tee-off area of the golf driving range and miniature golf facility; and
- (d) Construction or erection of new commercial/recreation buildings or structures, other than for the miniature golf and driving range facilities, shall be prohibited.

(19) Part of Lot 46, Concession 3, South Easthope (OPA No. 5):

Notwithstanding the policy of Section 5.4, permitted uses on an approximate 3.6 hectare property at this location shall be farm-related commercial and industrial uses that provide services to the farm community and three commercial uses described specifically as a fruit and vegetable produce outlet, a bakery, and a meat and cheese store. Permitted uses shall be subject to the following:

- (a) Permitted uses do not require municipal water or sewer services. The method of water supply and waste disposal shall meet the applicable regulations of the appropriate regulatory agency;
- (b) Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (c) Farm-related commercial and industrial uses must be compatible with existing uses in the surrounding area;
- (d) The three specific commercial uses permitted above shall be located in a single building with a gross floor area of not greater than 840 square metres, with no individual use having a gross floor area of greater than 420 square metres;
- (e) An amendment to the Township's implementing Zoning By-law is required; and
- (f) A site plan control agreement is required.

(20) Part of Lot 46, Concession 3, South Easthope (OPA No. 11):

Notwithstanding the policy of Section 5.4, a non-farm residential use consisting of one single-detached dwelling shall be permitted on an approximate 0.22 hectare property at this location.

- (21) Part of Lot 1, Concession 13, Elma (OP):

A use described as an automobile salvage and wrecking yard shall be permitted on an approximate 4.9 hectare property at this location.

- (22) Part of Lot 26, Concession 9, Elma (OP):

A use described as a truck transport terminal shall be permitted on the subject property subject to the following:

- (a) Amount of land devoted to the activity includes only the minimum necessary to support the activity and its servicing requirements;
- (b) Location must have no detrimental affect on any existing farm;
- (c) Activity is small-scale in terms of building size and shall not exceed 230 square metres;
- (d) Must be "dry" in nature and will not require municipal water or sewer services; and
- (e) An amendment to the Township's implementing Zoning By-law is required.

- (23) Part of Lots 28 & 29, Concession 1, Elma (OP):

An institutional use described as a church and accessory uses shall be permitted on the subject land provided that all buildings are a minimum of 131 metres from neighbouring livestock barns located at Lot 28, Concession 1. Such institutional use shall be subject to site plan control provisions.

- (24) Part of Lots 41 & 42, Concession 1, Elma (OP):

An existing poultry operation involving broiler chickens shall be permitted on an approximate 12 hectare property at this location subject to the following:

- (a) Only one poultry barn, approximately 1,120 square metres in size, is permitted;
- (b) The permitted poultry barn should be located not less than 300 metres from the nearest dwelling on adjacent property; and

- (c) The capacity of the permitted barn shall not exceed 100,000 birds per year.

(25) Part of Lots 39 & 40, Concession 1, Elma (OP):

An institutional use consisting of a church, a daycare facility, and a park and recreational area shall be permitted on an approximate 6.9 hectare property at this location subject to the following:

- (a) Amount of land devoted to the activity includes only the minimum necessary to support the activity and its servicing requirements and uses as little agricultural land as possible. Location shall have no detrimental effect on any existing farm;
- (b) Activity is small-scale in terms of building size and number of employees;
- (c) Activity does not require municipal water or sewer services. Water supply and waste disposal systems must be approved by the appropriate regulatory bodies;
- (d) Access must not result in traffic hazards due to poor site lines or proximity to an intersection;
- (e) An amendment to the Township's implementing Zoning By-law is required.

(26) Part of Lot 24, Concession 3, Wallace (OP): A use described as a gift craft shop is permitted on an approximate 0.4 hectare property at this location.

(27) Part of Lot 13, Concession 2, Wallace Township:

A use described as an asphalt manufacturing plant shall be permitted on a 1.6 hectare property at this location subject to the following:

- (a) The asphalt plant shall be operated in accordance with all applicable requirement and regulations of the appropriate regulatory agency;
- (b) The asphalt plant shall be screened from view from surrounding lands; and
- (c) A site plan agreement is required.

(28) Part of Lots 27 and 28, Concession 9, Wallace Township:

A farm-related commercial/industrial use described as the grinding, mixing, and sale of feed for livestock; the cleaning, mixing, and sale of seeds for crop production; the drying and storage of corn, beans, and cereal grains; the sale of fertilizer; the retail sales of farm supplies and products; and shipping and receiving activities associated with foregoing uses shall be permitted on a 1.1 hectare portion of a larger 41.25 acre farm property at this location subject to the following:

- (a) The use is permitted only as a part of a larger 41.25 acre farm property and severance of the use from this farm property shall not be permitted;
- (b) The use does not require municipal water or sewage services and the requirements of the appropriate regulatory agency concerning water and sewage shall be satisfied;
- (c) All necessary certificates, licenses, and permits to operate the permitted use must be obtained and maintained; and
- (d) An amendment to the Township's implementing Zoning By-law is required.

(29) Part of Lot 24, Concession 4, Wallace Township:

A use described as a catering business operated in conjunction with an existing poultry processing business shall be permitted on the subject property.

5.5.19 (30) Part of Lots 12 and 13, Concessions 15 and 16, and part of Lots 17 and 18, Thames Concession in the Township of Perth South (formerly the Township of Blanshard):

On lands designated "Agriculture" and "Mineral Aggregates" adjacent to the East River Road (Road 133), south of Otter Creek in Perth South, a combination of soil conditions, fragmented ownership, existing non-farm uses, and proximity to St. Marys and its associated urban development reduce the long term value of the subject lands for conventional and/or intensive farming operations. This Plan encourages and supports smaller scale farming operations (e.g. hobby farms) on existing lots in this area. The creation of new lots for smaller scale farming operations is not permitted.

*ADDED BY OPA No. 4*

(30A) Part of Lot 16, Concession 10, Logan Ward, Township of West Perth (Schedule "A-4"):

Notwithstanding the policies of Sections 5.4 and 5.5.10 of this plan to the contrary, a use described as a farm equipment sales and service business and accessory uses (excluding any accessory residential

dwelling use) and including the sales and service of large trucks, and recreational vehicles (i.e. snowmobiles, all terrain vehicles, and motorcycles), and the sales of vehicle parts and equipment shall be permitted on the land described as Part of Lot 16, Concession 10, in the Logan Ward of the Township of West Perth and more particularly shown on Schedule "A-4" to this Plan subject to the following:

- (a) Must be "dry" in nature and will not require municipal water or sewer services. Water supply and waste disposal systems must be approved by the appropriate regulatory bodies;
- (b) Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. No new accesses to abutting streets shall be permitted;
- (c) The sales and service of large trucks, and recreational vehicles, and the sales of vehicle parts and equipment shall be small-scale in nature. The Township's implementing Zoning By-law shall regulate the size of the activity;
- (d) An amendment to the Township's implementing Zoning By-law is required;
- (e) A site plan agreement pursuant to the provisions of the Planning Act is required.

*ADDED BY OPA No. 5 and AMENDED BY OPA No. 16 & 110*

- (31) Part of Lots 25, 26, and 27, Conc. 7, Wallace Ward, Municipality of North Perth

Notwithstanding the policies of Section 5.4 of this Official Plan to the contrary, the permitted uses on the land described as part of Lots 25, 26, and 27, Concession 7, in the Wallace Ward of the Municipality of North Perth, as shown on Schedule "A-108" to this Plan, shall be as follows:

- (a) a place of worship, a retreat centre (including short term overnight accommodation), and accessory uses (including accessory storage, warehousing, and offices); and/or
- (b) a hotel and conference centre (maximum of 266 rooms) and accessory uses.  
Prior to the establishment of any of the above-noted permitted uses on the subject property, the following requirements shall be met:
  - (i) water supply for the permitted use(s) must be approved by the appropriate regulatory authorities. The owner/proponent shall prepare and submit any necessary study material in support of the proposed water supply to the appropriate regulatory

authorities as a part of the approval process for the water supply;

- (ii) waste/sewage treatment for the permitted use(s) must be approved by the appropriate regulatory authorities. The owner/proponent shall prepare and submit any necessary study material in support of the proposed waste/sewage treatment to the appropriate regulatory authorities as a part of the approval process for the waste/sewage treatment;
- (iii) storm water management for the permitted use(s), if required, must be approved by the appropriate regulatory authorities. The owner/proponent shall prepare and submit any necessary study material in support of the storm water management for the uses to the appropriate regulatory authorities as a part of any approval process for storm water management;
- (iv) access to the subject property for the permitted use(s) must be approved by the Ministry of Transportation. The owner/proponent shall prepare and submit any necessary study material in support of the proposed access to the property as a part of the approval process for the access;
- (v) an amendment to the Municipality of North Perth's implementing Zoning By-law is required. Such amendment shall set out the specific uses that are to be permitted on the subject property and may establish specific zone regulations for the permitted uses;
- (iv) a site plan agreement for the proposed development with the Municipality of North Perth shall be prepared, approved, and registered on the title for the subject property.

5.5.19 (32) Not Used

(33) Not Used

*ADDED BY*  
*OPA No. 8*

(34) Part of Lot 31, Concession 2, Wallace Ward, Town of North Perth (Schedule "A-13"):

Notwithstanding the policies of Section 5.6.8 and 11.5.5 of this Official Plan to the contrary, a 10.52 ha (26 ac.) parcel in the "Agriculture" and "Natural Resources/ Environment" designations, may be severed from a farm property and added to the adjacent property to the north, which is within the "Recreation" designation (owned by the Listowel Rifle and Revolver Club). The subject land may be used for the required safety buffer zone for an existing skeet shooting range located on the Listowel Rifle and Revolver Club property. An amendment to the Town's implementing Zoning By-law and a Site Plan Agreement is required.

*ADDED BY* (35)  
*OPA No. 8*

Part of Lot 31, Concession 2, Wallace Ward, Town of North Perth (Schedule "A-13"):



Notwithstanding the policies of Section 5.6.2.1 and 5.6.2.2 of this Official Plan to the contrary, a 23.47 ha (58 ac.) parcel which is not large enough to facilitate a flexible and viable farm unit over the long term may be created. An amendment to the Town's implementing Zoning By-law is required.

*ADDED BY* (36) Part of Lot 15, Concession 11, Logan Ward, Municipality of West Perth  
*OPA No. 10* (Schedule "A-15"):

Notwithstanding the policies of Section 5.4 and Section 5.5.1 of this Official Plan to the contrary, residential uses (including farm and non-farm residential uses) shall not be permitted on an approximate 30 hectare property at this location in the "Agriculture" designation as a result of the severance of the principle farm dwelling from this property. An amendment to the Township's implementing Zoning By-law which prohibits new residential uses (including farm and non-farm residential uses) shall be required as a condition of any consent approval by the Land Division Committee for the severance of the principle farm dwelling from this property.

*ADDED BY* (37) Part of Lot 6, Concession 1, Ellice Ward, Township of Perth East  
*OPA No. 18* (Schedule "A-23"):

Notwithstanding the policies of Section 5.4 of this Official Plan to the contrary, an electrical contracting business that primarily serves the agricultural and farming community shall be permitted in an approximate 0.4 hectare area located in the south-east corner of the subject 12 hectare property. An amendment to the Township's implementing Zoning By-law to permit the subject electrical contracting business shall be required. Such by-law shall limit the location of the use and the building size for the subject use. In addition, a site plan agreement shall be required for the electrical contracting business and such site plan agreement shall address issues such as building location, building size, access driveway, parking area and parking spaces, outdoor storage, outdoor lighting, landscaping and buffering, and drainage.

*ADDED BY OPA No. 12*

(38) Pt. of Lot 21, Concession 10, North Easthope Ward, Township of Perth East (Schedule "A-17"):

Notwithstanding the policy of Section 5.6.8(d) of this Official Plan to the contrary, the severance of an approximate 11,500 sq. ft. area for the purpose of enlarging an existing undersized non-farm residential lot in the "Agriculture" designation shall be permitted.

*ADDED BY OPA No. 13*

(38A) Part of Lot 24, Concession 3, Wallace Ward, Town of North Perth (Schedule "A-18"):

Notwithstanding the policies of Section 5.4 and 5.5.10 of this Official Plan to the contrary, the following uses described as: an automobile sales and service establishment; an automobile service station; an automobile repair establishment; a machine shop and/or welding shop; a snowmobile, water craft, motorcycle sales and service establishment; as well as farm-related sales and service establishments, shall be permitted as an additional use on the subject 1.27 ha (3.14 ac.) parcel in the "Agriculture" designation. An amendment to the Town's implementing Zoning By-law and a Site Plan Agreement is required.

*ADDED BY OPA No. 219*

- (39) East Part Lot 22, Concession 4, Elma Ward, Municipality of North Perth (Schedule "A-219"):

Notwithstanding the policies of Sections 5.5.7 this Official Plan to the contrary, two (2) secondary farm occupations shall be permitted as additional permitted uses on the subject property subject to the following criteria:

- (a) A secondary entrance
- (b) Up to four (4) non-farm/residence employees for the subject property
- (c) Lot coverage/Land Use for the Secondary Farm Occupation shall be limited to not more than 2% of the subject property
- (d) Up to two (2) Secondary Farm Occupations

*ADDED BY OPA No. 1*

5.5.20 New Site-Specific Amendments

The following policies are site specific amendments which have been adopted and approved since the approval of this Official Plan.

- (1) Part of Lot 1, Concession 10 in the Township of Perth East (formerly in the Township of Mornington): an institutional use, described as a parochial school shall be permitted on a 0.6 hectare (1.5 ac.) of leased land subject to the following:
  - (a) A significant portion of the students rely on horse drawn vehicles as their primary means of transportation; and
  - (b) if the school is no longer required, the land will revert back to agricultural use.

*ADDED BY OPA No. 24 and AMENDED BY OPA No. 176*

- (2) Part of Lot 6, Concession 4, Wallace Ward, Municipality of North Perth (Schedule "A-176"):

Notwithstanding the policies of Section 5.6.2.1 and 5.6.2.2 of this Official Plan to the contrary, a 16.9 ha (41.8 ac.) parcel which is not

large enough to facilitate a flexible and viable farm unit over the long term may be created. An amendment to the local municipality's Zoning By-law which recognizes the reduced lot area of the farm property is required.

*ADDED BY*

OPA No. 26 (3)

Part of Lot 28, Concession 8, Logan Ward, Municipality of West Perth (Schedule "A-30"):

Notwithstanding the policies of Section 5.6.2.1 and 5.6.2.2 of this Official Plan to the contrary, a 19.2 hectare (47.5 acre) parcel which is not large enough to facilitate a flexible and viable farm unit over the long term may be created within the "Agriculture" designation. An amendment to the Municipality's implementing Zoning By-law which recognizes the reduced lot area of the farm property is required.

(4) Not Used

*ADDED BY*

OPA No. 31 (5)

Part of Lot 14, Concession 1, Downie Ward, Township of Perth South (Schedule "A-35"):

Notwithstanding the policies of Sections 5.5.16 and 5.6.3 of this Official Plan to the contrary, the severance of the irregular shaped 2.1 ha (5.17 ac.) area of farm land surrounding the existing farm dwelling to be severed and added to the abutting 4.54 ha (11.23 ac.) farm property within the "Agriculture" designation is permitted on the above-noted property, subject to an amendment to the Township's implementing Zoning By-law.

(6) Not Used

*ADDED BY*

OPA No. 37 (7)

Part of Lot 15, Concession 4, Mornington Ward, Township of Perth East (Schedule "A-41"):

Notwithstanding the policy of Section 5.6.8(d) of this Official Plan to the contrary, the severance of an approximate 560 square metre (6,000 sq. ft.) area for the purpose of enlarging an existing abutting non-farm residential lot in the "Agriculture" designation shall be permitted.

*ADDED BY OPA No. 42 and AMENDED BY OPA No. 105*

(8) Part of Lot 4, Concession 3 (Gore), and part of Lot 5, Concession 4 (Gore), in the Downie Ward, Township of Perth South (Schedule "A-102"):

A use described as a farm-related auction centre involving the sale of farm machinery, implements, agricultural related items, as well as consignment, estate, bankruptcy, and charity auctions, in conjunction with the aforementioned agricultural related items, and accessory uses (including a real estate office and a as well as a mini warehousing and

storage facility) shall be permitted on an approximately 1.81 ha (4.47ac.) portion of the farm property at this location in the “Agriculture” and “Natural Resource/Environment” designations of the County of Perth Official Plan, subject to the following:

- (a) the use shall be confined to an approximately 1.81 Ha area in the westerly portion of the subject property;
- (b) the use shall continue to be owned in conjunction with the farm operation at this location;
- (c) the use shall be in conjunction with the farming use of the property and the use shall be small-scale in terms of building size and number of employees;
- (d) the use does not require municipal water or sewage services and requires approval of the appropriate regulatory agency;
- (e) road access to the use shall be limited to Perth Road 113;
- (f) an amendment to the Township's implementing Zoning By-law is required;
- (g) a site plan agreement with the Township of Perth South is required.

*ADDED BY OPA No. 43*

- (9) Part of Lots 39 and 40, Concession 1, Elma Ward, Town of North Perth (Schedule “A-47”):

A use described as a school (including school building, parking area, playground, soccer and baseball fields, and accessory uses) shall be permitted on a 4.6 hectare (11.37 acre) parcel of land at part of Lots 39 and 40, Concession 1 in the Elma Ward of the Town of North Perth subject to the following:

- (a) That the development occurs on full municipal services;
- (b) An amendment to the Town of North Perth Zoning By-law;
- (c) A site plan agreement which includes preservation of the woodland; and
- (d) Subject to confirmation of the status of the barn/building to the north.

*ADDED BY OPA No. 44*

- (10) Part of Lot A, Concession 4 (Gore), Township of Perth South (Downie Ward) (Schedule “A-48”):

Notwithstanding the policies of Sections 5.5.16 and 5.6.3 of this Official Plan to the contrary, the severance of an irregular shaped 2.02 ha (5 ac.) area of farm land from a 3.2 ha (7.914 ac.) undersized farm property (with the dwelling remaining on the remnant area) for the purpose of adding the 2.02 ha (5 ac.) area to an abutting 40.47 ha (100 ac.) farm property within the "Agriculture" designation is permitted on the above-noted property, subject to an amendment to the Township's implementing Zoning By-law.

*ADDED BY OPA No. 46*

- (11) Part of Lots 2 and 3 Concession 1, Municipality of West Perth (Hibbert Ward) (Schedule "A-50"):

A non-farm industrial use described as a concrete mixing plant and accessory uses and the severance of this use from the farm parcel shall be permitted on a parcel of land with an area of approximately 2.1 hectares (5.2 acres) within the "Agriculture" designation and shown in hatching on Schedule "A-50" to this Official Plan subject to the following:

- (a) The use shall be confined to an area of approximately 2.1 hectares of land;
- (b) A land severance to create a separate parcel of land for the non-farm industrial use shall not be permitted by the County of Perth Land Division Committee;
- (c) The use shall continue to be small-scale in terms of building size and number of employees;
- (d) The use does not require municipal water or sewage services and requires approval of the appropriate regulatory agency;
- (e) Road access to the use shall be to the satisfaction of the Ministry of Transportation;
- (f) An amendment to the Municipality's implementing Zoning By-law is required; and
- (g) A site plan agreement with the Municipality of West Perth is required. Such Site Plan Agreement shall address the environmental noise impact of the concrete mixing plant and accessory uses on nearby sensitive land uses.

*ADDED BY OPA No. 48*

- 5.5.20 (12) Part of Lot 20, Concession 1, Fullarton Ward, Municipality of West Perth (Schedule "A-51"):

Notwithstanding the policies of Section 5.4 and 5.5.10 of this Official Plan to the contrary, a farm-related retail store and accessory uses shall be

permitted on the subject 9,636 square metres (2.38 acres) in the “Agriculture” designation subject to the following criteria:

- (a) The use must be “dry” in nature and will not require municipal water or sewer services. Water supply and waste disposal systems must be approved by the appropriate regulatory bodies;
- (b) Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. No access to Line 34 (Highway No. 8) shall be permitted;
- (c) The farm-related retail store shall be small-scale in nature. The Municipality’s implementing Zoning By-law shall regulate the size of the activity;
- (d) An amendment to the Municipality’s implementing Zoning By-law is required; and
- (e) A site plan agreement pursuant to the provisions of the Planning Act is required.

*ADDED BY*

*OPA No. 49* (13) Part Lot 16, Concessions 3 and 4, Mornington Ward, Township of Perth East (Schedule “A-52”):

Notwithstanding the policies of Sections 5.5.2 and 5.6.2.2 of this Official Plan to the contrary, the severance of a 0.8 ha (2 ac.) area from an existing 10.36 ha (25.6 ac.) undersized farm property (10.36 hectares/25.6 acres) for the purpose of adding the 0.8 ha (2 ac.) area to an abutting 49.8 ha (123 ac.) farm property within the “Agriculture” designation is permitted on the above-noted property, subject to an amendment to the Township’s implementing Zoning By-law.

*ADDED BY*

*OPA No. 55* (14) Lot 15, Part of Lot 16, and Block A, Registered Plan No. 295 (Part of Lot 37, Thames Concession) Township of Perth South (Blanshard Ward) (Schedule “A-58”):

Notwithstanding the policies of Sections 5.5.2 and 5.6.2.2 of this Official Plan to the contrary, the severance of a 0.58 ha (1.43 ac.) area from an existing undersized farm property for the purpose of adding the area to an abutting undersized farm property within the “Agriculture” designation, as shown on Schedule “A-58” to this Plan, is permitted on the above-noted property, subject to an amendment to the Township of Perth South’s implementing Zoning By-law.

Notwithstanding the policies of Sections 5.5.16, and 5.6.3 of this Official Plan to the contrary, non-farm residential development and the creation of three new lots for same, plus one retained lot, shall be permitted on the land described as Lot 15, Part of Lot 16, and Block A, Registered Plan

No. 295 (Part of Lot 37, Thames Concession) Township of Perth South (Blanshard Ward) as shown on Schedule "A-58" to this Plan subject to the following:

- (a) That development occurs on private services, approved by the appropriate authority;
- (b) That development occurs through the consent process;
- (c) An amendment to the Township of Perth South's implementing Zoning By-law to permit the non-farm residential development, which amendment shall contain provisions satisfactory to the Township for the purpose of identifying building envelopes that will not preclude potential for future development; and
- (d) The approval by the Ontario Ministry of Environment of a study prepared by the applicant to address the presence and impact of any adverse effects or risks to health and safety, as well as the necessary remedial measures taken to allow for the development, to the satisfaction of the Ontario Ministry of Environment.

(15) Not Used

(16) Not Used

ADDED BY  
OPA No. 68

(17) Part of Lot 15, Concession 16, Ellice Ward, Township of Perth East (Schedule "A-69"):

Notwithstanding the policies of Section 5.4 of this Official Plan to the contrary, an industrial use that involves the recycling of used tires shall be permitted as an additional use on the subject property. The following criteria shall apply in respect to this additional use:

- (a) The use must be such that it can be adequately served by a private on-site sewage system and a private on-site water supply system;
- (b) All access, development, and signage shall meet the applicable requirements of the appropriate approval authority;
- (c) The applicable MDS (Minimum Distance Separation) provisions shall apply;
- (d) All applicable requirements of the Ministry of the Environment shall apply, including obtaining any necessary approvals and/or Certificates of Approval;
- (e) An amendment to the local municipality's implementing Zoning By-law is required; and

- (f) A site plan agreement pursuant to the provisions of Section 41 of the Planning Act is required.

*ADDED BY OPA No. 70 AND AMENDED BY OPA No. 173*

- 5.5.20 (18) Part of Lot 13, Concession 1, Fullarton Ward, Municipality of West Perth (Schedule "A-173"):

Notwithstanding the policies of Section 5.4 of this Official Plan to the contrary, a highway commercial use described as a recreational vehicles sales and service establishment and accessory residential use shall be permitted as an additional use on the subject property. The following criteria shall apply in respect to this additional use:

- (a) The use must be such that it can be adequately served by a private on-site sewage system and a private on-site water supply system;
- (b) That the proponent shall obtain all necessary access, land use, development, and signage approvals and shall meet the applicable requirements of the appropriate approval authority;
- (c) That the proponent obtain an approved Zoning By-law Amendment to the West Perth implementing Zoning By-law to regulate the proposed use, size and scale of the development; and
- (d) That the proponent obtain an approved modification/amendment to of the existing site plan agreement pursuant to the provisions of Section 41 of the Planning Act is required.

The policies of Section 5.6.8 of this Official Plan shall be used to evaluate any applications for consent to enlarge the recreational vehicles sales and service establishment and accessory residential use.

Notwithstanding the policies of Section 14.5.3 of this Official Plan to the contrary, a limited expansion to the commercial building complex shall be permitted in accordance with the policies of the Upper Thames River Conservation Authority. Such limited expansion shall be subject to the following:

- (a) That the proponent shall obtain all necessary land use or development permits from the Upper Thames River Conservation Authority;
- (b) That the size of the limited expansion to the commercial building complex shall be regulated by the West Perth implementing Zoning By-law; and



- (c) That the proponent shall obtain all necessary land use or development approvals from the Ministry of Transportation for Ontario.”

*ADDED BY*

*OPA No. 71* (19) Part of Lot 21, Concession 1, Ellice Ward, Township of Perth East (Schedule “A-72”):

Notwithstanding the policies of Sections 5.5.10, 5.5.16, and 5.6.3 of this Official Plan to the contrary, the severance of a 1.2 hectare lot in the southerly portion of Lot 21, Concession 1 in the Ellice Ward, bounded by Black Creek to the north and County Road 135 to the east, for the establishment of a non-farm residential use and a tree nursery use shall be permitted and further that no further severance from the remnant 5.6 hectare property for residential use shall be permitted.

*ADDED BY OPA No. 72*

5.5.20 (20) Part of Lots 49 and 50, Concession 1, Elma Ward, Municipality of North Perth (Schedule “A-73”):

Notwithstanding the policies of this Official Plan to the contrary, the following additional uses shall be permitted on Part of Lot 49, Concession 1 (Elma Ward): a business or professional office; an apartment accessory to the uses on the subject property; and a farm produce sales outlet in addition to the existing tack shop, subject to the conditions as noted below.

Notwithstanding the policies of this Official Plan to the contrary, the following additional uses shall be permitted on Part of Lot 50, Concession 1 (Elma Ward): a remotely monitored self serve gas bar; and a mini-storage and warehousing establishment, subject to the following conditions:

- (a) The uses shall continue to be owned in conjunction with the farm operation at this location;
- (b) Road access to the proposed uses on Part of Lot 50, Concession 1 (Elma Ward), shall be limited to Road 153;
- (c) An amendment to the Municipality’s Zoning By-law is required; and
- (d) A revised Site Plan with the Municipality of North Perth is required.

*ADDED BY OPA No. 73 AND AMENDED BY OPA No. 100*

(21) Part of Lot 39, Concession 1 in the North Easthope Ward, Township of Perth East (Schedule “A-100”):

Notwithstanding the policies of this Official Plan to the contrary, the

following additional use, described as a retail furniture and appliance store shall be permitted on part of Lot 39, Concession 1 in the North Easthope Ward, Township of Perth East, subject to the following conditions:

- (a) That the additional new use be limited to a furniture and appliance retail outlet (excluding any liquidation and/or inventory clearance use), and that no severance for new lot creation be permitted;
- (b) That the proponent obtain all necessary access, land use, development, and signage approvals and meet the applicable requirements of the appropriate approval authority;
- (c) That the use must be such that it can be adequately serviced by a private on-site sewage system and a private on-site water supply system; and
- (d) That the proponent obtain an approved Zoning By-law Amendment to the Perth East implementing Zoning By-law to regulate the proposed use, size and scale of the development.

*ADDED BY* (21A) Part of Lot 6, Concession 8, Downie Ward, Township of Perth  
*OPA No. 51* South(Schedule "A-54"):

Notwithstanding the policies of this Official Plan to the contrary, a 7.1 ha (17.5 ac.) parcel which is not large enough to facilitate a flexible and viable farm unit over the long term may be created. No dwelling shall be permitted on the parcel. An amendment to the Township's implementing Zoning By-law is required.

(22) Not Used

(23) Not Used

*ADDED BY* (24) Part of Lot 4, Concession 7 in the Mornington Ward, Township of Perth  
*OPA No. 79* East (Schedule "A-80"):

Notwithstanding the policies of Section 5.5.11, a school and accessory uses, may be permitted on part of Lot 4, Concession 7 in the Mornington Ward, Township of Perth East, with an MDS I separation distance of 146 metres from the manure storage area and 145 metres from the neighbouring livestock facility, subject to the following conditions:

- (a) That the school be located on leased land and consent to sever the school shall not be permitted;
- (b) That the proponent obtain all necessary access, land use, and development approvals and meet the applicable requirements of the appropriate road approval authority;

- (c) That the proponent obtain an approved Zoning By-law Amendment to the Perth East Zoning By-law 30-1999 to regulate the proposed use, size and scale of the development; and
- (d) That the owner enter into a Site Plan Agreement with the Township of Perth East.

*ADDED BY OPA No. 78*

5.5.20 (25) Part of Lot 7, Concession 1 in the Downie Ward, Township of Perth South (Schedule "A-79"):

Notwithstanding the policies of this Official Plan to the contrary, the following additional use, described as a museum, and accessory uses, shall be permitted on part of Lot 7, Concession 1 in the Downie Ward, Township of Perth South, subject to the following conditions:

- (a) That the proponent obtain all necessary access, land use, development, and signage approvals and meet the applicable requirements of the Ministry of Transportation;
- (b) That the use must be such that it can be adequately serviced by a private on-site sewage system and a private on-site water supply system; and
- (c) That the proponent obtain an approved Zoning By-law Amendment to the Township of Perth South implementing Zoning By-law to regulate the proposed use, size and scale of the development.

*ADDED BY OPA No. 83*

(26) Part Lot 5, Concession 3, in the Ellice Ward, Township of Perth East (Schedule "A-84"):

Notwithstanding the policies of Sections 5.5.2 and 5.6.3 of this Official Plan to the contrary, the severance of the existing dwelling on a 0.21 ha (0.52 acre) parcel of land (which is in the "Agriculture" designation) while retaining a 3.83 ha (9.47 acre) property at part of Lot 5, Concession 3, in the Ellice Ward, Township of Perth East be permitted, subject to the following conditions:

- (a) That the proponent obtain a amendment to the Township of Perth East implementing Zoning By-law to rezone the severed lot to permit a residential use on an undersized parcel in the Agricultural zone;
- (b) That the proponent obtain a amendment to the Township of Perth East implementing Zoning By-law to rezone the retained lot containing the church building to prohibit the construction of any

new residential dwelling; and

- (c) An agreement be registered on title of the retained lot containing the church building to prohibit the construction of any new residential dwelling.

*ADDED BY OPA Nos. 84 and 161*

5.5.20 (27) Part of Lot 33, Concession South of Thames Road, Fullarton Ward, Municipality of West Perth (Schedule "A-161"):

Notwithstanding the policies of Section 5.4 of this Official Plan to the contrary, an industrial use described as a sign manufacturing and sales business as well as a micro-brewery use shall be permitted as additional uses on the subject property. The following criteria shall apply in respect to these additional uses:

- (a) The uses must be such that it can be adequately served by a private on-site sewage system and a private on-site water supply system with the approval of the appropriate regulatory agency;
- (b) All access, development, and signage shall meet the applicable requirements of the appropriate approval authority;
- (c) The use shall be small-scale in terms of building size and number of employees;
- (d) An amendment to the local municipality's implementing Zoning By-law is required to regulate the proposed use, size and scale of the development; and
- (e) A site plan agreement pursuant to the provisions of Section 41 of the Planning Act is required.

*ADDED BY OPA No. 85* (28) Part of Lot 16, Concession 6, Elma Ward, Municipality of North Perth (Schedule "A-86"):

Notwithstanding the policies of Section 5.4 and Section 5.5.10 of this Official Plan to the contrary, the sales and service of non-farm related trailers (e.g. dumpers, skid trailers, utility trailers) in addition to the sales and service of livestock trailers on the subject property shall be permitted on the subject property. The following criteria shall apply in respect to this additional use:

- (a) The use must be such that it can be adequately served by a private on-site sewage system and a private on-site water supply system;
- (b) That the access, development, and signage shall meet the applicable requirements of the appropriate approval authorities;

- (c) An amendment to the local municipality's implementing Zoning By-law is required to regulate the proposed use, size and scale of the development;
- (d) A site plan agreement pursuant to the provisions of Section 41 of the Planning Act is required.

*ADDED BY OPA No. 89*

5.5.20 (29) Part of Lots 63 and 64, Concession 1, Elma Ward, Municipality of North Perth (Schedule "A-90"):

Notwithstanding the policies of Section 5.5.7 of this Official Plan to the contrary, a secondary farm occupation having a maximum gross floor area of 279 square metres (3,003 square feet), consisting of not more than 186 square metres (2,002 square feet) for office and workshop area and not more than 93 square metres (1,001 square feet) of storage area, shall be permitted on the subject property. No outdoor storage shall be permitted for this secondary farm occupation.

An amendment to the Municipality of North Perth's implementing Zoning By-law shall be required.

*ADDED BY OPA No. 91*

(30) Part of Lot 11, Concession 1, Ellice Ward, Township of Perth East (Schedule "A-92"):

Notwithstanding the policies of this Official Plan to the contrary, an additional use described as a communal septic leaching bed used for the servicing of mobile homes in the mobile home park development located north of the Phillips-Ney municipal drain shall be permitted on the south part of Lot 11, Concession 1 in the Ellice Ward subject to the following conditions:

- (a) That the proponent obtain all necessary approvals from the Ministry of the Environment including, but not limited to, a Certificate of Approval.
- (b) That the proponent obtain an approved Zoning By-law Amendment to the Township of Perth East Zoning By-law to permit and regulate the location of the communal septic bed.
- (c) That no new mobile home units shall be permitted to be located on the lands subject to this amendment.

*ADDED BY OPA No. 96*

(31) Part of Lot 46, Concession 3, South Easthope Ward, Township of Perth East (Schedule "A-97"):

Notwithstanding the policies of Sections 5.5.16 and 5.6.3 of this Official Plan to the contrary, the creation of a total of two new non-farm residential lots on the subject lands (i.e. 3741 and 3735 Perth Road 112) shall be permitted subject to the following:

- (a) The proposed new dwellings must be such that they can be adequately served by private on-site sewage system and private on-site water supply systems;
- (b) That the proponents obtain an access permit from and satisfy the applicable requirements of the appropriate road authority;
- (c) That any dwelling to be constructed on the southerly of the subject two properties (including access driveway) be located so as to no conflict with the provisions of the County's Forest Conservation By-law; and
- (d) That the proponents obtain an amendment to the Township of Perth East implementing Zoning By-law to permit the proposed single-detached dwellings and to regulate their location.

*ADDED BY OPA No. 106*

- (32) Part of Lot 6, Concession 2 in the Mornington Ward, Township of Perth East (Schedule "A-105"):

Notwithstanding the policies of Section 5.4 and Section 5.5.15.1 of the Official Plan to the contrary, the former Ministry of Transportation works yard may be converted to industrial/commercial uses described as the cutting, splitting, processing and sale of stone products and a contractors yard shall be permitted on part of Lot 6, Concession 2 in the Mornington Ward, Township of Perth East, subject to the following conditions:

- (a) That the owner obtain an approved Zoning By-law Amendment to the Perth East implementing Zoning By-law to regulate the proposed use, size and scale of the development.
- (b) That prior to the adoption of the zoning amendment the Township shall consider the following criteria:
  - (i) The existing building is suitable for the conversion to a industrial use;
  - (ii) The use must be located such that it will have no adverse affect on surrounding livestock and/or poultry operations and for this purpose the minimum distance separation provisions of MDS I must be met;
  - (iii) All applicable requirements concerning water supply and sewage disposal are satisfied;
  - (iv) Adequate drainage must either be available or readily

- capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on adjacent properties and roadways; and
- (v) The lot must front onto and have access onto a public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. Approval of the appropriate road authority for the proposed access shall be required.

*ADDED BY OPA No. 112*

5.5.20 (34) Part of Lot 10, Concession 4, Mornington Ward, Township of Perth East (Schedule "A-110):

Notwithstanding the policies of Section 5 of this Official Plan to the contrary, a use described as a bulk pet food wholesale business shall be permitted as a part of the agricultural use of the subject property subject to the following requirements:

- (a) the shall be permitted only in conjunction with a licensed dog kennel operation/use conducted on the subject property;
- (b) the bulk pet food wholesale business shall be limited to the storage, wholesaling and distribution of pet food, with no retail sales being permitted;
- (c) the bulk pet food wholesale business shall be conducted only by the farmer/farm family members residing on the farm property;
- (d) the bulk pet food wholesale business shall be conducted in a building located within the existing cluster of buildings on site. The maximum gross floor area permitted for the bulk pet food wholesale business shall be 375 square metres (4036 square feet). Any building(s) that is used for this use shall be capable of being converted back to agricultural use;
- (e) the use shall be subject to site plan control;
- (f) an amendment to the Township of Perth East Zoning By-law shall be required.

*ADDED BY OPA No. 114*

(35) Part of Lots 13 and 14, Registered Plan No. 295 (Blanshard Ward) (Schedule "A-112"):

Notwithstanding the policies of this Official Plan to the contrary, non-farm residential development and the creation of two new lots for same, plus one retained lot, shall be permitted on the land described as part of Lots

13 and 14, Registered Plan No. 295 (part of Lot 37, Thames Concession) in the Blanshard Ward of the Township of Perth South as shown on Schedule "A-112" to this Plan subject to the following:

- (a) that development occurs on private services, approved by the appropriate authority;
- (b) that development occurs through the consent process; and
- (c) an amendment to the Township of Perth South's implementing Zoning By-law to permit the non-farm residential development, which amendment shall contain provisions satisfactory to the Township.

*ADDED BY OPA No. 118*

- (36) Part of Lots 41, 42, 43, and 44, Concession 1 in the Elma Ward of the Municipality of North Perth (Schedule "A-116"):

Notwithstanding the policies of this Official Plan to the contrary, a farm-related equipment sales establishment and an existing dwelling and accessory buildings shall be permitted on an 8.5 hectare land area in the "Agriculture" designation and the "Adjacent Land Area", which 8.5 hectare area is shown on Schedule "A-116" to this Plan. The severance of the 8.5 hectare area shall be permitted for the proposed farm-related equipment sales establishment and accessory dwelling and the remnant 27.2 hectare farm property must be joined to the abutting farm property immediately to the south. The Official Plan Amendment is subject to the following conditions:

- (a) the farm-related commercial use shall be confined to an approximate 1.5 hectare area in the northerly portion of the land to be retained;
- (b) the farm-related commercial use does not require municipal water or sewer services;
- (c) access to Tremaine Ave. S. must not create nor generate conditions that are considered to be hazardous to traffic movement. Approval of the Municipality of North Perth is required for any new or modified access;
- (d) an amendment to the Municipality of North Perth's implementing Zoning By-law is required for the proposed farm-related commercial use;
- (e) a site plan agreement with the Municipality of North Perth is required for the proposed farm-related commercial use; and
- (f) a change of use permit for the poultry barn from the Municipality of



North Perth for storage for the proposed business.

*ADDED BY OPA No. 120*

5.5.20 (37) Part of Lot 5, Concession 3 in the Mornington Ward, Township of Perth East (Schedule "A-118"):

Notwithstanding the policies of Sections 5.4 and 5.5.15.1 of this Official Plan to the contrary, the uses permitted on part of Lot 5, Concession 3 in the Mornington Ward, Township of Perth East shall include small-scale industrial uses, a contractor's shop/yard, building supply outlet, equipment sales/service/rental uses, and accessory uses (excluding any accessory residential use) subject to the following conditions:

- (a) That the proponent obtain an approved Zoning By-law amendment to the Perth East implementing Zoning By-law to regulate the proposed use, size and scale of the development; and
- (b) That prior to the adoption of the Zoning By-law amendment, the Township shall consider the following criteria:
  - (i) All applicable requirements concerning water supply and sewage disposal are satisfied;
  - (ii) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on adjacent properties and roadways; and
  - (iii) The lot must front onto and have access onto a public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. Approval of the appropriate road authority for the proposed access shall be required.

*ADDED BY OPA No. 121*

(38) Part of Lots 28 and 29, Concession 1, Wallace Ward, Municipality of North Perth (Schedule "A-119"):

A use described as a school (including school building, parking area, playground, soccer and baseball fields, and accessory uses) shall be permitted on a 7.4 hectare (18.2 acre) parcel of land at part of Lots 28 and 29, Concession 1, Wallace Ward, Municipality of North Perth (Schedule "A-119) subject to the following:

- (a) That the development occurs on full municipal services;
- (b) An amendment to the Municipality of North Perth Zoning By-law; and
- (c) A site plan agreement.

*ADDED BY OPA No. 131*

5.5.20 (39) Lot 2, Concession 4, Logan Ward, Municipality of West Perth (Schedule "A-129"):

Notwithstanding the policies of Sections 5.5.6 of this Official Plan to the contrary, an additional farm residential unit may be permitted within a portion of an existing ancillary building on the subject farm property, subject to the following conditions:

- (a) The additional farm residence is to be a non-permanent dwelling located in a permanent building accessory to the farm use and established such that it can be easily renovated back into an agricultural building once the need for the additional farm residence has been fulfilled;
- (b) The additional farm residence as permitted by clause (a) above is considered as a part of the farm unit and consent to sever that residence from the farm unit shall not be permitted;
- (c) The additional farm residence as permitted by clause (a) above must be located in proximity to the principal farm residence and farm buildings and must use the existing driveway for access;
- (d) The additional farm residence as permitted by clause (a) above shall meet the MDS I requirements or be no closer to neighbouring livestock and/or poultry operations than the existing dwelling;
- (e) The subject farm property must be suitable for accommodating the water supply and sewage treatment for the additional dwelling. If possible, water supply and sewage service shall be from the well and sewage service for the principal farm dwelling;
- (f) The permanent accessory building to the farm must be suitable for accommodating the residential use and meet all applicable Building Code and Fire Code regulations;
- (g) Prior to establishing the additional farm residence as permitted by clause (a) above, the local municipal Council may choose to require a written agreement with the owner(s) of the subject property to address the non-permanent aspects of the additional farm residence; and
- (h) An amendment to the local municipality's implementing Zoning By-law is required.

*ADDED BY OPA No. 137*

5.5.20 (40) Part of Lot 5, Concession 3 in the Mornington Ward, Township of Perth East (Schedule "A-135"):

Notwithstanding the policies of Sections 5.4 and 5.5.15.1 of this Official Plan to the contrary, the uses permitted on part of Lot 5, Concession 3 in the Mornington Ward, Township of Perth East shall include small-scale industrial uses, a contractor's shop/yard, a race car repair and fabrication business, and accessory uses (excluding any accessory residential use) subject to the following conditions:

- (a) That the proponent obtain an approved Zoning By-law amendment to the Perth East implementing Zoning By-law to regulate the proposed use, size and scale of the development; and
- (b) That prior to the adoption of the Zoning By-law amendment, the Township shall consider the following criteria:
  - (i) All applicable requirements concerning water supply and sewage disposal are satisfied;
  - (ii) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on adjacent properties and roadways; and
  - (iii) The lot must front onto and have access onto a public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. Approval of the appropriate road authority for the proposed access shall be required.

*ADDED BY OPA No. 138*

5.5.20 (41) Part of Lot 41, Concession 1 in the South Easthope Ward, Township of Perth East (Schedule "A-136"):

Notwithstanding the policies of this Official Plan to the contrary, the uses permitted on a 0.54 ha (1.33 ac.) portion of part of Lot 41, Concession 1 in the South Easthope Ward, Township of Perth East shall include only a medical and professional office (excluding any accessory residential use) subject to the following conditions:

- (a) That the proponent enter into a Site Plan Agreement with the Township of Perth East. The site shall be developed in accordance with the urban design and site plan guidelines of the City of Stratford;
- (b) That the proponent obtain an approved Zoning By-law amendment to the Perth East implementing Zoning By-law to regulate the proposed use, size and scale of the development; and
- (c) That prior to the adoption of the Zoning By-law amendment, the Township shall consider the following criteria:
  - (i) All applicable requirements concerning water supply and sewage

- disposal are satisfied;
- (ii) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on adjacent properties and roadways; and
  - (iii) The lot must front onto and have access onto a public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. Approval of the appropriate road authority for the proposed access, land use, development, and signage approvals shall be required.

*ADDED BY OPA No. 139*

- 5.5.20 (43) Part of Lots 15 and 16, Thames Concession, Blanshard Ward, Township of Perth South (Schedule "A-143"):

Notwithstanding any policies of this Official Plan to the contrary, the creation of a parcel of land described as Part of Lots 15 and 16, Thames Concession, Blanshard Ward in the Township of Perth South which does not have frontage or access to a public road, shall be permitted subject to the following:

- (a) That the proponent obtain an amendment to the Township of Perth South Zoning By-law to recognize the lot area and lot frontage of the property and places the property into a holding zone pursuant to Section 36 of the Planning Act, RSO 1990 that prohibits any buildings or structures on the subject property until the parcel is merged with another property that has legal access to an open public road; and
- (b) That the property owner obtain an easement for legal access (i.e. right-of-way) from the Town of St. Marys for the parcel, or merges the parcel with another property that has legal access.

*ADDED BY OPA No. 149*

- 5.5.20 (44) Part Lot 46, Conc. 3, South Easthope Ward, Township of Perth East (Schedule "A-149"):

Notwithstanding the policies of Sections 5.5.16 and 5.6.3 of this Official Plan to the contrary, the creation of one new non-farm residential lot on the subject land (i.e. 3745 Perth Road 112) shall be permitted subject to the following:

- (a) The proposed new dwelling must be such that it can be adequately served by private on-site sewage system and private on-site water supply system;
- (b) That the proponents obtain an access permit from, and satisfy the applicable requirements of the appropriate road authority; and

- (c) That the proponents obtain an amendment to the Township of Perth East implementing Zoning By-law to permit the proposed single-detached dwelling and to regulate its location.

*ADDED BY OPA No. 151*

5.5.20 (44A) Part of Lot 22, Concession 12, Blanshard Ward, Township of Perth South (Schedule "A-151"):

Notwithstanding any policies of this Official Plan to the contrary, consent to sever approximately 7.0 hectares (17.3 acres) of land which is licensed for aggregate resource extraction may be approved, provided the parcel is conveyed to the abutting property to the west (which is licensed for aggregate resource extraction) as a lot addition, subject to the following:

- (a) That the proponent obtain an approved Zoning By-law amendment to the Township of Perth South implementing Zoning By-law to recognize the new lot area and new lot frontage for the farm parcel; and
- (b) That the severed lands must be added to, and merged on title with the abutting parcel to the west.

*ADDED BY OPA No. 155*

5.5.20 (45A) Part of Lots 18 & 19, Concession 14, Blanshard Ward, Municipality of Perth South (Schedule "A-155"):

Notwithstanding the policies of Sections 5.5.6 of this Official Plan to the contrary, a 'haul road' (including related ditches/screening/berms) accessory to an aggregate extraction facility on adjacent lands to the south may be permitted within a portion of the subject property, as shown on Schedule "A-155", subject to the following conditions:

- (a) Upon rehabilitation of the aggregate extraction facility, the 'haul road' and related features shall either be removed and the land rehabilitated for agricultural use, or incorporated into the future use(s) of the land.

*ADDED BY OPA No. 159*

5.5.20 (45B) Lot 29 and Part of Lot 28, Concession 14 (North Easthope Ward) Township of Perth East (Schedule "A-159"):

Notwithstanding Sections 5.6.3.1 b) of this Official Plan to the contrary, consent to sever one single-detached dwelling as a result of a farm consolidation involving additional farm holdings located outside of the County of Perth may be approved.

Notwithstanding Sections 5.6.3.1 i) of this Official Plan to the contrary, an amendment to the local municipality's implementing Zoning By-law shall not be required in order to prohibit any new permanent residential dwellings on the remnant farm property. Further, an agreement for such prohibition of any new permanent residential dwellings shall also not be required to be registered on the property title of the remnant farm property.

*ADDED BY OPA No. 160*

5.5.20 (46) Lot 19 and Part of Lot 20, Concession 11, Hibbert Ward, Municipality of West Perth (Schedule "A-160"):

Notwithstanding the policies of Sections 5.5.7 of this Official Plan to the contrary, an additional use described as an outdoor wedding reception venue shall be permitted on an approximately 0.6 ha (1.5 ac.) portion of the farm property at this location in the "Agriculture" designation of the County of Perth Official Plan, subject to the following:

- (a) the use shall be confined to an approximately 0.6 hectare area adjacent to the existing building cluster on the subject property;
- (b) the use shall continue to be owned in conjunction with the farm operation at this location;
- (c) the use shall be in conjunction with the farming use of the property and the use shall be small-scale in terms of building size and number of employees;
- (d) the use does not require municipal water or sewage services and requires approval of the appropriate regulatory agency;
- (e) road access to the use shall be from the existing driveway on Line 21;
- (f) an amendment to the Municipality of West Perth implementing Zoning By-law is required; and
- (g) a site plan agreement with the Municipality of West Perth is required.

*ADDED BY OPA No. 163*

5.5.20 (47) Part of Lot 12, Concession 3, Elma Ward, Municipality of North Perth (Schedule "A-163"):

Notwithstanding the policies of Section 5.5.7 of this Official Plan to the contrary, a use described as a secondary farm occupation shall continue to be permitted on an approximately 1.08 ha (2.67 ac.) portion of the farm property at this location in the "Agriculture" designation of the County of Perth Official Plan, subject to the following:

- (a) the use shall be confined to an approximately 1.08 hectare area

- within the existing building cluster on the subject property;
- (b) the use shall continue to be owned apart from the farm operation at this location;
  - (c) the use shall be small-scale in terms of building size and number of employees;
  - (d) the use does not require municipal water or sewage services and requires approval of the appropriate regulatory agency;
  - (e) road access to the use shall be from the existing driveway on Line 81;
  - (f) an amendment to the Municipality of North Perth implementing Zoning By-law is required; and
  - (g) a site plan agreement with the Municipality of North Perth is required.

*ADDED BY OPA No. 164*

- 5.5.20 (48) East Part of Lot 6, West Mitchell Road Concession, and Part of Lot 24, Concession 7, Fullarton Ward, Municipality of West Perth (Schedule "A-164"):

Notwithstanding the policies of Section 5.6.2.1 of this Official Plan to the contrary, a parcel of land with a lot area of approximately 42 hectares may be severed into two (2) parcels of land, each with a lot area of approximately 21 hectares, notwithstanding that the two parcels are not large enough to facilitate a flexible and viable farm unit over the long term. As a condition of consent approval, an amendment to the local municipality's implementing Zoning By-law shall be required to regulate the proposed use, and area of the parcels should an application for consent be approved.

*ADDED BY OPA No. 165*

- 5.5.20 (49) Part of Lot 22, Concession 12 in the Blanshard Ward of the Township of Perth South (Schedule "A-165"):

Notwithstanding Section 5.6.3.1 b) of this Official Plan to the contrary, consent to sever one single-detached dwelling in the "Agriculture" designation as shown on Schedule "A-165" as a result of a farm consolidation involving additional farm holdings located outside of the County of Perth may be approved.

*ADDED BY OPA No. 168*

- 5.5.20 (50) Lot 16, Concession 2 and Part of Lot 16, Concession 1, (Ellice Ward) Township of Perth East (Schedule "A-168"):

Notwithstanding Section 5.6.3.1 d) of this Official Plan to the contrary, an application for consent to sever one single-detached dwelling as a

result of a farm consolidation which is less than ten (10) years old and which is not habitable at the date of the application for consent may be approved by the County of Perth Land Division Committee.

In considering any application for consent to sever one single-detached dwelling as a result of a farm consolidation the policies of Section 5.6.3.1, save and except for Section 5.6.3.1 (d), shall apply and further, the County of Perth Land Division Committee shall impose, as a condition of consent approval, a condition that has the effect that the single-detached dwelling to be severed as a result of a farm consolidation shall be habitable, as determined by the local Chief Building Official, prior to the transfer of the property.

*ADDED BY OPA No. 170*

5.5.20 (51) Part of Lots 9, and D, Concession 6 in the Downie Ward (Gore) of the Township of Perth South (Schedule "A-170"):

Notwithstanding Sections 5.5.1 and 5.5.16 of this Official Plan to the contrary, an approximate 3.68 hectare parcel of land as shown in hatching on Schedule "A-170" shall be removed from the "Mineral Aggregate Resources" designation and placed in the "Agriculture" designation to permit the establishment of a non-farm residential use in the form of a single-detached dwelling on the subject property. The following criteria shall apply in respect to this additional use:

- (a) The use must be such that it can be adequately served by a private on-site sewage system and a private on-site water supply system;
- (b) All access and development shall meet the applicable requirements of the appropriate approval authority; and
- (c) A land severance to create a separate parcel of land for the non-farm residential use shall not be permitted by the County's Land Division Committee; and
- (d) An amendment to the local municipality's implementing Zoning By-law is required to permit the non-farm residential use and to regulate its location.

*ADDED BY OPA No. 181*

5.5.20 (52) Lot 1, Concession 4 in the Gore of the Downie Ward of the Township of Perth South (Schedule "A-181"):

Notwithstanding Section 5.6.3.1 b) of this Official Plan to the contrary, consent to sever one single-detached dwelling in the "Agriculture" designation as shown on Schedule "A-181" as a result of a farm consolidation involving additional farm holdings located outside of the County of Perth on lands described as Lot 27, Concession 7, Township of Zorra, Oxford County may be approved.



*ADDED BY OPA No. 182*

5.5.20 (53) Lot 32, Concession 8 in the Wallace Ward of the Municipality of North Perth (Schedule "A-182"):

Notwithstanding Section 5.6.3.1 (b) of this Official Plan to the contrary, consent to sever one single-detached dwelling in the "Agriculture" designation as shown on Schedule "A-182" as a result of a farm consolidation involving additional farm holdings located outside of the County of Perth on lands described as Lot 40, Concession 1, Town of Minto, Wellington County may be approved.

*OPA No. 185 – Refused*

*ADDED BY OPA No. 187*

5.5.20 (55) Part of Lot 25, East Mitchell Road Concession, Blanshard Ward, Part 1 on 44R-504, Township of Perth South (Schedule "A-187"):

Notwithstanding Section 5.6.3.1 (b) of this Official Plan to the contrary, consent to sever one single-detached dwelling in the "Agriculture" designation as shown on Schedule "A-187" as a result of a farm consolidation involving additional farm holdings located outside of the County of Perth on lands described as Lot 13, South Boundary Concession, Township of Lucan Biddulph, Middlesex County may be approved.

*ADDED BY OPA No. 195*

5.5.20 (58) Lot 10 and East Part of Lot 9, Concession 3, Elma Ward, Municipality of North Perth (Schedule "A-195"):

Notwithstanding the policies of Sections 5.5.10 and 5.6.6 of this Official Plan to the contrary, the severance of a parcel of land from the subject property containing an existing farm-related commercial and industrial use, accessory structures and an existing accessory residence in the form of a permanent single-detached dwelling may be permitted within the "Agriculture" designation of the County of Perth Official Plan, subject to the following:

(a) The uses shall be confined to the minimum amount of land necessary to support the permitted uses and their servicing needs;

(b) An amendment to the Municipality of North Perth's implementing Zoning By-law shall be required to place the proposed severed parcel in an appropriate zone to permit the intended uses and to regulate their locations;

(c) The permitted farm-related commercial industrial use shall be permitted a maximum of one accessory residence in the form of an existing permanent single-detached dwelling; and

(d) Consent to sever the permitted accessory residence from the farm-related commercial industrial use shall not be permitted.

*ADDED BY OPA No. 198*

5.5.20 (59) Part Lot 15, Concession 11 Mornington, (7614 Perth Road 121) Township of Perth East (Schedule "A-198"):

Notwithstanding Section 5.6.6 of this Official Plan to the contrary, an existing permanent residence is recognized as a permitted accessory use to a farm equipment dealership. An amendment to the Township of Perth East Zoning By-law shall be required to recognize both the farm equipment dealership and the accessory permanent residence.

*ADDED BY OPA No. 207*

5.5.20 (60) Part Lot 18, Concession 8, Mornington Ward, Township of Perth East (Schedule "A-207"):

Notwithstanding the policies of Section 5.5.7 of the Official Plan to the contrary, an enlargement of the Secondary Farm Occupation shall be permitted, subject to the following criteria:

(a) The maximum floor area permitted shall not exceed 750 square metres.

(b) The maximum number of off-site employees will be five (5) (i.e. five full-time equivalents).

(c) All other provisions of Section 5.5.7 shall apply.

*ADDED BY OPA No. 208*

5.5.20 (61) Concession 6, South Part Lot 15, and Concession 5, Part of Lot 15, Mornington Ward, Township of Perth East (Schedule "A-208"):

Notwithstanding the policies of Section 5.5.7 of the Official Plan to the contrary, an enlargement of the Secondary Farm Occupation shall be permitted, subject to the following criteria:

(a) The maximum floor area permitted shall not exceed 615 square metres.

(b) All other provisions of Section 5.5.7 shall apply.

*ADDED BY OPA No. 210*

5.5.20 (61) Lot 11, Concession 7, Mornington Ward, Township of Perth East (Schedule "A-210"):

Notwithstanding the policies of Section 5.5.7 of the Official Plan to the contrary, an enlargement of the Secondary Farm Occupation shall be permitted, subject to the following criteria:

- (a) The maximum floor area permitted shall not exceed 930 square metres.
- (b) The maximum number of off-site employees will be five (5) full-time equivalents.
- (c) All other provisions of Section 5.5.7 shall apply.

*ADDED BY OPA No. 214*

5.5.20 (62) Concession 2, Part Lot 29, as RP 44R1065, Part 2 to Part 4 North Easthope Ward, Township of Perth East (Schedule "A-214"):

Notwithstanding the policies of Section 5.5.7 of the Official Plan to the contrary, a Secondary Farm Occupation shall be permitted, subject to the following criteria:

- (a) The use shall be limited to the preparation of food, retailing of food prepared on-site, and on-site dining in both indoor and outdoor facilities to patrons; and
- (b) The maximum gross floor area for said permitted uses with permanent structures shall be 400 square meters.
- (c) All other provisions of Section 5.5.7 shall apply

*ADDED BY OPA No. 216*

5.5.20 (63) Part Lots 27 & 28, Concession 1, Elma Ward, Municipality of North Perth (Schedule "A-216"):

Notwithstanding the policies of Section 5.6.2.1 of the Official Plan to the contrary, a site-specific Agricultural lot shall be permitted to be created on lands shown as stippling on Schedule (A-216), subject to the following criteria:

- (a) The minimum lot area to be created shall be 4 hectares (9.8 acres); and
- (b) The minimum lot frontage shall be 20 metres; and
- (c) An amendment to the local municipality's Zoning By-law which recognizes the reduced lot area and frontage as well as requires the owners to obtain change of use permits for their accessory structures is required.

*ADDED BY OPA No. 229*

5.5.20 (66) Lot 5, Concession West Mitchell Road, Blanshard in the Township of Perth South (2190 Perth Road 163) (Schedule "A-229")

Notwithstanding the policies of Sections 5.5.10 this Official Plan to the contrary, one agricultural-related use, being a grain elevator operation shall not be required to meet the provisions of section 5.5.10 e). MDS I setbacks and calculations will not be required for a future severance of the grain elevator operation.

*ADDED BY OPA No. 228*

5.5.20 (67) Part of Lot 4, Concession 3 (Gore) and part of Lot 5, Concession 4 (Gore), in the Downie Ward, Township of Perth South (3715 Perth Road 113) (Schedule "A-228")

A use described as a farm-related auction centre involving the sale of farm machinery, implements, agricultural related items, as well as consignment, estate bankruptcy, and charity auctions, in conjunction with the aforementioned agricultural related items, and accessory uses (including a real estate office as well as a mini warehousing and storage facility) shall be permitted on an approximately 2.7 ha (6.67 ac) portion of the farm property at this location in the "Agricultura" and "Natural Resource/Environment" designations of the County of Perth Official Plan, subject to the following:

- (a) The use shall be confined to an approximately 2.7 ha area in the westerly portion of the subject property;
- (b) The use shall continue to be owned in conjunction with the farm operation at this location
- (c) The use shall be in conjunction with the farming use of the property and the use shall be small-scale in terms of building size and number of employees;
- (d) The use does not require municipal water or sewage services and requires approval of the appropriate regulatory agency;
- (e) Road access to the use shall be limited to Perth Road 113;
- (f) An amendment to the Township's implementing Zoning By-law is required;
- (g) A site plan agreement with the Township of Perth South is required.

*ADDED BY OPA No. 47*

5.5.21 **SPECIAL POLICY AREA "A"**

The lands shown in cross-hatching on the attached map, Schedule "A-70-14" and described as part of Lot 6, Concession 3 in the Mornington Ward of the Township of Perth East are identified as Special Policy Area A and are subject to the following policies:

- 5.5.21.1 Permitted uses in Special Policy Area A shall be industrial type uses. Additionally, recreational uses may be permitted in an approximate 0.8 hectare area located south of Temperance Street in the north-east corner of Special Policy Area A.
- 5.5.21.2 Permitted industrial uses shall be subject to the “Industrial” policies as set forth in Section 4.4 of the Milverton Official Plan. Consideration shall be given to a range of industrial uses, with lighter industrial uses closest to any neighbouring residential uses.
- 5.5.21.3 Permitted recreational uses shall be subject to the “Major Institutional” policies as set forth in Section 4.5 of the Milverton Official Plan.
- 5.5.21.4 Development in Special Policy Area A shall be subject to full municipal servicing as opposed to individual on-site servicing.
- 5.5.21.5 Road access to the south of Milverton and to Special Policy A and the “Urban Fringe” area south of Milverton shall not be through abutting residential or recreational areas to the north, but rather from Perth Road 131, Line 61 or industrial areas to the north.

*ADDED BY OPA No. 47*

5.5.22 **SPECIAL POLICY AREA “B”**

The lands shown in hatching on the attached map, Schedule “A-70-16” and described as part of Lot 22, Concessions 1 and 2 in the Fullarton Ward of the Township of West Perth are identified as Special Policy B and are subject to the following policies:

- 5.5.22.1 Permitted uses in Special Policy Area B shall be industrial uses.
- 5.5.22.2 Permitted industrial uses shall be subject to the “Industrial” policies as set forth in Section 4.4 of the Mitchell Official Plan.
- 5.5.22.3 Development in Special Policy Area B shall be subject to full municipal servicing as opposed to individual on-site servicing.

*ADDED BY OPA No. 183*

5.5.23 **SPECIAL POLICY AREA “E”**

The lands shown in hatching on the attached map, Schedule “A-183” and described as Part of Lot 31, Concession 9, Elma Ward, Municipality of North Perth are identified as Special Policy Area E and are subject to the following policies:

- 5.5.23.1 Notwithstanding the policies of Section 5.5.11 of this Official Plan to the contrary, permitted uses in Special Policy Area E shall be open space, recreational uses and stormwater management facilities accessory to an existing institutional use (private school) located within the Hamlet of Donegal on lands described as Part

of Lot 31, Concession 9, Parts 1 and 2 on 44R-4640, Elma Ward, Municipality of North Perth;

- 5.5.23.2 Notwithstanding the policies of Section 5.6.7 of this Official Plan to the contrary, a Consent application involving the severance of an approximate 1.36 hectare (3.35 acre) parcel of land within the Agriculture designation of the County of Perth Official Plan for the purpose of enlarging an abutting lot containing an existing institutional use (private school) found within the Hamlet of Donegal shall be permitted;
- 5.5.23.3 All access and development shall meet the applicable requirements of the appropriate approval authority; and
- 5.5.23.4 An amendment to the Municipality of North Perth implementing Zoning By-law is required to permit open space, recreational uses and stormwater management facilities accessory to an existing institutional use (private school) located within the Hamlet of Donegal on lands described as Part of Lot 31, Concession 9, Parts 1 and 2 on 44R-4640, Elma Ward, Municipality of North Perth and to regulate their location.

***Explanatory Note: The policies of Section 6.6.4 of this Official Plan have been repeated at this location in the Official Plan to assist the reader.***

ADDED BY OPA No. 65

6.6.4 **Special Policy Area “D”**

The “Special Policy Area ‘D’” designation for part of Lots C and 4, Concession 3 in the Township of Perth South (Gore of the Downie Ward) shown on Schedule “A” (shown in hatching on Schedule “A-66”) to the County Official Plan shall be subject to the following policies:

- (a) Permitted Uses – permitted uses shall be industrial uses, public service/utility uses (e.g. stormwater management facility), and accessory uses. Permitted uses shall be developed on the basis of municipal servicing (e.g. water supply, sanitary sewage, etc.);
- (b) The identified natural heritage features on the subject property (i.e. as identified in the final Environmental Impact Study prepared by Earth Tech and consistent with the preliminary Impact Study material prepared by Earth Tech and dated November 2, 2005) shall be protected and preserved and shall be left outside to the development area on the subject property;
- (c) The recommendations of the environmental management plan prepared for this property and identified in the final Environmental Impact Study prepared by Earth Tech and consistent with the preliminary Impact Study material prepared by Earth Tech and dated November 2, 2005) shall be implemented in respect to development on the subject property;

- (d) An amendment to the Township of Perth South's Zoning By-law shall be required, which amendment will permit the uses noted above and which shall place the identified natural heritage features in the appropriate "Natural Resources/Environment Zone"; and
- (e) A site plan agreement pursuant to Section 41 of the Planning Act shall be required for industrial development on the subject property. The site plan agreement must be to the satisfaction of the UTRCA, County, and Township.

## 5.6 **CONSENT/SEVERANCE POLICIES**

The following specific policies shall apply to consent applications which involve land within the "Agriculture" 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.

### 5.6.1 **General Principles**

The following general principles shall apply in the case of consent applications involving lands within the "Agriculture" designation:

- (a) Prime agricultural lands are to be protected and preserved for the production of food, fibre, and fuel;
- (b) Conflicting or incompatible land use activities should not be created in agricultural areas;
- (c) Regard shall be had for the protection of natural environment features and for the protection and preservation of existing woodlots;
- (d) Regard shall be had for the protection of watercourses and drainage systems, both surface ditch and tile drain systems;
- (e) Matters such as fences and fence maintenance are to be considered when dealing with applications involving farmland; and
- (f) Natural hazards such as flood plains and steep slopes shall be considered when reviewing applications to ensure that the new lot does not aggravate existing natural hazards or increase the risk to life and property from natural processes.

### 5.6.2 **Farming Use**

#### 5.6.2.1 **New Lot Creation**

Applications for consent to create new farm lots may be granted provided that all lots involved (e.g. severed and retained lot) satisfy the following criteria:

- (a) Farming must be the existing and/or intended use. The size of each lot involved should be appropriate for the type of farming use proposed and the type of farming use proposed must be suitable given the agricultural characteristics of the general area within which the subject land is situated and the availability of such related facilities as may be necessary to support the proposed farming use;
- (b) The size of each lot involved must be large enough to provide the current/future farm operators with the flexibility of expanding, diversifying, or intensifying the farm operation, or of changing the type of commodities produced in order to meet changing economic conditions and trends in agriculture. When assessing farm size, consideration shall be given to matters such as the type of farm use proposed; the amount of productive land; topography; drainage characteristics; amount of woodlot; extent of bottom lands, organic soils, wetlands, and other unimproved lands; the size and configuration of the proposed lots for tillage for livestock purposes; the presence of or necessity for farm buildings or structures to support the farming use; and the location of neighbouring uses, buildings, and structures;

*ADDED BY*  
*OPA No. 47*

- (c) As a general rule, the splitting of original farm units (i.e. 40.5 hectare/100 acre) into smaller farm parcels is to be discouraged. The minimum lot area lot frontage requirement for farm use as set out in the local municipality's implementing Zoning By-law must be met;
- (d) Each lot involved in the application must meet the minimum distance separation provisions of MDS I and MDS II;
- (e) It may be necessary for the consent granting authority to impose appropriate conditions to ensure the appropriateness of the agricultural component of an application. Such conditions may include, but are not limited to, the following:
  - (i) Where a new farming use is proposed and the construction of buildings or structures are necessary to carry out the use, approval may be subject to substantial completion of such buildings or structures prior to the deed stamping stage of consent approval. In addition, it may be a requirement that required farm buildings and structures be completed or substantially completed prior to construction of any farm residence;
  - (ii) Approval may be conditional upon the prohibition/restriction of residential buildings on the subject lands through a site specific Zoning By-law Amendment and an agreement registered on title; and



- (iii) Where livestock and/or poultry operations are involved, approval may be conditional upon a suitable nutrient management plan.

When addressing the issues of farming use suitability, flexibility, and viability, the local municipal Council, County Council, and/or the consent granting authority may consult with the Ministry of Agriculture, Food and Rural Affairs.

In assessing and applying the above-noted criteria, the fact that an application meets the minimum lot size and lot frontage requirements for a farm use in the applicable Zoning By-law does not mean that the suitability of the farming use type, and flexibility criteria have been met. Each of the criteria above must be satisfied independent of the others.

#### 5.6.2.2 **Farm Amalgamation/Enlargement**

Consents may be granted to sever agricultural land for the purpose of enlarging an abutting farm property provided that the following criteria are satisfied:

- (a) All of the lots involved (e.g. enlarged farm lot and retained lot) must satisfy the criteria set forth in Clauses (a) through (e) of Section 5.6.2.1 above;
- (b) It may be necessary for the consent granting authority to impose appropriate conditions to ensure the legitimacy of the agricultural component of an application. Such conditions may include, but are not limited to, those noted in Clause (e) of Section 5.6.2.1 above;
- (c) The provisions of Sections 50(3) and (5) of the Planning Act, R.S.O. 1990 shall be applied to the lot enlargement component of the application in order that the enlargement area is united with the abutting farm lot to become one property for the purposes of Section 50 of the Planning Act; and

ADDED BY OPA No. 47 (d) Consents may be granted to sever farm land with the effect of "switching" one parcel for another abutting parcel provided that the farm land involved is comparable in terms of size, characteristics, and agricultural capability.

AMENDED BY OPA No. 153

#### 5.6.3 **Residential Use**

Consents for the severance of lots for residential use on lands within the "Agriculture" designation shall be prohibited. This includes the creation of all new non-farm related residential lots and the severance of existing farm dwellings (principal dwelling, supplementary dwellings, mobile homes and garden suites).

Notwithstanding the above, consents for the severance of lots for surplus farm dwellings on lands within the “Agriculture” designation may be permitted in accordance with Section 5.6.3.1 of this Plan.

AMENDED BY OPA No. 189

5.6.3.1 **Surplus Farm Dwelling Severances**

Lot creation for a residence surplus to a farming operation as the result of farm consolidation may be permitted provided all of the following criteria are satisfied:

- a) It is demonstrated that the dwelling is surplus to the needs of a consolidated farm operation. For the purposes of this section of the Official Plan:
  - i. an individual, partnership or corporation owns at least two farm properties, one being the subject property and both properties contain a habitable dwelling; and
  - ii. with regards to ownership, it must be demonstrated that common ownership represents the majority share of both farm properties. Where owners normally reside in the same household, they may be considered as one individual in the case of a partnership or corporation; and
  - iii. The majority owner of both properties is engaged in the business of agriculture on the lands, and has a valid farm business registration number.
- b) The surplus farm dwelling must be habitable and it is the intention to use the residence;
- c) The residence must be a minimum of ten years old on the date of the application for consent, or immediately replaced a dwelling which was originally built a minimum of 10 years ago.
- d) The new residential lot shall be limited to a minimum size and does not include any more prime agricultural land than what is required for the residential use, accessory uses and accommodation of appropriate sewage and water services. Existing buildings and landscape features such as ponds, gardens and windbreaks may be included in the surplus farm dwelling lot provided they are deemed accessory to the residential use and are in close proximity to the dwelling.
- e) The minimum distance separation provisions of MDS I must be satisfied from any livestock facilities on the retained farm property to the surplus residence;
- f) Lots created through this policy shall not permit livestock operations, however local zoning bylaws may permit limited non-commercial raising of livestock as an accessory use.

- g) An amendment to the local implementing zoning bylaw shall be required to regulate the permitted residential and accessory uses on the surplus dwelling lot;
- h) An amendment to the implementing zoning bylaw is required for the retained farm lot to prohibit any new permanent residential dwellings. Further, an agreement for such prohibition of any new permanent residential dwellings shall be registered on the property title of the remnant farm property as a condition of the consent.

5.6.4 **Woodlots**

Consent to sever a woodlot from a farm property to create a separate lot shall not be permitted.

5.6.5 **Secondary Farm Occupations, Home Occupations, and Bed and Breakfast/Farm Vacation Operations**

Consent to sever a secondary farm occupation, a home occupation, or a bed and breakfast/farm vacation operation from a farm property shall not be permitted.

5.6.6 **Farm-related Commercial and Industrial Development**

Consent to sever an existing farm-related commercial and industrial use from a farm property or to sever land to create a new farm-related commercial and industrial use may be permitted provided that all of the criteria set forth in Section 5.5.10 of this Plan are satisfied.

Consent applications involving the severance of land for the purpose of enlarging an existing farm-related commercial and/or industrial use situated on a separated lot may be permitted provided that the following criteria are satisfied:

- (a) The need for the lot enlargement must be clearly identified and such need must prove satisfactory to the consent granting authority;
- (b) The area being severed for lot enlargement purposes should be minimal in size and related to the demonstrated and accepted need;
- (c) All of the lots involved in the consent application (e.g. enlarged lot and retained lot) must be in conformity with the provisions of the local municipality's implementing Zoning By-law. Where such is not the case, consideration shall be given to imposing a condition requiring an amendment to the Zoning By-law to achieve by-law conformity;
- (d) The minimum distance separation provisions of MDS I must be satisfied. An exception to this may be applied where the required MDS I distance was not met prior to the severance being considered and where the

proposed lot enlargement will not further reduce any existing separation distance; and

- (e) The area being severed must be united to the abutting lot to create one lot for the purpose of Section 50 of the Planning Act.

#### 5.6.7 **Institutional and Public Uses**

*ADDED BY OPA No. 6* Consent applications involving the severance of land for new institutional and/or public uses shall not be permitted except where the new institutional and/or public use is permitted by the policies of Section 5.5.11 of this Plan.

Consent applications involving the severance of land for the purpose of enlarging an existing institutional and/or public use may be permitted provided that the following criteria are satisfied:

- (a) The need for the lot enlargement must be clearly identified and such need must prove satisfactory to the consent granting authority;
- (b) The area being severed for lot enlargement purposes should be minimal in size and related to the demonstrated and accepted need;
- (c) All of the lots involved in the consent application (e.g. enlarged lot and retained lot) must be in conformity with the provisions of the local municipality's implementing Zoning By-law. Where such is not the case, consideration shall be given to imposing a condition requiring an amendment to the Zoning By-law to achieve by-law conformity;
- (d) The minimum distance separation provisions of MDS I must be satisfied. An exception to this may be applied where the required MDS I distance was not met prior to the severance being considered and where the proposed lot enlargement will not further reduce any existing separation distance; and
- (e) The area being severed must be united to the abutting lot to create one lot for the purpose of Section 50 of the Planning Act.

5.6.8 **Enlargement of Existing Non-farm Use Lots**

Consents for the purpose of enlarging existing non-farm use lots may be permitted provided that the following criteria are satisfied:

- (a) The need for the lot enlargement must be clearly identified and such need must prove satisfactory to the consent granting authority;
- (b) The area being severed for lot enlargement purposes should be minimal in size and related to the demonstrated and accepted need;
- (c) All of the lots involved in the consent application (e.g. enlarged lot and retained lot) must be in conformity with the provisions of the local municipality's implementing Zoning By-law. Where such is not the case, consideration shall be given to imposing a condition requiring an amendment to the Zoning By-law to achieve by-law conformity;

*ADDED BY  
OPA No. 47*

- (d) The minimum distance separation provisions of MDS I must be satisfied. An exception to this may be applied where the required MDS I distance was not met prior to the severance being considered and where the proposed lot enlargement will not further reduce any existing separation distance, or where the proposed lot addition is to either incorporate the existing services for the existing non-farm use lot or to allow for the installation of services where there is no other alternative location; and
- (e) The area being severed must be united to the abutting lot to create one lot for the purpose of Section 50 of the Planning Act.

5.6.9 **Lot Boundary Adjustments/Corrections**

Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustments/corrections are minor in nature. Any access/development or signage must meet the requirements of the appropriate approval authority. Consideration will be given to the provisions of Sections 50(3) and (5) of the Planning Act R.S.O. 1990 and to the provisions of the local municipality's implementing Zoning By-law when dealing with such applications.

5.6.10 **Easements And Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created and that the need is substantiated and acceptable to the consent granting authority.

## **SECTION 6 - SETTLEMENT AREAS**

### **6.1 INTRODUCTION**

The type and extent of settlement area development which has occurred in Perth County varies considerably. There are serviced urban areas within which most of the non-farm development in the County has occurred; there are villages where residential and limited business, institutional, and recreational development has occurred; and there are hamlets where limited amounts of residential and non-residential development has occurred. This very basic hierarchy of settlement area development appropriately describes past and present settlement area development in Perth County and is considered an appropriate framework for continued settlement area development in the County.

This Plan takes a very strong approach with respect to the protection and preservation of agricultural lands, the protection and preservation of other resource-oriented lands, and the efficient use of development lands. In doing so, policies associated with the resource-oriented designations are very restrictive or prohibitive with respect to new non-farm development. Such policies form an integral part of the County's overall growth management strategy in that they force non-farm development to alternative locations in the various settlement areas throughout the County. It is therefore important that this Plan establish a workable framework and policy basis within which continued growth and development can occur in the identified settlement areas. At the same time, the Plan must recognize that many of the County's settlement areas, particularly the village and hamlet areas, have various limitations affecting the type and amount of growth that can reasonably occur at these locations. Of primary importance is the absence or availability of municipal servicing.

### **6.2 SETTLEMENT AREA HIERARCHY**

As noted in Section 6.1 above, a settlement area hierarchy consisting of serviced urban areas, villages, and hamlets is considered as an appropriate framework for continued settlement area development throughout the County. Each of these settlement area components is generally described below:

- 6.2.1 **Serviced Urban Areas** - are settlement areas which provide for a broad range of land uses, including residential, commercial, industrial, institutional, recreational, and utility uses. Full municipal servicing is available and is generally a requirement for new development. Development form is compact and greater efficiency in density of land uses have occurred. The serviced urban areas in the County consist primarily of the lands within the Listowel Ward, the Mitchell Ward, and the Milverton Ward. Each of these serviced urban areas serve as a primary growth and development area for the surrounding rural and agricultural areas. Where full municipal services are established in other designated settlement areas (i.e. larger "Village" areas), the transition of such areas from an unserviced settlement area to a serviced settlement area will be considered through an amendment to the County Official Plan.

6.2.2 **Villages** - are smaller settlement areas that are characterized as having a broad range of land uses and activities. While their significance from the commercial, industrial, and social standpoints have diminished over the years, many still host commercial uses which provide services to the local community, industrial operations that provide local employment opportunities, and institutional uses that serve as focal points for the surrounding rural areas. Development has occurred primarily on the basis of individual sewage disposal and water supply systems and new development has tended to occur through the plan of subdivision, individual consent, and conversion of land use processes. Some of the more recent subdivision development has occurred on the basis of partial municipal servicing (i.e.. municipal water supply). Villages tend to be characterized by development in depth or back lot development.

6.2.3 **Hamlets** - are the smallest of the identified settlement areas and are characterized as having a compact grouping of non-farm related development. Primary land uses are single-detached residential uses; however, some hamlets do host very limited amounts of commercial, industrial, institutional, and recreational development. Development has occurred on the basis of private sewage disposal and water supply systems and has tended to occur through the individual consent and conversion of use processes.

### 6.3 **SETTLEMENT AREA EXPANSIONS**

Proposals for the expansion of designated settlement areas will be carefully considered and reviewed with respect to their impact and effect on the overall planning strategy and policies of this Official Plan. An amendment to this Official Plan will be required for the expansion of a designated settlement area.

A proposal for the expansion of a designated settlement area must be supported by a documented need for the expansion. In considering the issue of need, a 20 year time horizon is to be used (in accordance with the Provincial Policy Statement). Where an expansion proposal involves prime agricultural lands, the issues of alternative locations for expansion and use of lower priority agricultural lands must be satisfactorily addressed. The applicable provisions of the Provincial Policy Statement shall apply in regard to proposals to expand a designated settlement area.

Proposals for settlement area expansions shall address the range of servicing approaches, servicing limits/constraints, impact on the settlement area character, road design, traffic implications, cost/benefit of the development to the municipality.



AMENDED BY OPA No. 142 and OPA No. 202

### **6.3A Second Dwelling Units**

Within the “Serviced Urban Areas”, the “Villages and Hamlets”, the “Urban Fringe” areas adjacent to the Ward of Listowel, and the “Infilling” designations of this Official Plan, Second Dwelling Units are permitted as a means of providing affordable housing and improving efficiencies in the use of municipal infrastructure and public services.

Second Dwelling Units are self-contained residential units with kitchen and bathroom facilities that are accessory to another dwelling (the primary dwelling) and have independent entrance directly to the outside or through a common vestibule. Second Dwelling Units are located within the primary dwelling or within a separate structure that is accessory to a dwelling.

The implementing Zoning By-law for each lower tier municipality shall contain regulations to permit Second Dwelling Units and shall govern such matters as dwelling unit size for both the primary dwelling and the Second Dwelling Unit, spatial separation and setbacks, buffering, alterations to the exterior of the primary dwelling, and parking.

A Second Dwelling Unit may be permitted within any detached, semi-detached, or rowhouse dwelling; or within any building or structure accessory to such a dwelling on the same lot as the dwelling. (AMENDED BY OPA No. 202)

New Second Dwelling Units must satisfy the following criteria:

- (a) A maximum of one Second Dwelling Unit is permitted per primary dwelling unit. Where another supplementary dwelling (e.g. a garden suite, a mobile home, etc.) exists, an additional Second Dwelling Unit is not permitted;
- (b) Second Dwelling Units must be clearly accessory to the primary dwelling;
- (c) Second Dwelling Units must be in keeping with the character of the surrounding neighbourhood;
- (d) Second Dwelling Units must be provided with water and sewage services to the satisfaction of the approval authority;
- (e) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on adjacent properties and roadways;

- (f) The primary dwelling must be structurally suitable for the establishment of a Second Dwelling Unit and satisfy the building and fire requirements of the Ontario Building Code and all other relevant municipal and Provincial standards;
- (g) Second Dwelling Units are not permitted where a dwelling is only permitted as an accessory use to the main use of the property;
- (h) Second Dwelling Units are not permitted within existing dwellings located within hazardous lands such as flooding hazard lands, erosions hazard lands, or hazardous sites;
- (i) Second Dwelling Units are not permitted on lots which do not meet the minimum lot area requirement of the Zoning By-law;
- (j) Home occupations are generally not permitted within Second Dwelling Units. In situations where the nature of the Secondary Dwelling Unit will accommodate a Home Occupation and where a Home Occupation is not located within the primary dwelling, the local municipality may consider an amendment to its implementing Zoning By-law or Minor Variance to permit a Home Occupation within the Second Dwelling Unit; and
- (k) Second Dwelling Units are not permitted within a mobile home.

6.4  
6.4.1

**SERVICED URBAN AREA**  
**Goals**

The following general goals are established for the "Serviced Urban Area" designation:

- (a) To recognize the importance of serviced urban centres in the County and the role that they play in future growth and development opportunities within the County;
- (b) To provide servicing infrastructure and capacity that is capable of serving projected growth and development;
- (c) To maintain a supply of land capable of accommodating projected growth and development;
- (d) To maximize the use of servicing infrastructure and land utilization by promoting and encouraging a compact, intensified form of development;
- (e) To provide for a wide range of land use activities, including residential, commercial, industrial, institutional, recreational, and utility uses;
- (f) To provide for a wide range of housing types to satisfy the majority of the housing demand within the County;

- (g) To continue in their role as the commerce and social focal points for the rural parts of the County;
- (h) To preserve, conserve, and protect the natural features and attributes which exist in these areas; and
- (i) To provide a friendly, healthy environment within which County residents can live and work.

*AMENDED BY OPA No. 104*

6.4.2 **Land Use Designation and Mapping**

The general goals and policies for the “Serviced Urban Area” designation shall apply to the areas shown as “Serviced Urban Areas” on Schedule “A” (Land Use Plan) and Schedules “A6-1” and “A6-2”

*AMENDED BY OPA No. 104*

6.4.3 **Definition/Permitted Uses**

Serviced urban areas are settlement areas which provide for a broad range of land uses, including residential, commercial, industrial, institutional, recreational, and utility uses. The fully serviced urban areas that form part of the County are the Listowel Ward (former Town of Listowel), Mitchell Ward (former Town of Mitchell), and the Milverton Ward (former Village of Milverton) and they are to serve as the primary growth and development areas for the County. Full municipal servicing is available and is a requirement for new development. It is intended that these serviced urban areas be the principal location for new non-farm related residential, commercial, and industrial growth in the County. The Urban areas of Atwood and Shakespeare are partially serviced with full municipal sanitary services and partial municipal water. It is intended that these partially serviced urban areas will become fully serviced. The local municipality is encouraged to work toward providing full services within the time frame of this plan.

The serviced urban areas of Stratford and St. Marys are geographically within the County but do not form part of the County. These separated municipalities do serve as growth and development areas for rural/agricultural areas surrounding them.

Generally, permitted uses are described as a variety of residential housing types, a variety of commercial uses, industrial uses, natural resource and environment uses, institutional and public utility uses, recreation and open space uses, and other specific uses and/or designations necessary to reflect the unique needs and character of the respective serviced urban areas. While agricultural land uses may be permitted, no new livestock or poultry operations or the expansion of existing livestock or poultry operation shall be permitted.

6.4.4 **General Policies**

6.4.4.1 **Local Official Plans**

Development within the "Serviced Urban Area" designations for the Listowel, Mitchell, and Milverton Wards shall be in accordance with the specific land use designations and policies of existing local Official Plan documents. Each of the serviced urban areas within the County presently has an approved Official Plan document and is required to maintain one through time or until such time that such local Official Plans are incorporated into the County's Official Plan. Any comprehensive reviews/updates of the existing local Official Plan documents and all amendments to local Official Plan documents are required to conform to all applicable policies of this Plan, including the "Serviced Urban Area" policies.

The content and form of local Official Plan documents may vary from one "Serviced Urban Area" to the next; however, they shall contain, as a minimum, general development and land use policies dealing with the following issues:

- (a) Future growth and development and their role in accommodating the County's future projected growth;
- (b) Residential, including low, medium and high density residential uses, affordable housing, special needs housing, infilling and intensification;
- (c) Commercial, including downtown commercial, highway commercial, shopping centre commercial (where appropriate), neighbourhood commercial and other commercial uses, as necessary;
- (d) Industrial, including a broad range of industrial uses;
- (e) Institutional, including health, cultural, and educational facilities, public recreational facilities, government offices, public utilities and related uses activities;
- (f) Natural resource/environmental protection policies;
- (g) Supply of land for future growth and development and the provision of necessary servicing infrastructure and capacity to serve same;
- (h) Community improvement;
- (i) Municipal services;
- (j) Transportation; and
- (k) Implementation policies.

#### 6.4.4.2 **Municipal Services**

All new development in areas designated "Serviced Urban Area" shall be serviced by municipal water supply and sanitary sewage services. An exception to this servicing requirement may be applied in the case of areas identified specifically for limited industrial or commercial development that do not require municipal sanitary sewage services. In such cases, the policies and provisions of Ontario Building Code Act and/or the Ministry of the Environment shall apply.

#### *ADDED BY OPA No. 104*

Limited infill development or redevelopment may be permitted on private water services in the urban areas of Atwood and Shakespeare in accordance with the policies of this plan.

#### 6.4.4.3 **Housing Policies**

Local Official Plans shall contain appropriate policies dealing with housing issues in the "Serviced Urban Area(s)". Such policies shall address the following:

- (a) Maintaining at all times a minimum 10 year supply of land that is designated and available for residential development and residential intensification;
- (b) Maintaining at all times, where new development is to occur, a minimum 3 year supply of lands for residential development with servicing capacity in draft approved or registered plans;
- (c) Encouraging housing forms and densities designed to be affordable to moderate and lower income households; and
- (d) Encouraging residential intensification in existing built-up and newly developing areas. Existing density targets and intensification policies shall be reviewed and updated as appropriate.

#### *ADDED BY OPA No. 97*

#### 6.4.4.4 **Site Specific Amendments**

- (1) Notwithstanding the policies of Section 6.4, Section 6.6, Section 6.6.2, Section 16, and Section 17.2.6 of this Official Plan to the contrary, the creation of "parcels of tied land" through the Common Elements Condominium process under the Condominium Act may be permitted on the properties described below without the need for each "parcel of tied land" to directly front on and have direct access to an existing public road which is maintained on a year-round basis. These properties must directly front on and have direct access to a private road which is a part of the common elements of the Common Elements Condominium and which is built and maintained to standards acceptable to the Municipality of North Perth. The subject properties are:

- (i) Block 187 and Block 188, Registered Plan 44M-33 (Forbes Cres.) in the Elma Ward;
- (ii) Block 158, Registered Plan 563 (Wallace Ave. S.) in the Listowel Ward;
- (iii) Block 159, Registered Plan 563 (Wallace Ave. S.) in the Listowel Ward;
- (iv) Block 11, Registered Plan 44M-3 (Albert Ave. N.) in the Listowel Ward;
- (v) Block 160 and Block 161, Registered Plan 563 (Bamford Dr.) in the Listowel Ward; and
- (vi) Part of Park Lot 7, Registered Plan No 159 (Elizabeth St. W.), in the Listowel Ward.

*ADDED BY  
OPA. 102*

*ADDED BY OPA No. 104*

6.4.5 **Atwood and Shakespeare**

The following policies of this plan are intended to guide land use change in the urban areas of Atwood and Shakespeare.

6.4.6 **New Lot Creation**

It is intended that new lot creation will occur primarily through the plan of subdivision process. Both the County and local municipal Councils must be satisfied in regard to matters such as the proposed use, the scale of the development, the provision of water and sewage services, land use compatibility, and site suitability. The policies of Section 16.2 of this Plan shall apply to all applications for plans of subdivision.

New lots created by consent in Atwood and Shakespeare should constitute either infilling or the logical, orderly expansion of the existing built-up area to fill in the existing designated areas. The policies of Section 16.3 of this Official Plan shall apply to applications for consent.

6.4.7 **Servicing Requirements**

Not all of the lands in the settlement areas are serviced with municipal water supply. When considering applications for new development the preferred servicing option is connection to municipal water and sewer services.

The following policies shall apply to all development or redevelopment:

- 6.4.7.1 All new development shall be connected to the municipal sanitary sewer system;

- 6.4.7.2 New development shall be directed to areas that allow for extensions to existing water supply, sanitary sewerage and storm water systems in an economic and practical manner;
- 6.4.7.3 New sanitary and storm sewers will be over-sized according to the level of development anticipated by the local municipality relative to the service area;
- 6.4.7.4 Development proceeding by plan of subdivision or multiple unit developments shall be connected to the municipal water supply system;
- 6.4.7.5 Where municipal water is not available or feasible small scale development or redevelopment, including consents for the creation of new residential lots, may be permitted on private wells subject to the approval of the local municipality; and
- 6.4.7.6 Costs for upgrades to municipal water, sanitary sewers and storm sewer systems to service new development shall be paid for by the developer.

Notwithstanding the policies of this plan those land within the Atwood Urban Area that are located north of Line 75 (Monument Road) on Road 164 do not have municipal water or sanitary services. These properties are known municipally as 7316 Road 164, 7319 Road 164, 7337 Road 164, 7335 Road 164 and 7333 Road 164. Small scale development or redevelopment on these lands may take place on existing private services.

6.4.8 **Residential**

Residential development has traditionally been in the form of single detached residences on lots large enough to accommodate private wells and septic systems. With the provision of municipal sanitary services new residential development is anticipated to be on smaller lots and at higher densities than in the past.

The “Residential” designation of land shall mean that the primary use of land in the areas so designated will be for a variety of residential uses and dwelling types. The types of dwellings and permitted uses shall include: but are not necessarily limited to, single-detached dwellings; group home dwellings, semi-detached dwellings; duplex dwellings; triplex dwellings; fourplex dwellings, converted dwellings, townhouse dwellings, and apartment dwellings.

6.4.8.1 **Residential Density**

The following densities shall be used as general guidelines:

up to 15 units per hectare	single-detached dwellings
15 - 25 units per hectare	semi-detached, duplex dwellings
25 - 40 units per hectare	triplex, fourplex, row/townhouse dwelling, boarding house, and converted dwellings
40 - 60 units per hectare	apartments

The foregoing densities are general guidelines which the local Council may moderately increase or decrease, dependent upon the specific site circumstances, provision of onsite amenities, and capabilities of municipal servicing systems to accommodate any increase. Also, the dwelling types listed for each density classification shall not be considered exclusively limited to those dwelling types as the local Council may moderately modify these when considering specific residential development proposals.

#### 6.4.8.2 **Single-Detached, Semi-Detached, and Duplex Dwellings**

The following specific policies shall apply when proposals involving single-detached, semi-detached, and duplex dwellings are evaluated:

- (a) Development of this nature shall occur primarily by the plan of subdivision. Development should be at a greater density with smaller lots than has typically been built in the past where such development would generally be compatible in design, and character with existing adjacent and surrounding uses;
- (b) Adequate landscaping, buffering, and screening may be required to maintain the character and quality of the existing residential development in order to ensure that semi-detached or duplex dwelling development does not fragment or change the character of established single-family residential neighbourhoods;
- (c) Semi-detached and duplex dwellings shall be encouraged to be developed in groups or clusters rather than in scattered form;
- (d) Semi-detached and duplex dwellings shall be encouraged to locate in such a manner as to minimize movement and the level of traffic flow through low-density single-family residential neighbourhoods; and
- (e) Proposals which, in the opinion of the local Council, would result in undue financial burden on the municipality, especially with respect to the provision of school facilities, public utilities, or other necessary public services, shall not be permitted.

#### 6.4.8.3 **Triplex, Fourplex, Row/Townhouse and Apartment Dwellings**

The following specific policies shall be applied when proposals involving triplex, fourplex, row/townhouse, and low-rise apartment dwellings, as well as other multiple dwelling development are evaluated:

- (a) Such development should be encouraged to locate in proximity to community and neighbourhood recreation and open space areas and have ready access to commercial facilities;
- (b) Such development shall generally have access to an arterial or collector road in order to minimize high volumes of vehicular traffic on nearby,



quiet, low density residential streets. Access points onto municipal roadways should not create conditions that are hazardous to traffic;

- (c) Such development shall provide for adequate landscaping, buffering, and screening in order to enhance the appearance of the development and to minimize the land use conflicts with adjacent land uses;
- (d) The buildings and structures for this type of development shall be designed in such a way that they are compatible in scale, building height, and character with the surrounding area;
- (e) Upon application for this type of development, council may require that the applicant, through relevant engineering reports, prove that there is adequate capacity or allocation within the municipal service systems to accommodate the projected population of the development. Should the required capacity not be available, the proposal shall be considered premature until such time as sufficient capacity or allocation becomes available;
- (f) A site plan shall be required for all multiple family residential development involving more than 2 dwelling units except conversions of existing dwellings to multiple residential use.

The site plan shall indicate proposed building area, building elevations, parking and landscaping areas, points of access to abutting streets, elevation plans indicating the lot grades before and after construction, and a surface drainage plan. The applicant shall be required to enter into a site plan agreement under the authority of Section 41 of the Planning Act, RSO, 1990 if the local Council considers such an agreement necessary.

#### 6.4.8.4

#### **Conversion of Dwellings to Multiple Residential Use**

The following specific policies shall be applied when proposals involving the conversion of existing dwellings to multiple residential are evaluated:

- (a) Regulations for the minimum unit sizes, parking requirements, landscape requirements and other consideration shall be set out in the implementing municipal Zoning By-laws;
- (b) Where a dwelling is of sufficient size, no external alterations or additions will be permitted which would change the character of the building or neighbourhood, excepting those changes required for fire and safety purposes;
- (c) Dwellings subject to conversion should be situated in proximity to community recreation and open space areas and have ready access to commercial facilities;

- (d) Sufficient landscaping and buffering shall be provided around converted dwellings in order to minimize any apparent land use conflicts with adjacent land uses;
- (e) Adequate road access and off-street parking shall be provided, the number of required parking spaces shall be set out in the implementing Zoning Bylaw;
- (f) Municipal sanitary, storm, and water supply services must be available and have sufficient capacity to accommodate the development; and
- (g) A site plan shall be required for all conversions involving the creation of more than one (1) new dwelling. A site plan agreement pursuant to the provisions of Section 41 of the Planning Act, RSO 1990 may be required for such conversions.

#### 6.4.8.5 **Quality of Residential Environment**

Within residential areas, the local Council may pass by-laws to enhance the quality of the residential environment. Such by-laws may include, but are not restricted to, the following:

- (a) The designation of particular architectural and/or historic buildings for heritage conservation under Part IV of the Ontario Heritage Act;
- (b) The control of the removal of trees on public property under the Municipal Act;
- (c) Regulation of a constant line of building setback from the street line, consistent with existing buildings;
- (d) Regulation of the height of new buildings consistent with the prevailing height of buildings in the surrounding area;
- (e) Sign control or closing of streets to discourage their use as routes for heavy volumes of through traffic; and
- (f) A noise control by-law under the Environmental Protection Act.

#### 6.4.8.6 **Residential Development Pattern**

Residential development shall be encouraged to:

- (a) locate in areas which will minimize the cost of providing municipal services;
- (b) locate in areas which will be compatible with adjacent existing and proposed development;
- (c) locate in areas which will be adjacent to existing built-up areas;

- (d) be of an acceptable scale in relation to existing development;
- (e) generally be directed to locations where access is available from local and collector roads as opposed to direct access onto arterial roadways; and
- (f) be appropriately landscaped, buffered, and screened in order to maintain or enhance the visual amenities of the development when abutting rail lines, existing commercial/industrial uses, or different types of existing residential uses.

6.4.8.7 **Mobile Homes and Trailers**

Mobile homes and trailers shall not be permitted as dwellings in the "Partially Serviced Urban Area" land use designation, except by amendment to this Plan. The terms "mobile home" and "trailer" will be defined in the implementing Zoning By-law.

6.4.8.8 **Senior Citizen Housing, Nursing Homes, and Rest Homes**

Limited high density residential development for senior citizen housing, nursing homes, and rest homes will be permitted. When considering proposals for such development, the local Council shall apply the following criteria:

- (a) such facilities shall be encouraged to locate in areas which are in proximity to the core area so that residents are within walking distance of the full range of facilities and services located within the core area;
- (b) such buildings shall be designed in a manner which compliments and harmonizes with the character of the surrounding area;
- (c) adequate road access and off-street parking shall be provided, with the number of parking spaces being set out in the implementing Zoning By-law;
- (d) adequate landscaping, buffering, and screening shall be provided in order to ensure that the amenities of the surrounding area are protected;
- (e) the appropriate public agencies shall be encouraged to provide adequate senior citizen housing and public and private bodies shall be encouraged to provide nursing home and rest home facilities;
- (f) a site plan shall be required for all new senior citizen housing, nursing homes, and rest homes, and the conditions of a site plan agreement shall be met under the authority of Section 41 of the Planning Act, RSO 1990; and

- (g) senior citizen housing, nursing homes, and rest homes shall be placed in a separate zone classification in the implementing Zoning By-law. An amendment to the implementing By-law shall be necessary in order to establish new senior citizen housing, nursing homes, and rest homes.

#### 6.4.8.9 **Group Homes**

For the purposes of this Subsection, group homes are generally defined as a single housekeeping unit in a residential dwelling accommodating a small number of persons living in a supervised environment who, for social or health reasons, require a group living arrangement. Group homes, in which three to ten persons (excluding supervisory staff or the receiving family) live as a family, must be licensed and/or approved for funding under Provincial Statutes and must serve the local needs and the surrounding rural areas. Group Homes may be permitted in accordance with the following policies.

- (a) **Type and Nature**  
There are several types of group homes that may be licensed and/or approved under Provincial and/or Federal statutes. While this Official Plan makes no distinction between group home types, the local municipality may, through its implementing Zoning By-law, identify different category types for group homes and establish regulations appropriate for these category types.
- (b) **Zoning By-law**  
An amendment to the local municipal Zoning By-law shall be required prior to the establishment of any group home. The implementing Zoning By-law will set forth provisions and regulations for group home which will address matters such as definitional requirements, separation distances between group home, on-site parking, and licensing/registration requirements.
- (c) **Registration**  
The local municipality shall require the registration of group homes in accordance with the provisions of the Municipal Act. As a condition of registration, the owner and/or operator of a group home shall be required to demonstrate compliance with the Ontario Building Code, the Ontario Fire Code, and the local Zoning By-law and Maintenance and Occupancy Standards By-law. Inspections shall be conducted, as necessary, by the local municipality prior to registration. The registration of group homes shall be subject to annual renewal.
- (d) **Public Input**  
The local municipality may establish a process for reviewing and approving applications for the registration of group homes and the appropriate means to ensure that the public is informed in a timely manner of any proposal to establish a group home in the local municipality.

6.4.8.10 **Home Occupations**

Home occupations that comprise a secondary use carried on entirely within a single-detached dwelling, a semi-detached dwelling, or a duplex dwelling may be permitted. Such home occupation shall be small scale in size, shall be conducted only by the person(s) residing in the dwelling, and must clearly be secondary to the main use of the dwelling as private residence and not change the character of the dwelling as a private residence. Not more than one home occupation shall be permitted per dwelling. The local municipality's implementing Zoning By-law shall contain provisions to regulate matters such as the types of activities to be permitted, the size of home occupation areas, parking, and signage.

6.4.8.11 **Bed and Breakfast Establishments**

Bed and breakfast establishments carried on entirely within a single-detached dwelling or in a detached building accessory to a single-detached dwelling may be permitted. Where permitted, the bed and breakfast establishment must be clearly secondary to the main use of the dwelling as a private residence and not change the character of the dwelling as a private residence. The local municipalities implementing Zoning By-law shall contain specific zoning requirements for the purpose of regulating bed and breakfast establishments.

6.4.9 **Commercial**

Historically, commercial and business uses in Atwood and Shakespeare have developed and located along the main roads, being Main Street Atwood (Highway 23) in Atwood and Line 34 (Highway 7/8) and Perth Road 107 in Shakespeare. Commercial uses such as retail stores, shops, restaurants, banks, gas stations and business office uses have located along these corridors. Development form has been and should continue to be compact in order to achieve a greater efficiency and density of land use and better utilization of servicing infrastructure.

These commercial and business establishments provide a variety of goods and services that serve the local residents as well as the broader area. These commercial uses are important for the community providing goods and services, but they also provide a source of employment for area residents and a source of taxation revenue for the municipality. Accordingly, the preservation and enhancement of these commercial areas is of significant importance to the overall vitality of these settlements and their future growth and development.

6.4.9.1 **Goals and Objectives**

The following goals and objectives are established for the “Commercial” land use designation:

- (a) To provide for a range of commercial goods and services which are needed on a regular basis by residents of the settlement area and its surrounding market area;
- (b) To promote the continued development of commercial and business activities in a compact, attractive, and well defined central commercial/core area;
- (c) To establish policies and performance standards to guide and maintain a desirable level of commercial development;
- (d) To minimize potential for land use conflicts between uses by ensuring compatibility among commercial and business uses and with adjacent land uses;
- (e) To preserve and enhance the character of the Settlement areas commercial area;
- (f) To encourage co-operative and innovative approaches and programs aimed at improving and enhancing the vitality and attraction of the commercial area.

6.4.9.2 **Definition/Permitted Uses**

Within these urban areas all forms of retail and service commercial facilities, business and professional offices, hotels/motels, eating establishments, and places of entertainment shall be permitted.

Proposals for new commercial uses or redevelopment of existing commercial properties shall be considered subject to the following policies:

- (a) Lot shall be appropriate for the use;
- (b) New commercial facilities are encouraged to locate in proximity to existing commercial uses to maintain a compact form and concentration of similar land uses;
- (c) Municipal water and sewage services with sufficient capacity to serve the use must be available. New Commercial development shall not be permitted on private or partial municipal services;

- (d) Access must be available to a public road which is developed to acceptable standards and which is maintained on a year-round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (e) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts must be given consideration;
- (f) Adequate off-street parking and loading/unloading facilities shall be provided;
- (g) Adequate buffering shall be provided and such buffering may be in the form of fencing, landscaping, and/or additional setback provisions;
- (h) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, shall be required for all new commercial uses;
- (i) An amendment to the local municipality's implementing Zoning By-law shall be required; and
- (j) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on ground and surface water quality, adjacent properties and roadways. Where such potentially deleterious materials as liquid fertilizers are stored or handled on-site, appropriate spills containment and contingency plans shall be required.

#### 6.4.9.3

#### **Residential Uses**

Existing residential buildings and uses are recognized as being permitted within the Commercial designation. New residential units in an existing building may be permitted through conversion within the existing building. Expansion of the building for residential purposes shall be permitted in accordance with the municipalities Zoning By-law.

New residential uses in the "Commercial" designation shall be permitted only in the upper stories of commercial use buildings where they do not interfere with or detract from the primary commercial/business function of the area.

#### 6.4.9.4 **Residential to Commercial Conversion**

The “Commercial” designation includes a number of existing residential uses. Where a proposal has been received for the conversion of a dwelling to a commercial use, the following policies shall apply:

- (a) the building is structurally sound and suitable for the increased use associated with a commercial operation;
- (b) there is sufficient parking available for the proposed use either on the site, on a nearby site, or through municipal parking;
- (c) the proposed use would be compatible with the existing character of the surrounding uses; and
- (d) an amendment to the local municipality’s implementing Zoning By-law shall be required; and
- (e) replacement of existing buildings with new construction is permitted provided that the design and character of the construction is either consistent with adjacent development or appropriate for the area.

#### 6.4.10 **Industrial**

The industrial base of a community is important for ensuring economic growth and for creating employment opportunities which help to sustain population growth. Tax revenue which is generated by industry provides municipal income for use in municipal operating expenditures and provision of services. Industry in Atwood and Shakespeare has historically been smaller in nature and often serving the local and agricultural markets in the area. There are limited opportunities for new industrial uses to be located in these settlement areas. New Industrial uses shall only be established through amendment to this plan. Expansion of existing industrial uses shall be permitted subject to the policies of this plan.

##### 6.4.10.1 **Definition/Permitted Uses**

Permitted industrial uses shall be limited to those considered to be light (Class I) or medium (Class II) industrial uses in accordance with MOE Guideline D-6 “Compatibility Between Industrial Facilities and Sensitive Land Uses”, and which are deemed appropriate for location in proximity to sensitive land uses. The following policy/criteria shall apply:

- (a) Lot size shall be appropriate for the use;



- (b) Access must be available to a public road which is developed to municipal standards and which is maintained on a year-round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (c) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts must be given consideration;
- (d) Adequate off-street parking and loading/unloading facilities shall be provided;
- (e) Adequate distance separation and buffering shall be provided from adjacent residential areas or other sensitive uses such as seniors housing. Distance separation shall be addressed through the local municipal zoning by-law while buffering (e.g. fencing, landscaping) shall be considered at the site plan stage;
- (f) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, shall be required for all new industrial uses and expansions to existing uses;
- (g) An amendment to the local municipality's Zoning By-law shall be required; and
- (h) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage consideration shall be given to existing and potential impacts on ground and surface water quality and quantity, adjacent properties and roadways. Where such potentially deleterious materials as liquid fertilizers are stored and handled on-site, appropriate spills containment and contingency plans shall be required.

It shall be a policy of this plan that existing industrial uses located in proximity to sensitive land uses shall not be permitted to expand without amendment to this plan. Such uses shall be encouraged to relocate over time and the lands converted to more appropriate uses.

Where lands adjacent to industrial uses are proposed to be developed or redeveloped the local municipality shall consider mitigation between industrial and sensitive land uses. The local municipality may consider options for mitigation in accordance with MOE Guideline D-6 "Compatibility Between Industrial Facilities and Sensitive Land Uses" or other measures as deemed appropriate by the local municipality.

6.4.11 **Institutional/Recreational**

Institutional/Recreational uses such as schools, churches, cemeteries, public buildings and facilities, and parks and playgrounds shall be permitted. Such uses are intended to serve the needs of the local community.

In evaluating proposals for the various institutional uses, the local Council shall apply the following criteria:

- (a) adequate off-street parking areas shall be provided. The number of required parking spaces shall be set out in the implementing Zoning Bylaw;
- (b) access shall be available from a public roadway and such access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (c) where a proposed institutional use will abut a lot(s) used for residential purposes, adequate provision shall be made for landscaping, buffering, and/or screening;
- (d) existing institutional uses shall be placed in a separate zone classification in the implementing Zoning By-law. An amendment to the implementing By-law shall be necessary in order to establish a new institutional use; and
- (e) a site plan shall be required for all new institutional uses and the conditions of a site plan agreement shall be met under the authority of Section 41 of the Planning Act.

6.4.11.1 Parks and playground areas should be located and designed in such a way as to harmonize with and enhance the surrounding uses. It is the intent of this Plan that parks and playground areas be acquired and developed through the following actions:

- (a) a parkland dedication of 5 per cent or cash-in-lieu shall be required for lands being subdivided for residential purposes pursuant to Section 51 of the Planning Act. Cash-in-Lieu may be used to purchase parkland, upgrade park facilities, or for other public recreational uses as provided in Section 51 of the Planning Act;
- (b) as a condition of development or redevelopment of land, Council may, by by-law applicable to the local municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land to be conveyed to the local municipality for park or other public recreational purposes; and

- (c) through public purchase, donations, gifts, and bequests of land and/or monies.

#### 6.4.12 **Highway Access**

Where a proposed development fronts onto and is to have access to a Provincial Highway, all required permits must be obtained from the Ministry of Transportation for Ontario. Permits are normally required for buildings, new entrances, upgraded entrances, and signs. The owner/developer may be required to provide traffic impact studies and a storm water management plan in support of the proposed development. Any necessary improvements shall be the responsibility of the owner.

The number of highway access points should be minimized. Consideration will be given to providing access to new development via local roads and service roads.

#### 6.4.13 **Re-use of Industrial Lands**

Where Municipal records or other information indicate that a site may be contaminated by a prior or current use, a Phase 1 Environmental Site Assessment (ESA) that documents prior uses may be required to accompany any application for development.

Where this preliminary information indicates the likelihood of contamination, further investigation will be required to determine the extent of contamination and any measures necessary to clean up the site in accordance with Ministry of Environment requirements. No redevelopment of industrial or commercial lands shall be permitted unless the applicant has filed a record of site condition in the Provincial Registry. Clean-up of contaminated sites must be done in accordance with the "Record of Site Condition Regulation" (O. Reg. 153/04) and with the Ministry of the Environment 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. The Municipality may also request the filing of a Record of Site Condition when reviewing planning applications for development that may be contaminated but do not require mandatory filing.

#### 6.4.14 **Zoning By-law**

The local municipality's implementing Zoning By-law shall zone lands in the urban areas of Atwood and Shakespeare in accordance with the policies of this plan. The Zoning By-law shall contain regulations regarding matters such as permitted uses, minimum lot size, maximum lot coverages, yard setbacks, off-street parking, loading and unloading facilities, landscaping and buffering provisions, and accessory buildings and structures.

6.4.15 **Site Specific Amendments**

Explanatory Note: None to Date

6.4.16 **Consent/Severance Policies**

The following specific policies shall apply to consent applications which involve land within the Partially Serviced Urban Area 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.

6.4.16.1 **New Lot Creation**

New lots created by consent should constitute either infilling or the logical, orderly expansion of the existing built-up area to fill out the existing designated areas. Infilling is generally described as the development of a proposed single use between two existing uses which are separated by not more than the width of one lot appropriate for the proposed use and which fronts onto the same side of the public street.

6.4.16.2 **Lot Size**

The lot frontage, depth, and size of all lots proposed to be created in these urban areas must be appropriate for the proposed use and should, wherever feasible, be consistent with lots in the immediate area. The local municipality's implementing Zoning By-law shall set forth minimum lot area and frontage requirements for the different types of permitted uses.

6.4.16.3 **Servicing**

Consents will be granted only where it is clear that there would be no undue extension of any major service that is provided by the municipality. In addition, consent applications involving development on private water services shall satisfy the servicing policies of Section 6.5.4.3 (A) and (C) of this Official Plan.

6.4.16.4 **Residential Development**

Only those applications for residential development which comply with the policies of Section 6.6.4 of this Official Plan will be considered for approval.

6.4.16.5 **Commercial and Industrial Development**

Only those applications for commercial and/or industrial development which comply with the policies of Section 6.6.4 of this Official Plan will be considered for approval.

6.4.16.6 **Institutional, Recreation, and Community Facility Development**

Only those applications for institutional, recreation, and/or community facility uses which comply with the policies of Section 6.5.4 of this Official Plan will be considered for approval.

6.4.16.7 **Land Use Compatibility**

All consent applications for new development will be carefully reviewed to ensure that the use is compatible with neighbouring land uses and appropriate for the property in question.

6.4.16.8 **Lot Enlargement**

Consents for the purpose of enlarging existing lots shall be permitted provided that the following policies are satisfied:

- (a) The lot to be enlarged is used for a purpose permitted in accordance with the policies of this Plan;
- (b) The land that is to be severed for enlargement purposes is located within the limits of the designated Partially Serviced Urban Area;
- (c) The area being severed for lot enlargement purposes should be minimal in size and appropriate for the proposed use;
- (d) All of the lots involved in the consent application (e.g. enlarged lot and retained lot) must be in conformity with the provisions of the local municipality's implementing Zoning By-law. Where such is not the case, consideration shall be given to imposing a condition requiring an amendment to the implementing Zoning By-law to achieve zoning by-law conformity; and
- (e) The area being severed for lot enlargement purposes must be united to the abutting lot to create one lot for the purpose of Section 50 of the Planning Act.

6.4.16.9 **Lot Boundary Adjustments/Corrections**

Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustments/corrections are minor in nature. Consideration will be given to the provisions of Sections 50(3) and (5) of the Planning Act, R.S.O. 1990 and to the provisions of the local municipality's implementing Zoning By-law when dealing with such applications.

6.4.16.10 **Easements and Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created and that the need is substantiated and acceptable to the consent granting authority. All access, development and signage must meet the applicable requirements of the appropriate approval authority.

6.4.16.11 **General Principles**

The following general principles shall apply in the case of consent applications:

- (a) Conflicting or incompatible land use activity should not be created in these areas;
- (b) Regard shall be had for the protection of natural environment features and for the protection and preservation of existing woodlot areas; and
- (c) When dealing with lot creation proposals, due consideration shall be given to matters such as lot grading, surface drainage, and overall drainage system(s) in the area. Lot grading and drainage plans will be required when deemed appropriate by the local municipality and/or consent granting authority. Where appropriate, lot grading and drainage considerations should be dealt with on a coordinated basis.

6.4.17 **Site Specific Amendments**

*ADDED BY* (1) Part of Lot 22, Concession 1, North Easthope Ward, Township of Perth  
*OPA No 125* East (Schedule "A-123"):

Notwithstanding the policies of Section 6.4 and 16.3 of this Official Plan to the contrary, on the subject lands described as part of Lot 22, Concession 1 in the North Easthope Ward of the Township of Perth East (shown in cross hatching on Schedule "A-123" attached hereto) a lot to be used for passive recreational purposes and that does not have public road frontage may be created subject to the following conditions:

- (a) Access to the passive recreational use lot shall be by an easement across an abutting residential lot to Line 34 (Highway No. 7/8);
- (b) An approved amendment to the Perth East implementing Zoning By-law shall be required in order to regulate the use of the passive recreational use lot;
- (c) No buildings or structures shall be permitted on the passive recreational use lot; and

- (d) The Township of Perth East and the consent granting authority must be satisfied that the ownership of the property is appropriate for the proposed passive recreational use of the subject lands.

*ADDED BY OPA No.186*

- (2) Lot 48 and Part of Lot 49, Plan 253, Elma Ward, Municipality of North Perth (Schedule "A-186"):

An approximate 0.14-hectare parcel of land as shown in hatching on Schedule "A-186" shall be removed from the "Serviced Urban Area - Institutional/Recreational" designation and placed in the "Serviced Urban Area - Residential" designation to permit future residential development. The following criteria shall apply with respect to this new use:

- (a) All public road access and residential development on the subject property shall meet the applicable requirements of the appropriate approval authority; and
- (b) An amendment to the Municipality of North Perth's implementing Zoning By-law shall be required to place the subject property in an appropriate zone to permit future residential development and to regulate its location; and
- (c) A Site Plan Agreement shall be entered into with the Municipality of North Perth to guide and direct future residential development on the subject property in accordance with and where one is required by local By-law. Such Agreement shall be registered on title of the subject property.

*ADDED BY OPA No.190*

- (3) Lot 34 and Part of Lot 33, Concession 13 (Geographic Township of Ellice), Township of Perth East (Schedule "A-190"):

Notwithstanding the policies of Section 10.5.10, 10.6.8 and 10.7.4 of this Official Plan to the contrary, the severance of a residence surplus to an existing farming operation may be permitted, provided that any Surplus Farm Dwelling Severance Application conform to the policies of Section 5.6.3.1.

Notwithstanding the policies of Section 10.5.10 and 10.7.4, a single detached dwelling and accessory uses are permitted on land severed as a surplus farm residence to a farming operation.

6.5 **VILLAGES and HAMLETS**

This section contains policies for both the "Village" designation and the "Hamlet" designation. While these are separate and distinct designations in this Official Plan, many of the policies are either the same or similar. For this reason, the policies for the "Village" and "Hamlet" designations have been combined into

one policy section with distinctions in policy as noted.

#### 6.5.1 **Goals**

The following goals are established for the "Village" and "Hamlet" designations:

- (a) To establish the village/hamlet boundaries and to encourage logical, orderly growth within the identified boundaries. In establishing village/hamlet boundaries, the need to take into account that limits to growth do exist has been recognized;
- (b) To provide a local focus for non-farm development, including residential, commercial, industrial and institutional uses, for the surrounding rural area;
- (c) To permit limited amounts of growth to occur, where appropriate. The amount of growth permitted in a particular village/hamlet will be dependent upon its relative size and the extent of limitations to growth for that village/hamlet. Ideally, the growth of a village area should be responsive to local needs as opposed to growth pressures from outside of the County;
- (d) To encourage a level of growth consistent with the resources of the local municipality; and
- (e) To preserve the natural setting and rural character of the village/hamlet areas.

#### 6.5.2 **Land Use Designation and Mapping**

The policies for the "Village" and "Hamlet" designations shall apply to the areas shown as "Village" and "Hamlet" on Schedule "A" (Land Use Plan) to this Official Plan. The Schedule "A" maps consist of the County-wide map which shows the general location of the "Village" and "Hamlet" areas and the smaller inset maps (e.g. Schedule "A1-1", "A1-2", "A2-1", "A2-2", etc.) which show the specific boundaries for the "Village" and "Hamlet" areas.



### 6.5.3 **Definition/Permitted Uses**

The "Village" designation shall mean that areas so designated will be used and developed for a broad range of uses, including residential, commercial, industrial, institutional, recreational, and utility uses. Other uses permitted include home occupations and bed and breakfast establishments.

The "Hamlet" designation shall mean that areas so designated will be used and developed primarily for residential uses. Other uses permitted may include commercial, industrial, institutional, recreational, and utility uses. Home occupations and bed and breakfast establishments are also permitted.

### 6.5.4 **Policies**

#### 6.5.4.1 **New Development**

New development in the "Village" and "Hamlet" areas will occur through the infilling process, the expansion of the existing built-up area (i.e. within existing designated area), or through the conversion of use process.

Infilling is generally described as the development of a proposed single use between two existing uses which are separated by not more than the width of one lot appropriate for the proposed use and which fronts onto the same side of the public street.

Any expansion of the existing built-up area within the "Village" designation must be based on a proven need. As a general rule, the expansion of a village shall be in depth as opposed to being spread out along existing roadways in a linear fashion. Adequate provision shall be made in appropriate locations for future access points from existing roads to areas behind existing development for future backlot development.

Any expansion of the existing built-up area within the "Hamlet" designation must be minor in nature and shall generally be limited to the rounding out or squaring off of the built-up area.

The type and extent of new development permitted may vary from one village/hamlet to the next and will be dependent upon the limitations to growth for each of the villages/hamlets.

#### 6.5.4.2 **New Lot Creation**

The creation of new lots for proposed development in the "Village" designation shall occur through either the consent/severance process or the registered plan of subdivision process. The creation of new lots for proposed development in the "Hamlet" designation shall occur only through the consent/severance process. The policies of Section 6.5.5 of this Plan shall apply to consents/severances while the policies of Section 16.2 shall apply to plans of subdivision.

In considering proposals for the creation of new lots, the scale of development permitted will be dependent on the type of servicing that is proposed and/or available. The applicable policies of the 2005 Provincial Policy Statement shall apply.

#### 6.5.4.3 **Servicing**

In accordance with the policies of the 2005 Provincial Policy Statement, servicing in the “Village” and “Hamlet” areas shall be in the form of municipal services, private communal services, or individual on-site services. While individual on-site sewage and water services are the principal means of servicing today, encouragement will be given to other permitted servicing types as appropriate.

##### (A) Water Services

Water supply for new development shall be by individual on-site, private communal, or municipal water services, with the scale of development, site considerations, and the availability of existing servicing being primary considerations. In accordance with the policy of the 2005 Provincial Policy Statement, individual on-site water services shall be used only for new development of five or less lots or private residences. The proposed method of water supply and the supporting documentation for new development shall be carefully reviewed and considered at the development review stage. The proposed method of water supply must be acceptable to the local municipal Council and the regulatory agencies having jurisdiction. The quality of water to service the proposed development shall meet the health parameters of the Ontario Drinking Water Objectives.

##### (B) Sewage Services

Sewage services for new development shall be by individual on-site, private communal, or municipal sewage services, with scale of development, site consideration, and availability of existing servicing being primary considerations. In accordance with the policy of the 2005 Provincial Policy Statement, individual on-site sewage services shall be used only for new development of five or less lots or private residences. The proposed method of sewage treatment and the supporting documentation for new development shall be carefully reviewed and considered at the development review stage. The proposed method of sewage service must be acceptable to the local municipal Council and the regulatory agencies having jurisdiction of sewage services.

(C) Surface Water Management

Proponents of multiple consent/severance applications, plans of subdivision and multiple residential unit developments, commercial, industrial and recreational uses may be required to submit storm water management plans. Such plans should incorporate appropriate best management practices as may be required by Provincial agencies, the Conservation Authority, and /or the local municipality to manage post development storm water for quantity and quality control. New development should not adversely affect surface water resources.

6.5.4.4 **Residential Uses**

Permitted residential uses in “Village” areas shall be limited to single-detached dwellings, semi-detached dwellings, duplex dwellings, apartments above or to the rear of commercial establishments, and multiple residential development such as small apartment buildings or seniors housing containing eight residential units or less. Garden suites associated with single-detached dwelling uses may be permitted provided the size of the subject lot is adequate to accommodate the additional dwelling and the servicing needs associated with both the principal dwelling and the garden suite. Group homes may also be permitted.

Permitted residential uses in “Hamlet” areas shall be limited to single-detached dwellings, semi-detached dwellings, duplex dwellings, and apartments above or to the rear of commercial establishments.

The following criteria shall apply to the permitted residential types as noted above:

- (A) Single-detached, semi-detached, and duplex dwellings
- (a) method of water service must satisfy the policy of Section 6.5.4.3(A);
  - (b) method of sewage service must satisfy the policy of Section 6.5.4.3(B);
  - (c) minimum lot size shall be appropriate for the use and consistent, where possible, with adjacent uses of a similar nature. The local municipality's implementing Zoning By-law shall establish the minimum size requirement;
  - (d) access must be available to a public road(s) which is developed to municipal standards and which is maintained on a year round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;

- (e) where the creation of a new lot or lots is required for the proposed development, the policy of Section 6.5.4.2 must be satisfied;
  - (f) factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts shall be given consideration;
  - (g) design of the proposed development should be consistent with and in harmony with the general form and density of existing development; and
  - (h) provision of open space/parkland shall be considered.
- (B) Apartments Above or to Rear of Commercial Establishments
- (a) shall be limited to not more than two dwelling units. Such dwelling units must be secondary to the primary use of the property/building for commercial purposes and must be situated above or to the rear of the commercial area;
  - (b) proposed water service must satisfy the policy of Section 6.5.4.3(A);
  - (c) proposed sewage service system must satisfy the policy of Section 6.5.4.3(B); and
  - (d) lot size must be sufficient to accommodate both the commercial use and the secondary apartment use. The local municipality's implementing Zoning By-law shall establish minimum lot size requirements.
- (C) Apartment Dwellings and Seniors Housing
- (a) must be small scale in nature and are limited to proposals involving eight units or less;
  - (b) method of water service must satisfy the policy of Section 6.5.4.3(A);
  - (c) method of sewage service must satisfy the policy of Section 6.5.4.3(B);
  - (d) access must be available to a public road(s) which is developed to municipal standards and which is maintained on a year round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
  - (e) where the creation of a new lot or lots is required for the proposed development, the policy of Section 6.5.4.2 must be satisfied;

- (f) factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts shall be given consideration;
- (g) adequate off-street parking shall be provided;
- (h) design of the proposed development should be consistent with and in harmony with the general form and density of existing development;
- (i) provision of open space/parkland shall be considered;
- (j) site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990 shall be required for all new apartment dwellings and seniors housing.

(D) Group Homes

- (a) Group homes may be permitted and for the purposes of this section, group homes are defined as a single housekeeping unit in a residential dwelling in which three to ten persons (excluding supervisory staff or the receiving family) live as a family under responsible supervision consistent with the particular requirements of its residents. The home must be licensed and/or approved as a group home facility by the Province and it must be in compliance with any municipal by-laws.

In determining whether a proposal for a group home is to be permitted, the proposed location must be suitable from a land use compatibility perspective and from a servicing perspective.

Site regulations in respect to group homes may be contained in the implementing Zoning By-laws established by local municipalities.

6.5.4.5 **Commercial and Industrial Uses**

Commercial development and industrial development are permitted; however, permitted industrial development must be dry operations where water use is minimal.

The following criteria shall apply to permitted commercial and industrial uses:

- (a) The size of use is to be appropriate to their particular village/hamlet area setting;

- (b) Permitted industrial operations should be a dry operation where waste water discharges are minimal and which meet the applicable regulations of the appropriate regulatory authority. The recycling/reuse of water in industrial operations is encouraged;
- (c) New industrial operations that produce significant amounts of noise, dust, odour, particulate emissions, or large amounts of truck movements should not be permitted to locate in proximity to existing residential areas. Industrial uses and/or stationary noise sources shall be appropriately designed, buffered and/or separated from residential or other sensitive uses to prevent adverse effects from noise, dust, odour, and other contaminants;
- (d) The use must be one that does not require municipal water or sewer services. The method of water supply must satisfy the policy of Section 6.5.4.3(A) and the method of sewage disposal must satisfy the policy of Section 6.5.4.3(B);
- (e) Access must be available to a public road(s) which is developed to municipal standards and which is maintained on a year round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (f) Where the creation of a new lot or lots is required for the proposed development, the policy of Section 6.5.4.2 must be satisfied;
- (g) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts shall be given consideration. Concerning land use compatibility, consideration shall be given to locating commercial and industrial uses in groups rather than scattered throughout village/hamlet areas;
- (h) Adequate off-street parking and loading/unloading facilities shall be provided;
- (i) Adequate distance separation and buffering shall be provided from adjacent residential areas or other sensitive uses. Distance separation shall be addressed through the local municipal Zoning By-law while buffering (e.g. fencing and landscaping) shall be considered at the site plan stage.
- (j) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990 shall be required for all new commercial and industrial uses; and
- (k) An amendment to the local municipality's implementing Zoning By-law shall be required, except where existing zoning permits the use.

6.5.4.6 **Institutional, Recreation, and Community Facility Uses**

Institutional uses such as schools, churches, cemeteries, and government building and facilities and recreational uses and community facilities such as parks, ball diamonds, arenas, swimming pools, and community centres shall be permitted in “Village” and “Hamlet” areas. When considering proposals for these types of uses, the following criteria shall apply:

- (a) The use must be one that does not require municipal water or sewer services. The method of water service must satisfy the policy of Section 6.5.4.3(A) and the method of sewer disposal must satisfy the policy of Section 6.5.4.3(B);
- (b) Access must be available to a public road(s) which is developed to municipal standards and which is maintained on a year round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (c) Where the creation of a new lot or lots is required for the proposed development, the policy of Section 6.5.4.2 must be satisfied;
- (d) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts shall be given consideration;
- (e) Adequate off-street parking shall be provided;
- (f) Adequate buffering shall be provided and such buffering may be in the form of fencing and/or landscaping;
- (g) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990 shall be required for all new commercial and industrial uses; and
- (h) An amendment to the local municipality's implementing Zoning By-law shall be required, except where existing zoning permits the use.

6.5.4.7 **Home Occupations**

Home occupations that comprise a secondary use carried on entirely within a single-detached dwelling, a semi-detached dwelling, or a duplex dwelling may be permitted. Such home occupation shall be small scale in size, shall be conducted only by the person(s) residing in the dwelling, and must clearly be secondary to the main use of the dwelling as private residence and not change the character of the dwelling as a private residence. Not more than one home occupation shall be permitted per dwelling. The local municipality's implementing Zoning By-law shall contain provisions to regulate matters such as the types of activities to be permitted, the size of home occupation areas, parking, and signage.

#### 6.5.4.8 **Bed and Breakfast Establishments**

Bed and breakfast establishments carried on entirely within a single-detached dwelling or in a detached building accessory to a single-detached dwelling may be permitted. Where permitted, the bed and breakfast establishment must be clearly secondary to the main use of the dwelling as a private residence and not change the character of the dwelling as a private residence. Bed and breakfast establishments must satisfy all applicable policies of the Ontario Building Code Act and/or the Ministry of the Environment relating to water supply and sewage disposal. The local municipalities implementing Zoning By-law shall contain specific zoning requirements for the purpose of regulating bed and breakfast establishments.

#### 6.5.4.9 **Highway Access**

Where a proposed development fronts onto and is to have access to a Provincial Highway, all required permits must be obtained from the Ministry of Transportation for Ontario. Permits are normally required for buildings, new entrances, upgraded entrances, and signs. The owner/developer may be required to provide traffic impact studies and a storm water management plan in support of the proposed development. Any necessary improvements shall be the responsibility of the owner.

The number of highway access points should be minimized. Consideration will be given to providing access to new development via local roads and service roads.

#### 6.5.4.10 **Re-use of Industrial Lands**

Applications to develop existing or previously used industrial lands for non-industrial purposes, such as residential and institutional, shall include best available information about the present and past uses of the property sufficient to identify the likelihood of site contamination. Where this preliminary information indicates the likelihood of contamination, further investigation will be required to determine the extent of contamination and any measures necessary to clean up the site in accordance with Ministry of Environment and Energy requirements. The applicant's professional engineer shall affirm that the necessary remedial/clean-up measures have been fully carried out and that the site is suitable for the proposed use.

#### 6.5.4.11 **Secondary Plans**

In the case where a local municipality decides to establish municipal water supply and sewage services for a designated "Village" area, it is the intent of this Plan that a Secondary Plan be prepared for the serviced "Village" area. The Secondary Plan is to establish a more comprehensive policy and land use framework for dealing with development issues and is to take into consideration the future growth and development needs/options for the "Village" area. The Secondary Plan shall be incorporated in the County Official Plan through the amendment process.



6.5.4.12 **Zoning By-law**

The local municipality's implementing Zoning By-law shall zone land in village areas in accordance with the policies for the "Village" and "Hamlet" designations. The Zoning By-law shall contain regulations regarding matters such as permitted uses, minimum lot size, maximum lot coverages, yard setbacks, off-street parking, loading and unloading facilities, landscaping and buffering provisions, and accessory buildings and structures.

6.5.4.13 **Specific Policies for Shakespeare**

Concerning development proposals in Shakespeare, the following policies shall apply in addition to the foregoing policies:

*AMENDED BY OPA No. 47*

- (a) All new development in Shakespeare shall occur within the identified Village boundary.
- (b) With the exception of the areas identified by asterisks on the Schedule "A-70-2", new commercial development shall occur within the commercial development limits identified in the Shakespeare Study; and
- (c) The conversion of residential buildings outside of the identified commercial development limits identified in the Shakespeare Study to other non-residential use shall not be permitted.

6.5.4.14 **Site Specific Amendments**

*ADDED BY OPA No. 22* (1) Part of Lots 87 and 95, Registrar's Compiled Plan No. 398 (Sebringville, Downie Ward, Township of Perth South) (Schedule "A-26"):

Notwithstanding the policies of Sections 6.5.5.1 and 16.3.2.1 of this Official Plan to the contrary, the creation of a fourth lot (including the remnant lot) within the "Village" designation is permitted on the above-noted lands subject to lot grading being approved to the satisfaction of the local municipality.

*ADDED BY OPA No. 26* (2) Part of Lot 29, Concession 8, Logan Ward, Municipality of West Perth (Schedule "A-30"):

Notwithstanding the policies of Sections 6.6.5.1 and 16.3.2.1 of this Official Plan to the contrary, the creation of a fourth lot (including the remnant lot) within the "Hamlet" designation is permitted on the above-noted lands.

*ADDED BY* (2A) Part of Lot 6, Concession 8, Downie Ward, Township of Perth South  
*OPA No. 51* (Schedule “A-54”):

Notwithstanding the policies of this Official Plan to the contrary, the creation of six new lots (including a lot for the existing dwelling) shall be created on the subject property. For the purpose of implementing MDS and making MDS calculations in respect to the closest neighbouring farm operation located directly to the west on the east half of Lot 7, Concession 8 in the Downie Ward, the existing farm dwelling that is located on one of the six lots in the proposed residential development shall be considered in the same manner as a neighbouring farm dwelling would be in any MDS calculation. An approved Plan of Subdivision and an amendment to the Township of Perth South implementing Zoning By-law shall be required for the proposed six lot residential development.

*ADDED BY* (3) Part of Lot 15, Concession 2 in the Mornington Ward, Township of Perth  
*OPA No. 76* East (Schedule “A-77”):

Notwithstanding the policies of Section 6.5.4.4, a use described as a three unit apartment dwelling shall be permitted on part of Lot 15, Concession 2 in the Mornington Ward, Township of Perth East, subject to the following conditions:

- (a) That the apartment dwellings be located in the principal building located on site;
- (b) That the proponent obtain all necessary access, land use, and development approvals and meet the applicable requirements of the appropriate road approval authority;
- (c) That the use must be such that it can be adequately serviced by a private on-site sewage system and a private on-site water supply system; and
- (d) That the proponent obtain an approved Zoning By-law Amendment to the Perth East implementing Zoning By-law to regulate the proposed use, size and scale of the development.

*ADDED BY* (4) Part of Lot 15, Concession 1, Hibbert Ward, Municipality of West Perth  
*OPA No. 133* (Schedule “A-131”):

Notwithstanding the policies of Section 6.5.3 of this Official Plan to the contrary, the permitted uses in the “Village” designation for this property shall be limited to industrial uses, commercial uses (excluding retail stores and food establishments), and accessory uses (excluding any accessory residential use). The policies of Section 6.5.4.5 shall apply in respect to these permitted uses.

*ADDED BY* (5) Lot 15, Reg. Plan 565, Elma Ward, Municipality of North Perth (168  
*OPA No. 200* Fischer Avenue, Atwood) (Schedule “A-200”):

Notwithstanding the policies of Section 6.3A of this Official Plan to the contrary, the establishment of one (1) second dwelling unit for residential purposes located within an existing accessory structure that is less than five years since constructed may be permitted, subject to the following:

- (a) The water supply and sewage disposal systems for the proposed second dwelling unit must be approved by the appropriate regulatory bodies.
- (b) Notwithstanding the provisions and regulations of Section 5.1.5 (General Provisions - Second Dwelling Units within Accessory Buildings) of the Municipality of North Perth Zoning By-law 6-ZB-1999 to the contrary, a zoning by-law amendment/minor variance to the Municipality of North Perth’s Zoning By-law is not required to permit a second dwelling unit in an existing accessory building that is less than five (5) years since it was constructed. All other provisions of the North Perth Zoning By-law 6-ZB-1999 shall apply.

#### 6.5.5 **Consent/Severance Policies**

The following specific policies shall apply to consent applications which involve land within the “Village” and “Hamlet” designations 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.

##### 6.5.5.1 **New Lot Creation**

New lots created by consent in “Village” and “Hamlet” areas should constitute either infilling or the logical, orderly expansion of the existing built-up area to fill out the existing designated areas. Infilling is generally described as the development of a proposed single use between two existing uses which are separated by not more than the width of one lot appropriate for the proposed use and which fronts onto the same side of the public street.

##### 6.5.5.2 **Lot Size**

The lot frontage, depth, and size of all lots proposed to be created within “Village” and “Hamlet” areas must be appropriate for the proposed use and should, wherever feasible, be consistent with lots in the immediate area. The local municipality's implementing Zoning By-law shall set forth minimum lot area and frontage requirements for the different types of permitted uses.

##### 6.5.5.3 **Servicing**

Consents will be granted only where it is clear that there would be no undue extension of any major service that is provided by the municipality. In addition,

consent applications involving development on private on-site services shall satisfy the servicing policies of Section 6.5.4.3 of this Official Plan.

6.5.5.4 **Residential Development**

Only those applications for residential development which comply with the policies of Section 6.5.4 of this Official Plan will be considered for approval.

6.5.5.5 **Commercial and Industrial Development**

Only those applications for commercial and/or industrial development which comply with the policies of Section 6.5.4 of this Official Plan will be considered for approval.

6.5.5.6 **Institutional, Recreation, and Community Facility Development**

Only those applications for institutional, recreation, and/or community facility uses which comply with the policies of Section 6.5.4 of this Official Plan will be considered for approval.

6.5.5.7 **Land Use Compatibility**

All consent applications for new development will be carefully reviewed to ensure that the use is compatible with neighbouring land uses and appropriate for the property in question.

6.5.5.8 **Lot Enlargement**

Consents for the purpose of enlarging existing lots shall be permitted provided that the following policies are satisfied:

- (a) The lot to be enlarged is used for a purpose permitted in accordance with the policies of this Plan;
- (b) The land that is to be severed for enlargement purposes is located within the limits of the designated "Village" or "Hamlet" area;
- (c) The area being severed for lot enlargement purposes should be minimal in size and appropriate for the proposed use;
- (d) All of the lots involved in the consent application (e.g. enlarged lot and retained lot) must be in conformity with the provisions of the local municipality's implementing Zoning By-law. Where such is not the case, consideration shall be given to imposing a condition requiring an amendment to the implementing Zoning By-law to achieve zoning by-law conformity; and
- (e) The area being severed for lot enlargement purposes must be united to the abutting lot to create one lot for the purpose of Section 50 of the Planning Act.

6.5.5.9 **Lot Boundary Adjustments/Corrections**

Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustments/corrections are minor in nature. Consideration will be given to the provisions of Sections 50(3) and (5) of the Planning Act, R.S.O. 1990 and to the provisions of the local municipality's implementing Zoning By-law when dealing with such applications.

6.5.5.10 **Easements and Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created and that the need is substantiated and acceptable to the consent granting authority.

All access, development and signage must meet the applicable requirements of the appropriate approval authority.

6.5.5.11 **General Principles**

The following general principles shall apply in the case of consent applications involving lands within "Village" and "Hamlet" areas:

- (a) Conflicting or incompatible land use activity should not be created in village/hamlet areas;
- (b) Regard shall be had for the protection of natural environment features and for the protection and preservation of existing woodlot areas; and
- (c) When dealing with lot creation proposals, due consideration shall be given to matters such as lot grading, surface drainage, and overall drainage system(s) in the area. Lot grading and drainage plans will be required when deemed appropriate by the local municipality and/or consent granting authority. Where appropriate, lot grading and drainage considerations should be dealt with on a coordinated basis.

*ADDED BY OPA No. 34*

6.6 **Special Policy Areas**

6.6.1 **Special Policy Area "A" (Part of Lots 41 and 42, Concession 1, Elma Ward, Municipality of North Perth)**

The Special Policy Area "A" designation for part of Lots 41 and 42, Concession 1 (Elma Ward, Municipality of North Perth) shown on Schedule "A4-2" (shown in hatching on Schedule "A-38" to the County of Perth Official Plan) shall be subject to the following policies:

6.6.1.1 **Permitted Uses**

The primary use of land in this land use designation will be for a variety of

residential dwelling types. The types of dwellings permitted shall include: single-detached dwellings; semi-detached dwellings; duplex; triplex; fourplex or converted dwellings; townhouse dwellings; and apartment dwellings.

Other uses permitted in this designation include institutional uses, defined as schools, churches, and cemeteries, nursing homes, daycare centers, senior citizen housing, group homes, neighborhood parks, home occupations, bed and breakfast establishments and neighborhood commercial uses. The following goals, objectives, and policies apply to the subject property.

6.6.1.2 **Principal Goal**

The principal goal is to promote and encourage the provision and rehabilitation of housing to meet the needs of residents while fostering a stable residential environment which minimizes the potential for land use conflicts by preventing the indiscriminate mixing of non-compatible land uses.

6.6.1.3 **Objectives**

The following are the objectives of this land use designation:

- (a) To provide for a wide range of housing choices which respond to the varying needs of community and surrounding area;
- (b) To provide and maintain an attractive and enjoyable living environment;
- (c) To promote housing for senior citizens, the handicapped, and low-income families who might otherwise be unable to find adequate housing through the private market;
- (d) To ensure that residential development occurs in a manner which is consistent with the resources and the and the public services of the local municipality;
- (e) To provide an alternative residential environment for the members of the surrounding farm community; and
- (f) To preserve and enhance the character of the residential environment in the local municipality by encouraging the creative design of buildings and landscaping and through the harmonious integration of new and existing residential development.

6.6.1.4 **New Lot Creation**

It is intended that new lot creation will occur primarily through the plan of subdivision process. Both the County and local municipal Councils must be satisfied in regard to matters such as the proposed use, the scale of the development, the provision of water and sewage services, land use compatibility, and site suitability. The policies of Section 16.2 of this Plan shall apply to all applications for plans of subdivision.

6.6.1.5 **Residential Servicing Requirements**

It is the intention of this Plan that all development will have full municipal servicing. The servicing policies contained in Section 7.1 of the Listowel Ward Official Plan, entitled “Water, Sanitary Sewage System, and Storm Sewers” shall also be satisfied.

6.6.1.6 **Residential Density**

The following densities shall be used as general guidelines for the subject property:

up to 15 units per hectare	single-detached dwellings
15 - 25 units per hectare	semi-detached, duplex dwellings
25 - 40 units per hectare	triplex, fourplex, row/townhouse dwelling, boarding house, and converted dwellings
40 - 60 units per hectare	apartments

The foregoing densities are general guidelines which the local Council may moderately increase or decrease, dependent upon the specific site circumstances, provision of onsite amenities, and capabilities of municipal servicing systems to accommodate any increase. Also, the dwelling types listed for each density classification shall not be considered exclusively limited to those dwelling types as the local Council may moderately modify these when considering specific residential development proposals.

6.6.1.7 **Single-Detached, Semi-Detached, and Duplex Dwellings**

The following specific policies shall apply when proposals involving single-detached, semi-detached, and duplex dwellings are evaluated:

- (a) Development of this nature shall occur primarily by the plan of subdivision where such development would generally be compatible in lot size, shape, design, and character with existing adjacent and surrounding uses;
- (b) Adequate landscaping, buffering, and screening may be required to maintain the character and quality of the existing residential development in order to ensure that semi-detached or duplex dwelling development does not fragment or change the character of established single-family residential neighborhoods;
- (c) Semi-detached and duplex dwellings shall be encouraged to be developed in groups or clusters rather than in scattered form;
- (d) Semi-detached and duplex dwellings shall be encouraged to locate in such a manner as to minimize movement and the level of traffic flow through low-density single-family residential neighborhoods; and

- (e) Proposals which, in the opinion of the local Council, would result in undue financial burden on the Town, especially with respect to the provision of school facilities, public utilities, or other necessary public services, shall not be permitted.

#### 6.6.1.8 **Triplex, Fourplex, Row/Townhouse and Apartment Dwellings**

The following specific policies shall be applied when proposals involving triplex, fourplex, row/townhouse, and low-rise apartment dwellings, as well as other multiple dwelling development are evaluated:

- (a) Such development should be encouraged to locate in proximity to community and neighbourhood recreation and open space areas and have ready access to commercial facilities;
- (b) Such development shall generally have access to an arterial or collector road in order to minimize high volumes of vehicular traffic on nearby, quiet, low density residential streets. Access points onto municipal roadways should not create conditions that are hazardous to traffic;
- (c) Such development shall provide for adequate landscaping, buffering, and screening in order to enhance the appearance of the development and to minimize the land use conflicts with adjacent land uses;
- (d) The buildings and structures for this type of development shall be designed in such a way that they are compatible in scale, building height, and character with the surrounding area;
- (e) Upon application for this type of development, council may require that the applicant, through relevant engineering reports, prove that there is adequate capacity or allocation within the municipal service systems to accommodate the projected population of the development. Should the required capacity not be available, the proposal shall be considered premature until such time as sufficient capacity or allocation becomes available;
- (f) A specific zoning category shall be established in the implementing Zoning By-law to reflect existing row/townhouse and apartment dwelling development. An amendment to the implementing Zoning By-law shall be required in order to establish a new row/townhouse and/or apartment dwelling use; and
- (g) A site plan shall be required for all multiple family residential development involving more than 2 dwelling units/dwelling except conversions of existing dwellings to multiple residential use.

The site plan shall indicate proposed building area, building elevations, parking and landscaping areas, points of access to abutting streets, elevation plans indicating the lot grades before and after construction, and a surface drainage plan. The applicant shall be required to enter into a site plan agreement under



the authority of Section 41 of the Planning Act, RSO, 1990 if the local Council considers such an agreement necessary.

#### 6.6.1.9 **Conversion of Dwellings to Multiple Residential Use**

The following specific policies shall be applied when proposals involving the conversion of existing dwellings to multiple residential use are evaluated:

- (a) Subject to their inclusion by amendment in the implementing Zoning By-law, dwellings having more than 240 habitable square metres shall be permitted to be converted to not more than four separate apartment units for residential purposes. Those dwellings generally having more than 170 but less than 240 habitable square metres shall be permitted to convert to two units for semi-detached and duplex dwelling purposes;
- (b) Where a dwelling is of sufficient size, no external alterations or additions will be permitted which would change the character of the building or neighbourhood, excepting those changes required for fire and safety purposes;
- (c) Dwellings subject to conversion should be situated in proximity to community recreation and open space areas and have ready access to commercial facilities;
- (d) Sufficient landscaping and buffering shall be provided around converted dwellings in order to minimize any apparent land use conflicts with adjacent land uses;
- (e) Adequate road access and off-street parking shall be provided, the number of required parking spaces shall be set out in the implementing Zoning Bylaw;
- (f) Except as provided for in Section 7.1.4 of the Listowel Ward Official Plan, municipal sanitary, storm, and water supply services must be available and have sufficient capacity to accommodate the development; and
- (g) A site plan shall be required for all conversions involving the creation of more than one (1) new dwelling. A site plan agreement pursuant to the provisions of Section 41 of the Planning Act, RSO 1990 may be required for such conversions.

#### 6.6.1.10 **Quality of Residential Environment**

Within residential areas, the local Council may pass by-laws to enhance the quality of the residential environment. Such by-laws may include, but are not restricted to, the following:

- (a) The designation of particular architectural and/or historic buildings for heritage conservation under Part IV of the Ontario Heritage Act;

- (b) The control of the removal of trees on public property under the Municipal Act;
- (c) Regulation of a constant line of building setback from the street line, consistent with existing buildings;
- (d) Regulation of the height of new buildings consistent with the prevailing height of buildings in the surrounding area;
- (e) Sign control or closing of streets to discourage their use as routes for heavy volumes of through traffic; and
- (f) A noise control by-law under the Environmental Protection Act.

6.6.1.11 **Residential Development Pattern**

Residential development shall be encouraged to:

- (a) locate as infilling;
- (b) locate in areas which will minimize the cost of providing municipal services;
- (c) locate in areas which will be compatible with adjacent existing and proposed development;
- (d) locate in areas which will be adjacent to existing built-up areas;
- (e) be of an acceptable scale in relation to existing development;
- (f) generally be directed to locations where access is available from local and collector roads as opposed to direct access onto arterial roadways; and
- (g) be appropriately landscaped, buffered, and screened in order to maintain or enhance the visual amenities of the development when abutting rail lines, existing commercial/industrial uses, or different types of existing residential uses.

6.6.1.12 **Mobile Homes**

Mobile homes and trailers shall not be permitted as dwellings in the "Urban Fringe" land use designation, except by amendment to this Plan. The terms "mobile home" and "trailer" will be defined in the implementing Zoning By-law.

6.6.1.13 **Senior Citizen Housing, Nursing Homes, and Rest Homes**

Limited high density residential development for senior citizen housing, nursing homes, and rest homes will be permitted. When considering proposals for such development, the local Council shall apply the following criteria:

- (a) such facilities shall be encouraged to locate in areas which are in proximity to the core area so that residents are within walking distance of the full range of facilities and services located within the core area;
- (b) such buildings shall be designed in a manner which compliments and harmonizes with the character of the surrounding area;
- (c) adequate road access and off-street parking shall be provided, with the number of parking spaces being set out in the implementing Zoning By-law;
- (d) adequate landscaping, buffering, and screening shall be provided in order to ensure that the amenities of the surrounding area are protected;
- (e) all development of this type shall be required to satisfy the requirements outlined in Section 7.1 of the Listowel Ward Official Plan;
- (f) the appropriate public agencies shall be encouraged to provide adequate senior citizen housing and public and private bodies shall be encouraged to provide nursing home and rest home facilities;
- (g) a site plan shall be required for all new senior citizen housing, nursing homes, and rest homes, and the conditions of a site plan agreement shall be met under the authority of Section 41 of the Planning Act, RSO 1990; and
- (h) senior citizen housing, nursing homes, and rest homes shall be placed in a separate zone classification in the implementing Zoning By-law. An amendment to the implementing By-law shall be necessary in order to establish new senior citizen housing, nursing homes, and rest homes.

#### 6.6.1.14 **Group Homes**

For the purposes of this Subsection, group homes are generally defined as a single housekeeping unit in a residential dwelling accommodating a small number of persons living in a supervised environment who, for social or health reasons, require a group living arrangement. Group homes, in which three to ten persons (excluding supervisory staff or the receiving family) live as a family, must be licensed and/or approved for funding under Provincial Statutes and must serve the local needs of the Listowel Ward and the surrounding rural areas. Group Homes may be permitted in accordance with the following policies.

##### **Type and Nature**

There are several types of group homes that may be licensed and/or approved under Provincial and/or Federal statutes. While this Official Plan makes no distinction between group home types, the local municipality may, through its implementing Zoning By-law, identify different category types for group homes and establish regulations appropriate for these category types.

### **Zoning By-law**

Group homes may be permitted on the subject property. An amendment to the local municipal Zoning By-law shall be required prior to the establishment of any group home within this land use designation. The implementing Zoning By-law will set forth provisions and regulations for group home which will address matters such as definitional requirements, separation distances between group home, on-site parking, and licensing/registration requirements.

### **Registration**

The local municipality shall require the registration of group homes in accordance with the provisions of the Municipal Act. As a condition of registration, the owner and/or operator of a group home shall be required to demonstrate compliance with the Ontario Building Code, the Ontario Fire Code, and the local Zoning By-law and Maintenance and Occupancy Standards By-law. Inspections shall be conducted, as necessary, by the local municipality prior to registration. The registration of group homes shall be subject to annual renewal.

### **Public Input**

The local municipality may establish a process for reviewing and approving applications for the registration of group homes and the appropriate means to ensure that the public is informed in a timely manner of any proposal to establish a group home in the local municipality.

#### 6.6.1.15

### **Neighbourhood Commercial Uses**

Neighbourhood commercial uses shall be permitted; however, such uses shall be limited to those single retail stores which supply convenience goods and personal services for neighbourhood residents.

In evaluating proposals for neighbourhood commercial uses, the local municipality shall apply the following criteria:

- (a) the need for the use, in a neighbourhood, shall be assessed by the local Council;
- (b) buildings and structures shall be designed and constructed in harmony with surrounding residential uses and measures shall be required to avoid the disruption of the normal enjoyment of a residential neighbourhood as a result of excessive light, odour, noise, traffic congestion, signs, and the assembly of people;
- (c) adequate off-street parking areas and loading and unloading facilities shall be provided, with the number of required parking spaces set out in the implementing Zoning By-law;
- (d) access to neighbourhood commercial use shall be available from a public roadway and such access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding

road network;

- (e) where the neighbourhood commercial use will be on a lot(s) used for residential purposes, adequate buffering shall be provided and such buffering may take the form of fencing or landscaping. where buffering measures may not be adequate, special setback requirements or other measures may be imposed. The local Council may consult with the Ministry of the Environment regarding the type of measures necessary to protect the residential areas;
- (f) not more than one accessory residential unit will be permitted above or to the rear of a neighbourhood commercial establishment;
- (g) no open storage will be permitted for neighbourhood commercial uses;
- (h) the floor area of any neighbourhood commercial use shall not exceed 186 sq. metres;
- (i) the location of neighbourhood commercial uses shall be such that they do not create excessive amounts of vehicular traffic which affect nearby quiet residential streets;
- (j) neighbourhood commercial uses shall be placed in a separate zone classification in the implementing Zoning By-law. An amendment to the implementing By-law shall be necessary in order to establish a new neighbourhood commercial use; and
- (k) a site plan agreement shall be required for all new and/or expanding neighbourhood commercial uses and the conditions of the site plan agreement shall be met under the authority of Section 41 of the Planning Act, RSO 1990.

#### 6.6.1.16 **Institutional Uses**

Institutional uses such as schools, churches, cemeteries, and public buildings and facilities shall be permitted. Such uses are intended to serve the needs of the local community.

In those cases where the institutional use is major in nature and serves the entire Listowel Ward and the surrounding area, it is the intention of this Plan to place such uses in a separate land use designation. In evaluating proposals for the various institutional uses, the local Council shall apply the following criteria:

- (a) adequate off-street parking areas shall be provided. The number of required parking spaces shall be set out in the implementing Zoning Bylaw;
- (b) access shall be available from a public roadway and such access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;

- (c) where a proposed institutional use will abut a lot(s) used for residential purposes, adequate provision shall be made for landscaping, buffering, and/or screening;
- (d) existing institutional uses shall be placed in a separate zone classification in the implementing Zoning By-law. An amendment to the implementing By-law shall be necessary in order to establish a new institutional use; and
- (e) a site plan shall be required for all new institutional uses and the conditions of a site plan agreement shall be met under the authority of Section 41 of the Planning Act.

6.6.1.17 **Parkland Areas**

Neighbourhood parks and playground areas shall be permitted. Such uses should be located and designed in such a way as to harmonize with and enhance the surrounding uses. It is the intent of this Plan that parks and playground areas be acquired and developed through the following actions:

- (a) a parkland dedication of 5 per cent or cash-in-lieu shall be required for lands being subdivided for residential purposes pursuant to Section 51 of the Planning Act. Cash-in-Lieu may be used to purchase parkland, upgrade park facilities, or for other public recreational uses as provided in Section 51 of the Planning Act;
- (b) as a condition of development or redevelopment of land, Council may, by by-law applicable to the local municipality or to any defined area or areas thereof, require that land in an amount not exceeding, in the case of land proposed for development or redevelopment for commercial or industrial purposes, 2 per cent and in all other cases 5 per cent of the land to be conveyed to the local municipality for park or other public recreational purposes; and
- (c) through public purchase, donations, gifts, and bequests of land and/or monies.

6.6.1.18 **Plans of Subdivision and Consents**

New development will primarily take place through the plan of subdivision process. Following the primary development of the subject lands through the plan of subdivision process, redevelopment, new lot creation, and reconfiguration of existing lots can occur through the consent process. Any development proposal involving a registered plan of subdivision or a consent shall be subject to the section of this Plan, entitled "Policy for the Division of Land".

6.6.1.19 **Monitoring of Residential Development**

It is the intent of this Plan that all development will take place with full municipal servicing. The local Council shall monitor and, if necessary, limit the number of new residential lots or units being created or constructed in order to attain an acceptable rate of occupancy in existing or approved development prior to the creation or approval of additional residential lots or units.

6.6.1.20 **Home Occupations**

In residential areas, a home occupation that comprises a secondary use carried on entirely within a dwelling unit by the resident may be permitted. The implementing Zoning By-law may contain provisions to regulate the type of permitted use and may establish standards for the scale of use, building extensions, parking, and exterior advertising in order to protect the residential amenity.

6.6.1.21 **Zoning By-law**

The implementing Zoning By-law shall zone land in accordance with the policies of this Plan. The By-law shall contain regulations on matters such as permitted uses, permitted buildings and structures, minimum lot sizes, necessary setbacks, and off-street parking requirements.

6.6.1.22 **Traffic Impact Study**

A Traffic Impact Study, acceptable to the County of Perth and the Municipality of North Perth must be undertaken in order to identify any roadway improvements (Tremaine Ave., S. and Perth Line 86) prior to the development of the subject property.

6.6.1.23 **Implementation**

The aforementioned policies will be implemented as follows:

- (a) through the provisions of the implementing Zoning By-law;
- (b) through the policies of this Plan, entitled "Policy for the Division of Land";
- (c) through municipal control and supervision in accordance with the powers provided in the policies throughout this Plan;
- (d) through the issuance of building permits by the Chief Building Official of the local municipality.

*ADDED BY OPA No. 60*

6.6.2 **Special Policy Area “B” (Part of Lots 37 - 40, Concession 1, Elma Ward, Municipality of North Perth)**

The “Special Policy Area ‘B’” designation for part of Lots 37 - 40, Concession 1 (Elma Ward, Municipality of North Perth) shown on Schedule “A” (shown in hatching on Schedule “A-63” to the County of Perth Official Plan) shall be subject to the following policies:

6.6.2.1 **Permitted Uses**

The primary use of land in this land use designation will be for a variety of residential dwelling types. The types of dwellings permitted shall include: single-detached dwellings; semi-detached dwellings; duplex; triplex; fourplex or converted dwellings; townhouse dwellings; and apartment dwellings.

Other uses permitted in this designation include institutional uses, defined as schools, churches, and cemeteries, nursing homes, daycare centers, senior citizen housing, group homes, neighborhood parks, home occupations, bed and breakfast establishments and neighborhood commercial uses.

6.6.2.2 **Goals, Objectives, and Policies**

The goals, objectives, and policies of Section 6.6.1.2 through 6.6.1.23, save and except Section 6.6.1.22 of the County of Perth Official Plan apply to the subject property.

*ADDED BY OPA No. 60*

6.6.3 **Special Policy Area “C” (Part of Lots 37- 40, Concession 1, Elma Ward, Municipality of North Perth)**

The “Special Policy Area ‘C’” designation for part Lots 37 - 40, Concession 1 (Elma Ward, Municipality of North Perth) shown on Schedule “A” (shown in stippling on Schedule “A-63” to the County of Perth Official Plan) shall be subject to the following policies:

6.6.3.1 **Permitted Uses**

The predominant use of land in this area shall be for manufacturing, fabrication, processing, assembly packing, printing, publishing, warehousing, wholesaling, storage of bulk goods, repairing, trades, servicing operations, and transportation terminals.

In addition, other permitted uses include public utilities and works yards, material and service suppliers which directly and primarily serve industry, laboratories or research facilities, equipment rentals, and retail, wholesale, and office uses accessory to industrial uses on the same lot.



6.6.3.2 **Principal Goals**

The principal goals of the “Special Policy Area ‘C’” designation are as follows:

- (a) to encourage industrial development which will be beneficial to the Municipality;
- (b) to ensure that industrial development occurs in a manner which is orderly and compatible with neighboring land uses; and
- (c) to ensure that future industrial development occurs in an orderly manner so as to avoid the undue extension of municipal services.

6.6.3.3 **Objectives**

The following are the objectives of the “Special Policy Area ‘C’” designation:

- (a) to create an atmosphere attractive to industrial investment and development;
- (b) to expand the employment opportunities available to the residents of the Municipality;
- (c) to encourage the development of light, dry industry which will not impose a burden on municipal service systems;
- (d) to minimize the potential adverse effects of industrial areas on other land uses and the residents of the community;
- (e) to promote and create attractive industrial environments through aesthetic and functional site design measures;
- (f) to maintain an adequate industrial land reserve in order to provide for the expansion of existing industries, to facilitate industrial relocations, and to provide for new industrial growth; and
- (g) to protect industrial areas from intrusion by those non-industrial uses which are incompatible with an industrial area.

6.6.3.5 **Location**

It is the intent of this Plan to encourage the expansion of existing industrial uses and to permit a variety of new industrial uses within the “Special Policy Area ‘C’” designation as long as these new uses are appropriate to the nature of the lands available and the surrounding land uses.

6.6.3.6 **Development of Industrial Areas**

The local Council shall encourage the clustering or grouping of industrial uses in the designated areas so as to make the best use of the available land areas, provide for the use of shared access and parking facilities, and to minimize the danger to vehicular and pedestrian traffic on municipal streets.

6.6.3.7 **Dry Industries**

The local Council will encourage the development of industries of a “dry” nature. A “dry” industry is defined as one which does not need significant amounts of water in its operations and does not impose a disproportionate load on the sewage treatment facilities by generating excessive wastes.

6.6.3.8 **Servicing Requirements**

All types of development within the “Special Policy Area ‘C’” designation shall be required to satisfy the applicable servicing requirements of Section 7.1 of the Listowel Ward Official Plan. Proposals for development which, in the view of the local Council, would result in an undue financial burden on the municipality, especially with respect to the provision of public utilities and other necessary public services, shall not be permitted.

6.6.3.9 **Pretreatment of Wastes**

In accordance with the provisions of the Municipal Act, the local Council will consider the passage of a sewer use by-law requiring pre-treatment of industrial waste prior to discharge to the municipal sewer system.

6.6.3.10 **Accessory Uses**

Retail outlets shall be permitted as accessory uses to industrial uses provided the retail outlet involves the retailing of goods produced or stored on the premises and provided the retail outlet is not situated in a building separate from the industrial use.

Accessory uses, in general, shall be permitted only where they will not interfere with or detract from the primary industrial function of the area.

6.6.3.11 **Incompatible Uses**

In order to protect those areas which have been developed for industrial uses, the intrusion of uses which would be incompatible with industrial uses shall not be permitted. The local Council may consider the requirement of larger setbacks and buffers for residential uses abutting land designated for industrial purposes.

6.6.3.12 **Access**

Access shall be available from a public highway or public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network.

Development adjacent to Provincial Highways requires building/land use, entrance and sign permits from the Ministry of Transportation for Ontario.

6.6.3.13 **Off-Street Parking and Loading Facilities**

Industrial uses shall be required to provide off-street parking and loading and unloading area sufficient in quantity and satisfactory in location for the needs of the development and convenience of the user. The implementing Zoning By-law will set out the number of parking spaces required for industrial uses and the regulations pertaining to loading and unloading facilities.

6.6.3.14 **Landscaping, Buffering, and Screening**

Where industrial uses abut residential and institutional uses, there shall be adequate buffering and landscaping provided which may include fences, berms, tree and shrub planting, and/or grass strips.

In the case of noise and odour producing industrial operations, separation distances between the industry and abutting or adjacent incompatible land uses may be imposed by means of the implementing Zoning By-law.

6.6.3.15 **Open Storage Areas**

All open storage areas shall be appropriately and adequately screened in order to protect the abutting and adjacent uses and travelers on public roads from annoying visual intrusions.

6.6.3.16 **Industrial Relocation**

The local Council shall encourage industries which are presently outside the "Industrial" designation and the "Special Policy Area 'C'" designation to relocate, particularly to effect the expansion of their operations, within areas designated for industrial purposes.

In the long term, Council shall encourage the conversion of such industrial sites to uses more in harmony with the character of the surrounding area.

6.6.3.17 **Municipal Involvement**

The local Council should investigate the possibility of acquiring land for industrial purposes within the Municipality of North Perth. Such lands could be developed by means of an industrial subdivision and the lots could be sold for prospective industrial uses.

6.6.3.18 **Division of Land**

Where the division of land (i.e. plans of subdivision or consents) is involved in the development of the industrial areas, the policies of Section 16 of the County of Perth Official Plan entitled “Policy for the Division of Land” must be satisfied.

6.6.3.19 **Site Plan**

The local Council shall require a site plan for any new industrial development and the expansion of existing industrial development within the “Industrial” land use designation. The conditions of the site plan agreement shall be met under the authority of Section 41 of the Planning Act, RSO 1990.

6.6.3.20 **Zoning By-law**

The implementing Zoning By-law shall zone land in accordance with the policies of this Plan. The By-law shall contain suitable provisions for adequate setbacks from property lines, appropriate off-street parking and loading requirements, prohibition of obnoxious uses, control over outside storage, buffering, fencing, and lighting.

6.6.3.21 **Separation Distances Between Industrial Uses and Sensitive Land Uses**

In accordance with Provincial policy, consideration shall be given to the issue of separation distances between industrial uses and sensitive land uses (e.g. residential uses and several types of institutional uses) by the local Council when reviewing and considering proposals for new and/or expanded industrial development. Where industrially designated areas abut or are adjacent to sensitive land use areas (e.g. residential designation), the types of industrial uses permitted should generally be limited to light industrial uses which have the least potential for impact on the neighbouring sensitive land use areas. Mitigative measures such as separation distances, berms, landscaping, and site and building design are to be considered when addressing potential impacts on the neighbouring sensitive land uses.

Those parts of the subject area which abut and/or are immediately adjacent to lands designated “Residential” and the southerly part of the subject property which abut the boundary road (i.e. Line 84) between the Listowel Ward and the Elma Ward are to be considered as buffer/ transition areas. In these areas, permitted industrial uses shall be limited to those which have little or no impact on the neighbouring residential lands or the agricultural lands to the south and east in the Elma Ward. Permitted industrial development may also include government offices; recreational uses such as a bowling alley, miniature golf, fitness centre, tennis courts; equipment rental establishments; assembly halls; service type commercial uses such as automobile repair establishments, automobile washing establishments; showroom facilities. In planning and designing for specific uses within these buffer/ transition areas, consideration shall be given to matters such as separation distances, landscaping, and building and site design in order to minimize potential for impact on neighbouring sensitive land uses.

The local Council must be satisfied that the above policies are met and that general compliance with the policies of County of Perth Official Plan is achieved prior to giving final zoning approval in respect to specific development proposals.

6.6.3.22 **Implementation**

The policies of the “Industrial” land use designation will be implemented as follows:

- (a) through the review by the local Council of all development proposals involving industrial uses;
- (b) through the provisions of the implementing Zoning By-law;
- (c) through the policies of the section of this Official Plan entitled “Policy for the Division of Land”;
- (d) through local municipal control and supervision over new development in accordance with the powers provided in the policies throughout this Plan;
- (e) through the provisions of a sewage control by-law passed under the provisions of the Municipal Act;
- (f) through provisions of the local municipal Maintenance and Occupancy Standards By-law;
- (g) through municipal co-operation with the industrial community in North Perth in order to foster an environment conducive to industrial growth; and
- (h) through the issuance of building permits by the local municipal Chief Building Official.

*ADDED BY OPA No. 65*

6.6.4 **Special Policy Area “D”**

The “Special Policy Area “D” designation for part of Lots C and 4, Concession 3 in the Township of Perth South (Gore of the Downie Ward) shown on Schedule “A” (shown in hatching on Schedule “A-66”) to the County Official Plan shall be subject to the following policies:

- (a) Permitted Uses – permitted uses shall be industrial uses, public service/utility uses (e.g. stormwater management facility), and accessory uses. Permitted uses shall be developed on the basis of municipal servicing (e.g. water supply, sanitary sewage, etc.);
- (b) The identified natural heritage features on the subject property (i.e. as identified in the final Environmental Impact Study prepared by Earth Tech and consistent with the preliminary Impact Study material prepared by Earth Tech and dated November 2, 2005) shall be protected and

preserved and shall be left outside to the development area on the subject property;

- (c) The recommendations of the environmental management plan prepared for this property and identified in the final Environmental Impact Study prepared by Earth Tech and consistent with the preliminary Impact Study material prepared by Earth Tech and dated November 2, 2005) shall be implemented in respect to development on the subject property;
- (d) An amendment to the Township of Perth South's Zoning By-law shall be required, which amendment will permit the uses noted above and which shall place the identified natural heritage features in the appropriate "Natural Resources/Environment Zone"; and
- (e) A site plan agreement pursuant to Section 41 of the Planning Act shall be required for industrial development on the subject property. The site plan agreement must be to the satisfaction of the UTRCA, County, and Township.

*ADDED BY OPA No. 147*

*FURTHER AMENDED BY OPA No. 184*

6.6.5 **Special Policy Area "E"**

The Special Policy Area "E" designation for Part of Lots 29 and 30, Concession 1, in the geographic Township of Elma, Municipality of North Perth, shown on Schedule "A" – Land Use Plan and Schedule "A4-3" – West of Listowel to the County of Perth Official Plan shall be subject to the policies of Subsection 6.6.1 (Special Policy Area "A").

Notwithstanding the policies of Subsection 6.6.1 (Special Policy Area "A") to the contrary, the Special Policy Area "E" designation for Part of Lot 30, Concession 1, in the geographic Township of Elma, Municipality of North Perth, shown on Schedule "A" – Land Use Plan and Schedule "A4-3" – West of Listowel to the County of Perth Official Plan shall be subject to the following policies:

6.6.5.1 **Permitted Uses**

The primary use of land in this land use designation will be for a variety of commercial/business uses and residential uses in the form of a Mixed-Use building and/or in the form of a Mixed-Use site.

Mixed-Use buildings are permitted, provided that residential units are included on the upper floors of commercial/business uses and in accordance with the Zoning By-law provisions.

Stand-alone multiple residential uses are permitted provided other commercial uses are provided on the same site, and in accordance with the Zoning By-law provisions.

Mixed-Use developments, whether in the form of a Mixed-Use site and/or Mixed-

Use buildings, are expected to continue to evolve over time, and should be designed to support and accommodate this evolution.

- 6.6.5.1.1 While residential uses are permitted and encouraged within lands intended for Mixed-Use development, it is not the intent of Mixed-Use development sites to lose the planned retail and commercial function to service the surrounding neighbourhood. As such, the implementing Zoning By-law may not permit the site to be developed exclusively with one use.
- 6.6.5.1.2 This designation may be zoned to discourage uses that would negatively affect the planned density and/or function of the neighbourhood in which they are located. Accordingly, the implementing Zoning By-law may not permit:
- a) Predominately auto-exclusive uses such as car washes; drive-through facilities; gas stations; sale and/or repair of motor vehicles; commercial parking facilities;
  - b) Commercial uses not compatible with residential uses such as funeral Homes and commercial recreation; and,
  - c) Elementary schools.
- 6.6.5.1.3 Mixed-Use sites require a high level of urban design and to ensure pedestrian connections across the site and between uses, as well as compatibility with adjacent land uses. In order to ensure a high level of design, an Urban Design Brief shall be prepared as part of a complete site plan application. The Urban Design Brief shall be approved by local Council and address the following design considerations:
- a) Adequate landscaping on the site, in accordance with Municipality of North Perth Site Plan Control design standards;
  - b) Adequate off-street parking shall be provided for automobiles and bicycles, in accordance with Municipality of North Perth Site Plan Control design standards;
  - c) Signage for commercial uses are to be designed to be functional and avoid visual clutter and distraction;
  - d) Outdoor lighting that directs light away from adjacent streets and uses, as well as not to cause undue light trespass for onsite residential uses;
  - e) Any required loading and garbage areas shall be located in an unobtrusive area of the site;
  - f) Noise attenuation and mitigation between residential and non-residential uses shall be considered in site design;
  - g) Appropriate pedestrian connections to and within the development shall be planned and designed in a way that minimizes conflicts with traffic;

- h) Traffic calming measures are encouraged to be implemented in the site design. Traffic calming measures shall be coordinated with the landscaping, lighting and other site design features;
- i) Compatibility shall be provided, through the consideration of materials, details, massing and glazing, on all sides of the buildings.

6.6.5.1.4 The Municipality of North Perth may implement site specific building design requirements through site specific zoning and Site Plan Control. The following provisions may be further regulated through the implementing Zoning By-law:

- a) Minimum/maximum commercial floor area, where all retail and service commercial uses shall not exceed a floor area of 32,000 sq. ft. (2,973 sq. m) of which no more than 19,000 sq. ft. (1,765 sq. m) shall be permitted for retail uses;
- b) Minimum/maximum residential area;
- c) Minimum/maximum setbacks to a public street; and
- d) Minimum/maximum building height and density.

#### 6.6.5.2 Principal Goal

The principal goal is to contribute a mix and range of employment uses to support the County's long-term economic prosperity, through the provision of opportunities for a diversified employment base and compact, Mixed-Use development.

#### 6.6.5.3 Objectives

The following are the objectives of this land use designation:

- 6.6.5.3.1 To provide for a wide range of housing choices which respond to the varying needs of the community and surrounding area;
- 6.6.5.3.2 To support and provide opportunities for lands to evolve and intensify over time;
- 6.6.5.3.3 To provide opportunities for a diversified employment base; and,
- 6.6.5.3.4 To ensure uses, built form and building design are compatible with surrounding residential neighbourhoods and are pedestrian-oriented and human-scaled in order to positively contribute to the public realm.

#### 6.6.5.4 Servicing Requirements

It is the intention of this Plan that all development will have full municipal servicing. The servicing policies contained in Section 7.1 of the Listowel Ward Official Plan, entitled "Water, Sanitary Sewage System, and Storm Sewers" shall also be satisfied.



#### 6.6.5.5. Mixed-Use Development Requirements

Mixed-Use developments shall be encouraged to:

- a) Locate in areas which will minimize the cost of providing municipal services;
- b) Locate in areas which will be compatible with adjacent existing and proposed development;
- c) Be of an acceptable scale in relation to existing development;
- d) Generally be directed to locations where access is available from local and collector roads as opposed to direct access onto arterial roadways; and,
- e) Be appropriately landscaped, buffered and screened in order to maintain or enhance the visual amenities of the development when abutting rail line; existing commercial/industrial uses; or different types of existing residential uses.

#### 6.6.5.5.1 Commercial Use Requirements

The County will support the integration of non-residential land uses which are complementary and serve the needs of residents, at appropriate locations within the same site as residential lands uses, to support the development of a walkable and complete community. A range of commercial/business uses shall be permitted, in accordance with the Zoning By-law. In evaluating proposals for commercial/business uses, the local municipality shall apply the following criteria:

- a) The need for the use shall be assessed by the local Council;
- b) Buildings and structures shall be designed and constructed in harmony with surrounding residential uses and measures shall be required to avoid the disruption of the normal enjoyment of a residential neighbourhood as a result of excessive light, odour, noise, traffic congestion, signs, and the assembly of people;
- c) Adequate off-street parking areas and loading and unloading facilities shall be provided, with the number of required parking spaces set out in the implementing Zoning By-law;
- d) Access to commercial use shall be available from a public roadway and such access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;

- e) Where the commercial use will abut a lot(s) used for residential purposes, adequate buffering shall be provided and such buffering may take the form of fencing or landscaping. Where buffering measures may not be adequate, special setback requirements or other measures may be imposed. The local Council may consult with the Ministry of Environment, Conservation and Parks regarding the type of measures necessary to protect the residential areas;
- f) The extent to which the immediate area is presently serviced by similar non-residential uses;
- g) Whether the non-residential use will contribute to creating a walkable and complete community;
- h) Whether the site is more suited to the development of non-residential land uses due to matters such as noise, vibration and other incompatible adverse effects;
- i) A site plan agreement shall be required for all new and/or expanding commercial uses and the conditions of the site plan agreement shall be met under the authority of Section 41 of the Planning Act, RSO 1990.

#### 6.6.5.5.2 Residential Use Requirements

These requirements apply to the residential units permitted in accordance with Section 6.6.5.1 and provide that:

- a) A minimum density of 30 units per hectare be permitted within the Mixed-Use development; and
- b) Residential units comply with the applicable residential Zoning By-law requirements.

#### 6.6.5.5.3 Local Municipal Discretionary Requirements

The local municipality may:

- a) Require that a portion of the building mass as well as primary façades and building entrances be oriented towards the public street by imposing façade design policies and zoning regulations;
- b) Encourage the location of active uses such as retail, service shops and restaurants at the street level by imposing locational criteria and zoning regulations for specific uses; and,
- c) Require that buildings maintain a human-scaled form of development along the street by imposing building height regulations in the Zoning By-law.

6.6.5.6 Monitoring of Residential Development

It is the intent of this Plan that all development will take place with full municipal servicing. The local Council shall monitor and, if necessary, limit the number of new residential units being created or constructed in order to attain an acceptable rate of occupancy in existing or approved development prior to the creation of approval of additional residential units.

6.6.5.7 Zoning By-law

The implementing Zoning By-law shall zone land in accordance with the Policies of this Plan. The By-law shall contain regulations on matters such as permitted uses, permitted buildings and structures, minimum lot sizes, necessary setbacks, and off-street parking requirements.

6.6.5.8 Implementation

The aforementioned policies will be implemented as follows:

- a) Through the provisions of the implementing Zoning By-law;
- b) Through municipal control and supervision in accordance with the powers provided in the policies throughout this Plan; and
- c) Through the issuance of building permits by the Chief Building Official of the local municipality.

*ADDED BY OPA No. 150*

6.6.6 **Special Policy Area “F”**

The Special Policy Area “F” designation for Part of Park Lot 5, Plan 194, in the geographic Township of Wallace, Municipality of North Perth, shown on Schedule “A” - Land Use Plan to the County Official Plan shall be subject to the policies of Subsection 6.6.1 (Special Policy Area “A”).

*ADDED BY OPA No. 158*

6.6.7 **Special Policy Area “G”**

The Special Policy Area “G” designation for Part of Lot 19, Registered Plan 487, in the geographic Township of Wallace, Municipality of North Perth, shown on Schedule “A” - Land Use Plan and Schedule “A4-1” – North of Listowel to the County Official Plan shall be subject to the policies of Subsection 6.6.1 (Special Policy Area “A”).”

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## **SECTION 7 - MOBILE/MODULAR HOME PARK**

### 7.1 **INTRODUCTION**

*ADDED BY OPA # 47* There are three existing mobile/modular home parks in the County of Perth. One is located in the Ellice Ward of the Township of Perth East and two are located in the Elma Ward of the Town of North Perth. All three mobile/modular home parks have existed at their current location for a number of years and they provide an alternate form of housing to the conventional single-detached dwelling form that is dominant throughout the County. These parks function as individual residential communities and they are, to a large extent, served by private services (roads, water supply, sewage disposal).

### 7.2 **GOALS**

The following goals are established for the "Mobile/Modular Home Park" designation:

- (a) To provide and maintain a residential environment of high standard for the residents of the mobile/modular home park communities in the County;
- (b) To ensure that an acceptable level of services and amenities is provided for the residents of mobile/modular home parks; and
- (c) To ensure that any new mobile/modular home park development and/or the extension of existing mobile/modular home park development is based on a demonstrated need and consistent with the overall planning policies of the County and local municipalities.

### 7.3 **LAND USE DESIGNATION AND MAPPING**

Policies for the "Mobile/Modular Home Park" designation shall apply to the areas shown as "Mobile/Modular Home Park" on Schedule "A" (Land Use Plan) to this Official Plan. The Schedule "A" maps consist of the County-wide map which shows the general location of the "Mobile/Modular Home Park" designation and the smaller inset maps (e.g. Schedule "A3-1") which show the specific boundaries for the "Mobile/Modular Home Park" designation.

The areas shown as "Mobile/Modular Home Park" on Schedule "A" are site specific in nature and are based on the extent of similar designations in previous Official Plan documents of the local municipalities.

#### 7.4 **DEFINITION/PERMITTED USES**

The "Mobile/Modular Home Park" designation shall mean that the permitted uses of land shall be for mobile and/or modular homes located within a mobile/modular home park. Other uses permitted shall include recreational and community facilities to serve the residents of the mobile/modular home park. Specific definitions for the terms mobile home and modular home shall be set out in the local municipality's implementing Zoning By-law.

#### 7.5 **POLICIES**

##### 7.5.1 **Mobile/Modular Home Park Location**

- ADDED BY OPA # 47*
- (a) Part of Lot 11, Concession 1 in the Ellice Ward of the Township of Perth East – approximately 16 hectares/40 acres in size;
  - (b) Part of Lot 41, Concession 1 in the Elma Ward of the Town of North Perth - approximately 5 hectares/12 acres in size;
  - (c) Part of Lots 42 & 43, Concession 1 in the Elma Ward of the Town of North Perth - approximately 21 hectares/52 acres in size.

##### 7.5.2 **Development Within Existing Mobile/Modular Home Parks**

New development within designated "Mobile/Modular Home Park" areas shall be permitted in accordance with the policies of this Plan without the need for an amendment to the Plan. Each of the three designated mobile home parks have a limited amount of space for the accommodation of new development.

##### 7.5.3 **New and/or Expanded Mobile/Modular Home Parks**

*ADDED BY OPA # 47* An amendment to this Official Plan will be required in order to establish a new mobile/modular home park and/or to expand any of the existing mobile/modular home parks beyond the areas currently designated "Mobile/Modular Home Park" by the Plan.

*ADDED BY OPA # 47* Any application to establish a new mobile/modular home park and/or to expand an existing mobile/modular home park beyond the areas currently designated "Mobile/Modular Home Park" by this Plan shall be evaluated on the basis of the following criteria:

- (a) Generally, modular/mobile home park locations should be limited to urban areas (e.g. towns, villages) and/or areas immediately adjacent to such urban areas. Locations on productive farmland and/or on lands having high soil capability outside of urban areas shall be restricted. Where the expansion of an existing modular/mobile home park beyond its present designation is proposed, consideration shall be given to avoiding productive or high capability agricultural lands and/or to expansion onto lower capability agricultural lands;

- (b) The need for additional mobile/modular home development must be demonstrated, taking into consideration the demand for housing type and population projections;
- (c) The need to prevent land use conflicts with surrounding uses, particularly agricultural uses. When assessing impact on surrounding agricultural uses, the minimum distance separation provisions of MDS I shall be applied and must be satisfied;
- (d) The level of services proposed for the mobile/modular home park development. The development must be served by municipal water and sewage services or private communal water and sewage services;
- (e) All proposals must be accompanied by a detailed plan which shows the specific location of the subject land, public road access provisions, internal private road layout, mobile/modular home site locations and size information, vehicle parking areas, location and type of recreational/amenity facilities, servicing provisions (roadways, water supply, sewage disposal, storm water drainage, lighting), landscaping and buffering provisions, and an inventory of existing land uses in the vicinity of the subject land; and
- (f) Natural heritage features shall be taken into consideration with measures taken to protect and preserve them.

#### 7.5.4 **Management and Maintenance**

All mobile/modular home parks shall be managed and maintained as a single unit by the mobile/modular home park owner or its designated agent. The responsibility for management and maintenance of all utilities and services (roads, water supply, sewage disposal, storm water management facilities, hydro, lighting, snow removal, etc.) shall rest solely with the owner of the mobile/modular home park. Where new parks or expansions are proposed, the owner shall enter into a legal agreement with the local municipality to ensure adequate maintenance of water supply and sewage disposal in perpetuity, for the protection of residents and the environment. In the case of existing parks neither the County or the local municipalities shall be under any obligation to assume ownership of or the responsibility for maintenance and/or provision of any of the utilities and services for the mobile/modular home park. The division or severance of mobile/modular home parks into smaller properties shall not be permitted under the policies of this Plan.

### 7.5.5 **Access**

Access must be available to a public road that is developed to acceptable municipal 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. Mobile/modular home park development fronting onto and having access to a provincial highway requires building/land use entrance permits from the Ministry of Transportation for Ontario. Mobile/modular home park development within 800 metres of a provincial highway may require entrance, building/land use and sign permits from the appropriate approval authority.

Mobile/modular home parks should be served by a minimum of two access points to a public road(s).

Access to individual mobile/modular home sites shall be from an internal road network within the mobile/modular home park. Direct access to a mobile/modular home site from a public road shall not be permitted.

*ADDED BY OPA # 47*

### 7.5.6 **Water Supply and Sewage Disposal and Stormwater Management**

The owners of mobile/modular home parks are required to provide acceptable water supply and sewage disposal facilities for the residents of the mobile/modular home park. Such facilities must be designed, installed, and maintained to the satisfaction of the local municipality and the appropriate regulatory authority.

Where the expansion of an existing mobile/modular home park within an area currently designated "Mobile/Modular Home Park" is proposed, consideration should be given to municipal water and sewage services or private communal water and sewage services. Where municipal water and sewage services or private communal water and sewage services are not feasible, private on-site services may be considered. In determining what type of water and sewage services are acceptable, justification in support of the service type will be required and input shall be obtained from the appropriate regulatory authority. The type of water and sewage service proposed must be to the satisfaction of the local municipality and the appropriate regulatory authority.

Where a new mobile/modular home park is proposed and/or where an existing mobile/modular home park is being expanded beyond an area currently designated "Mobile/Modular Home Park", the new development must be served by municipal water and sewage services or private communal water and sewage services. The type of water and sewage service proposed must be to the satisfaction of the local municipality and the appropriate regulatory authority. Proponents of new and expanded mobile/modular home parks (either within or beyond an area currently designated "Mobile/Modular Home Park") shall be required to submit a storm water management plan for the new development. Such plans should incorporate appropriate best management practices as may be



required by Provincial agencies and the Conservation Authority to manage post development storm water for quantity and quality control. New development should not adversely affect surface water resources.

7.5.7 **Year Round Occupancy**

Mobile/modular home parks shall provide for year round occupancy as opposed to seasonal occupancy. Mobile and/or modular homes that are located within such parks are to be considered as permanent dwelling types and not temporary dwelling types.

7.5.8 **Open Space**

Owners of mobile/modular home parks should be required to provide adequate open space for recreational activities as a part of their development. As a general rule, a minimum of 5 percent of the gross area of the mobile/modular home park should be provided in a consolidated form for recreational purposes.

7.5.9 **Off-Street Parking**

Adequate off-street parking for residents of and visitors to mobile/modular home parks shall be provided. The implementing Zoning By-laws of the local municipalities shall set forth appropriate parking requirements.

7.5.10 **Standards**

All mobile/modular homes and the servicing and operation of mobile/modular home parks shall be in accordance with current standards and specifications developed by the following:

- (a) Canadian Standards Association;
- (b) Canada Mortgage and Housing Corporation;
- (c) The Canadian Code for Residential Construction;
- (d) The Canadian Mobile Home Association;
- (e) The Ontario Building Code.

7.5.11 **Site Plan Control**

Site Plan Agreements pursuant to Section 41 of the Planning Act R.S.O. 1990, shall be required for all new and/or expanded mobile/modular home park developments. A site plan of the proposed development must be submitted with any Official Plan Amendment request and such site plan shall provide the following information:

- (a) The true shape, topography, land elevations, soil and drainage characteristics, dimensions, area, and location of the property to be developed as well as the extent of adjacent property held for future mobile/modular home park development;
- (b) The location, height, dimensions, and use of all buildings and structures existing and/or proposed to be erected on the subject property;
- (c) The existing use of all land and the location and use of all buildings and structures lying within a distance of 120 metres of the property to be developed for mobile/modular home park purposes;
- (d) All public road access points and the internal roadway layout;
- (e) Mobile/modular home site layout and size information;
- (f) Vehicle parking areas;
- (g) All proposed open space, communal facilities, and recreational facilities that are to be provided;
- (h) Landscaping and buffering provisions;
- (i) Information concerning the type and location of all servicing that is proposed for the development; and
- (j) Provisions for the drainage of the subject property. The County and/or local municipality shall require the submission of final grade plans for the purpose of dealing with drainage issues.

7.5.12 **Site Specific Amendments**

- (1) Part of Lot 11, Concession 1, Ellice (OPA No. 15 & 20): Notwithstanding the policy of Section 7.5.6, an expansion of the Crystal Lake Mobile Home Park within the area designated as "Mobile/Modular Home Park" at the subject location shall be permitted subject to the following:
  - (a) Individual septic tank and weeping tile systems are to be used for the proposed expansion. Such systems must satisfy all applicable requirements of the appropriate regulatory agency;

- (b) Water supply for the proposed expansion shall be by a private communal well and water supply system that meets the applicable requirements of the appropriate regulatory agency. A "Responsibility Agreement" for the water supply system between the mobile home park and the Township of Ellice shall be required;
- (c) No new development shall be permitted on either one of the two identified former waste disposal sites located at Lot 11, Concession 1 unless the landfill materials are removed from the sites and disposed at an approved site and the site is restored to the satisfaction of the Township of Ellice in accordance with MOEE's "Guideline for Use at Contaminated Sites in Ontario (Revised in February 1997)". A "Record of Site Conditions", taken after the removal of the landfill materials, should be submitted to the Township and MOEE to demonstrate compliance with the Ministry's guidelines and policy 3.2.2 of the Provincial Policy Statement.

## 7.6 **CONSENT/SEVERANCE POLICIES**

The following specific policies shall apply to consent applications which involve land within the "Mobile/Modular Home Park" 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.

### 7.6.1 **Existing Mobile/Modular Home Parks**

Consents for the purpose of dividing existing mobile/modular home parks into smaller properties shall be prohibited

Consents for the purpose of creating individual lots for mobile/modular home sites shall be prohibited.

### 7.6.2 **New Mobile/Modular Home Parks and Expanded Parks**

Consents for the creation of new mobile/modular home parks and/or the enlargements of existing mobile/modular home parks may be permitted provided that the policies of Section 7.5.3 have been satisfied and further that the subject lands are designated "Mobile/Modular Home Park".

Notwithstanding the above, the minor enlargement of an existing mobile/modular home park may be permitted subject to the "minor adjustment" provisions of Section 19.2 of this Plan.

7.6.3      **Lot Boundary Adjustments/Corrections**

Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustments/corrections are minor in nature. Consideration shall be given to the provisions of Sections 50(3) and (5) of the Planning Act R.S.O. 1990 and to the provisions of the local municipality's implementing Zoning By-law when dealing with such applications.

7.6.4      **Easements and Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created and that the need is substantiated and acceptable to the consent granting authority

## **SECTION 8 - URBAN FRINGE**

### **8.1 INTRODUCTION**

There are several areas throughout the County that either abut or are adjacent to serviced settlement areas and which are the site of varying amounts of non-farm development. Generally, development in these “fringe” areas is in the form of strip or ribbon development along public roadways and it has taken place with private water and sewage services.

Most of these “fringe” areas have existed for several decades and predate current planning controls. Many of the areas have been recognized as designated “fringe” areas in local Official Plan documents for the purposes of recognizing existing development and permitting new development on a regulated or controlled basis. The size and extent of development within these areas varies considerably. The smallest consists of a cluster of a few dwellings along a boundary road while the largest covers an approximate 100 hectare area consisting of a mixture of residential, commercial, and industrial type uses.

Notwithstanding the efforts of local municipalities to control and regulate the “fringe” area development, various proposals for development have resulted in friction between the host Township and their neighbouring serviced urban municipality. While there may be several reasons for this friction, the one reason which is common and consistent regardless of the location of the “fringe” area is the appropriateness of fringe area development from a land use planning and servicing perspective. With current County and local municipal restructuring efforts and the amalgamation of serviced urban municipalities and their neighbouring rural Townships into single municipalities, many of the reasons for a rural municipality to consider “fringe” development will have been removed. The opportunity now exists for development issues within these areas to be looked at from a basic land use planning and servicing perspective and the opportunity does exist for the extension of services to facilitate the logical and orderly growth or expansion of the serviced urban area.

This section of the County Plan provides a policy basis for dealing with growth and development issues in these existing “fringe” areas. The policies deal with the current situation where municipal services such as water and sewage do not exist and provide direction in how to deal with development issues on an interim basis until such time that full municipal services are extended to these areas.

### **8.2 GOALS**

The following goals are established for the "Urban Fringe" designation:

- (a) To appropriately recognize those “fringe” areas throughout the County that have been previously designated in local Official Plan documents;
- (b) To identify the limits of these “fringe” areas and to prevent the spread of non-farm related development beyond these limits;

- (c) To permit existing non-farm development within these “fringe” areas and to permit very limited amounts of new non-farm development;
- (d) To minimize the extent of new development on private services;
- (e) To minimize potential for land use conflict between uses;
- (f) To establish an appropriate policy basis for dealing with development issues within the “fringe” areas until such time that they are incorporated into the overall servicing and growth strategy for their neighbouring serviced urban area;
- (g) To encourage the further study and assessment of these areas from a servicing and development standpoint within a restructured municipal form.

### 8.3 **LAND USE DESIGNATION AND MAPPING**

Policies for the "Urban Fringe" designation shall apply to the areas shown as "Urban Fringe" 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 “Urban Fringe” designation and a number of smaller inset maps (e.g. Schedule “A4-1”, “A4-2”, etc.) Which show the specific boundaries for the “Urban Fringe” designation.

### 8.4 **DEFINITION/PERMITTED USES**

Uses existing at the date of adoption of this Official Plan in the designated “Urban Fringe” areas shall be considered as permitted uses under the policies of this Official Plan. Generally, the uses consist of residential, commercial, industrial, institutional, recreational, and utility type uses. New development within these designated areas is prohibited with the exception of the limited types of development permitted by the specific policies of Section 8.5.

### 8.5 **POLICIES**

#### 8.5.1 **Residential Uses**

Existing residential uses and enlargement/construction of buildings and structures associated with same are permitted in the “Urban Fringe” designation.

New residential uses and the intensification of existing residential uses involving additional dwelling units shall not be permitted.

Where enlargement/construction of buildings associated with existing residential uses are proposed, the following criteria shall apply:

- (a) Lot size must be appropriate for the proposed enlargement/ construction;

- (b) Existing water and sewage services must be capable of serving the enlarged residential use and the enlargement/construction shall not have any negative impact on the existing water and sewage service;
- (c) Design of the proposed enlargement/construction should be consistent with and in harmony with the general form of the surrounding uses.

Home occupations and bed and breakfast establishments shall be permitted as accessory uses.

### 8.5.2 **Commercial and Industrial Uses**

*AMENDED  
BY OPA  
No. 6*

Existing commercial and industrial uses and the enlargement of same are permitted in the "Urban Fringe" designation. New commercial and new industrial uses shall not be permitted except where an existing commercial or industrial use is being converted to either a similar or non-similar type use which is generally more compatible with the surrounding uses than the existing commercial or industrial use. Where enlargements of existing commercial or industrial uses are proposed or where a conversion of use is proposed, the following criteria shall apply:

- (a) Lot size shall be appropriate for the use;
- (b) The use must be a "dry" operation where waste water/discharge is minimal;
- (c) Existing water and sewage services must be capable of serving the use and the enlargement or conversion shall not have a negative impact on the existing services;
- (d) There should be no significant increase in traffic associated with the enlargement or conversion. Access provisions must be acceptable to the appropriate road authorities;
- (e) Adequate off-street parking and loading/unloading facilities shall be provided;
- (f) Adequate distance separation and buffering shall be provided from adjacent residential areas or other sensitive uses such as seniors housing or hospitals. Distance separation shall be addressed through the local municipal zoning by-law while buffering (e.g. fencing, landscaping) shall be considered at the site plan stage.
- (g) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, shall be required for enlargements of existing uses and conversion of uses.

### 8.5.3 **Recreational, Institutional, and Utility Uses**

Existing recreational, institutional, and utility uses and the enlargement of same are permitted in the “Urban Fringe” designation. The establishment of new recreational, institutional, and utility uses shall not be permitted.

Where enlargement of existing recreational, institutional, and utility uses are proposed, the following criteria shall apply:

- (a) Existing water and sewage services must be capable of serving the enlarged use and the enlargement shall not have a negative impact on the existing services;
- (b) There shall be no significant increase in traffic associated with the enlargement of use. Access provisions must be acceptable to the appropriate road authorities;
- (c) Adequate off-street parking and loading/unloading facilities shall be provided;
- (d) Adequate buffering shall be provided and such buffering may be in the form of fencing, landscaping and/or additional setback provisions;
- (e) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990 shall be required for all enlarged recreational, institutional, and utility uses.

### 8.5.4 **Home Occupations**

Home occupations that comprise a secondary use carried on entirely within a single-detached dwelling may be permitted. Such home occupations shall be small-scale in size; shall be conducted only by the person or persons residing in the dwelling; and must clearly be secondary to the main use of the dwelling as a private residence and not change the character of the dwelling as a private residence. Not more than one home occupation shall be permitted per dwelling. The local municipality’s implementing Zoning By-law shall contain provisions to regulate matters such as the types of activities to be permitted, the size of home occupation areas, parking, and signage.

### 8.5.5 **Bed & Breakfast Establishments**

Bed & breakfast establishments carried on entirely within a single-detached dwelling may be permitted. Such bed and breakfast establishment must clearly be secondary to the main use of the dwelling as a private residence and not change the character of the dwelling as a private residence. Bed and breakfast establishments shall satisfy all applicable requirements of the Perth District Health Unit, particularly in regard to water supply and sewage disposal. The local municipality’s implementing Zoning By-law shall contain specific zoning



requirements for the purpose of regulating and controlling bed and breakfast establishments.

8.5.6 **Zoning By-law**

The local municipality's implementing Zoning By-law shall zone land in accordance with the above policies. Existing uses shall be recognized as permitted uses and the enlargement of same shall be permitted by the By-law. An amendment to the local municipality's Zoning By-law shall be required prior to the conversion of any commercial or industrial use to a similar type use which is generally more compatible with the surrounding area than the existing use.

8.5.7 **Further Study**

With the current County and local municipal restructuring programs, the municipal boundary between many of the designated "Urban Fringe" areas and their neighbouring serviced urban area will disappear. The opportunity to incorporate these previous "fringe" areas into the overall planning and servicing programs for the serviced urban areas will exist.

It is a policy of this Official Plan to encourage the further study of the designated "Urban Fringe" areas within their new municipal context to determine the feasibility and appropriateness of incorporating them into the overall land use planning and servicing programs for the serviced urban areas. Such studies should consider all of the "Urban Fringe" areas associated with a particular serviced urban area on a collective basis as opposed to a fragmented or piecemeal basis.

In the event that a study of the "Urban Fringe" areas surrounding the serviced urban area concludes that the "Urban Fringe" areas should be incorporated into the overall land use planning and servicing program for the serviced urban area, the policies of this Official Plan should be amended so as to permit an appropriate range of uses in these areas based on the provision of municipal water and sewage services. Similar to new development within the serviced urban areas today, one of the prerequisites for considering new development within these former "fringe" areas would be the availability of municipal water and sewage services.

In the event that a study of the "Urban Fringe" areas surrounding a particular serviced urban area concludes that such areas should not be incorporated into the overall land use planning and servicing program for the serviced urban area, policies of this Official Plan shall remain in force with new development limited to the types specifically permitted by the preceding sections.

### 8.5.8 **Specific “Urban Fringe” Areas Adjacent to the Town of Listowel**

Based on previous proposed Official Plan policies and discussions between Listowel and Elma and Wallace Councils concerning municipal servicing, this Official Plan contains specific policies for the three “Urban Fringe” areas located adjacent to Listowel. These three areas are identified as the area north of Listowel (shown on Schedule “A4-1”), the area east of Listowel (shown on Schedule “A4-2”), and the area west of Listowel (shown on Schedule “A4-3”). The policies which apply to these specific “Urban Fringe” areas are set out below:

#### 8.5.8.1 **“Urban Fringe” Areas on Schedules “A4-1” and “A4-2”**

The “Urban Fringe” areas shown on Schedules “A4-1” and “A4-2” shall be subject to the following policies:

##### 8.5.8.1.1 **Permitted Uses**

Permitted uses shall be general commercial uses, highway commercial uses, light industrial uses, limited recreational/open space uses, and limited residential uses.

##### 8.5.8.1.2 **New Development**

New development will occur through the infilling process, extensions of built-up areas in the designated area, or the conversion of uses.

##### 8.5.8.1.3 **New Lot Creation**

It is intended that new lot creation will occur primarily through the consent/severance process. The policies of Sections 8.6 and 16.3 of this Plan shall apply to all applications for consent/severance.

Notwithstanding the above, the plan of subdivision process may be an acceptable means of lot creation where Council is satisfied in regard to matters such as the proposed use, the scale of the development, the provision of private water and sewage services, land use compatibility, and site suitability. The policies of Section 16.2 of this Plan shall apply to all applications for plans of subdivision.

AMENDED BY OPA No. 95

##### 8.5.8.1.4 **Residential Uses**

Permitted residential uses shall be limited to single-detached dwellings, and existing semi-detached dwellings, home occupations, and bed and breakfast establishments and such uses shall be permitted only in those parts of the subject “Urban Fringe” area which are described as Registered Plan No. 290 and Registered Plan No. 509, as well as the existing lots immediately to the

north (i.e. one lot) and south (i.e. one lot) of the Registered Plan No. 509. The following criteria shall apply:

- (a) The minimum lot size shall be appropriate for the use and consistent, where possible, with adjacent residential uses. The local municipality's implementing Zoning By-law shall establish the minimum lot size requirements;
- (b) Municipal water and sewage services with sufficient capacity to serve the use must be available. Where a municipal servicing strategy has been adopted, interim servicing through the use of individual water supply and sewage treatment systems may be permitted until such time as municipal servicing is installed;
- (c) Access must be available to a public road which is developed to municipal standards and which is maintained on a year-round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (d) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts must be given consideration; and
- (e) For new lots created within Registered Plan No. 509, as well as the existing lots immediately to the north (i.e. one lot) and south (i.e. one lot) of the Registered Plan No. 509, additional building setbacks and/or screening are required to the satisfaction of the Municipality of North Perth, in order to buffer the proposed new residential uses from the existing industrial development in the area.

#### 8.5.8.1.5 **Commercial Uses**

Permitted commercial uses shall be of a general commercial nature or a highway commercial nature. The following policy/criteria shall apply:

- (a) All major new and/or expanded retail development shall be required to undergo market/impact studies in order to:
  - (i) identify the type and size of retail facilities that are warranted or will be warranted by a certain year;
  - (ii) provide updated information on the performance of the Listowel and surrounding area retail sector and identify the impact of the proposed development on other significant retail locations in the Listowel and surrounding area;
  - (iii) satisfy the local municipal Council that the proposed development is warranted and appropriate from both the market and impact perspectives;

- (iv) enable the local municipal Council to identify the specific requirements and limitations, if any, which should be included in any conditions of approval.

The cost of market/impact studies and other required supporting documentation shall be borne by the proponent. Costs incurred by the local municipality in engaging in peer review for market, traffic and/or planning issues to evaluate the proposal and supporting submissions shall be reimbursed by the proponent.

- (b) Municipal water and sewage services with sufficient capacity to serve the use must be available. Where municipal servicing will be provided based on an adopted municipal servicing strategy but are not yet installed, interim servicing through the use of private water supply and sewage treatment systems may be permitted subject to the following criteria:
  - (i) The insitu soils are suitable for the satisfactory operation of the sewage treatment system;
  - (ii) No raised tile beds are permitted;
  - (iii) The design of the proposed development shall include provision for connections to municipal services when they become available.
- (c) Access must be available to a public road which is developed to municipal standards and which is maintained on a year-round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (d) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts must be given consideration;
- (e) Adequate off-street parking and loading/unloading facilities shall be provided;
- (f) Adequate buffering shall be provided and such buffering may be in the form of fencing, landscaping, and/or additional setback provisions;
- (g) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, shall be required for all new commercial uses;
- (h) An amendment to the local municipality's implementing Zoning By-law shall be required, except where existing commercial zoning permits the use;

- (i) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on ground and surface water quality and quantity, adjacent properties and roadways. Where such potentially deleterious materials as liquid fertilizers are stored and handled on-site, appropriate spills containment and contingency plans shall be required.

#### 8.5.8.1.6 **Industrial Uses**

Permitted industrial uses shall be limited to those considered to be light industrial uses and which are deemed appropriate for location in proximity to general commercial and highway commercial uses. The following policy/criteria shall apply:

- (a) Lot size shall be appropriate for the use;
- (b) Generally, all industrial uses should be “dry” operations where water use/discharge is minimal;
- (c) Access must be available to a public road which is developed to municipal standards and which is maintained on a year-round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (d) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts must be given consideration;
- (e) Adequate off-street parking and loading/unloading facilities shall be provided;
- (f) Adequate distance separation and buffering shall be provided from adjacent residential areas or other sensitive uses such as seniors housing or hospitals. Distance separation shall be addressed through the local municipal zoning by-law while buffering (e.g. fencing, landscaping) shall be considered at the site plan stage;
- (g) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, shall be required for all new industrial uses;
- (h) An amendment to the local municipality’s Zoning By-law shall be required, except where existing industrial zoning permits the use;
- (i) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage consideration shall be given to existing and potential impacts on ground and surface water quality and quantity, adjacent properties and roadways. Where such potentially deleterious materials as liquid fertilizers are stored and handled on-site, appropriate spills containment and contingency plans shall be required.

8.5.8.1.7 **Site Specific Amendments**

ADDED BY

OPA No.33

- (1) Part of Park Lot IV, Reg. Plan 290, Town of North Perth, (Walton Ave. N., Wallace Ward) (Schedule "A-37"):

Notwithstanding the policies of Section 16.3.2.1 of this Official Plan to the contrary, the creation of five lots (including the remnant lot) shall be permitted within the "Urban Fringe" designation on the above-noted lands.

8.5.8.2 **"Urban Fringe" Areas on Schedule "A4-3"**

The "Urban Fringe" areas shown on Schedule "A4-3" shall be subject to the following policies:

ADDED BY OPA No. 81

8.5.8.2.1 **Permitted Uses**

Permitted uses shall be existing general commercial uses, existing highway commercial uses, conversion of existing general and/or highway commercial uses to similar type uses, light industrial uses, limited recreational/open space uses, and limited residential uses. New business or professional offices shall also be permitted.

8.5.8.2.2 **New Development**

New development will occur through the infilling process, extensions of built-up areas in the designated areas, through conversion of uses, or by amendment to this Plan.

8.5.8.2.3 **New Lot Creation**

It is intended that new lot creation occur through the consent/severance process. The policies of Sections 8.6 and 16.3 of this Plan shall apply to all applications for consent/severance.

8.5.8.2.4 **Residential Uses**

The criteria set out in Clauses (a), (b), (c), and (d) of Section 8.5.8.1.4 of this Plan shall apply.

8.5.8.2.5 **Commercial Uses**

ADDED BY  
OPA No. 81

Existing general and highway commercial uses and the enlargement of same are permitted in the Schedule "A4-3" "Urban Fringe" area. New general and highway commercial uses shall not be permitted without an amendment to this Plan except that the conversion of an existing general or highway commercial use to a similar type of general or highway commercial type use which is equally or more compatible with the surrounding uses than the existing general or highway commercial use are permitted. However, new business and professional office uses shall be permitted. Where new business and professional office uses, or enlargements of existing general or highway commercial uses are proposed, or where a conversion of use is proposed, the following criteria shall apply:

- (a) Lot shall be appropriate for the use;
- (b) Municipal water and sewage services with sufficient capacity to serve the use must be available. Where municipal water and sewage will be provided based on an adopted municipal servicing strategy but not yet installed, interim servicing through the use of private water supply and sewage treatment systems may be permitted subject to the following:
  - (i) The insitu soils are suitable for the satisfactory operation of the sewage treatment system;
  - (ii) No raised tile beds are permitted; and
  - (iii) The design of the proposed development shall include provision for connections to municipal services when they become available.
- (c) Access must be available to a public road which is developed to acceptable standards and which is maintained on a year-round basis. Access must not generate conditions that are considered to be hazardous to traffic movement on the surrounding road network.
- (d) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts must be given consideration.
- (e) Adequate off-street parking and loading/unloading facilities shall be provided.
- (f) Adequate buffering shall be provided and such buffering may be in the form of fencing, landscaping, and/or additional setback provisions.
- (g) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, shall be required for all new commercial uses.

- (h) An amendment to the local municipality's implementing Zoning By-law shall be required.
- (i) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on ground and surface water quality, adjacent properties and roadways. Where such potentially deleterious materials as liquid fertilizers are stored or handled on-site, appropriate spills containment and contingency plans shall be required.

#### 8.5.8.2.6 **Industrial Uses**

Permitted industrial uses shall be limited to those considered to be light industrial uses and which are deemed appropriate for location in proximity to the uses in the Schedule "A4-3" lands. The provisions of Clauses (a) through (i) of Section 8.5.8.2.5 shall apply.

*ADDED BY OPA No. 81, 162 and 179, AMENDED BY OPA No. 206*

#### 8.5.8.2.7 **Site Specific Policy**

- (a) Part of Lot 30, Concession 1 in the former Township of Elma (605 Mitchell Road South)

The only uses permitted on a 1.5 acre area as shown on Schedule "A" to the Town of North Perth By-law No. 65-ZB-1998 (part of Nichol Properties Inc. lands) shall be the commercial uses permitted by By-law No. 65-ZB-1998, as well as new business and professional offices, and accessory convenience retail uses.

- (b) Part of Lots 12 and 14, Plan 430, Part 7 on 44R-5458, Elma Ward, Municipality of North Perth (Schedule "A-179").

A new highway commercial use described as an automobile washing establishment with an accessory pet washing station shall be permitted on the described lands subject to the following:

- (i) an Amendment to the implementing Zoning By-law be approved to regulate development; and

- (ii) a Site Plan Agreement be entered into with the Municipality of North Perth to address screening and buffering of the use from adjacent properties.

- (c) Part of Lot 30, Concession 1, in the former Elma Ward, Municipality of North Perth (Schedule A-206)

This land use designation will permit a variety of commercial/business



and residential uses on a mixed-use site.

### **Objectives**

1. To ensure a commercial corridor on Mitchell Road South
2. To provide medium to high density housing
3. To ensure uses, built form and building design are compatible with surrounding residential neighbourhoods and are pedestrian-oriented and human scaled in order to positively contribute to the public realm.

### **Permitted Uses**

Mixed-Use buildings are permitted provided that residential units are included on the upper floors of commercial/business uses, and in accordance with the Zoning By-law provisions.

Stand-alone multiple residential uses are permitted provided that there are existing commercial uses on the site. The Zoning By-law will provide provisions for multiple residential uses.

Stand-alone commercial uses are permitted in accordance with the Zoning By-law provisions.

This mixed-use site is expected to continue to evolve over time, and should be designed to support and accommodate this evolution.

While residential uses are permitted and encouraged with lands intended for mixed-use development, it is not the intent of Mixed-Use development sites to lose the planned retail and commercial function. As such, the Zoning By-law may not permit residential development prior to the establishment of a commercial use fronting Mitchell Road South.

This designation may be zoned to discourage uses that would negatively affect the planned density and/or function of the neighbourhood in which they are located. Accordingly, the implementing Zoning By-law may not permit:

- Auto-exclusive uses such as car washes, drive-through facilities, gas stations, sale and/or repair of motor vehicles, commercial parking facilities.
- Commercial uses not compatible with residential uses such as funeral homes and commercial recreation.

### **Commercial Area Policies**

The maximum commercial floor area for all retail and service commercial uses shall not exceed a floor area of 32,000 ft<sup>2</sup> (2973 m<sup>2</sup>) of which no more than 19,000 ft<sup>2</sup> (1765 m<sup>2</sup>) shall be permitted for retail use.

The minimum commercial floor area for all retail and service commercial uses shall not be less than 13,900 ft<sup>2</sup> (1292 m<sup>2</sup>).

### **Residential Density Policies**

A minimum density of 30 units per hectare is permitted. A maximum density of 98 units per hectare is permitted provided that servicing and traffic requirements can be addressed.

The affordable housing target for the subject lands is 15% of the total number of residential units built on-site.

### **Design requirements**

Mixed use sites require a high level of urban design to ensure pedestrian connections across the site, between uses, as well as compatibility with adjacent land uses. In order to ensure a high level of design, an Urban Design Brief shall be prepared as part of a complete site plan application and shall address the following design considerations:

- (a) Commercial uses are required to be located on Mitchell Road South;
- (b) Adequate off-street parking for automobiles and bicycles in accordance with the Municipality of North Perth Zoning By-law and Site Plan design standards;
- (c) Signage for commercial uses are to be designed to be functional and avoid visual clutter and distraction;
- (d) Any required loading and garbage areas shall be located in an unobtrusive area of the site, and will require screening;
- (e) Noise attenuation and mitigation between residential and non-residential uses are required;
- (f) Pedestrian and cycling routes to and within the development shall be planned and designed to minimize conflict with traffic;
- (g) Locate retail, service shops and restaurants at the street level;
- (h) Traffic calming measures shall be included, and co-ordinated with landscaping, lighting and site design features;
- (i) Compatibility shall be provided through the consideration of materials, details, massing and glazing on all sides of all buildings;
- (j) Design the site to building mass as well as primary facades and building entrances be oriented towards the public street;

A landscaping plan and outdoor lighting plan prepared by qualified professionals will be required for the site plan.

### **Servicing Requirements**

All development on the site will have full municipal servicing. The servicing policies in Section 16.1 'Water, Sanitary Sewage System, and Storm Sewers' of the Listowel Official Plan apply to the subject property.

*ADDED BY OPA No. 81*

#### **8.5.8.2.8 New Commercial Development**

New commercial development, other than business or professional offices or those commercial developments established through the conversion of use policies of Section 8.5.8.2.5 of this Plan, shall only be permitted in the "Urban Fringe" designation by amendment to this Plan and shall be required to submit market/impact studies as required by the policies of Section 8.5.8.1.5 (a) of this Plan.

*ADDED BY OPA No. 63*

8.5.9 **Specific “Urban Fringe” Area in the Township of Perth South (Blanshard Ward)**

This Official Plan includes an “Urban Fringe” area at Lots 12 and 13, South Boundary Concession in the Township of Perth South (Blanshard Ward) which is subject to the specific policies set out below:

8.5.9.1 **Permitted Uses**

Permitted uses in this “Urban Fringe” area shall be as follows:

- (a) farm or agricultural related commercial and industrial uses which are small-scale in nature with the exception that uses such as feedmills, drying operations, farm implement sales and service establishments, livestock assembly operations, and livestock trucking operations (which uses typically are not appropriate in urban areas due to land use compatibility conflicts) are also permitted; and
- (b) farm supplies outlets; garden nurseries; commercial greenhouses; garden display areas; and accessory uses. In addition, limited highway commercial uses shall also be permitted (i.e. automobile and/or recreational vehicle sales and service establishments); and
- (c) industrial uses which include the manufacturing, processing, warehousing, wholesaling, repairing and servicing, transportation terminals, and the storage of goods, as well as the retail, wholesale, and office uses accessory to industrial uses located on the same lot.

8.5.9.2 **Development Criteria**

The following policies/criteria shall apply:

- (a) The expansion of existing industrial uses and the establishment of new permitted uses within the “Urban Fringe” land use designation is encouraged as long as these expanded and new uses are appropriate to the nature of the lands available and the surrounding land uses;
- (b) The clustering of uses to make the best use of the available land areas, provide for the use of shared access and parking facilities, and to minimize the danger to vehicular and pedestrian traffic on municipal streets is encouraged;
- (c) Where municipal services are available, the Township of Perth South Council will encourage industries of a “dry” nature. A “dry” industry can be defined as one which does not need significant amounts of water in its operations and does not impose a disproportionate load on the sewage treatment facilities by generating excessive wastes. The only industrial sewage discharges in the case of a “dry” industry are from employee washrooms, the cooling and pressure testing of equipment or other sources ancillary to the main industrial uses. Consideration should be given to requiring the pretreatment of industrial waste as a means of reducing demand on the municipal services. Where proposals for industrial uses are not considered to be “dry” in nature, pretreatment of industrial waste and/or recycling/ reuse of by-products, as a means of reducing the demand on municipal services shall be required;

- (d) Where municipal services are not available, permitted development within the “Urban Fringe” designation shall be required to satisfy the applicable servicing requirements of Section 17 of this Plan. Proposals for development which, in the view of the Township of Perth South Council, would result in an undue financial burden on the Municipality, especially with respect to the provision of public utilities and other necessary public services, shall not be permitted;
- (e) The establishment of noxious industries as defined in the Public Health and Protection Act will be prohibited;
- (f) Retail outlets shall be permitted only as accessory uses to industrial uses provided the retail outlet involves the retailing of goods produced or stored on the premises and provided the retail outlet is not situated in a building separate from the industrial use. Accessory uses in general shall be permitted only where they will not interfere with or detract from the primary industrial function of the area;
- (g) In order to protect those areas which have been developed for industrial uses, the intrusion of uses which would be incompatible with industrial uses shall not be permitted;
- (h) Access shall be available from a public highway or public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (i) Industrial uses shall be required to provide adequate off-street parking and loading and unloading areas. The implementing Zoning By-law will set out the number of parking spaces required for industrial uses and the regulations pertaining to loading and unloading facilities;
- (j) Adequate landscaping and buffering shall be provided between industrial uses and adjacent sensitive land uses such as residential uses. Such landscaping and buffering may include fencing, berms, tree and shrub planting, and/or grass strips. In the case of noise and odour producing industrial operations, separation distances between the industry and other incompatible land uses may be imposed by means of the implementing Zoning By-law;
- (k) All open storage areas shall be adequately screened in order to protect the adjacent uses and travelers on public roads from annoying visual intrusions;
- (l) Permitted uses must satisfy the applicable Minimum Separation Distance I provisions;

- (m) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts must be given consideration;
- (n) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage, consideration shall be given to existing and potential impacts on ground and surface water quality and quantity, adjacent properties and roadways. Where such potentially deleterious materials as liquid fertilizers are stored and handled on-site, appropriate spills containment and contingency plans shall be required;
- (o) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, shall be required for all new industrial development; and
- (p) The implementing Zoning By-law shall zone land in accordance with the policies of this Plan. The By-law shall contain suitable provisions for appropriate lot size, adequate setbacks from property lines, appropriate off-street parking and loading requirements, prohibition of obnoxious uses, control over outside storage, buffering, fencing, and lighting.

#### **8.5.9.3 New Development**

New development will occur through the introduction of new uses, the infilling process, the extension of the built-up area in the designated area, and the conversion of uses.

#### **8.5.9.4 New Lot Creation**

It is intended that new lot creation will occur primarily through the consent/severance process. The policies of Section 8.6 and 16.3 of this Plan shall apply to all applications for consent/severance.

Notwithstanding the above, the plan of subdivision process may be an acceptable means of lot creation where Council is satisfied in regard to matters such as the proposed use, the scale of the development, the provision of full municipal water and sewage services, land use compatibility, and site suitability.

The policies of Section 16.2 of this Plan shall apply to all applications for plans of subdivision.

*ADDED BY OPA No. 17*

#### **8.5.10 Specific “Urban Fringe” Area in Fullarton Ward**

This Official Plan includes an “Urban Fringe” area at Lots 23 and 24, Concession 2, Fullarton Ward, Municipality of West Perth (shown on Schedule “A4-15”) which is subject to the specific policies set out below:

8.5.10.1 **Permitted Uses**

Permitted uses shall be light and general industrial uses, recreational and open space uses, and institutional uses.

8.5.10.2 **New Development**

New development will occur through the introduction of new uses, the infilling process, the extension of the built-up area in the designated area, and the conversion of uses.

8.5.10.3 **New Lot Creation**

It is intended that new lot creation will occur primarily through the consent/severance process. The policies of Section 8.6 and 16.3 of this Plan shall apply to all applications for consent/severances.

Notwithstanding the above, the plan of subdivision process may be an acceptable means of lot creation where Council is satisfied in regard to matters such as the proposed uses, the scale of the development, the provision of full municipal water and sewage services, land use compatibility, and site suitability.

The policies of Section 16.2 of this Plan shall apply to all applications for plans of subdivision.

8.5.10.4 **Industrial Uses**

Permitted industrial uses shall be for manufacturing, processing, warehousing, wholesaling, repairing and servicing, transportation terminals, and the storage of goods. Other uses permitted include retail, wholesale, and office uses accessory to industrial uses on the same lot. The following policies/criteria shall apply:

- (a) The expansion of existing industrial uses and the establishment of new industrial uses within the “Urban Fringe” land use designation is encouraged as long as these expanded and new uses are appropriate to the nature of the lands available and the surrounding land uses;
- (b) The clustering of industrial uses to make the best use of the available land areas, provide for the use of shared access and parking facilities, and to minimize the danger to vehicular and pedestrian traffic on municipal streets is encouraged;
- (c) West Perth Council will encourage industries of a “dry” nature. A “dry” industry can be defined as one which does not need significant amounts of water in its operations and does not impose a disproportionate load on the sewage treatment facilities by generating excessive wastes. The only industrial sewage discharges in the case of a “dry” industry are from employee washrooms, the cooling and pressure testing of equipment or other sources ancillary to the main industrial uses. Consideration should

be given to requiring the pretreatment of industrial waste as a means of reducing demand on the municipal services. Where proposals for industrial uses are not considered to be “dry” in nature, pretreatment of industrial waste as a means of reducing the demand on municipal services shall be required;

- (d) All types of development within the “Urban Fringe” designation shall be required to satisfy the applicable servicing requirements of Section 17 of this Plan. Proposals for development which, in the view of West Perth Council, would result in an undue financial burden on the Municipality, especially with respect to the provision of public utilities and other necessary public services, shall not be permitted;
- (e) The establishment of noxious industries as defined in the Public Health and Protection Act will be prohibited;
- (f) Retail outlets shall be permitted as accessory uses to industrial uses provided the retail outlet involves the retailing of goods produced or stored on the premises and provided the retail outlet is not situated in a building separate from the industrial use. Accessory uses in general shall be permitted only where they will not interfere with or detract from the primary industrial function of the area;
- (g) In order to protect those areas which have been developed for industrial uses, the intrusion of uses which would be incompatible with industrial uses shall not be permitted;
- (h) Access shall be available from a public highway or public road of reasonable construction and year-round maintenance. Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (i) Industrial uses shall be required to provide adequate off-street parking and loading and unloading areas. The implementing Zoning By-law will set out the number of parking spaces required for industrial uses and the regulations pertaining to loading and unloading facilities;
- (j) Adequate landscaping and buffering shall be provided between industrial uses and adjacent sensitive land uses such as residential uses. Such landscaping and buffering may include fencing, berms, tree and shrub planting, and/or grass strips. In the case of noise and odour producing industrial operations, separation distances between the industry and other incompatible land uses may be imposed by means of the implementing Zoning By-law;
- (k) All open storage areas shall be adequately screened in order to protect the adjacent uses and travellers on public roads from annoying visual intrusions;



- (l) Factors such as land use compatibility, suitability of soil type for development, site characteristics, impact on natural environment, and drainage characteristics/impacts must be given consideration;
- (m) Adequate drainage must either be available or readily capable of being made available. When reviewing drainage consideration shall be given to existing and potential impacts on ground and surface water quality and quantity, adjacent properties and roadways. Where such potentially deleterious materials as liquid fertilizers are stored and handled on-site, appropriate spills containment and contingency plans shall be required;
- (n) The Corporation of the Municipality of West Perth owns land in this designation. Such lands could be developed by means of an industrial subdivision and the lots could be sold for prospective industrial uses;
- (o) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, shall be required for all new industrial development;
- (p) The implementing Zoning By-law shall zone land in accordance with the policies of this Plan. The By-law shall contain suitable provisions for appropriate lot size, adequate setbacks from property lines, appropriate off-street parking and loading requirements, prohibition of obnoxious uses, control over outside storage, buffering, fencing, and lighting.

#### 8.5.10.5 **Recreational Uses**

Permitted recreational uses shall be limited to outdoor recreational activities and, without limiting the generality of the foregoing, shall include conservation areas, picnic areas, hiking trails, baseball diamonds, soccer fields, and facilities for clubs involved in recreational activities.

#### 8.5.10.6 **Institutional Uses**

The sewage treatment facility for the Ward of Mitchell is located in this designation and its location is shown in the cross-hatching pattern on Schedule "A4-15". It is a policy of this Plan that the existing sewage treatment facility be recognized as a permitted use. Any improvements that are made to the existing facility and which are located on the lands currently owned and used in connection with the existing treatment facility shall be permitted.

AMENDED BY OPA No. 17

8.5.11 **Site Specific Amendments**

*Explanatory Note: The OPAs Nos. referenced in this Section correspond with the OPA numbers from the former local Official Plans and Not the County Official Plan.*

(1) Part of Lot 6, Concession 1, Downie Township:

Specific types of farm-related commercial and industrial uses, non-farm related commercial uses, and institutional uses shall be permitted on a 3.7 hectare property at this location subject to the following:

- (a) The permitted farm-related commercial and industrial uses shall be limited to a farm implement sales and service establishment, an animal clinic and animal husbandry services (excluding outside boarding of animals), contracting and trades related to farm buildings and structures, a farm produce outlet, and accessory uses, including accessory retail outlets, wholesale outlets, and office uses, but excluding any accessory residential use. Such uses must be small-scale in terms of building size and number of employees;
- (b) The permitted non-farm related uses shall be a motel with an accessory single-detached dwelling to provide accommodation for the motel owner/proprietor, an automobile sales, leasing, and service business, and a bus depot;
- (c) The permitted institutional uses shall be limited to a church, a private school, and a public school;
- (d) Permitted uses shall not require municipal water and sewage services and shall meet all applicable requirements of the appropriate agency having jurisdiction over these issues;
- (e) Access shall be to Line 34 (Highway 8) and all requirements of the Ministry of Transport shall be satisfied;
- (f) A site plan agreement shall be required;
- (g) An amendment to the Township's implementing Zoning By-law shall be required.

(2) Part of Lot 1, Concession 4, Ellice (OPA No. 6):

Notwithstanding the policy of Section 8.4, uses described as a school bus depot, small-scale industrial uses and accessory uses (excluding any accessory dwelling use) shall be permitted on the existing lot in the extreme south-east corner of Lot 1, Concession 4.

- (3) Part of Lot 6, Concession 1, Ellice (OPA No. 14):

Notwithstanding the policy of Section 8.4, uses described as a retail store, personal service shop, public garage, business or professional office, clinic, automobile service station, car sales establishment, and accessory uses shall be permitted uses on properties in the extreme south-east corner of Lot 6, Concession 1, Ellice Township subject to the following:

- (a) The method of water supply and sewage disposal shall meet all applicable regulations of the appropriate regulatory body;
- (b) Access must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network;
- (c) An amendment to the Township's implementing Zoning By-law is required; and
- (d) A Site Plan Agreement is required.

- (4) Part of Lot 41, Concession 1, Elma (OP):

Notwithstanding the policy of Section 8.5.8, uses described as Agricultural Society and fair activities, including the keeping of livestock and poultry, and a community living centre/facility shall be permitted on an approximate 8 hectare property in the north-west corner of Lot 41, Concession 1, Elma Township.

*ADDED BY* (5)  
*OPA No. 2*

- Part of Lot 39, Concession 1, South Easthope Ward (Schedule "A-2"):

Notwithstanding the policy of Sections 8.5.1 and 8.6.1 of this plan to the contrary, the establishment of a new residential use described as a single-detached dwelling and the creation of a new lot for same shall be permitted on the land described as Part of Lot 39, Concession 1, in the South Easthope Ward and more particularly shown on Schedule "A-2" to this Plan. The new lot to be created shall have access to Forest Road. A new water supply is to be provided to the newly created lot; a new water supply provided for the retained lot; and the existing water supply to the dwelling on the retained lot disconnected.

*ADDED BY* (6)  
*OPA No. 25*  
*and No. 74*

Pt. Lot 2, and Lots 3, 4, 5 and 6, Registrar's Compiled Plan No. 430, and part of Lot 30, Concession 1 in the Elma Ward, Municipality of North Perth (Schedule "A-75"):

Notwithstanding the policies of this Official Plan to the contrary, the redevelopment of the above-noted properties for new highway commercial uses (i.e. uses oriented to serving the traveling public such as: restaurants; automobile service stations; public garages; and motels, as well as retail or wholesale outlets requiring large enclosed or open storage areas such as building supply outlets; and automobile sales and service establishments), as well as a financial institution, medical clinic, business or professional offices, and/or a retail store. The new uses may be developed subject to the following criteria being met:

- (a) That the additional new uses be limited to one building having a maximum gross floor area of 3,530 m<sup>2</sup> (38,000 ft.<sup>2</sup>), and that no individual use shall have a gross floor area greater than 1,858 m<sup>2</sup> (20,000 ft.<sup>2</sup>);
- (b) That the proponent obtain all necessary access, land use, development, and signage approvals and meet the applicable requirements of the appropriate road authority (i.e. either the Ministry of Transportation and/or the County of Perth) for access to the site;
- (c) An amendment to the implementing Zoning By-law and a Site Plan Agreement with the Municipality of North Perth;
- (d) The proposed municipal servicing must be approved by the Municipality of North Perth; and
- (e) A lot grading and drainage plan is required prior to the issuance of a Building Permit.

*ADDED BY* (7)  
*OPA No. 29*

Part of Lot 39, Concession 1, South Easthope Ward, Township of Perth East (Schedule "A-33"):

Notwithstanding the policy of Sections 8.5.1 and 8.6.1 of this Plan to the contrary, the establishment of a new residential use described as one single-detached dwelling and the creation of one new lot for same shall be permitted on the land described as Part of Lot 39, Concession 1, South Easthope Ward in the Township of Perth East and more particularly shown on Schedule "A-33" to this Plan. The new lot to be created shall have an area of approximately 8,227 square metres and it will front onto and have access to Forest Road. The requirements of the Canadian National Railway Properties Inc. concerning a warning clause and any necessary abatement measures in respect to noise and vibration related to the CNR railway line shall be implemented through conditions of consent/severance approval at time of the new lot creation.

*ADDED BY* (8) Part of Lot 15, Concession 2, Logan Ward, Municipality of West Perth  
*OPA No. 35* (Schedule "A-39"):

Notwithstanding the policies of Sections 8.5.1 of this Official Plan to the contrary, residential development and the creation of new lots for same shall be permitted on the land described as Part of Lot 15, Concession 2, Logan Ward in the Municipality of West Perth and more particularly shown on Schedule "A-39" to this Plan subject to the following:

- (i) that development occurs on full municipal services;
- (ii) that development occurs through the plan of subdivision process;
- (iii) that any subdivision design incorporate public road access opportunities for the property to the west;
- (iv) a Zoning By-law Amendment be approved to regulate development once the details of the plan of subdivision are completed and approved by West Perth Council; and
- (v) that a pedestrian traffic study be completed.

*ADDED BY* (8A) Lot 10 and Part of Lot 11, Registered Plan No. 286 (Part of Lot 15,  
*OPA No. 52* Concession 2), Logan Ward, Municipality of West Perth (Schedule "A-55"):

Notwithstanding the policies of Sections 8.5.1 of this Official Plan to the contrary, residential development and the creation of new lots for same shall be permitted on the land described as Lot 10 and Part of Lot 11, Registered Plan No. 286 (Part of Lot 15, Concession 2), Logan Ward in the Municipality of West Perth and more particularly shown on Schedule "A-55" to this Plan subject to the following:

- (a) that development occurs on full municipal services;
- (b) that development occurs through either the consent or plan of subdivision process. If the consent process is used it shall only be used to sever the existing dwelling from the balance of the subject property and the balance of the subject property shall be developed through the plan of subdivision process;
- (c) a Zoning By-law Amendment be approved to regulate development once the details of the plan of subdivision are completed and approved by West Perth Council.

*ADDED BY* (9) Part of Lot 5, Registered Plan No. 286 (Part of Lot 15, Concession 2),  
*OPA No. 54* Logan Ward, Municipality of West Perth (Schedule "A-57"):

Notwithstanding the policies of Sections 8.5.1 of this Official Plan to the contrary, residential development and the creation of a new lot for same through the consent process shall be permitted on the land described as Part of Lot 5, Registered Plan No. 286 (Part of Lot 15, Concession 2), Logan Ward in the Municipality of West Perth and more particularly shown on Schedule "A-57" to this Plan subject to the following:

- (a) that development occurs on full municipal services;
- (b) a Zoning By-law Amendment be approved to regulate development once the details of the consent are completed.

*ADDED BY* (10) Part of Lot 39, Concession 1, South Easthope Ward, Township of  
*OPA No. 146* Perth East (Schedule "A-146"):

Notwithstanding the policies of Sections 8.5.1 and 8.6.1 of this Plan to the contrary, the establishment of a new residential use described as one single-detached dwelling and the creation of one new lot for same shall be permitted on the land described as Part of Lot 39, Concession 1, South Easthope Ward in the Township of Perth East and more particularly shown on Schedule "A-146" to this Plan, subject to the proponent completing a Feasibility Study as described in the Ministry of Environment's D-6 Series Guidelines completed to the satisfaction of the County.

*ADDED BY* (11) Lot 26, Registered Plan No. 439, Fullarton Ward, Municipality of West  
*OPA No. 174* Perth (Schedule "A-174"):

Notwithstanding the policies of Sections 8.5.1 of this Official Plan to the contrary, residential development and the creation of a new lot for same through the consent process shall be permitted on the land described as Lot 26, Registered Plan No. 439, Fullarton Ward in the Municipality of West Perth and more particularly shown on Schedule "A-174" to this Plan subject to the following:

- (a) the method of water supply and sewage disposal shall meet all applicable regulations of the appropriate regulatory body;
- (b) that access to the lot to be created shall be from Fischer Road;  
and
- (c) a Zoning By-law Amendment be approved to regulate development once the details of the consent are completed.

*ADDED BY OPA No. 47*

8.5.12 **URBAN FRINGE AREAS NORTH AND SOUTH OF MILVERTON**

Permitted uses in the “Urban Fringe” designations north and south of Milverton as shown on the attached maps, Schedules “A-70-13” and “A-70-14” and described as part of Lots 6 & 7, Concession 3 and part of Lots 6 & 7, Concession 4 in the Mornington Ward shall be highway commercial type uses and existing residential and existing institutional uses. The permitted “Highway Commercial” uses shall be subject to the “Highway Commercial” policies as set forth in Section 4.3 of the Milverton Official Plan. Existing residential and institutional buildings may be enlarged and/or extended; however, no new residential or institutional uses shall be permitted.

Road access to the “Urban Fringe” area south of Milverton and to Special Policy A south and south-east of Milverton shall not be through abutting residential or recreational areas to the north, but rather from Perth Road 131, Line 61 or industrial areas to the north.

*ADDED BY OPA No. 47*

8.5.13 **“URBAN FRINGE” AREA WEST OF MITCHELL**

Permitted uses in the “Urban Fringe” designation as shown in hatching on the attached map, Schedule “A-70-15” shall be highway commercial type uses. Existing industrial and agricultural related commercial/industrial uses are also permitted. Permitted highway commercial type uses shall be subject to the “Highway Commercial” policies as set forth in Section 4.3 of the Mitchell Official Plan. New development shall be on the basis of full municipal servicing as opposed to individual on-site servicing.

8.6 **CONSENT/SEVERANCE POLICIES**

The following specific policies shall apply to consent applications which involve land within the “Urban Fringe” designations 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.

8.6.1 **New Lot Creation**

Except as permitted by Sections 8.5.8 and 8.5.9, consent applications to create new lots for the purpose of permitting new development within the “Urban Fringe” designation shall not be permitted. It is a policy of this Plan that the residential use enlargement permitted by Section 8.5.1 of this Plan, the commercial and industrial use enlargement and conversion of use permitted by Section 8.5.2 of this Plan, and the recreational, institutional, and utility use enlargements permitted by Section 8.5.3 of this Official Plan occur without the need for new lot creation.

### 8.6.2 **Lot Enlargement**

Consents for the purpose of enlarging existing lots shall be permitted provided that the following policies are satisfied:

- (a) The lot to be enlarged is used for the purpose permitted in accordance with the policies of this Plan;
- (b) The land that is to be severed for enlargement purposes is located within a designated “Urban Fringe” area;
- (c) The area being severed for lot enlargement purposes must be minimal in size and appropriate for the proposed use;
- (d) All of the lots involved in the consent application (e.g. enlarged lot and retained lot) must be in conformity with the provisions of the local municipality’s Zoning By-law. Where such is not the case, consideration shall be given to imposing a condition requiring an amendment to the implementing Zoning By-law to achieve Zoning By-law conformity; and
- (e) The area being severed for lot enlargement purposes must be united with the abutting lot to create one lot for Planning Act purposes.

### 8.6.3 **Lot Boundary Adjustments/Corrections**

Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustments/corrections are minor in nature. Consideration will be given to the provisions of Section 50(3) and (5) of the Planning Act, R.S.O. 1990 and to the provisions of the local municipality’s Zoning By-law when dealing with such applications.

### 8.6.4 **Easements and Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created and that the need is substantiated and acceptable to the consent granting authority.

### 8.6.5 **General Principles**

The following general principles shall apply to consent applications involving lands within the “Urban Fringe” designation:

- (a) Conflicting or incompatible land use activity should not be created or encouraged in “Urban Fringe” areas;
- (b) Regard shall be had for the protection of natural environment features and for the protection and preservation of existing woodlot areas; and
- (c) Regard shall be had for the protection of drainage systems, both surface ditch and tile drain systems.



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## **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, AMENDED BY OPA No. 218*

9.5.6 **New Site Specific Amendments**

- (1) Lot 4, Concession WMR, Blanshard Ward, Township of Perth South (Schedule "A-218")

Notwithstanding the policies of Sections 9.4 and 9.5.3 of this Official Plan to the contrary, two apartment buildings with a total of ten units shall be permitted as additional permitted uses 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."
- (d) All other uses considered in Section 9.5.6 (2) of this Official Plan are permitted.

*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.

*ADDED BY OPA No. 196*

- (4) Part of Lot 18, Concession 7, Mornington Ward, Part 2 44R1409 (3942 Line 72, Millbank), Township of Perth East (Schedule “A-196”):

A home industry is permitted for the purposes of repackaging agricultural hay products. The gross floor area of the home industry is limited to 430 square metres. A maximum of one off-site employee is permitted.

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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## **SECTION 10 - MINERAL AGGREGATE RESOURCES**

### 10.1 **INTRODUCTION**

Mineral aggregates are considered to include sand, gravel, shale, limestone, dolostone, sandstone and mineral materials suitable for construction, industrial, manufacturing and maintenance purposes. Mineral aggregates are important to the local and provincial economies as they are the primary raw material used in building construction and road construction throughout the Province. They are a fixed location resource and are non-renewable. Generally, it is important to ensure that appropriate steps are taken to protect mineral aggregate resources from incompatible and/or competing land use activities in order to ensure that they are available for future extraction when needed.

*ADDED BY OPA # 47* Mineral aggregate resources in Perth County essentially consist of sand and gravel deposits and limestone deposits. Sand and gravel deposits are scattered throughout the County with concentrations associated with certain types of geological features. In 2006, there were 42 licensed sand and gravel pits in Perth County, the majority being located in the Blanshard, Hibbert, Downie, North Easthope, and Logan Wards. While limestone deposits underlie most of Perth County, most of the resources are not accessible due to the excessive amount of overburden material present throughout most of the County (greater than 30 metres). Only in the vicinity of St. Marys is the overburden material shallow enough to warrant commercial extraction of the limestone resource.

Overall, Perth County does not have an abundance of mineral aggregate resources. Primary sand and gravel deposits are limited in respect to amount and location of deposits and quantity and quality of all sand and gravel deposits varies throughout the County. Due to the overburden limitation noted above, the usable limestone reserves are very localized in location and limited in amount. Given the importance of mineral aggregate resources to the local, regional, and provincial economies, it is very important that land use policies aimed at protecting both our known and potential mineral aggregate resource be established in order that these non-renewable resources can be wisely and efficiently used at present and future times.

### 10.2 **GOALS**

The following goals are established for the "Mineral Aggregate Resources" designation:

- (a) To identify known and potential mineral aggregate resources in the County;
- (b) To protect identified mineral aggregate resources and ensure that they are available for use/extraction when needed;

*ADDED BY OPA # 47* (c) To prevent the establishment of incompatible land use activities in and adjacent to identified mineral aggregate resource areas;

- (d) To ensure that the extraction of mineral aggregate material and any on-site processing occurs in a proper manner and with a minimum of impact on the surrounding land uses;
- (e) To ensure that mineral aggregate extraction sites are rehabilitated to a use which is both consistent and compatible with adjacent land uses; and
- (f) To encourage the continued operation of compatible land use activities (e.g. farming, forestry) on lands with known and/or potential aggregate resources until such time that the use of such lands is required for mineral aggregate extraction.

### 10.3 **LAND USE DESIGNATION AND MAPPING**

Policies for the "Mineral Aggregate Resources" designation shall apply to the area shown as "Mineral Aggregate Resources" on Schedule "A" (Land Use Plan) to this Official Plan.

The area shown as "Mineral Aggregate Resources" on Schedule "A" are based, to a large extent, on information available from the Ministry of Natural Resources. They include both known resources (e.g. areas licensed for sand and gravel extraction and limestone extraction) and potential resource areas.

### 10.4 **DEFINITION/PERMITTED USES**

The "Mineral Aggregate Resources" designation shall mean that areas so designated will be used for the extraction and processing of mineral aggregate resources. Activities normally associated with extraction such as crushing, screening, washing, stockpiling, storage, and recycling of aggregate products are also permitted. Other uses permitted include farming activities.

### 10.5 **SAND AND GRAVEL RESOURCE POLICIES**

#### 10.5.1 **Resource Identification**

The areas designated "Mineral Aggregate Resources" by this Plan include both known and potential resource areas. Potential sand and gravel resources include only primary and secondary deposits as identified by the Ministry of Natural Resources in its published Aggregate Resource Information Papers (ARIP) and its unpublished map material for Perth County. Tertiary deposits are not included; however, the location of tertiary deposits throughout the County are shown on the sand and gravel resource map accompanying the research material for this Official Plan.

### 10.5.2 **Existing Licensed Areas**

The extraction of sand and gravel from lands which are currently licensed for sand and gravel extraction by the Ministry of Natural Resources pursuant to the Aggregate Resources Act, is permitted. Extraction within a licensed area shall be in accordance with the approved site plans for that site. Rehabilitation of the licensed area shall also be in accordance with the approved rehabilitation plan for the site. Any significant changes to either the site plan or the rehabilitation plan for a licensed area shall be circulated to the local municipal Council and the County for input prior to MNR's approval of such changes.

### 10.5.3 **New Extraction Sites**

The opening of new extraction sites shall be permitted provided that all applicable policies of this Official Plan are satisfied and provided a license for the extraction operation is obtained under the provisions of the Aggregate Resources Act. Where a proposed extraction site is located in an area designated "Mineral Aggregate Resources", no amendment to this Plan is required provided that all applicable policies of the Plan are met. Where a proposed extraction site is located outside of an area designated "Mineral Aggregate Resources", an amendment to this Plan is required in order to designate the site for the intended extraction use and the applicable policies of this Plan shall apply when considering an amendment request.

### 10.5.4 **Enlargement of Existing Extraction Sites**

The enlargement of an existing extraction site shall be permitted provided the enlargement area is located in an area designated "Mineral Aggregate Resources" and all applicable policies of this Plan are met. Where a proposed enlargement area is located outside of an area designated "Mineral Aggregate Resources", an amendment to this Plan will be required in order to designate the proposed enlargement site for the intended extraction use and the applicable policies of this Plan shall apply when considering the amendment request.

All enlargements of existing extraction sites require a license under the provisions of the Aggregate Resources Act. Applications for new and/or extended licenses for such enlargement areas must be circulated to the local municipal Council and the County for input prior to issuance of the license by the Ministry of Natural Resources.

### 10.5.5 **Wayside Permit Aggregate Operations**

Aggregate extraction operations under the authority of a wayside permit issued by the Ministry of Natural Resources pursuant to the provisions of the Aggregate Resources Act, shall be permitted in the "Mineral Aggregate Resources" designation. The local municipality's implementing Zoning By-law shall permit and make provision for wayside permit aggregate operations in the aggregate extractive zones.

Wayside permit aggregate operations are also permitted in the "Agriculture" designation in accordance with the policies of Section 5.5.12.1 of this Plan.

#### 10.5.6 **Processing Activities**

Processing activities such as crushing, screening, washing, stockpiling, storage, and recycling of aggregate products that are associated primarily with on-site aggregate extraction shall be permitted as part of an operating extraction site.

Processing operations such as asphalt plants and concrete batching plants shall also be permitted provided that the majority of the aggregate material used in such operations originates on-site as opposed to being imported from off-site. All asphalt plants and concrete batching plants shall be subject to site plan control pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990.

The local municipality's implementing Zoning By-law shall set forth provisions pertaining to permitted processing operations. Such provisions shall include appropriate distance separations and buffering between processing activities and neighbouring uses.

#### 10.5.7 **Portable Asphalt Plants**

Portable asphalt plants, used by a public road authority or its agent, are permitted throughout the "Mineral Aggregate Resources" designation without the need to amend this Plan or the local municipality's implementing Zoning By-law. Portable asphalt plants are subject to the following criteria:

- (a) A certificate of approval for each plant must be obtained from the Ministry of Environment and Energy;
- (b) Each plant shall comply with minimum separation distances established by the Ministry of Environment and Energy;
- (c) Sites having previously been in agricultural use shall be rehabilitated back to their former agricultural use;
- (d) Each plant shall be removed from the site upon completion of the public project; and
- (e) Prior to locating a portable asphalt plant on productive agricultural land, consideration shall be given to the use of existing asphalt plants in the area, locating portable asphalt plant in a licensed pit or wayside pit, and locating the plant on lesser quality or inactive agricultural lands.

10.5.8 **Aggregate Resources Act**

All aggregate extraction operations within the "Mineral Aggregate Resources" designation, with the exception of portable asphalt plants as permitted by Section 10.5.7 of this Plan and removal of aggregate from a farm property for on-site use, shall be required to have a license issued by the Ministry of Natural Resources pursuant to the provisions of the Aggregate Resources Act. The owner/operator of the extraction site is required to maintain the license and comply with the requirements thereof for as long as the extraction site remains in operation.

When considering applications for new and/or enlarged extraction sites, the Ministry of Natural Resources shall give consideration to the policies of this Official Plan and the provisions of the implementing Zoning By-law during its review process. Further, the Ministry of Natural Resources shall provide the local municipal Council and the County with an opportunity to review and comment on proposals for new and/or enlarged extraction sites. It is a policy of this Plan that all new and/or enlarged extraction site proposals must satisfy the policies of this Plan and the provisions of the implementing Zoning By-law prior to MNR's issuance of license.

10.5.9 **Review Criteria for New and/or Enlarged Extraction Sites**

When reviewing a proposal for a new and/or enlarged extraction site, the local municipal Council and County shall be satisfied that the following criteria are met prior to recommending that a license application be approved:

- (a) Confirmation from the Ministry of Natural Resources that all criteria required for licensing pursuant to the Aggregate Resources Act have been satisfied;
- (b) Confirmation that all requirements of the appropriate provincial agencies concerning potential effect of the extraction operation on the contamination and depletion of surface and ground water resources and water supply services have been satisfactorily addressed; and
- (c) Confirmation from the road authority having jurisdiction over access roads and nearby haul routes that truck traffic associated with the extraction operation will have no adverse effects on the access road and nearby haul routes;
- (d) Confirmation that the proposed rehabilitation plan and afteruse are consistent with the policies of this Plan; and
- (e) All proposals shall include a site plan and any technical reports or studies that may be required under the Aggregate Resources Act, R.S.O. 1990, and include confirmation from the Conservation Authority that matters relating to natural hazards have been considered and addressed.

10.5.10 **Agricultural Uses**

Agricultural uses shall be permitted in the "Mineral Aggregate Resources" designation. Buildings and structures that are necessary for the agricultural use, excluding a single-detached dwelling but including a mobile home, shall be permitted as a part of the agricultural use. Where lands designated "Mineral Aggregate Resources" are used for agricultural purposes at the date of adoption of this Official Plan, the use of such lands for agricultural purposes is to continue until such time that the use of such lands is required for aggregate extraction.

10.5.11 **Rehabilitation of Extraction Sites**

The rehabilitation of extraction sites to accommodate subsequent land uses is a requirement of this Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the rehabilitation plan submitted to the Ministry of Natural Resources as part of the site plan for licensing purposes.

It is a policy of this Plan that all subsequent land uses proposed through rehabilitation be both consistent and compatible with surrounding land uses and in accordance with the permitted use provisions of Section 10.4. Where an extraction site was previously used for agricultural purposes (including Class 1, 2 and 3 agricultural lands), such extraction site shall be rehabilitated to agricultural use and substantially the same acreage and average soil capability for agriculture as existed previous to the extraction should be restored. Where lands having poorer soil capabilities for agriculture are involved (i.e. lands other than Class 1, 2, and 3), consideration may be given to reforestation and the establishment of woodlot areas. If the pre-extractive use was forestry, reforestation is encouraged.

Rehabilitation plans that involve the establishment of uses that are inconsistent and/or incompatible with surrounding land uses and which are not in accordance with the permitted use provisions of Section 10.4 shall not be permitted. All rehabilitation plans included with a site plan submitted for licensing purposes shall be reviewed during the application review process to ensure that the subsequent land use resulting from the rehabilitation is appropriate and in conformity with this Official Plan.

10.5.12 **Extraction Below Water Table**

When reviewing an application (e.g. Official Plan Amendment, Zoning By-law Amendment, License Application) to permit a new or expanded extraction operation which involves extraction below the water table on prime agricultural lands (including Class 1, 2, and 3 agricultural land), the following criteria shall apply:



- (a) Extraction below the water table shall be permitted only where it is demonstrated that there is a substantial sand and gravel resource situated below the water table;
- (b) The need to extract sand and gravel from below the water table at the subject site must be demonstrated. In reviewing and assessing this matter, the possibility of obtaining the required resource material from alternate sand and gravel resource areas in the general area must be considered;
- (c) Confirmation from the appropriate ministries that all criteria required for licensing under the Aggregate Resources Act, relating to effect on the quality and quantity of ground water resources and the effect on the ground water table in relation to surrounding land uses and wells have been satisfied;
- (d) Rehabilitation to an afteruse which is both consistent and compatible with the surrounding agricultural land uses. The proponent must demonstrate that rehabilitation plans will maximize the amount of land being returned to agricultural use; and
- (e) Where the proposed extraction involves processing activities such as those identified in Section 10.5.6 of this Plan, such processing activities must be situated within the extraction area such that surface water and ground water resources will not be adversely affected.

10.5.13 **Zoning By-law**

Existing extraction sites that are licensed under the Aggregate Resources Act, R.S.O. 1990 shall be placed in an appropriate aggregate extraction zone in the local municipality's implementing Zoning By-law. The implementing Zoning By-laws shall contain appropriate provisions regulating aggregate extraction operations.

Lands designated "Mineral Aggregate Resources" and which are not the site of an existing aggregate extraction operation are not to be zoned for aggregate extraction purposes in the implementing Zoning By-laws. An amendment to the implementing Zoning By-law is required in order to establish the new and/or enlarged extraction operation.

*ADDED BY OPA No. 56*

10.5.14 **New Site Specific**

- (1) An amendment to the Township of Perth South's implementing Zoning By-law to the zone the land affected by Amendment No. 56 to the County of Perth Official Plan for aggregate extraction purposes prior to the any aggregate extraction occurring on the subject property.

*ADDED BY OPA No. 87*

- (2) Part of Lots 8, Concession 3, Ellice Ward, Township of Perth East (Schedule "A-88"):

Notwithstanding the policies of Section 10.7.6 of this Official Plan to the contrary, the severance of a 1771 square metre lot in the south westerly portion of lot 8, Concession 3 in the Ellice Ward, for the establishment of a non-farm residential lot shall be permitted.

An amendment to the Township of Perth East's implementing Zoning By-law shall be required.

*ADDED BY OPA No. 90*

- (3) Lot 14, Concession 8, Hibbert Ward, Municipality of West Perth (Schedule "A-91"):

Notwithstanding the policies of Section 10.5.10 of this Official Plan to the contrary, a single-detached dwelling and accessory uses shall be permitted as part of an agricultural use on the subject property, subject to the fulfillment of the following conditions.

- (a) That the use must be such that it can be adequately served by a private on-site sewage system and a private on-site water supply system;
- (b) That the proponent obtain all necessary access, land use, and development approvals and meet the applicable requirements of the appropriate approval authorities;
- (c) That the use must be located near the centre portion of the lot north of the James Drain and south of the electrical transmission line;
- (d) That the proponent obtain an amendment to the West Perth implementing Zoning By-law to permit the proposed single-detached dwelling and to regulate its location;
- (e) That the applicable MDS I distances are met.

*ADDED BY OPA No. 98*

- (4) An amendment to the local municipality's implementing Zoning By-law to the zone the land affected by Amendment No. 98 to the County of Perth Official Plan and described as part of Lot 35, Concession 7 in the Wallace Ward of the Municipality of North Perth for aggregate extraction purposes is required prior to the any aggregate extraction occurring on the land subject to Official Plan Amendment No. 98.

*ADDED BY OPA No. 128*

(4A) Part of Lot 14, Concession 9, Hibbert Ward, Municipality of West Perth (Schedule "A-126"):

- (a) Prior to the extraction of any aggregate material on the subject property, a licence for the extraction of aggregate under the Aggregate Resources Act must be obtained from the Ministry of Natural Resources. As a part of the aggregate licencing process, the owner/applicant must satisfy MNR in respect to all of the pre-requisite licencing issues, including potential impacts on wildlife/bird/amphibian habitats and woodlot area, on drainage of surrounding properties, and on security of water supply to neighbouring properties.
- (b) Prior to the extraction of any aggregate material on the subject property, an Amendment to the local municipality's implementing Zoning By-law is required to regulate the proposed use. Such By-law may contain Holding Provisions pursuant to Section 36 of the Planning Act to ensure that the pre-requisite licencing issues of paragraph (a) above have been addressed to the satisfaction of the Ministry of Natural Resources and the local municipality.

*ADDED BY OPA No. 116*

(5) An amendment to the Township of Perth East implementing Zoning By-law to zone the land affected by Amendment No. 116 to the County of Perth Official Plan and described as part of Lot 29, Concession 2 in the North Easthope Ward for aggregate extraction purposes is required prior to the any aggregate extraction occurring on the land subject to Official Plan Amendment No. 116.

*ADDED BY OPA No. 119*

(6) Part of Lot 8, Concession 3, Ellice Ward, Township of Perth East (Schedule "A-117"):

Notwithstanding the policies of Sections 10.4 and 10.5.10 of this Official Plan to the contrary, a new non-farm residential use shall be permitted on the subject 1,997 square metre property. The permitted non-farm residential use on the subject property shall be considered as an existing residential use for the purpose of implementing required setback distances for aggregate processing plants/areas that are required for any aggregate processing operation on the abutting property to the north, north-west, and west of the subject property.

*ADDED BY OPA No. 122*

(7) An amendment to the Township of Perth East implementing Zoning By-law to zone the land affected by Amendment No. 122 to the County of Perth Official Plan and described as part of Lot 10, Concession 2 in the Ellice Ward for aggregate extraction purposes is required prior to the any

aggregate extraction occurring on the land subject to the Official Plan Amendment No. 122.

*ADDED BY OPA No. 182*

- (8) Lot 32, Concession 8 in the Wallace Ward of the Municipality of North Perth (Schedule "A-182"):

Notwithstanding the policies of Section 10.7.4 of this Official Plan to the contrary, consent to sever a surplus farm dwelling in the "Mineral Aggregate Resources" designation as shown on Schedule "A-182" as a result of a farm consolidation involving additional farm holdings located outside of the County of Perth on lands described as Lot 40, Concession 1, Town of Minto, Wellington County may be approved subject to the policies of Section 5.6.3.1, save and except 5.6.3.1 (b) of this Official Plan.

*ADDED BY OPA No. 188*

- (9) Lot 29, Concession Thames, Blanshard Ward, Township of Perth South (Schedule "A-188"):

An amendment to the Township of Perth South implementing zoning By-law to zone the land affected by Amendment No. 188 to the County of Perth Official Plan and described as Lot 29, Concession Thames, Blanshard Ward for aggregate extraction purposes is required prior to any aggregate extraction occurring on the land subject to Official Plan Amendment No. 188.

*ADDED BY OPA No. 190*

- (10) Lot 34 and Part Lot 33, Concession 13 (Geographic Township of Ellice), Township of Perth East (Schedule "A-190"):

Notwithstanding the policies of Section 10.5.10, 10.6.8 and 10.7.4 of this Official Plan to the contrary, the severance of a residence surplus to an existing farming operation may be permitted, provided that any Surplus Farm Dwelling Severance Application conform to the policies of 5.6.3.1.

*ADDED BY OPA No. 194*

- (11) Part of Lots 7 & 8, Concession 5, Ellice Ward, Township of Perth East (Schedule "A-194"):

Notwithstanding the policies of Section 10.5.10, 10.6.8 and 10.7.4 of this Official Plan to the contrary, the severance of a residence surplus to an existing farming operation may be permitted, provided that any Surplus Farm Dwelling Severance Application conform to the policies of Section 5.6.3.1.

Notwithstanding the policies of Section 10.5.10 and 10.7.4, a single detached dwelling and accessory uses are permitted on land severed as a surplus farm residence to a farming operation.

*ADDED BY OPA No. 199*

- (12) Part of Lot 25, Concession 3 and 4, North Easthope Ward, Township of Perth East and identified municipally as 4283, Side Road 108:

Notwithstanding the policies of Section 10.5.10 of this Official Plan to the contrary, a single-detached dwelling and accessory uses shall be permitted as part of an agricultural use on the subject property.

An amendment to the Township of Perth East's implementing Zoning Bylaw shall be required.

*ADDED BY OPA No. 201*

- (13) Part Lot 10, Concession 2, Ellice Ward, Township of Perth East (Schedule "A-201")

An amendment to the Township of Perth East implementing Zoning By-law to zone the land affected by Amendment No. 201 to the County of Perth Official Plan and described as Pt Lot 10, Concession 2, Ellice Ward, Township of Perth East for agricultural/single dwelling unit purposes is required prior to any residential development occurring on the land subject to Official Plan Amendment No. 201.

10.6 **LIMESTONE RESOURCE POLICIES**

10.6.1 **Resource Identification**

*ADDED BY OPA # 47* The areas designated "Mineral Aggregate Resources" by this Plan include both known and potential limestone resource areas. Known resource areas consist of lands currently licensed for limestone extraction by the Ministry of Natural Resources pursuant to the provisions of the Aggregate Resources Act. The potential resource area consists of one specific area situated in proximity to the aforementioned licensed areas. Both the known and potential resource areas are situated in the Blanshard Ward of the Township of Perth South and their identification is based on the Ministry of Natural Resource's published Aggregate Resources Information Paper (ARIP) for Blanshard Township (now Blanshard Ward).

10.6.2 **Existing Licensed Areas**

The extraction of limestone material from lands which are currently licensed for limestone extraction by the Ministry of Natural Resources pursuant to the Aggregate Resources Act, is permitted. Extraction within licensed areas shall be in accordance with the approved site plans for that site. Rehabilitation of the licensed areas shall also be in accordance with the approved rehabilitation plan for the site. Any significant changes to either the site plan or the rehabilitation plan for a licensed area shall be circulated to the local municipal Council and the County for input prior to MNR's approval of such changes.

### 10.6.3 **New Extraction Sites**

The opening up of new limestone extraction sites shall be permitted provided all applicable policies of this Official Plan are satisfied; provided that the rehabilitation plan is acceptable to the local Council and the County; and provided a license for the extraction operation is obtained under the provisions of the Aggregate Resources Act. The opening up of new limestone extraction sites shall be confined to the existing areas licensed for limestone extraction and the limited potential limestone resource area referred to in Section 10.6.1 of this Plan. Where a proposed limestone extraction site is located outside of these specific areas, an amendment to this Plan is required in order to designate the site for the intended extraction use.

### 10.6.4 **Enlargement of Existing Extraction Sites**

The enlargement of an existing limestone extraction site shall be permitted provided the enlargement area is located in an area designated "Mineral Aggregate Resources" and/or it is within the area specifically identified in Section 10.6.1 of this Plan. Where a proposed enlargement area is located outside of an area designated "Mineral Aggregate Resources" and the specific area referred to above, an amendment to the Plan will be required in order to designate the site for the intended extraction use.

All enlargements of existing extraction sites require a license under the provisions of the Aggregate Resources Act. Applications for new and/or extended licenses for such enlargement areas must be circulated to the local municipal Council and the County for input prior to issuance of the license by the Ministry of Natural Resources.

### 10.6.5 **Processing Activities**

The processing of limestone, including the manufacture of lime and cement, shall be permitted as part of an operating extraction site. Other processing activities such as crushing, screening, washing, stockpiling, storage, and recycling of aggregate products that are associated with on-site aggregate extraction and/or processing shall be permitted as a part of an operating extraction site.

Processing operations such as asphalt plants and concrete batching plants shall also be permitted provided that the majority of the aggregate material used in such operations originates on-site as opposed as being imported from off-site. All asphalt plants and concrete batching plants shall be subject to site plan control pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990.

The local municipality's implementing zoning by-law shall set forth provisions pertaining to permitted processing operations. Such provisions shall include appropriate distance separations and buffering between processing activities in neighbouring land uses.

10.6.6 **Review Criteria for New and/or Enlarged Limestone Extraction Sites**

When reviewing a proposal for a new and/or enlarged limestone extraction site, the local municipal Council and the County shall be satisfied that the following criteria are met prior to recommending that a license application be approved:

- (a) That the location of the extraction site is within an area designated for limestone extraction within the "Mineral Aggregate Resources" designation;
- (b) Confirmation from the Ministry of Natural Resources that all criteria required for licensing pursuant to the Aggregate Resources Act, R.S.O. 1990, have been satisfied;
- (c) The amount of land to be licensed is not excessive in size;
- (d) Confirmation that all requirements of the Ministry of Environment and Energy with respect to noise, vibration, particulate and dust related concerns have been satisfactorily addressed;
- (e) Confirmation that all requirements of the Ministry of Environment and Energy and/or the applicable Conservation Authority concerning the potential effect on the contamination and depletion of surface water and ground water resources have been satisfactorily addressed;
- (f) Confirmation from the road authority having jurisdiction over access roads and nearby haul routes that truck traffic associated with the extraction operation will have minimal effects on the access road and nearby haul routes; and
- (g) Confirmation that the proposed rehabilitation plan and afteruse are both appropriate and consistent with the policies of this Plan. Confirmation that the proposed rehabilitation scheme is technically feasible and is capable of being implemented will be required (from the appropriate Ministry(s)/or qualified individuals obtained on behalf of the local municipality/County to review rehabilitation plans).

10.6.7 **Aggregate Resources Act**

All limestone extraction operations within the "Mineral Aggregate Resources" designation shall be required to have a license issued by the Ministry of Natural Resources pursuant to the provisions of the Aggregate Resources Act, R.S.O. 1990. The owner/operator of the extraction site is required to maintain the license and comply with the requirements thereof for as long as the extraction site remains in operation.

When considering applications for new and/or enlarged limestone extraction sites, the Ministry of Natural Resources shall give consideration to the policies of this Official Plan and the provisions of the implementing zoning by-law. Further,

the Ministry shall provide the local municipal Council and the County with an opportunity to review and comment on the proposals for new and/or enlarged limestone extraction sites. It is a policy of this Plan that all new and/or enlarged limestone extraction site proposals must satisfy the policies of this Plan and the provisions of the implementing zoning by-law prior to MNR's issuance of a license.

10.6.8 **Agricultural Uses**

Agricultural uses shall be permitted on lands identified for limestone extraction within the "Mineral Aggregate Resources" designation. Buildings and structures that are necessary for the agricultural use, excluding a single-detached dwelling but including a mobile home, shall be permitted as a part of the agricultural use. Where lands designated "Mineral Aggregate Resources" are used for agricultural purposes at the date of adoption of this Official Plan, the use of such lands for agricultural purposes is to continue until such time that the use of such lands is required for the limestone extraction.



10.6.9 **Rehabilitation of Extraction Sites**

The rehabilitation of limestone extraction sites is a requirement of this Plan. Where extraction is ongoing, rehabilitation is to be carried out on a progressive basis and shall be in accordance with the rehabilitation plan submitted to the Ministry of Natural Resources as a part of the site plan for licensing purposes.

Where an extraction site was previously used for agricultural purposes (including Class 1, 2 and 3 agricultural lands) and where rehabilitation to an agricultural use is technically feasible, it is the intent of this Plan that substantially the same acreage and average soil capability for agriculture as existed previous to the extraction shall be restored. Where an extraction site was previously used for agricultural purposes and it is not technically feasible to rehabilitate to agricultural use, the rehabilitation and afteruse must be such that it does not conflict with the agricultural use of the surrounding land. Rehabilitation to afteruses such as wetland systems, wildlife/fish habitat areas, reforestation, and passive recreation uses may be permitted.

10.6.10 **Zoning By-law**

Existing limestone extraction sites that are licensed under the Aggregate Resources Act, shall be placed in an appropriate extraction zone in the local municipality's implementing zoning by-law. The implementing zoning by-law shall contain appropriate provisions regulating such operations.

Lands designated "Mineral Aggregate Resources" and identified as a potential limestone resource area will not be placed in an extraction zone in the local municipality's implementing zoning by-law. An amendment to the implementing zoning by-law is required in order to establish a new and/or enlarged limestone extraction operation in such areas.

*ADDED BY OPA # 47*

10.6(A) **OTHER MINERAL MATERIALS**

Exploration activities for other mineral materials are permitted by this Plan. The establishment of extraction, processing, and other related activities associated with the mining of mineral material requires an amendment to this Plan. In considering such an amendment, consideration shall be given to the following:

- (a) the impact of the proposed use on and the compatibility of the proposed use with neighbouring agricultural lands and operations, settlement areas, and natural resource features;
- (b) is impact of the proposed use on surface water and ground water supplies (quantity and quality);
- (c) the impact on municipal services;
- (d) traffic impact;

- (e) input from the appropriate regulatory authorities that have jurisdiction in respect to the mineral mining activity and/or matters relating to the impacts associated with the mineral mining activity.

## 10.7 **CONSENT/SEVERANCE POLICIES**

The following specific policies shall apply to consent applications which involve land within the "Mineral Aggregate Resources" 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.

### 10.7.1 **Aggregate Operations**

Consents for the purpose of creating lots for existing and/or a new extraction operation may be permitted provided the following criteria are satisfied:

- (a) The land comprising the existing and/or new aggregate operation is situated within the "Mineral Aggregate Resources" designation as shown on Schedule "A" (Land Use Plan);
- (b) The proponent satisfactorily demonstrates that the proposed severance is necessary for the operation of the aggregate operation. In addressing this issue, consideration should be given to alternate arrangements such as land leases;
- (c) The size and configuration of the proposed lot must be appropriate for the proposed use and consistent with the lot fabric of the surrounding area;
- (d) Afteruse following the rehabilitation must be considered. For example, if the extraction area is to be rehabilitated for agricultural use, the size and configuration of the parcel of land being created should satisfy the consent/severance policies for new lot creation as contained in Section 5.6.2.1 of this Plan; and
- (e) All lots created for aggregate extraction operations must be appropriately zoned and licensed for the aggregate extraction operation. If such lots are not appropriately zoned and/or licensed, consideration will be given to imposing conditions requiring that the lot be properly zoned and licensed prior to final severance approval being given.

### 10.7.2 **Lot Enlargements**

Consents for the purpose of enlarging an existing aggregate extraction operation may be permitted provided the following criteria are satisfied:

- (a) The land comprising the enlargement is situated within the "Mineral Aggregate Resources" designation as shown on Schedule "A";

*AMENDED BY*

*OPA # 47*

- (b) All lots created must be appropriately zoned and licensed for the aggregate extraction operation. If such lots are not appropriately zoned and/or licensed, consideration will be given to imposing conditions requiring the lot be properly zoned and licensed prior to final severance approval being given;
- (c) Afteruse following the rehabilitation must be consistent and compatible with the use of surrounding lands; and
- (d) The necessary conditions to ensure lot enlargement occurs will be imposed.

10.7.3 **Wayside Permit Aggregate Operations**

Consents for the purpose of creating lots which are the site of either existing or proposed wayside permit aggregate operations will not be approved under the provisions of this Plan. Wayside permit operations are intended to be temporary extraction sites and their short term use does not warrant their severance from the parcel of land on which they may be located.

10.7.4 **Agricultural Use**

*ADDED BY* Consents for agricultural uses on lands designated "Mineral Aggregate  
*OPA # 47* Resources" may be permitted provided that such severance will not adversely affect the ability to establish an aggregate extraction operation at a later date when the removal of aggregate is warranted and provided that no undersized lot is created as a result of the consent application. The policies of Section 5.6.2.1 of this Plan shall apply in respect to new lot creation for agricultural use.

10.7.5 **Portable Asphalt Plants**

Consents for the purpose of creating lots for portable asphalt plants will not be approved under the provisions of this Plan. Portable asphalt plants are intended to be temporary uses and their short term use does not warrant their severance from the parcel of land on which they may be located.

10.7.6 **General**

Consents which would interfere with potential future extraction of known mineral aggregate resources shall not be permitted.

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## **SECTION 11 - NATURAL RESOURCES/ENVIRONMENT**

### **11.1 INTRODUCTION**

Land use activities and land clearing practices that occurred years ago throughout the County have resulted in a situation where the amount of remaining natural resource/environment areas are quite small. From the time that the County was first settled in the 1800's, significant amounts of wooded areas were cleared and wet areas were drained in the pursuit of agricultural and farming practices. In more recent years, local planning policy has emphasized the importance of the remaining natural areas and the need to protect, preserve, and enhance them.

The remaining natural resource/environment areas in the County consist of wetland areas, woodlands, some water course and valley land areas, and environmentally sensitive areas. These areas have in the past and should continue to provide benefits at the property owner level and at the general public level. The County recognizes the important role and functions that the remaining natural resource/environment areas have and through this Official Plan is taking steps to ensure their continued existence.

It is the intent of this Plan, through the "Natural Resources/Environment" designation, to provide policy directed towards the preservation and protection of the remaining natural resources/environment areas and to provide a policy framework which encourages the enhancement and improvement of these areas. The County wishes to promote the wise stewardship and management of all natural resource/environment areas and to encourage the re-establishment of natural environment areas in appropriate locations.

### **11.2 GOALS**

The following goals are established for the "Natural Resources/Environment" designation:

- (a) To identify natural resources/environment features in the County which are of provincial and local significance;
- (b) To ensure the long-term protection, conservation, and enhancement of the identified "Natural Resources/Environment" areas;
- (c) To protect, preserve, and enhance the various features comprising the "Natural Resources/Environment" designation by prohibiting incompatible development and by controlling and regulating compatible development;
- (d) To provide a process whereby development proposals can be reviewed and assessed with respect to their potential impact on "Natural Resources/Environment" areas;

- (e) To encourage the re-establishment or naturalization of "Natural Resources/Environment" areas;
- (f) To promote the wise stewardship and management of "Natural Resources/Environment" areas;
- (g) To encourage co-operation among the County, local municipalities, government agencies, landowners and others involved with natural resources/environment matters; and
- (h) To protect the remaining forest cover of the County and encourage rehabilitation through management and stewardship initiatives; and
- (i) To protect water resources, the County will encourage rehabilitation through storm water management and stewardship initiatives.

11.3

**LAND USE DESIGNATION AND MAPPING**

Policies for the "Natural Resources/Environment" designation shall apply to the areas shown as "Natural Resources/Environment" on Schedule "A" (Land Use Plan) to this Official Plan.

The areas shown as "Natural Resources/Environment" on Schedule "A" are based on information from various sources, including studies, reports, and maps prepared by the Ministry of Natural Resources, Conservation Authorities, the County, and other agencies.

The lands adjacent to the "Natural Resources/ Environment" have been shown as an overlay rather than a designation in the Plan.

11.4

**DEFINITION/PERMITTED USES**

The "Natural Resources/Environment" designation as established by this Plan includes the following features:

- (a) Provincially significant wetland areas and adjacent lands;
- (b) Locally significant wetland areas;
- (c) Significant habitat of threatened and endangered species;
- (d) Significant wildlife habitats;
- (e) Significant areas of natural and scientific interest (Life Science ANSI's);
- (f) Significant woodlands;
- (g) Significant valley lands;
- (h) Fish habitat;
- (i) Environmentally sensitive areas; groundwater recharge areas; and other natural resource areas; and
- (j) Natural watercourses.

It is the intent of this designation that the natural resource and environment features and their attributes be protected, preserved, and enhanced for the benefit of present and future generations of Perth County residents. As a general rule, uses such as conservation, forestry, wildlife areas, and passive recreation are permitted uses. Where additional uses are to be permitted, the specific policy dealing with the various components of the "Natural Resources/Environment" designation shall identify those additional uses.

ADDED BY OPA # 47 Some of the "Natural Resources/Environment" features as shown on Schedule "A" to this Plan are based on aerial photography taken in the mid-1980's under the Ontario Base Mapping program (OBM) program. Where watercourse and/or woodlot locations have changed and are not properly shown on the Schedule "A", the policies of this Section shall apply to the proper locations of the watercourse and/or woodlot locations.

In situations where, due to the scale of Schedule "A", the exact location of each feature or the nature of each feature is unclear, the source files at the County of Perth Planning and Development Office should be consulted and are available for review.

## 11.5 **SPECIFIC FEATURE POLICIES**

### 11.5.1 **Wetland Areas**

#### 11.5.1.1 **Provincially Significant Wetlands**

The "Natural Resources/Environment" designation includes those wetland areas that have been identified as provincially significant wetlands by the Ministry of Natural Resources and their adjacent land areas within 120 metres of the wetland area. Presently there are five provincially significant wetland areas in the County - the Little Lakes Complex, the Ellice Huckleberry Swamp, the Conroy Woods, the Gads Hill Swamp South, and the Ratzburg Complex. Where additional provincially significant wetland areas in the County are identified, this Plan shall be amended as appropriate to recognize such additional area. Specific policies for the provincially significant wetland areas and their adjacent lands are as follows:

- (a) Development and site alteration shall not be permitted within the wetland area;
- (b) Development and site alteration may be permitted within the 120 metre adjacent land area provided that such development will not result in negative impacts on the natural features or ecological functions of the wetland. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration;

- (c) Notwithstanding the policy of paragraph (a) above, agricultural activities appropriate to woodlots such as maple syrup production and the harvesting of mature trees are permitted in a Provincially Significant Wetland.

Notwithstanding the policy of paragraph (b) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming activities are permitted on adjacent lands without the need for an environmental impact study or other appropriate study; and

- (d) Local municipal Zoning By-laws shall zone wetland areas so as to preclude development and site alteration.

#### 11.5.1.2 **Locally Significant Wetlands**

The "Natural Resources/Environment" designation includes those wetland areas that have been identified as being locally significant wetlands. These consist of the 26 wetland areas identified by the Ministry of Natural Resources which are not provincially significant wetlands. Specific policies for these locally significant wetland areas are as follows:

- (a) Development and site alteration shall not be permitted within the wetland area;
- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities appropriate to woodlots such as maple syrup production and the harvesting of mature trees, and existing recreational snowmobile trails, shall be permitted without an environmental impact study or other appropriate study. Such activities are to be carried out in an environmentally sensitive manner which preserves the woodland and wetland functions. Extensions to existing snowmobile trails may be permitted subject to an environmental impact study or other appropriate study; and
- (c) Local municipal Zoning By-laws shall zone locally significant wetland areas so as to preclude development and site alteration, excepting that permitted by paragraph (b) above.

#### 11.5.2 **Significant Habitat for Threatened or Endangered Species**

*ADDED BY* The "Natural Resources/Environment" designation recognizes and  
*OPA # 47* acknowledges that there are a number of significant habitats for threatened or endangered species in the County of Perth.



It is not the intent of this Official Plan to specifically designate these sites, but rather to provide a commitment to work with the Ministry of Natural Resources and the local municipalities in the County to prepare an acceptable implementation framework and administrative procedure for the protection of the habitats of these species. The implementation framework and administrative procedure should establish a suitable review mechanism whereby development proposals in the vicinity of the sites can be assessed with respect to their impact on the site and species and address any necessary mitigation measures.

- (a) Development and site alteration shall not be permitted within the habitat area;
- (b) Development and site alteration may be permitted on adjacent lands provided that such development will not negatively affect natural features or the ecological function of the habitat area. In order to allow for the assessment of impacts, the adjacent land area should be 50 metres in width and if the development may impact the ecological function of the habitat area, an impact assessment may be required. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration; and
- (c) Notwithstanding the policy of paragraph (b) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming operations are permitted on adjacent lands without a study. In the case of new buildings and structures involving the housing of livestock/poultry, manure storage, or corn dryers or other similar structures, an appropriate study may be required to show that such development will not negatively affect natural features of the ecological function of the habitat area.

### 11.5.3

#### **Significant Wildlife Habitats**

The "Natural Resources/Environment" designation is intended to include other significant wildlife habitat. Where the Ministry of Natural Resources has identified lands providing significant wildlife habitat, such areas shall be appropriately recognized on the land use schedules forming part of this Plan. Specific policies for significant wildlife habitats are as follows:

- (a) Development and site alteration within the habitat area or on adjacent lands that are within 30 metres of these areas may be permitted provided that such development will not negatively affect the natural features or ecological function of the habitat area. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration;
- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming operations are permitted on adjacent lands without a study. In the case of new buildings and

structures involving the housing of livestock/poultry, manure storage, or corn dryers or other similar structures, an appropriate study may be required to show that such development will not negatively affect the natural feature or the ecological function of the habitat area.

#### 11.5.4 **Significant Areas of Natural and Scientific Interest (ANSI's) - Life Science**

The "Natural Resources/Environment" designation includes one significant area of natural and scientific interest (ANSI) as identified by the Ministry of Natural Resources. This particular ANSI is a life science ANSI and it is identified as the Molesworth Woods in Wallace Township.

Specific policies for life science ANSI's are as follows:

- (a) Development and site alteration may be permitted within a life science ANSI and on adjacent lands within 30 metres of a life science ANSI provided that such development will not negatively affect the natural features or ecological function of the life science ANSI. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration; and
- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming operations are permitted on adjacent lands without a study. In the case of new buildings and structures involving the housing of livestock/poultry, manure storage, or corn dryers or other similar structures, an appropriate study may be required to show that such development will not negatively affect the natural feature or other ecological feature of the life science ANSI.

#### 11.5.5 **Significant Woodlands**

*ADDED BY OPA # 47* In determining what constitutes a significant woodland, the County recognizes the scarcity of this important feature and has moved beyond the 4.0 hectare woodlot size criterion as recommended by the Ministry of Natural Resources from the implementation guidelines of the Provincial Policy Statements in an effort to protect as much of the woodland area as possible. Accordingly, woodland areas that are 1.0 hectare or larger in size are designated "Natural Resources" in this Plan. This 1.0 hectare criterion shall be applied based on contiguous woodland area and not on the basis of property ownership.

*ADDED BY OPA # 47* While woodlands that are 1.0 hectare or larger in size have been identified as significant woodlands and are therefore designated "Natural Resources/Environment", this Plan acknowledges that many of these significant woodlands form and function as part of larger farm properties. Approximately one-third of the woodland areas in the County are less than 1.0 hectare in size and therefore are not designated "Natural Resources/Environment". In order to protect all woodlands, the County has passed a By-law to regulate the destruction of trees by cutting, burning or other means. It is a policy of this Plan that all woodlots be

retained and that the clearing of woodlots will not be permitted with the exception of any clearing permitted in accordance with the provisions of the County of Perth's Forest Conservation By-law. For those woodland areas located in the "Agriculture" designation, the policies of Section 5.5.5 of this Plan also apply.

Specific policies for significant woodlands are as follows:

- ADDED BY* (a) With the exception of the specific activities noted in Clause (b) below, development and site alteration shall not be permitted in significant woodland areas;  
*OPA # 47*
- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities such as maple syrup production and the harvesting of mature trees, and recreational snowmobile trails are considered as appropriate activities in woodlots and therefore are permitted without an environmental impact study or other appropriate study. Such activities are to be carried out in an environmentally sensitive manner so as to preserve the overall woodlot function;
- (c) Generally, mineral aggregate extraction should not occur within significant woodlands. Where the extraction of aggregate material from a significant woodland area is justified and where a license for such extraction has been obtained under the provisions of the Aggregate Resources Act, the cutting of woodland to facilitate the extraction shall be permitted provided that only the minimum amount of woodland cutting occurs and that the extraction area is rehabilitated back to woodland use during and following the aggregate removal. Further, the permitted mineral aggregate extraction must be carried out in a manner which is environmentally sensitive to the remaining woodland area; and
- ADDED BY* (d) The local municipality's Zoning By-law shall zone significant woodlands in a manner so as to preclude development and site alteration excepting that permitted (a) and (b) above. The local municipality may zone other woodlands in a manner consistent with the surrounding lands (e.g. agricultural) but shall be encouraged to zone all woodland areas with appropriate regulations to provide long term protection to the woodland areas.  
*OPA # 47*
- ADDED BY* (e) Development may be permitted within the 30 metre adjacent land/buffer area provided that such development will not result in negative impacts on the significant woodland. An environmental impact study or other appropriate study may be required in order to assess the impact of development.  
*OPA # 47*

11.5.6 **Significant Valley Lands**

*ADDED BY OPA # 47* The "Natural Resources/Environment" designation is intended to include significant valley land areas. While no such areas have yet been identified in Perth County, it is recognized that further study of valley land areas is required in order to determine whether any of the valley land areas in Perth County are considered to be significant. Where significant valley land areas are identified, such areas shall be appropriately recognized and specific policies for such areas will be developed through the Official Plan Amendment process.

11.5.7 **Fish Habitat**

The "Natural Resources/Environment" designation is intended to include fish habitat areas in the County as identified by the Ministry of Natural Resources. Specific policies for fish habitat areas are as follows:

(a) Development and site alterations shall not adversely affect any fish habitat. Generally, development or site alterations are most likely to create adverse impacts within 30 metres of the water body. Development will not be permitted within 15 metres of a watercourse. Where development is proposed within 30 metres of a water body, it must be demonstrated that there is no negative impact;

*ADDED BY OPA # 47* (b) Notwithstanding the policy of paragraph (a) above, the clean out of municipal drains shall be permitted in accordance with applicable regulations;

(c) Notwithstanding the policy of paragraph (a) above, extensions or enlargements of existing buildings and structures in the adjacent land area may be permitted provided that it is demonstrated to the satisfaction of the Ministry of Natural Resources or other appropriate regulatory agency that such extension or enlargement will have no negative impact on the fish habitat;

(d) It is a policy of this Plan to encourage the re-establishment of naturally vegetated buffer strips along water bodies and headwater areas; and

(e) Although storm water management and drainage measures are often located some distance from a watercourse these measures impact the water quality and quantity of the watercourse and affect the fish habitat. When evaluating storm water management and drainage activities, consideration shall be given to impacts upon fish habitat.

(f) Notwithstanding clauses (a), (b) and (c), the development proponent/land owner must ensure that their activities will not harm, alter, disrupt or destroy fish habitat as defined in the Federal Fisheries Act. The advice of the Department of Fisheries and Oceans or their delegate should be sought where any proposal may potentially impact fish habitat. In instances where a proposal may result in a harmful alteration, disruption

or destruction of fish habitat the proponent may be required to submit an environmental impact study or other appropriate study for review by the Department of Fisheries and Oceans or their delegate.

- (g) Local municipal Zoning By-laws shall zone fish habitats and their adjacent land areas so as to preclude development and site alteration excepting that permitted by paragraphs (b) and (c) above.

11.5.8 **Environmentally Sensitive Areas, Ground Water Recharge and Discharge Areas, and Other Natural Resource Areas**

The "Natural Resources/Environment" designation also includes environmentally sensitive areas, ground water recharge and discharge areas, and other natural resource areas that have been designated for environmental protection purposes in previous local Official Plan documents in the County. The environmentally sensitive areas were identified in a 1982 study conducted by the University of Waterloo for Perth County and include 29 identified areas. The ground water recharge areas have been identified through studies such as those conducted by the Maitland Valley Conservation Authority for the Elma and Wallace Township area and which were incorporated into recent local Official documents for these municipalities. Other natural resource areas identified in previous local Official Plan documents and which were deemed worthy of continued preservation/protection are also included. Specific policies for these environmentally sensitive areas, ground water recharge areas, and other natural resource areas are as follows:

- (a) Development and site alteration may be permitted on such lands provided that such development will not have a negative impact on the natural resource feature of the subject area or the ecological and hydrological functions. An environmental impact study or other appropriate study shall be required in order to assess the impact of the development and site alteration. With respect to ground water recharge areas, development shall not result in a loss of ground water quantity or quality. The terms of reference for the environmental impact study should be submitted to the County for review and approval; and
- (b) Notwithstanding the policy of paragraph (a) above, agricultural activities appropriate to woodland areas such as maple syrup production and the harvesting of mature trees shall be permitted without the need for an environmental impact study or other appropriate study; and
- (c) Local municipal Zoning By-laws shall zone environmentally sensitive areas, ground water recharge areas, and other identified natural resource areas so as to preclude development and site alteration, excepting that permitted by paragraph (b) above.

Concerning groundwater recharge areas, this Plan encourages the provincial agencies and the Conservation Authorities in the County to carry out such studies in order to identify ground water recharge areas throughout the County.

11.5.9 **Natural Watercourses**

*ADDED BY  
OPA # 47* The "Natural Resources/Environment" designation is intended to include watercourses identified on Schedule "A". It is the intention of the County to develop specific policies for watercourse areas and that these will be added to this Plan by amendment at a future date.

11.6 **GENERAL POLICIES**

11.6.1 **Purpose**

The "Natural Resources/Environment" designation contains those lands which perform important ecological functions and/or which protect biological diversity and life supporting systems that would be lost or degraded if such areas were developed or altered. The primary purpose of this designation is to preserve, protect, and enhance important environmental areas and features while protecting them from land use impacts that would reduce their size and physical form, impair their ecological functions, or degrade their quality.

11.6.2 **Boundary Identification**

The boundaries of the "Natural Resources/Environment" designation area general in nature and are intended to be approximate only. More specific boundary identification will occur when local municipal Zoning By-laws are revised/updated to implement the County Official Plan document. Amendments to this Official Plan shall not be required to incorporate boundary refinements/adjustments into local municipal Zoning By-laws.

11.6.3 **Private Ownership**

Many of the areas designated "Natural Resources/Environment" are held in private ownership. Nothing in this Plan implies an intention on the part of the County or the local municipalities to acquire such lands nor to make such areas available for public use.

11.6.4 **Overlapping Features**

Many of the individual "Natural Resources/Environment" areas as shown on Schedule "A" (Land Use Plan) are comprised of two or more specific features listed in Section 11.4 above. Where there is a difference between the policies for each of the specific features, it is a policy of this Plan that the most restrictive of the policies are to be applied.

11.6.5 **Natural Connections**

In order to protect those lands which perform important ecological functions and/or to protect bio diversity and life supporting systems, and to enhance important environmental areas and features, those areas which form natural connections between these areas should be identified and protected.

11.7 **CONSENT/SEVERANCE POLICIES**

The following specific policies shall apply to consent applications which involve land within the "Natural Resources/Environment" 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.

11.7.1 **New Lot Creation**

As a general rule, the severing of lands in the "Natural Resources/ Environment" designation for the purpose of creating new lots shall not be permitted. An exception to this general rule may be applied where a conservation oriented group is proposing to sever an area for the purpose of conserving, preserving, enhancing, and/or improving the natural resource/ environment area. Such applications will be carefully reviewed and conditions, as appropriate, will be imposed to ensure conformity to the goals, objectives and policies of this Plan over the long term.

11.7.2 **Agriculture and Land Uses**

Where a severance of agricultural land within the "Agriculture" designation is being considered and a part of the land use extends into the "Natural Resources/ Environment" designation, such application may be approved provided it is demonstrated that there will be no significant impact on the "Natural Resources/ Environment" area. Consideration will be given to appropriate zoning by-law regulations or development controls to prohibit or regulate buildings and structures which could have negative impacts on the natural resource/ environment feature.

11.7.3 **Lot Boundary Adjustments/Corrections**

Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustment/corrections are minor in nature and provided they have no significant impact on the natural resources/environment feature. Consideration will be given to the provisions of Section 50(3) and (5) of the Planning Act, R.S.O. 1990 and the provisions of the local municipality's implementing By-law when dealing with such applications.

11.7.4 **Easements and Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created, that the need is substantiated and acceptable to the consent granting authority, and provided that there is no significant impact on the natural resource/environment feature.

11.8 **New Site Specific Amendments**

The following policies are site specific amendments which have been adopted and approved since the approval of this Official Plan.

*ADDED BY OPA No. 113*

- (2) Part of Lot 5, Concession 7, North Easthope Ward,  
Township of Perth East (Schedule "A-111"):

Notwithstanding the policies of this Official Plan to the contrary, a non-farm residential use consisting of a single-detached dwelling and accessory uses shall be permitted in the south-east corner of the subject property subject to meeting the following criteria:

- (a) an amendment to the Township of Perth East Zoning By-law to permit the proposed non-farm residential use;
- (b) prior to the adoption of any amendment to the Township of Perth East Zoning By-law to permit the proposed non-farm-residential use, prior to the issuance of any permits for buildings/structures for the proposed non-farm residential use, and prior to any site preparation for the proposed non-farm residential use, the owner/proponent shall prepare an updated Environmental Impact Study (EIS) to address current Provincial policies. The updated EIS must reference the Natural Heritage Reference Manual for Natural Heritage Policies of the Provincial Policy Statement, 2005, Second Edition, dated March 18, 2010 and it must also address any impacts on the wetlands located on and adjacent to the subject property. Approval of the Terms of Reference for the updated EIS is required from the Grand River Conservation Authority, the County of Perth, and the Township of Perth East prior to commencing work on the updated EIS. Upon its completion, the updated EIS must be submitted to and approved by the Grand River Conservation Authority, the County of Perth, and the Township of Perth East and such approvals are required prior to the adoption of any amendment to the Township of Perth East Zoning By-law to permit the proposed non-farm-residential use, prior to the issuance of any permits for buildings/structures for the proposed non-farm residential use, and prior to any site preparation for the proposed no-farm residential use;



- (c) approval of the driveway access to the proposed non-farm residential use from the applicable municipal road authority;
- (d) obtaining approval for the individual on-site services that are required for the proposed non-farm residential use (i.e. water supply, sewage treatment) from the applicable authority;
- (e) preparation of and engineered grading and drainage plan for the proposed non farm residential use acceptable to the Grand River Conservation Authority and the Township of Perth East;
- (f) approval from the County of Perth in respect to any tree removal that may be required to accommodate the proposed non-farm residential use.

*ADDED BY OPA No. 113*

- (3) Part of Lot 40, Concession 4, North Easthope Ward, Township of Perth East (Schedule "A-138"):

Notwithstanding the policies of this Official Plan to the contrary, an existing shop located within a small clearing may be replaced with a larger shop containing a residential loft, subject to meeting the following criteria:

- (a) That the proponent obtain an amendment to the Township of Perth East Zoning By-law to regulate the proposed use, size and scale of the development; and
- (b) That prior to the adoption of the Zoning By-law Amendment, the Township shall consider the following criteria:
  - i. the proposed development shall be in compliance with the Edge Management Plan prepared July 11, 2014 by Dougan and Associates;
  - ii. the proposed development shall acquire approval from the County of Perth in respect to any tree removal that may be required that is specifically not in compliance with the Edge Management Plan prepared July 11, 2014;
  - iii. that notwithstanding any other provisions to the contrary, no future enlargement of the proposed structure shall be permitted, and no accessory structures shall be permitted;
  - iv. that the proponent shall acquire the necessary approval for the proposed new driveway access to the proposed development from the applicable municipal road authority;

- v. that the proponent shall obtain approval from the applicable authority for the individual on-site services that are required for the proposed development (i.e. water supply, sewage treatment); and
- vi. that the proposed development shall be in compliance with an engineered grading and drainage plan prepared to the satisfaction of the Upper Thames River Conservation Authority and the Township of Perth East.

*ADDED BY OPA No. 205*

- (4) Lot 16, Concession 14, Downie Ward, Township of Perth South (Schedule "A-205"):

Notwithstanding the policies of Section 11.7 of the Official Plan to the contrary, severance of an existing surplus farm dwelling and accessory structures shall be permitted, subject to the following criteria:

- (a) Severance of the existing surplus farm dwelling shall be subject to the requirements of Sections 5.6.3.1 and 16.3 of the Perth County Official Plan.
- (b) The maximum area for the proposed severed lot shall be 0.306 hectares.

## **SECTION 12 - RECREATION**

### 12.1 **INTRODUCTION**

There is little potential for intensive recreational activities in the County of Perth. The predominance of agricultural activities and the relatively flat topography of the County are generally not conducive to intensive recreational activities.

Although the potential for recreational activities is not great, there are a few existing recreational land uses in the County. There are a number of recreational uses which have existed in the County for many years which are quite heavily used during the summer months.

Although pressure for recreational development in the County's rural area has not been significant, it is important for the County to have a policy framework which both recognizes the existing recreational facilities and can also be applied when reviewing and examining proposals for new recreational development and whether the recreational use should or should not be permitted.

Conflicts are likely to occur when recreational uses come in contact with intensive agricultural uses and it is therefore important that the recreational uses be fully examined with respect to its impact on the agricultural land uses in the County.

### 12.2 **GOALS**

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

- (a) To recognize existing recreational developments and, where feasible, permit new recreational developments which will not interfere or conflict with the agricultural land use activities in the County;
- (b) To promote recreational design that is sensitive to and harmonious with the physical characteristics and the natural features of their respective sites;
- (c) To encourage the provision of those recreational activities that serve the residents of the County; and
- (d) To limit the location of new recreational activities to those lands that have lower soil capabilities for agriculture (e.g. other than Class 1, 2, and 3 lands) or to vacant lands within the urban areas in the County.

12.3 **LAND USE DESIGNATION AND MAPPING**

Policies for the "Recreation" designation shall apply to the areas shown as "Recreation" on Schedule "A" (Land Use Plan) to this Official Plan.

The areas shown as "Recreation" on Schedule "A" are site specific in nature and are based on the extent of similar designations in the previous Official Plan documents of the local municipalities.

12.4 **DEFINITION/PERMITTED USES**

The "Recreation" designation shall mean that the areas so designated will be used and developed for recreational uses. For the purpose of this Plan, recreational uses shall include both indoor and outdoor recreational activities and, without limiting the generality of the foregoing, shall include conservation areas, tent and trailer parks, picnic areas, hiking trails, golf courses, miniature golf courses, baseball diamonds, soccer fields, and facilities for clubs involved in recreational activities.

12.5 **POLICIES**

12.5.1 **Designated Areas**

The "Recreation" designation is site specific in nature and applies only to those lands that are actively used for recreational purposes at the time this Official Plan was adopted.

Any future recreational development in the County, excepting that which occurs within the confines of a designated recreation or settlement area, will require an amendment to this Plan prior to being established. It is the intent of this Plan that only those recreational uses that satisfy the policies of this Plan for the "Recreation" designation be permitted.

12.5.2 **Development Within Existing Recreational Uses**

New development within designated "Recreation" areas shall be permitted in accordance with the policies of this Plan without an amendment to the Official Plan.

Where an existing recreational use is located in a woodlot area or an area which has tree coverage, the woodlot or tree covered area is to be preserved and integrated into the overall development of the property.

It is a policy of this Plan that no cutting or clearing of woodlots or forested areas will be permitted, with the exception of any clearing that may be permitted by the County of Perth Tree Cutting By-law. Where clearing of a woodlot and/or forested area is permitted in accordance with the provisions of the County of Perth Tree Cutting By-law, it is a policy of this Plan that, at a minimum, an area equivalent in size to that cleared must be planted and maintained as woodlot.

12.5.3

**New and/or Expanded Recreational Uses**

An amendment to this Official Plan will be required in order to establish a new recreational use and/or to expand any of the existing recreational uses beyond the areas designated as "Recreation" by this Official Plan. Such development proposals will be evaluated on the basis of the following policies:

- (a) The applicant/proponent must demonstrate that there is sufficient need for the proposed recreational use in the County and that it will serve the needs of the County residents. Documentation proving the need and providing such other information as may be required by the County for its review purposes must be submitted upon request;
- (b) Where recreational development is proposed on lands considered to have a poor capability rating for agriculture, consideration shall be given to the potential impacts that such development may have on the surrounding agricultural activities. If it is determined that the proposed recreational development will have an adverse affect on the surrounding agricultural uses, the recreational development shall not be permitted. Minimum distances separation will be required where a proposed recreational use is in proximity to livestock and/or poultry operations and it is a policy of this Plan that the MDS I provisions shall be applied and must be satisfied;
- (c) Factors such as the compatibility of the soil for the development, the drainage characteristics of the subject property and the surrounding land, the impact on the compatibility with surrounding land uses, the impact on the natural environment, and the availability of necessary services and facilities must be given due consideration. A drainage plan and/or an engineer's report detailing the drainage particulars may be required by County Council;

*ADDED BY  
OPA # 47*

- (d) The use must be one that does not require municipal water or sewage services, and the method of water supply and sewage disposal shall require the approval of the appropriate regulatory authorities;
- (e) Where the location of a proposed building and/or structure is within an area which is subject to flooding or which is identified as a "Flood Plain" area by this Plan, written confirmation from the Conservation Authority stating that it approves of the development and that it is satisfied with the floodproofing measures must be provided to the local Council before consideration will be given to amending this Plan and/or before any building permit for the building and/or structure will be issued;

- ADDED BY* (f) A mobile home may be permitted where an additional accessory dwelling is required due to the size and scale of the recreation use, subject to an amendment to the local municipality's implementing Zoning By-law;  
*OPA # 47*
- (g) All proposals must be accompanied by a detailed plan which shows the specific location of the subject land, public road access provisions, internal private road layout, mobile/modular home site locations and size information, vehicle parking areas, location and type of recreational/amenity facilities, servicing provisions (roadways, water supply, sewage disposal, storm water drainage, lighting), landscaping and buffering provisions, and an inventory of existing land uses in the vicinity of the subject land;
- ADDED BY* (h) An amendment to the local municipality's implementing Zoning By-law shall be required for all new recreational uses that are permitted in accordance with the policies of this Plan. The local municipality's implementing Zoning By-law shall contain appropriate zone provisions for recreational uses and facilities;  
*OPA # 47*
- (i) Where the severance of land is necessary to accommodate a proposed recreational use, the severance policies as contained in Section 12.6 of this Plan must be satisfied. The Zoning By-law amendment referred to in clause (h) above shall be required prior to the final severance approval being given;
- (j) Site plan agreements pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990 shall be required for all new recreational uses permitted in accordance with the policies of this Plan.

#### 12.5.4 **Tent and Trailer Parks**

In addition to the above policies, the following policies shall apply to those recreational facilities that are described as tent and trailer parks:

- (a) It is a policy of this Plan that any tent and trailer park permitted in the County be used for accommodation on a seasonal or temporary basis only and not for accommodation on a permanent or year-round basis;
- ADDED BY* (b) All lots or sites for tents and trailers within a tent and trailer park must either be connected to a communal sewage disposal system or the occupants of the lots or sites must have access to communal washroom facilities. Individual septic tank and water supply systems serving lots or sites within a tent and trailer park shall not be permitted. All water supply and sewage disposal facilities must satisfy the requirements of the appropriate regulatory authority;  
*OPA # 47*
- (c) Adequate on-site parking for campers and guests shall be provided; and

- (d) In the evaluation of tent and trailer park development, Council shall consider the following design criteria:
- (i) The design shall be compatible with the site, taking into consideration the topography, vegetation, soil and drainage characteristics, with one of the main concerns being to preserve the natural environment of the site;
  - (ii) The design should endeavour to preserve the land forms and physical features of the site in their natural state;
  - (iii) Careful consideration shall be given to the size of the proposed development and the density of development that is proposed;
  - (iv) Special consideration shall be given to the protection, preservation, and re-establishment of trees and woodlots, wherever possible; and
  - (v) The design must make appropriate provisions for landscaping and buffering for the purpose of screening the proposed tent and trailer park from other surrounding land uses.

#### 12.5.5 **Management and Maintenance**

All recreational uses shall be managed and maintained as a single unit by the recreational use owner or its designated agent. The responsibility for management and maintenance of all utilities and services (roads, water supply, sewage disposal, storm water management facilities, hydro, lighting, snow removal, etc.) shall rest solely with the owner of the recreational use. Neither the County or the local municipalities shall be under any obligation to assume ownership of or the responsibility for maintenance and/or provision of any of the utilities and services for the recreational use. The division or severance of recreational uses into smaller properties shall not be permitted under the policies of this Plan.

#### 12.5.6 **Access**

Access must be available to a public road that is developed to acceptable municipal 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. Recreational developments fronting onto and having access to a provincial highway require building/land use entrance permits from the Ministry of Transportation.

12.5.7 **Water Supply and Sewage Disposal and Stormwater**

*ADDED BY OPA # 47* The owners of recreational uses are required to provide acceptable water supply and sewage disposal facilities for the recreational use. Such facilities must be designed, installed, and maintained to the satisfaction of the appropriate regulatory authority.

*ADDED BY OPA # 47* In assessing and determining what types of water supply and sewage disposal facilities are acceptable for new and/or expanded recreational uses, input shall be obtained from the appropriate regulatory authority. When considering such applications, the County and local municipality will require written documentation from these agencies concerning the suitability and acceptability of the proposed services.

Proponents of new and expanded recreational uses may be required to submit a storm water management plan. Such plans should incorporate appropriate best management practices as may be required by Provincial agencies and Conservation Authorities to manage post development storm water quantity and quality control. New development should not adversely affect surface water resources.

12.5.8 **Year Round Occupancy**

Recreational uses may provide for seasonal occupancy as opposed to year round occupancy. Mobile homes and travel trailers that are located within such parks are to be considered as temporary dwelling types as opposed to permanent dwelling types.

12.5.9 **Accessory Residences**

Accessory residences shall be limited to existing dwellings only. A mobile home may be permitted where an additional accessory dwelling is required due to the size and scale of the recreation use, subject to an amendment to the local municipality's implementing Zoning By-law.

12.5.10 **Off-Street Parking**

Adequate off-street parking for recreational uses shall be provided. The implementing Zoning By-laws of the local municipalities shall set forth appropriate parking requirements.

12.5.11 **Site Plan Control**

Site Plan Agreements pursuant to Section 41 of the Planning Act R.S.O. 1990, shall be required for all new and/or expanded recreational use developments. A site plan of the proposed development must be submitted with any Official Plan Amendment request and such site plan shall provide the following information:



- (a) The shape, topography, land elevations, soil and drainage characteristics, dimensions, area, and location of the property to be developed as well as the extent of adjacent property held for future recreational development;
- (b) The location, height, dimensions, and use of all buildings and structures existing and/or proposed to be erected on the subject property;
- (c) The existing use of all land and the location and use of all buildings and structures lying within a distance of 120 metres of the property to be developed for recreational purposes;
- (d) All proposed open space, communal facilities, and recreational facilities that are to be provided;
- (e) All public road access points and the internal roadway layout;
- (f) Vehicle parking areas;
- (g) Landscaping and buffering provisions;
- (h) Information concerning the type and location of all servicing that is proposed for the development; and
- (i) Provisions for the drainage of the subject property. The County and/or local municipality shall require the submission of final grade plans for the purpose of dealing with drainage issues.

12.5.12 **Tourism Act and Tourist Establishments**

All development permitted within the "Recreation" designation must conform to the standards of the Ministry of Tourism and Recreation as set out in the Tourism Act, where applicable.

In the case of recreation facilities and accommodations falling within the definition of a "tourist establishment" as defined in the Tourism Act, such facilities shall be licensed by the Ministry of Tourism and Recreation. In addition, the County may require that such uses be licensed by the local municipality.

12.5.13 **Exemptions**

Notwithstanding the foregoing policies for the "Recreation" designation, the following policies shall apply to the specific properties as noted:

- (1) Part of Lots 15 & 16, Concession 19, Blanshard (OPA No. 14):

All buildings and structures used and/or erected on the St. Marys Golf Club lands must satisfy the separation distances from livestock and/or poultry operations as required through the application of MDS I;

- (2) Part of Lot 1, Concession 13, Downie (OP):

The only use permitted on an approximate 0.64 hectare property at Lot 1, Concession 13, Downie Township shall be a recreational use described as a miniature golf course and accessory uses, excluding any dwelling use.

- (3) Not Used.

*ADDED BY OPA No. 15*

- (4) Part of Lot 29, South Boundary Concession, Blanshard Ward, Township of Perth South (Schedule "A-20"):

Notwithstanding the policies of Sections 12.2 and 12.5.3 of this Official Plan to the contrary, an expansion of a golf course will be permitted on prime agricultural land. An amendment to the Township's implementing Zoning By-law is required, and a Site Plan Agreement is required.

*ADDED BY OPA No. 157*

- (5) Part of Lot 16, Concession 19, Blanshard Ward, Township of Perth South (Schedule "A-157"):

Notwithstanding any policies of this Official Plan to the contrary, consent to sever approximately 1.1 hectares (2.7 acres) of land for one single-detached dwelling may be approved. An amendment to the Township's implementing Zoning By-law is required, and an easement providing for the shared use of the existing driveway with the adjoining non-farm lot is required.

12.6 **CONSENT/SEVERANCE POLICIES**

The following specific policies shall apply to consent applications which involve land within the "Recreation" 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 in this Official Plan.

12.6.1 **Existing Recreational Uses**

Consents for the purpose of dividing existing recreational uses into smaller properties shall be prohibited.

12.6.2 **New Recreational Uses and Expanded Recreational Uses**

Consents for the creation of new recreational uses and/or the enlargements of existing recreational uses may be permitted provided that the policies of Section 12.5.3 have been satisfied and further that the subject lands are designated "Recreation".

Notwithstanding the above, the minor enlargement of an existing recreational use may be permitted subject to the "minor adjustment" provisions of Section 19.2 of this Plan.

12.6.3 **Lot Boundary Adjustments/Corrections**

Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustments/corrections are minor in nature. Consideration shall be given to the provisions of Sections 50(3) and (5) of the Planning Act R.S.O. 1990 and to the provisions of the local municipality's implementing Zoning By-law when dealing with such applications.

12.6.4 **Easements and Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created and that the need is substantiated and acceptable to the consent granting authority.

12.6.5 **Woodlots**

Where a proposed recreational use is located in a woodlot area or an area which has tree coverage, the woodlot or tree covered area is to be preserved and integrated into the overall development of the property.

*ADDED BY* It is a policy of this Plan that no cutting or clearing of woodlots or forested areas  
*OPA # 47* will be permitted, with the exception of any clearing that may be permitted by the  
County of Perth Forest Conservation By-law.

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## **SECTION 13 - FLOOD PLAIN**

### **13.1 INTRODUCTION**

Throughout the County there are lands that are subject to flooding from time to time. These lands are associated primarily with the flood plain areas of the Ausable River, Avon River, Bayfield River, Maitland River, Nith River, Thames River, and their associated tributaries. These watercourses fall within the jurisdictions of four different Conservation Authorities - the Ausable-Bayfield Conservation Authority (ABCA), the Grand River Conservation Authority (GRCA), the Maitland Valley Conservation Authority (MVCA), and the Upper Thames River Conservation Authority (UTRCA). The geographic boundaries of these Conservation Authorities are shown on Schedule "A".

In several of these flood prone areas, the applicable Conservation Authority has prepared detailed flood line mapping. For example, the ABCA has prepared a flood line study for the Ausable River tributary that flows through Dublin and the UTRCA has prepared a flood line study for the Avon River tributary that flows through Sebringville. Generally, such areas have been examined and detailed flood lines prepared for same due to the concentration of urban type development in the area. While the specifics of the various studies may differ, they are common in that they identify flood line elevations for the 1:100 year storm and the Regulatory Flood Standard. The Regulatory Flood Standards for the four Conservation Authorities in the County of Perth are as follows:

ABCA - Regional Storm (Hurricane Hazel);  
GRCA - Regional Storm (Hurricane Hazel);  
MVCA - Regional Storm (Hurricane Hazel);  
UTRCA - Regulatory Storm (1937 Observed Flood).

In areas where flooding has been experienced and where detailed regulatory flood line information is available, it is important that the potential hazards associated with such flooding be recognized and that lands subject to the flooding be appropriately designated in municipal planning documents. The subject "Flood Plain" designation has been established for the purpose of addressing flooding concerns and related issues in those areas where detailed regulatory flood line information is available.

### **13.2 GOALS**

The following goals are established for the "Flood Plain" designation.

- (a) To assist in identifying those lands in the County that are subject to flooding and which have been the subject of more detailed flood line information;

- (b) To prevent the needless destruction of property from flooding by prohibiting new development and restricting the redevelopment and expansion of existing development;
- (c) To develop a flood plain management program which will ensure proper land use and prevent or minimize the risk of property damage, loss of life, and disruption from flooding;
- (d) To encourage and promote co-operation between the Ministry of Natural Resources, the Conservation Authorities, the County, local municipalities, and individual property owners in dealing with issues and concerns related to flooding within the identified "Flood Plain" areas; and
- (e) To preserve, conserve, and enhance the natural environment associated with identified "Flood Plain" areas.

13.3

**LAND USE DESIGNATION AND MAPPING**

Policies for the "Flood Plain" designation shall apply to the areas shown as "Flood Plain" on Schedule "A" (Land Use Plan) to this Official Plan.

The areas shown as "Flood Plain" on Schedule "A" are based on information contained in several flood line studies that have been conducted throughout the County (e.g. Glengowan area; Nithburg area; Dublin area; Black Creek study; Trout Creek area). These studies have been prepared by the Conservation Authorities from time to time in order to more accurately identify the extent of flooding under specific storm conditions (e.g. 1:100 year storm and Regional Storm).

13.4

**DEFINITION/PERMITTED USES**

The "Flood Plain" designation as established by this Plan shall apply to those lands and watercourses that make up the regulatory flood plain as identified, regulated, and implemented by the ABCA, GRCA, MVCA, and UTRCA. The regulatory flood plain is based on the Regulatory Flood Standard for the various Conservation Authorities as referred to in Section 13.1. The one-zone flood plain management concept shall apply within the "Flood Plain" designation except for areas where a two-zone or Special Policy Area flood plain management concept consistent with the provincial policy on flood plain management is employed. Within one-zone areas, the entire flood plain is considered as floodway. Within two-zone areas, the flood plain shall consist of floodway and flood fringe. For the purpose of this Plan, the following definitions apply:

One-Zone Concept - means the approach whereby the entire flood plain, as defined by the regulatory flood, is treated as one unit and all development is prohibited or restricted.

Two-Zone Concept - means the approach whereby certain areas of the flood plain (flood fringe) are considered to be less hazardous than others (e.g.

floodway) such that development potentially could safely occur.

Floodway - means that portion of the flood plain where development (or other uses which by their nature must be located within the floodway, flood and/or erosion control works, or where appropriate, minor additions or passive, non-structural uses which do not affect flood flows) and site alteration would cause a danger to public health and safety or property damage. Where the two-zone concept applies, the floodway is the inner portion of the flood plain, representing that area required for the safe passing of flood flow and/or that area where flood depths and/or velocities are considered to be such that they pose a potential threat to life and/or property damage. Where the two-zone concept applies, the outer portion of the flood plain is called the flood fringe.

Flood Fringe - means that the outer portion of the flood plain between the floodway and the flooding hazard limit. Depths and velocities of flooding are generally less severe in the flood fringe than those experienced in the floodway. The flood fringe is the area where development and site alteration may be permitted, subject to appropriate floodproofing to the flooding hazard elevation or another flooding hazard standard approved by the Ministry of Natural Resources.

In general, when considering new development, the One Zone concept shall be applied. When reviewing extensions to existing development or re-development, the Two Zone concept may be applied. In order for the Two Zone concept to be employed, the physical characteristic of the flood plain at the subject site must be such that there is an area where the combination of depth and velocity of flood waters would result in an area of flood fringe.

The permitted uses of land in the floodway portion of the "Flood Plain" designation shall be forestry, conservation uses, agriculture, and outdoor recreation uses. The flood fringe area will function as an "overlay" area and the permitted uses of land in the flood fringe shall be those uses permitted in accordance with the applicable policies of the underlying land use designations established by this Plan.

Construction of any building or structure within the flood fringe portion of the "Flood Plain" designation will require prior written permission/approval of the appropriate Conservation Authority.

13.5 **POLICIES**

13.5.1 **Boundaries**

The boundaries or limits of the "Flood Plain" designation (e.g. floodway and flood fringe) are shown on the attached Schedule "A" and are based on detailed flood line information made available through specific flood line studies conducted by the Conservation Authorities (Dublin Study, Sebringville Study, Thames River/Trout Creek Study, Nithburg Study). More detailed maps showing the extent of flood line mapping for these specific areas are available for review at the County, local municipal, and Conservation Authority offices.

Where additional flood line studies are completed for the purpose of identifying floodway and flood fringe areas in the County, it is intended that this Plan will be amended for the purpose of designating such additional lands as "Flood Plain".

Where additional detailed flood line studies are required and are to be completed by the proponent of a development proposal, the terms of reference and the study must be approved by the Conservation Authority.

13.5.2 **Buildings and Structures**

In accordance with provincial policy, buildings and structures shall not be constructed or erected in the floodway portion of the "Flood Plain" designation, with the exception of those buildings and structures that are necessary for flood or erosion control. Where flood or erosion control buildings and/or structures are proposed, they must be approved in writing by the appropriate Conservation Authority prior to being approved/permitted by the local municipality.

With the two-zone concept, new buildings and structures and/or expanded buildings and structures may be permitted in the flood fringe portion of the "Flood Plain" designation provided that any flood hazard constraint can be overcome to the satisfaction of the appropriate Conservation Authority. Written confirmation from the appropriate Conservation Authority and a permit, if required, stating that it approves of the development and that it is satisfied with the floodproofing measures proposed must be provided to the local municipality before being approved/permitted or issuance of a building permit by the local municipality.

13.5.3 **Fill**

The placing or removal of fill of any kind, whether originating on the site or elsewhere, shall not be permitted in the "Flood Plain" designation unless it is first approved by the appropriate Conservation Authority in accordance with the applicable Fill, Construction, and Alteration to Waterway Regulation. These policies shall apply to all proposals for the establishment of mineral aggregate extraction operations in areas designated "Flood Plain".



13.5.4 **Flood and Erosion Control Works**

Wherever any flood and/or erosion control works are undertaken which result in changes in the boundaries of the areas designated "Flood Plain" and/or its floodway and flood fringe components, such changes will be incorporated into this Plan through the Official Plan Amendment process except where such changes are considered to be "minor adjustments" as permitted under Section 19.2 of this Plan.

13.5.5 **Setbacks**

Where the nature of the hazard and physical characteristics of the site warrant it, setbacks for buildings and structures from areas designated "Flood Plain" and/or its floodway and flood fringe components shall be imposed. The extent of such setbacks shall be determined in consultation with the appropriate Conservation Authority and will be implemented through the local municipality's implementing Zoning By-law, where appropriate.

13.5.6 **Land Dedication for Park or Other Public Recreation Purposes**

Where new development is proposed on a site, part or all of which is designated "Flood Plain" by this Plan, and the owner/developer is required to convey land for park or other public recreation purposes to a local municipality as part of the development approval process, it is a policy of this Plan that lands which are designated as "Flood Plain" shall not necessarily be acceptable as part of the land dedication requirement.

13.5.7 **Woodlots and Forest Areas**

*ADDED BY OPA # 47* The clearing of woodlots and forest areas in areas designated "Flood Plain" shall not be permitted with the exception of any clearing that may be permitted in accordance with the County of Perth Forest Conservation By-law.

13.5.8 **Re-establishment of Vegetation Cover**

It is a policy of this Plan that the County encourages the re-establishment of vegetation cover and buffer areas along the watercourses that are within "Flood Plain" areas. The advice and assistance of the Ministry of Natural Resources and the appropriate Conservation Authority may be sought in regard to such matters.

13.5.9 **Zoning By-law**

The floodway and flood fringe components of the "Flood Plain" designation as shown on Schedule "A" shall also be identified as flood plain areas in the local municipalities implementing Zoning By-law. These by-laws will contain provisions consistent with the "Flood Plain" policies as set forth in this Plan.

13.6 **CONSENT/SEVERANCE POLICIES**

The following specific policies shall apply to consent applications which involve land within the "Flood Plain" 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.

13.6.1 **New Lot Creation**

Except as provided for in Section 13.6.2 below, consents for the purpose of creating new lots for development within the "Flood Plain" designation shall be prohibited.

13.6.2 **Public Purposes**

Consents for the purpose of creating lots for public use such as municipal parks and open space areas or for flood or erosion control may be permitted. When reviewing such applications, input is to be obtained from the appropriate Conservation Authority prior to the consent granting authority making its decision.

13.6.3 **Lot Enlargements**

Consents for the purpose of enlarging lots in abutting land use designations may be permitted provided that the following criteria are satisfied:

- (a) A need for the lot enlargement must be clearly identified and such need must prove satisfactory to the consent granting authority;
- (b) The area being severed for lot enlargement purposes should be minimal in size and related to the demonstrated and accepted need; and
- (c) The area being severed must be united to the abutting lot to create one lot for Planning Act purposes.

13.6.4 **Lot Boundary Adjustments/Corrections**

Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustments/corrections are minor in nature. Consideration shall be given to the provisions of Sections 50(3) and (5) of the Planning Act R.S.O. 1990 and to the provisions of the local municipality's implementing Zoning By-law when dealing with such applications.

13.6.5 **Easements and Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created and that the need is substantiated and acceptable to the consent granting authority.

## **SECTION 14 - FLOOD AND FILL CONSTRAINT AREA**

### 14.1 **INTRODUCTION**

In addition to the areas that have been designated as "Flood Plain" in this Plan and which are subject to the policies of Section 13 of this Plan, there are lands throughout the County which may be subject to natural hazards (e.g. fill lines, steep slopes, unstable soils (muck) and wetlands (for their flood control function)). The exact location of such lands have not been identified through detailed study and therefore their exact boundaries are open to some interpretation.

Although these additional natural hazard lands have not been identified the potential hazards associated with them are very real and should be recognized by the County, local municipalities, and the affected property owners. Accordingly, it is the intent of this Section of the County Plan to identify these additional lands as a "Flood and Fill Constraint Area" and to set forth suitable policies for the use of these lands.

### 14.2 **GOALS**

The following goals are established for the "Flood and Fill Constraint Area" designation:

- (a) To identify those lands in the County that are subject to flooding or erosion and which have not been identified as being within the "Flood Plain" designation established by Section 13 of this Plan;
- (b) To prevent the needless destruction of property from flooding by prohibiting/restricting new development and the redevelopment and expansion of existing development;
- (c) To assist in the development of a flood plain management program which will ensure proper land use and prevent or minimize the risk of property damage, loss of life, and disruption from flooding;
- (d) To develop a set of policies which can be applied in concert with the policies for other land use designations established by this Plan;
- (e) To encourage and promote co-operation between the Ministry of Natural Resources, the Conservation Authorities, the County, local municipalities, and individual property owners in dealing with issues and concerns related to flooding within the identified "Flood and Fill Constraint Area"; and
- (f) To preserve, conserve, and enhance the natural environment associated with watercourses in the County.

AMENDED BY OPA No. 142

### 14.3 **LAND USE DESIGNATION AND MAPPING**

Policies for the "Flood and Fill Constraint Area" designation shall apply to the areas shown as "Flood and Fill Constraint Area" on Schedule "C" (Land Use Constraints) to this Official Plan.

The area shown as "Flood and Fill Constraint Area" on Schedule "C" are based on designations/areas as identified by the Conservation Authorities, specifically through the new generic regulatory lines under Ontario Regulation 97/04, specifically Ontario Regulations 147/06 (Ausable Bayfield Conservation Authority), 150/06 (Grand River Conservation Authority), 157/06 (Upper Thames River Conservation Authority), and 164/06 (Maitland Valley Conservation Authority). In accordance with the policies of Section 14.4 below, the "Flood and Fill Constraint Area" designation is to be applied as an overlay or constraint designation.

### 14.4 **DEFINITION/PERMITTED USES**

The "Flood and Fill Constraint Area" designation as established by this Plan shall apply to those lands and watercourses which have been flooded, are susceptible to flooding under severe conditions, or are subject to erosion and which have not been designated as "Flood Plain" under Section 13 of this Plan.

The "Flood and Fill Constraint Area" designation is not intended to be a freestanding or separate land use designation, but rather is intended to be an "overlay" or "constraint area" over and above other land use designations established by this Plan. The policies for the "Flood and Fill Constraint Area" shall apply in addition to all applicable policies for the underlying land use designation. For the purpose of this Plan, the definitions of one zone concept, two zone concept, floodway, and flood fringe as set out in Section 13.4 of this Plan shall apply.

The permitted uses in areas designated "Flood and Fill Constraint Area" shall be in accordance with the applicable land use policies for the underlying land use designation as identified on Schedule "A" to this Plan. The "Definition/Permitted Uses" Section for each of the land use designations sets out the permitted land uses for that designation. The uses permitted by the underlying designation shall be permitted only to the extent that they do not conflict with the policies established for the "Flood and Fill Constraint Area" designation.

14.5 **POLICIES**

14.5.1 **Boundaries**

In the absence of more detailed mapping, the boundaries for the "Flood and Fill Constraint Area" designation as shown on the attached Schedule "C" are to be considered as general and not absolute. These boundaries are based on the approved fill line mapping criteria of the various Conservation Authorities and aerial photograph interpretation.

When more detailed mapping becomes available, it is intended that the County/local municipality will consult with the applicable Conservation Authority for the purpose of determining whether an amendment to this Plan will be required in order to reflect the new mapping.

14.5.2 **Study Requirements**

Where detailed floodline information or hazard related information is required to assess the development proposal, the development proponent/landowner shall be responsible for preparing the study and for providing the required information to the Conservation Authority and the County/local municipality. The purpose of these studies is to locate the hazardous area and avoid it for new development. These studies must be approved by the Conservation Authority and the land owner/proponent should first consult with the Conservation Authority to determine the extent of information that is required.

14.5.3 **Buildings and Structures**

In accordance with Provincial policy, buildings and structure shall not be constructed or erected in floodway areas with the exception of those buildings and structures that are necessary for flood and erosion control. Where flood or erosion control buildings and/or structures are proposed, they must be approved in writing by the appropriate Conservation Authority prior to being approved/permitted by the local municipality.

With the two zone concept, new buildings and structures and/or expanded buildings or structures may be permitted in accordance with Section 13.4 in the flood fringe areas provided that any flood hazard constraints can be overcome to the satisfaction of the appropriate Conservation Authority. Written confirmation from the appropriate Conservation Authority and a permit, if required, stating that the Conservation Authority approves of the development and that it is satisfied with the floodproofing measures proposed must be provided to the local municipality before being approved/permitted or issuance of building permit by the local municipality.

14.5.4 **Fill**

The placing or removal of fill of any kind, whether originating on the site or elsewhere, shall not be permitted in the "Flood and Fill Constraint Area" designation unless it is first approved by the appropriate Conservation Authority in accordance with the applicable fill, construction, and alteration to waterway regulations. This policy shall apply to all proposals for the establishment of mineral aggregate extraction operations in areas designated as "Flood and Fill Constraint Area".

14.5.5 **Flood and Erosion Control Works**

Wherever any flood and/or erosion control works are undertaken which result in changes to the boundaries of the areas designated "Flood and Fill Constraint Area", such changes will be incorporated into this Plan through the Official Plan Amendment process with the exception of any "minor adjustments" permitted under Section 19.2 of this Plan.

14.5.6 **Setbacks**

Where the nature of a hazard and the physical characteristics of a site warrant it, setbacks for buildings and structures from areas designated "Flood and Fill Constraint Area" shall be imposed. The extent of such setbacks shall be determined in consultation with the appropriate Conservation Authority and will be implemented through the local municipality's implementing Zoning By-law, where appropriate.

14.5.7 **Land Dedication for Park or Other Public Recreation Purposes**

Where new development is proposed on a site, part or all of which is designated "Flood and Fill Constraint Area" by this Plan, and the owner/proponent is required to convey land for park or other public recreation purposes to the local municipality as a part of the development approval process, it is a policy of this Plan that lands which are designated as "Flood and Fill Constraint Area" shall not necessarily be acceptable as part of the land dedication requirement.

14.5.8 **Woodlots and Forest Areas**

*ADDED BY* The clearing of woodlots and forest areas in areas designated "Flood and Fill  
*OPA # 47* Constraint Area" shall not be permitted with the exception of any clearing that may be permitted in accordance with the County of Perth Forest Conservation By-law.

14.5.9 **Re-establishment of Vegetation Cover**

It is a policy of this Plan that the County encourages the re-establishment of vegetation cover and buffer areas along the watercourses that are in areas designated "Flood and Fill Constraint Area". The advice and assistance of the Ministry of Natural Resources and the appropriate Conservation Authority may be sought in regard to such matters.

14.5.10 **Zoning By-law**

The areas which are designated "Flood and Fill Constraint Area" on Schedule "C" shall also be identified as "Flood and Fill Constraint Areas" in the implementing Zoning By-laws of the local municipalities. These Zoning By-laws will contain provisions consistent with the policies for the "Flood and Fill Constraint Area" designation as set forth in this Plan.

14.5.11 **New Site Specific Amendments**

*ADDED BY* (1) Lot 14, Plan 280 in the Elma Ward of the Municipality of North Perth  
*OPA # 171* (Schedule "A-171"):

Notwithstanding the applicable policies of Section 14.5.3, a use described as a single-detached dwelling shall be permitted on Lot 14, Plan 280 in the Elma Ward, Municipality of North Perth, subject to the following criteria:

- (a) The use must be such that it can be adequately served by a private on-site sewage system and a private on-site water supply system;
- (b) All access and development shall meet the applicable requirements of the appropriate approval authority; and
- (c) An amendment to the local municipality's implementing Zoning By-law may be required to permit the residential use and to regulate its location.

14.6 **CONSENT/SEVERANCE POLICIES**

The consent/severance policies for the applicable underlying land use designation shall apply in respect to the severance of any land that is within a "Flood and Fill Constraint Area".

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## **SECTION 15 - CULTURAL HERITAGE**

### 15.1 **INTRODUCTION**

Perth County has a diverse heritage, including archeological sites, buildings and structures (or the remains thereof), burial sites, and cemeteries. Our cultural heritage resources provide an important means of defining and confirming our identity, while contributing to our understanding of our collective history.

### 15.2 **GOAL**

To promote the preservation of cultural heritage resources (e.g. historic buildings, structures, and sites) and to prevent their demolition and/or defacement in the future in order to maintain their heritage value and benefit to the community.

### 15.3 **OBJECTIVES**

- (a) Compile and maintain a County-wide inventory of cultural heritage resources, including: heritage resources designated under the Ontario Heritage Act; archeological and historical resources identified in Provincial and Federal inventories; and sites or areas of historical, cultural or architectural merit to the community;
- (b) Encourage the protection of heritage resources in their surrounding context and to minimize the extent to which they are affected by development;
- (c) Expand the list of cultural heritage sites that are considered worthy of preservation;
- (d) Encourage and foster public awareness, participation and involvement in the conservation and appreciation of cultural heritage resources (e.g. Local Architectural Conservation Advisory Committees (LACAC's), heritage trails, interpretive plaques, public archives, educational programs); and
- (e) Prevent any future demolition and/or defacement of those buildings, structures, and sites designated as being of significant cultural heritage.

### 15.4 **LAND USE DESIGNATION AND MAPPING**

Policies for the "Cultural Heritage" designation shall apply to the area shown as "Cultural Heritage" on Schedule "B" to this Official Plan. These areas are site specific in nature.

15.5 **POLICIES**

To achieve the forgoing objectives, the following policies are adopted.

15.5.1 **Designation**

Local municipal Councils will be responsible for designating buildings, structures, and sites considered to be of historical importance, when appropriate, under Part IV of the Ontario Heritage Act. Local municipal Councils may also designate a portion or portions of their local municipality as Heritage Conservation Districts under Part V of the Ontario Heritage Act.

In addition, local municipalities are encouraged to maintain an inventory of heritage resources, including: heritage resources designated under the Ontario Heritage Act; sites or areas having historical, cultural or architectural merit; archaeological and historical resources identified in provincial and federal inventories. The formation of Local Architectural Conservation Advisory Committees as well as Museum and Historical Societies is encouraged for these purposes.

15.5.2 **Historic Areas, Buildings and Sites**

County Council and/or local municipal Councils may:

- (a) provide leadership in the protection, improvement and management of cultural heritage resources by using County-owned and local municipally-owned heritage properties as examples of the proper stewardship of such resources;
- (b) promote the repair, refurbishment and maintenance of the existing structures through the administration of funding programs for the preservation and enhancement of cultural heritage;
- (c) require a Heritage Impact Assessment where a proposal to alter, demolish or erect a structure on a property designated under the Ontario Heritage Act is made. Such assessment will outline the context of the proposal, any potential impacts the proposal may have on the heritage resource, and any mitigative measures required to avoid or lessen negative impact on the heritage resource;
- (d) promote the redevelopment or recycling of designated historical buildings to uses compatible with the historical or architectural character of the building;
- (e) review development applications to determine the potential presence of archeological resources, based on archaeological potential maps.

Where the archaeological assessment identifies a significant archaeological resource, the local municipality will require that: the land or site be protected from destruction or alteration by development wherever possible; or require the applicant to permit the removal of the archaeological resources by a licensed archaeologist, prior to site grading or construction;

- (f) require that the provisions of the Cemeteries Act and its regulations must be followed when human burial places are encountered during any excavation activity. Such lands shall be evaluated for archaeological and/or historical significance under the Ontario Heritage Act; and
- (g) consider the acquisition of any designated heritage resource where deemed necessary and possible.

### 15.5.3 Alterations and Demolition

All alterations to, or demolitions of, buildings, structures and sites designated "Cultural Heritage", or designated under the Ontario Heritage Act, must receive approval of the local municipal Council. Prior to such permission being given, local Councils shall ensure that any cultural heritage resource to be demolished or significantly altered is documented for archival purposes with a history, photographic record, measured drawings and other available documentation of the heritage resource prior to demolition or alteration, and that such documentation shall be the responsibility of the applicant.

### 15.6 CULTURAL HERITAGE LOCATIONS

*ADDED BY* The "Cultural Heritage" designation is site specific in nature and applies to the  
*OPA # 47* locations as follows:

- (a) Meighen Homestead (Pt. Lots 12 & 13, Con. 2 Blanshard Ward, Township of Perth South);
- (b) Prospect Place (Pt. Lot 21, WMR Con. Blanshard Ward, Township of Perth South);
- (c) Grace Anglican Church (25 William St., Millbank, Mornington Ward, Township of Perth East);
- (d) Brocksden School (Pt. Lots 33 & 34, Con. 2, North Easthope Ward, Township of Perth East);
- (e) Knox Presbyterian Church (Pt. Lot 26, Con. 5, North Easthope Ward, Township of Perth East);
- (f) Fryfogel Inn (Pt. Lot 14, Con. 1, South Easthope Ward, Township of Perth East); and
- (g) St. Patrick's Church (Part of Lot 30, Concession 6 in the Ellice Ward, Township of Perth East).

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## **SECTION 16 - POLICY FOR THE DIVISION OF LAND**

### **16.1 INTRODUCTION**

This section of the County Official Plan provides policies that are to be applied when dealing with proposals to divide or create land through the plan of subdivision process and through the consent or severance process. It is the intent of this Plan that these policies be adhered to by local municipal Councils, their Planning Advisory bodies (e.g. Planning Advisory Committees), the County of Perth Land Division Committee, and all other agencies, committees, and boards that may be involved in the consent granting process for lands situated within the County of Perth.

It is a policy of this Plan that all lots created for new development in the County be created through one of two processes that are legislated through the Planning Act, R.S.O. 1990. The first is the plan of subdivision approval process as established in Section 51 of the Planning Act while the second is the consent or severance approval process as established in Section 50 of the Planning Act.

### **16.2 PLANS OF SUBDIVISION**

#### **16.2.1 Introduction**

Policies for the division or creation of lots through the plan of subdivision process are contained in Section 51 of the Planning Act, R.S.O. 1990. In accordance with the provisions of Section 51(9) of the Planning Act, the County of Perth shall be the approval authority for plans of subdivision involving lands within the County effective the date that this Official Plan receives Provincial approval.

Under Section 51(16) of the Planning Act, an owner of land or the owner's authorized agent may apply to the County of Perth for approval of a plan of subdivision. An application for plan of subdivision approval must provide all of the information that is identified in Section 51(17) of the Planning Act and any other information that may be required by the approval authority pursuant to Section 51(18) of the Planning Act. When considering a plan of subdivision, the County may consult with municipal, Provincial, or Federal officials and with such other officials, bodies, or persons which the County considers may have an interest in the approval of the plan of subdivision. Section 51(24) of the Planning Act sets forth various matters that must be regarded when dealing with a plan of subdivision. Under Section 51(31) of the Planning Act, the approval authority may approve or refuse to approve a draft plan of subdivision. In giving its approval, the approval authority may impose whatever conditions it considers are reasonable (Section 51(25)). Where draft plan approval has been given, the approval authority may give final approval to the plan of subdivision once it is satisfied that the Plan is in conformity with the approved draft Plan and the conditions have been or will be fulfilled (Section 51(58)).

### 16.2.2 **Policies**

When reviewing a proposal for a draft plan of subdivision, a local municipal Council, its Planning Advisory bodies, and all other agencies, committees, and boards that are involved in the review/approval process are to have regard for the following policies:

- (a) Except in the case of lot creation proposals involving lands served by full municipal services (e.g. road, sanitary sewage, water, storm drainage), all proposals involving the division or creation of more than three lots (including the remnant land) shall be dealt with through the plan of subdivision process;
- (b) All information that is required under the Planning Act must be submitted with the application and made available for review purposes;
- (c) Proposed plans of subdivision will be reviewed to ensure that the proposed development is not premature. Consideration shall be given to matters such as expected population growth, the number of lots proposed, the number of undeveloped lots and draft approved lots, and the availability and capacity of required servicing for the area in which the development is proposed;
- (d) Development through the plan of subdivision process should be orderly and contiguous to existing development;
- (e) Proposed plans of subdivision are to be carefully examined to ensure that they do not "land-lock" any adjacent undeveloped lands which have future development potential. Where "land-locked" areas will result from a subdivision proposal, such proposal shall not be approved;
- (f) Proposed plans of subdivision are to be reviewed to ensure the proposed development has regard for applicable Provincial policy as set forth in the Provincial Policy Statement and shall be consistent with the land use policies of the applicable Official Plan document. Subdivision proposal which do not meet this criteria shall not be approved;
- (g) Where a watershed study has been completed, the plan of subdivision shall give consideration to the recommendations of the subwatershed plan;
- (h) Plan of subdivision proposals should be consistent and compatible with land uses in the immediate vicinity;
- (i) Where a proposed plan of subdivision involves a large parcel of land, consideration shall be given to incorporating a mixture of housing types into the development;

- (j) Where a proposed plan of subdivision involves a large number of lots, consideration shall be given to staging or phasing of the development. Consideration shall also be given to multiple access roadways to ensure that adequate vehicle access is provided, including emergency vehicle access;
- (k) All lots within a proposed plan of subdivision must have frontage on a public road which either exists at present or will be developed as a part of the subdivision proposal. Such roads must be constructed to a standard acceptable to the local municipality and must be maintained on a year-round basis. As a general rule, all lots within a subdivision proposal should have access to internal roads which intersect collector or arterial roads. Direct access from individual lots to major roads should be discouraged;

*ADDED BY* (l)  
*OPA # 47*

Proposed plans of subdivision are to be reviewed to ensure that:

- (i) they will not have any adverse effects on public facilities, utilities, and services.
- (ii) natural heritage features are considered and that environmental impact studies may be required in order to assess impact on the natural heritage features;

- (m) Proposed plans of subdivision are to be located and designed to accommodate the contour of the land. All unique natural assets, including watercourses and drainage patterns, forested lands and topographic features, should be preserved and development integrated into them wherever possible. Opportunities to rehabilitate or enhance natural features and functions through development should be explored;

*ADDED BY* (n)  
*OPA # 47*

The proposed method of water supply and sewage disposal for a proposed Plan of Subdivision must satisfy the regulations and requirements of the appropriate regulatory authority. Where the proposed water supply and sewage disposal components of a proposed plan of subdivision are not acceptable to these review agencies, the proposed plan of subdivision shall not be approved;

- (o) Proposed plans of subdivision are to be reviewed to ensure that the plans have an acceptable parkland/open space component. Local municipal Councils may require that parkland/open space be provided as a part of the subdivision proposal and/or that cash-in-lieu of parkland dedication be acquired. Where parkland dedication is being considered, the land which is to be conveyed to the municipality must be suitable for parkland purposes and acceptable to the municipality. Under no circumstances shall the local municipality be obligated to accept parkland which is being offered by an applicant for a proposed plan of subdivision;

- (p) Proposed plans of subdivision shall be subject to a subdivision agreement entered into between the local municipality and the owner/developer of the plan of subdivision. The subdivision agreement shall address various matters pertaining to the plan of subdivision and, without limiting the generality of the foregoing, will set forth the level of services that are to be provided and shall require some form of monetary security to cover the cost of the services as a safeguard that the services will be provided. The subdivision agreement will be required as a condition of approval of a draft plan and must be signed and registered on title prior to any final approval being given; and
- (q) Before recommending to the approval authority that a proposed plan of subdivision be approved, the local municipality shall be satisfied that adequate services such as schools, fire protection, water supply, sewage disposal, storm water drainage and/or management facilities, hydro, solid waste disposal, roads, and road maintenance either are or can be provided and further that the provision of these services will not adversely affect the financial position of the municipality.

### 16.3 **CONSENTS/SEVERANCES**

#### 16.3.1 **Introduction**

Provisions for the creation of lots through the consent process, commonly referred to as land severances, are contained in Sections 50 and 53 of the Planning Act, R.S.O. 1990. Pursuant to the provisions of the Planning Act, the County of Perth is responsible for the review and approval of consent applications involving lands within the County.

Under Section 53(1) of the Planning Act, an owner of land or the owner's authorized agent may apply for a consent to sever land. The applicant for a consent shall provide the County with the prescribed information or material (Section 53(2)). When considering a consent application, the County shall consult with the persons or public bodies prescribed (Section 53(10)). Section 53(12) sets forth the matters that must be regarded in reviewing and deciding upon a consent application. In granting provisional approval, the County may impose whatever conditions as it considers are reasonable (Section 53(12)). The types of consent policies contained in this Plan can be categorized in one of two categories. The first category is the general consent policies which are to be applied in the case of all consent applications. The second category is specific policies which are to be applied to consent applications involving lands in specific land use designations. It is a policy of this Plan that the general policies and the specific policies for the appropriate land use designation be applied in the case of each application for consent.



### 16.3.2 **General Consent Policies**

The following policies shall apply to all consent applications. It is intended that they be applied in conjunction with the appropriate consent policies for the specific land use designations as set forth in this Plan.

#### 16.3.2.1 **Lot Creation**

*ADDED BY  
OPA # 47* In designated settlement areas, there is no fixed limit on the number of lots that can be created by consent; however, the consent process is not intended as a substitute for the plan of subdivision process and it is not an accepted method of lot creation for proposals which are more appropriately dealt with through the plan of subdivision process. Lot creation through the consent process will be considered only when the parcel size is such that lot creation through the consent process is appropriate, where the proposal does not require the extension of any major municipal service (e.g. road), where the proposal does not leave residual land that can only be developed by the plan of subdivision process, and where access to abutting lands within the designated settlement area is not negatively impacted. Where it is evident that lot creation through the consent process is not appropriate and that development should occur through the plan of subdivision process, the consent application will not be approved.

#### 16.3.2.2 **Application**

All consent applications must be submitted to the County of Perth Land Division Committee on the proper application form as prescribed by the Land Division Committee. All required information must be included with the application and only those applications which are complete shall be reviewed and considered by the Committee. All applications shall be accompanied with a sketch(s) prepared in accordance with the Committee's requirements.

#### 16.3.2.3 **Land Use Plan**

It is a fundamental requirement of this Plan that all consent applications be in conformity with the land use policies and consent policies for the applicable land use designation(s) as identified on Schedule "A" (Land Use Plan) if an application is to be approved. Those applications that do not meet this fundamental requirement shall not be approved by the Land Division Committee.

#### 16.3.2.4 **Size Requirements**

The lot frontage, depth, and size of any lot created by consent (severed and/or retained parcel) must be appropriate for the use of the lot and consistent, where possible, with adjacent lots. All lots created by consent must meet the minimum lot area and lot frontage requirements as set forth in the local municipality's implementing Zoning By-law.

#### 16.3.2.5 **Public Road Access**

All lots involved in the consent application must front on and have access to an existing public road which is maintained on a year-round basis and which is of a reasonable standard of construction in the opinion of the authority having jurisdiction over the public road.

Consents will not be granted where access to a proposed lot will create a condition hazardous to the movement of traffic along the public road and which access is to be gained due to limited site lines, long curves and grades, proximity to an intersection, or other situations hazardous to traffic movement.

As a general rule, lots created by consent should have access to a local municipal road. Direct access to County and Provincial Roads should be limited in accordance with the policies and regulations established by the agencies having jurisdiction over such roads.

Where a consent application involves the creation of a new access point, all requirements of the agency having jurisdiction over such road must be satisfied. Any required permits or approvals must be obtained or being capable of being obtained prior to finalization of consent approval.

#### 16.3.2.6 **Water Supply**

*ADDED BY OPA # 47* An adequate and potable water supply must be available or capable of being made available to all lots that are created by consent. The method of water supply proposed must be satisfactory to the appropriate regulatory authority. It shall be the responsibility of the applicant to provide all studies and/or reports that may be required by the County and/or the above-noted review agencies in order to assess the adequacy and potability of water supply.

#### 16.3.2.7 **Sewage Disposal**

*ADDED BY OPA # 47* All lots created by consent must be suitable or capable of being made suitable to support an acceptable sewage disposal system (e.g. communal treatment system, septic tank and weeping tile system). The method of sewage disposal proposed must be satisfactory to the appropriate regulatory authority. It shall be the responsibility of the applicant to obtain whatever studies and/or reports that may be required in order to assess the suitability of the proposed sewage treatment system.

#### 16.3.2.8 **Soil and Drainage Conditions**

The soil and drainage conditions of any lot involved in a consent application must be suitable for the proposed use, any construction that is proposed, and for the proper siting of all buildings and structures that are proposed. Consents shall not be permitted where an application will create potential adverse impacts on ground and surface water quality and quantity, adjacent properties and roadways. For some types of development (e.g. commercial, industrial,

institutional), storm water management information may be required in order to properly assess the consent proposal. Where such information is required, it shall be the responsibility of the applicant to provide whatever studies and/or reports as may be required by the County and the appropriate review agencies.

Existing drainage works on lands subject to a consent application are to be considered. Where a consent proposal will negatively affect existing drainage works, the consent application shall be refused or appropriate remedial measures shall be incorporated into the conditions of approval.

16.3.2.9 **Natural Hazards**

Natural hazards such as flood plains and steep slopes shall be considered when reviewing severance applications to ensure that the new lot does not aggravate existing natural hazards or increase risk to life and property from natural processes.

16.3.2.10 **Land Use Compatibility**

Compatibility with neighbouring land uses shall be considered during the review of all consent applications. Where unnecessary conflicts with and/or constraints on neighbouring land uses will result from a consent proposal, that consent proposal shall either be refused or subject to conditions of approval that are intended to mitigate the land use incompatibility. The minimum distance separation provision of MDS I and II shall apply in accordance with the policies of the specific land use designations.

16.3.2.11 **Agricultural Land**

This Plan strongly supports the protection and preservation of good agricultural land (i.e. lands with an agricultural capability rating of Class 1, 2, and 3 according to the Canada Land Inventory). In order to assist in the protection and preservation of good agricultural land throughout the County, consent applications involving good agricultural land will be restricted and/or limited in accordance with the applicable land use and consent policies contained in this Plan.

16.3.2.12 **Lot Enlargements**

The specific consent/severance policies for several of the land use designations established by this Official Plan make allowance for consents involving lot enlargements. Where an application for lot enlargement is to be approved, conditions shall be imposed requiring that the enlargement area be deeded in the same name as the abutting property being enlarged, that Section 50(3) and/or (5) of the Planning Act apply to all subsequent conveyances involving the enlarged property, and that any mortgages that may be required take into account the lot as enlarged.

16.3.2.13 **Lot Boundary Adjustments/Corrections**

*ADDED BY OPA # 47* Consents involving lot boundary adjustments/corrections may be permitted provided that such adjustments/corrections are minor in nature. Consideration will be given to the lot enlargement matters noted in Section 16.3.2.12 and the provisions of the local municipality's implementing Zoning By-law when dealing with applications involving lot boundary adjustments/corrections.

16.3.2.14 **Easements and Rights-of-Way**

Consents to create easements and/or rights-of-way may be permitted provided that no new lots are created and that the need is substantiated and acceptable to the consent granting authority.

16.3.2.15 **Zoning By-law**

An application for consent must be in conformity with the provisions of the local municipality's implementing Zoning By-law if it is to be approved. Where an amendment or minor variance to the local municipality's Zoning By-law is required in order to establish Zoning By-law conformity and where such amendment or minor variance would be in conformity with the policies of the applicable Official Plan document, it shall be permissible under the policies of this Plan for the consent granting authority to approve the consent application conditional upon the approval of a Zoning By-law Amendment or minor variance and the subsequent coming into force of such amendment or variance.

16.3.2.16 **Conditions of Consent**

When reviewing and considering an application for consent, the local municipal Council and the consent granting authority will give consideration to the following as possible conditions of consent approval:

- (a) That any tax arrears for the subject land be paid in full;
- (b) That land not exceeding 5 percent of the land being severed be conveyed to the local municipality for park purposes or alternatively, the local municipality may require a monetary payment in lieu of conveying land for park purposes to a municipality;
- (c) That the applicant and/or the proposed purchaser enter into an agreement with the local municipality requiring that the owner and/or proposed purchaser plant a sufficient number of trees to replace any trees that will be removed as a result of the consent proposal. The advice of the County of Perth Tree Inspector may be sought when determining the need for tree replacement;
- (d) That any road widening that may be required along the roads abutting a lot that is subject to a consent application be dedicated to the road authority having jurisdiction over the road;

- (e) That any fencing that may be required as a result of a consent application be established;
- (f) Where a consent application involves the removal/demolition of existing buildings or where a consent application involves dilapidated buildings, that such buildings be removed and the subject building area be rehabilitated as appropriate;
- (g) That buildings/structures which are central to the position that an application conforms to the Official Plan, that such buildings/structures be substantially constructed and/or completed; and
- (h) That a survey plan be obtained.

16.3.3

**Consent Policies for Specific Land Use Designations**

The specific consent/severance policies as contained in the various land use designation sections of this Official Plan shall apply in respect to consent applications involving such land. These specific consent/severance policies shall apply in addition to the general consent policies contained in Section 16.3.2 and must be satisfied if an application is to be approved.

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## **SECTION 17 - COMMUNITY FACILITIES, RESOURCES, AND SERVICES**

### **17.1 WATER SUPPLY AND SEWAGE DISPOSAL**

#### **17.1.1 Water Supply**

*ADDED BY OPA # 47* Individual wells constitute the most common means of water supply in the rural wards of the County. However, shallow wells (i.e. dug, point, or spring) may experience bacteriological contamination or be rendered unsafe due to elevated nitrate levels. Consequently, the supply of water to new development or redevelopment from shallow wells is strongly discouraged. The majority of all properties in the rural wards with a water supply are served by individual wells. Some exceptions to this general observation have occurred where there is a water supply system in a village or hamlet area operated by a local municipality (e.g. Atwood, St. Pauls, Sebringville, Shakespeare).

The existing methods of water supply appear to be adequate for the foreseeable future. This Plan recognizes that individual wells will continue to be the principal means of water supply in the rural ward areas throughout the County. Where new wells are being proposed, the supply must be of sufficient quality and capacity to serve the proposed development without impairing the supply to any existing development.

Where residential plan of subdivision activity is occurring in village areas, the local municipal Councils should given encouragement to the development of communal water supply systems or the extension of existing communal water supply systems to serve these subdivisions. In addition, local municipal Councils may require that studies be prepared addressing the quality and capacity of proposed water supply systems. Local municipal Councils may consult with the appropriate regulatory authorities with respect to the water supply issue.

#### **17.1.2 Sewage Disposal**

*ADDED BY OPA # 47* At the present time, the principal means of sewage disposal in the rural wards throughout the County is the septic tank and weeping tile system. It is anticipated that septic tank and weeping tile systems will continue to be the principal means of sewage disposal for new development in the immediate future.

*ADDED BY OPA # 47* The use and installation of septic tank and field tile systems is subject to the approval of the appropriate regulatory authority. Where new development with septic tank and weeping tile systems is proposed, it is a policy of the County that the lots on which the new development is to occur be of sufficient size to accommodate the sewage disposal system. The Councils of the local municipalities within the County shall establish suitable minimum lot area requirements for residential and other types of development in their implementing Zoning By-laws.

As growth continues to occur in the hamlet and village areas in the County, the

issue of sewage disposal should be reviewed on an ongoing basis with consideration being given to the various alternatives to the septic tank and weeping tile system. Where appropriate, Council may initiate studies to assess the establishment and use of municipally operated sewage collection and treatment facilities.

17.1.3 **Surface Water Management**

Proponents of plans of subdivision and multiple residential unit developments, commercial, industrial and recreational uses may be required to submit storm water management plans. Such plans should incorporate appropriate best management practices as may be required by Provincial agencies and the Conservation Authority to manage post development storm water for quantity and quality control. New development should not adversely affect surface water resources.

Where significant community development is contemplated (e.g. hamlet, village expansion), neighbourhood surface water management plans are encouraged.

17.1.4 **Water Supply And Sewage Disposal System Alternatives**

*ADDED BY OPA # 47* While individual wells and individual septic tank and weeping tile systems are the principal means of water supply and sewage disposal for existing development throughout the rural ward areas in the County, this Official Plan encourages the consideration of alternative technologies to these traditional systems when dealing with new development such as residential subdivisions in the “Village” designations. Where possible, local municipalities should be encouraged to give consideration to the establishment of municipal water supply and sewage treatment facilities in the larger “Village” areas. When reviewing and assessing proposals involving alternate technologies, the review and approval agencies may consult with the appropriate regulatory agencies concerning the appropriateness of the proposed servicing. The approval of the appropriate regulatory authority shall be required for alternate technologies servicing.

17.1.5 **Partial Services**

*ADDED BY OPA # 47* This Plan encourages the County and local municipalities to explore the various municipal and private communal servicing options and to pursue discussions concerning partial servicing with the Province, where appropriate.



## 17.2 **HIGHWAY TRANSPORTATION POLICY**

### 17.2.1 **Introduction**

This part of the Plan should be read in conjunction with Schedule "B" which indicates the location of roads in the County and the general classification and jurisdictional division of the roads within the County.

The present road pattern is designed to facilitate the efficient movement of both people and goods to and from the County as well as within the County. The overall road system is consistent internally within the County and externally with surrounding municipalities. Any new roads should be consistent with the existing road system.

### 17.2.2 **Classification**

The existing roads in the County are classified on Schedule "B" according to their intended function and it is intended that this general classification be adopted as part of this Plan. These roadways, which are identified as Provincial Highways on Schedule "B" to this Plan, serve an arterial road function.

#### 17.2.2.1 **Provincial Highways**

This classification applies to roadways under the jurisdiction of the Ontario Ministry of Transportation, namely Highway Nos. 7, 8, 19, and 23. These roadways are referred to as arterial roads on Schedule "B" to this Plan.

Provincial highways carry large volumes of traffic from one centre to another at relatively high speed; therefore, access to provincial highways is limited. Approval from the appropriate approval authority is required for all new public road entrances, access/development and signage must meet the applicable requirements of the appropriate approval authority.

#### 17.2.2.2 **County Roads**

This classification applies to roadways under the jurisdiction of the County of Perth, namely Perth Road Nos. 101, 107, 112, 113, 118, 119, 120A, 121, 122, 123, 130, 131, 135, 139, 140, 147, 151, 163, 178 and 180; Oxford Road 119; and Perth Line Nos. 8, 9, 20, 24, 26, 32, 33, 36, 37, 43, 44, 55, 56, 56A, 72, 86, 88, 88A, 91, and 93. These roadways serve both an arterial and collector function and are referred to as arterial/collector roads on Schedule "B" to this Plan.

Arterial roads are designed to carry large volumes of traffic from one centre to another. Access points should be minimal. Collector roads are designed to collect and carry local traffic to the arterial roads, to distribute traffic to local roads, and to provide access to abutting properties. Generally, access points should be kept to a minimum in order to permit the efficient and safe movement of traffic. Ideally, County Roads should have a minimum right-of-way width of 30

metres.

It is a general policy of this Plan that access points along County Roads should be limited except where the land use designations established by this Plan permit development on lands abutting County Roads (e.g. Hamlet/ Village areas). Where new access points along County Roads are established, such access points should be designed to ensure optimum safety and minimum traffic congestion. All applicable requirements of the County of Perth concerning access to County Roads must be satisfied prior to the establishment of new access points to County Roads.

*ADDED BY OPA # 47*

17.2.2.3 **Local Municipal Roads**

*ADDED BY OPA # 47* This classification applies to the roadways under the jurisdiction of the local municipalities within the County. The majority of the roads in the County fall within this classification and they are referred to as local roads on Schedule "B".

Local roads are generally intended to provide access to abutting properties. They generally carry low volumes of traffic and most of the traffic will have either an origin or destination along the road. Ideally, local roads should have a minimum right-of-way width of 20 metres.

*ADDED BY OPA No. 17* The Municipality of West Perth has identified the need for the extension of the road network to better service the industrial land in the Ward of Mitchell as well as the Urban Fringe uses as permitted by Section 8.5.10 of this Plan. West Perth Council may consider the extension of Water Street and Wellington Street on the land described as part of Lots 23 and 24, Concession 2, Fullarton Ward in the Municipality of West Perth and shown in the stippling pattern on the attached Schedule "A4-15" and Schedule "B" to this Official Plan.

*ADDED BY OPA No. 39* The Municipality of West Perth has identified the need for the extension of the road network to better service the industrial land in the Ward of Mitchell as well as the Urban Fringe uses as permitted by this Plan. West Perth Council may consider the extension of Frank Street on the land described as part of Lots 21 and 22, Concession 1, Fullarton Ward in the Municipality of West Perth and shown in the hatching pattern on the attached Schedule "A-43" and Schedule "B" to this Official Plan.

*ADDED BY OPA No. 121* The Municipality of North Perth has identified the need for the extension of the road network to better service the development of the area north-west of the Listowel Ward in the Wallace Ward. North Perth Council may consider the extension of:

- a) Mitchell Road on the land described as part of Lot 28, Concession 1, Wallace Ward, in the Municipality of North Perth; and shown on the attached Schedule "A-119" and Schedule "B" to this Official Plan; and

- b) Binning Street West on the land described as part of Lots 28, 29 and 30 Concession 1, Wallace Ward, in the Municipality of North Perth; and shown on the attached Schedule "A-119" and Schedule "B" to this Official Plan.

### 17.2.3 **Intersection Improvements**

It is intended that, as traffic conditions warrant and municipal finances permit, improvements in the form of jog eliminations, regulation of turning movements, signage, and marking of travelling lanes will be undertaken at those intersections requiring such improvements.

### 17.2.4 **Bridge Improvements**

It is intended that, as traffic and safety conditions warrant, improvements shall be made to any bridge requiring upgrading and these improvements will be designed to serve the ultimate proposed road allowance.

### 17.2.5 **Road Improvements**

At the present time, the existing road system in the County is adequate for the County needs. It is important, however, that normal standards of road maintenance be continued as well as a reasonable program of reconstruction followed. Certain roads in the County will require upgrading or reconstruction within the planning period of this Plan. The timing of these improvements will depend largely on road condition, traffic volume, and the financial resources of the municipality. Consideration shall be given to conducting a road needs study for the purpose of identifying what improvements are required and the timing of such improvements.

Portable asphalt plants, used by a public road authority or its agent, are permitted throughout the "Agriculture" and "Mineral Aggregate Resources" designations without amendment to this Plan or the implementing Zoning By-law. These plants are subject to the following provisions:

- (a) A certificate of approval for each plant must be obtained from the Ministry of Environment and Energy;
- (b) Each plant shall comply with minimum separation distances established by the Ministry of Environment and Energy;
- (c) Sites shall not be permitted in existing built-up areas and in environmentally sensitive areas;
- (d) Sites having previously been in agricultural use shall be rehabilitated back to their former agricultural use;
- (e) Each plant shall be removed from the site upon completion of the public

project; and

- (f) Prior to locating a portable asphalt plant in the agricultural area, consideration shall be given to the use of existing asphalt plants; locating the portable plant in a wayside pit; and locating the plant on lesser quality or inactive agricultural lands.

#### 17.2.6 **General Policies**

The following general road policies are established by this Plan:

- (a) The development of new roads in the County shall generally occur through the plan of subdivision process;
- (b) All new County roads shall have a minimum right-of-way width of 30 metres, except as expressly permitted otherwise by County Council;
- ADDED BY OPA # 47* (c) All new Township roads shall have a minimum right-of-way width of 20 metres, except as expressly permitted otherwise by local municipal Council;
- ADDED BY OPA # 47* (d) All new development in the County must front on and have access to a public road which is constructed to a minimum standard established by the applicable road authority and which is maintained on a year round basis;
- ADDED BY OPA # 47* (e) The local municipality's implementing Zoning By-law shall set forth appropriate setbacks from roadway right-of-ways for new development;
- (f) Where additional land is required for roadway widenings, extensions, or right-of-ways, such land may be obtained by the appropriate road authority in the course of plans of subdivision, consents, and site plan agreements;
- (g) The location of access driveways should not create a traffic hazard due concealment by a curve, grade, or other visual obstruction. Access driveways should be limited in number and be designed to minimize the dangers to pedestrian and vehicle traffic in the vicinity; and
- (h) Where railway lines are being abandoned, Councils may wish to investigate the possibility of acquiring the abandoned railway right-of-way for future roadway purposes; and
- (i) Noise impact assessments may be required where sensitive land uses are proposed within 500 metres of road transportation corridors except where there are intervening land uses or topographical features which provide attenuation.

### 17.3 **RAILWAY LINES**

It is a general policy of this Plan that the development of new sensitive land uses (e.g. residential, institutional, commercial) near railway lines be discouraged. Notwithstanding this, it is recognized that some town, village, and hamlet areas in the County have railway lines running through or near them. In these cases, new development may be permitted in areas adjacent to railway lines provided that suitable and reasonable measures are taken to mitigate the impact of the railway on the sensitive land use. Such measures may include things such as dwelling setbacks from railway lines, noise studies, vibration attenuation, drainage, berm construction, and fencing. All proposed development within 500 metres of a railway right-of-way may be required to undertake noise studies and implement appropriate measures to mitigate any adverse effects from noise that were identified. All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies and implement appropriate measures to mitigate any adverse effects from vibration that were identified. All proposed development adjacent to railways shall ensure that appropriate safety measures noted above are provided. The specific measures to be undertaken shall be determined by Council in consultation with the railway owner and/or the Ministry of the Environment and Energy.

This Plan supports and encourages the installation of protective measures such as warning signals or gates at level railway crossings where these measures do not exist and are warranted by train volumes, traffic volumes, or the potential for accidents.

Where railway lines are being abandoned, Councils may wish to investigate the possibility of acquiring the abandoned railway right-of-way.

### 17.4 **ELECTRIC POWER FACILITIES**

All existing electric power facilities and the development of new electric power facilities, including all works as defined in the Power Corporation Act (such as transmission lines, transformer stations, and distributing stations), shall be permitted uses in any land use designation throughout the County provided that:

- (a) such project satisfies the following:
  - (i) the complete review process necessary under the Environmental Assessment Act, including regulations made under the Act;
  - (ii) any other relevant statutes; and
  - (iii) hearings held in accordance with Provincial statutes and regulations where valid objections had been properly filed.
- (b) the proponent of such facilities takes into account the policies of this Official Plan in developing its program;
- (c) the proponent of such facilities shall be required to consult with the County

regarding the locational criteria for new electric power facilities;

- (d) other electric power facilities including buildings and structures not used directly for the generation and supply of power shall comply with the applicable provisions of the local municipality's implementing Zoning By-law;
- (e) the proponent will provide the County with the opportunity to study and comment on its construction and rehabilitation plans in order that the measures to be undertaken to protect agricultural land and restore it to its prior condition of productivity and the long term effects after rehabilitation is completed can be examined in light of the interests of County landowners; and
- (f) it is understood by the proponent that County Council reserves the right to take whatever measures are considered appropriate to seek redress for the municipality and/or individual landowners and/or a group of landowners if conditions of the approval of the undertaking by the Environmental Assessment Board or a Joint Board under the Consolidated Hearings Act are not satisfactorily addressed and met by the proponent.

*ADDED BY* This Plan encourages the consideration and development of alternative and/or  
*OPA # 47* new technologies for the generation of electric power.

#### 17.5 **SOLID WASTE DISPOSAL**

Council is committed to ensuring the continuing adequacy of each of the local municipal waste management systems. Council recognizes that disposal at a sanitary landfill site is just one means of solid waste management along with reduction, reuse and recycling. Local municipal Councils will monitor the rates of future development and solid waste generation to ensure the continuing adequacy of municipal landfill sites.

Each of the local municipal landfill sites in the County is shown on Schedules "A", "B", and "C". The expansion of the existing landfill sites and establishment of new landfill sites will not require an amendment to this Official Plan provided all necessary environmental approvals are obtained. The potential migration of methane gases and leachate through soils and groundwater may create health and safety concerns. The potential for adverse effects is generally greatest within 500 metres of the landfill site and therefore within this area appropriate distance separation is required. Required setbacks shall be established in the Zoning By-law in consultation with the Ministry of Environment and Energy.

Proponents of new development within 500 metres of the landfill site, exclusive of typical farm/agricultural development, shall demonstrate the appropriateness of any setback created by virtue of the development plan to the satisfaction of the Ministry of Environment and Energy through soils, atmosphere and groundwater

testing for methane gases and leachate migration.

Closed landfill sites in the County are shown on Schedules "A" and "B". Soil and atmosphere testing for methane gases and groundwater tested for leachate will also be required where development is proposed for properties in the County which lie within 500 metres of closed landfill sites.

#### 17.6 **SEWAGE TREATMENT FACILITIES**

*ADDED BY OPA # 47* Municipal sewage treatment facilities currently exist in the Municipality North Perth, the Municipality of West Perth, and the Township of Perth East. Traditionally, these systems have served the Listowel Ward (former Town of Listowel), the Mitchell Ward (former Town of Mitchell), and the Milverton Ward (former Village of Milverton). As growth and development continues to occur in these urban ward areas and additional lands are required for urban growth purposes, the service area for the municipal sewage treatment facilities is likely to be extended into adjacent urban fringe areas in order to accommodate future growth needs.

It is a policy of this Plan that the three existing sewage treatment facilities, as described above, be recognized as permitted uses. Any improvements that are made to the existing facilities and which are located on the lands currently owned and used in connection with each of the existing treatment facilities shall be permitted. Any improvements that involve new and/or expanded sewage treatment facilities on land outside of that which is owned and used in connection with the existing sewage treatment facilities shall require an amendment to this Official Plan.

*ADDED BY OPA # 47* Adequate distance separation and buffering shall be provided from adjacent residential uses. Suitable separation and buffering requirements shall be established in the local municipality's implementing Zoning By-laws.

#### 17.7 **PUBLIC USES, UTILITIES AND SERVICES**

The establishment of all new public uses by any level of government, excepting electric power facilities as permitted by Section 17.4, the enlargement of the existing solid waste disposal facilities as permitted by Section 17.5, and the enlargement of the existing sewage treatment facilities as permitted by Section 17.6, must be in conformity with the policies of this Plan and the local municipality's implementing Zoning By-law, prior to their establishment.

The establishment of utilities and services (i.e. telephone, cable, and gas lines) shall be in conformity with the policies of this Plan and the local municipality's implementing Zoning By-law, prior to their establishment.

The establishment of communication towers (i.e. cellular telephone, radio and television) and ancillary structures shall be in conformity with the policies of this Plan and the local municipality's implementing Zoning By-law, and require a Site

Plan Agreement with the local municipality (registered on title), prior to their establishment. Such facilities shall be located so as to minimize the physical, visual and social impacts on the neighbouring residents and the surrounding landscape. Lots created to accommodate these facilities will utilize the minimum amount of land necessary.

#### 17.8 **MUNICIPAL AIRPORTS**

*ADDED BY OPA # 47* There is one municipal airport in the County of Perth, this being the Stratford Municipal Airport located at Lots 39-41, Concession 5 and Lots 38-41, Concession 6 in the North Easthope Ward of the Township of Perth East.

*ADDED BY OPA # 47* This airport is licensed by the Federal Government and as such the essential operations for the functioning of an airport are permitted in accordance with Federal regulation (e.g. runways, terminal building, fuel storage, navigation facility). Federal zoning applies to this airport, which federal zoning imposes height limitations on buildings and structures in the surrounding areas. All proposals for new buildings and structures within the area of the federal zoning will be subject to the height restrictions and will be permitted only if they meet the subject height restrictions. The Township of Perth East's local municipal Zoning By-law shall contain appropriate provisions to identify the lands subject to Federal zoning and to refer to the need to comply with the Federal zoning regulations. Should NEF/NEP contour mapping become available, this Plan will be amended to reflect the appropriate NEF/NEP policies of the Provincial Policy Statement.

All activities at the site of the Stratford Municipal Airport which are not essential operations for the functioning of an airport must comply with the applicable policies of this Official Plan and the provisions of the local municipality's implementing Zoning By-law.

*ADDED BY OPA No. 47*

#### 17.9 **WIND ENERGY GENERATION SYSTEMS**

Wind Energy Generation Systems (WEGS) consist of mechanical devices designed to convert wind energy into electricity. These systems can occur at small or large scales in the County. Small scale systems are intended to generate primarily for on-site domestic consumption and normally are comprised of only one generating device. Large scale systems are more appropriately described as Commercial Wind Energy Generating Systems and involve one or more generating devices. The latter systems are generally referred to as "Wind Farms" and are usually located in areas where climate (i.e. wind) conditions create a conducive environment for WEGS.

The County of Perth supports the development of Wind Energy Generation Systems (WEGS) for the production of electricity. These systems will be a source of renewable energy for the economic and environmental benefit to both the County and the Province.



### 17.9.1 **Small Wind Energy Generating Systems**

As required by the Provincial Planning Policy Statement, Small Wind Energy Generation Systems that are primarily intended for on-site domestic consumption of wind energy generated electricity shall be permitted in settlement areas, rural areas, and prime agricultural areas, subject to the provisions in the Zoning By-law of the local municipality. Where the local municipality's Zoning By-law does not permit Small Wind Energy Generation Systems, a planning study to the satisfaction of the local municipality must be submitted as part of the required Zoning Amendment to address the potential impacts of the wind generation system on the adjacent sensitive land uses, and explain how such impacts may be reduced.

### 17.9.2 **Commercial Wind Energy Generating Systems**

Commercial Wind Energy Generating Systems (CWEGS) are comprised of one or more generating units that are primarily intended to feed electricity into the transmission grid.

Given the usually large scale of CWEGS, it is anticipated that these facilities will tend to locate outside of urban areas. However, the Provincial Planning Policy Statement permits renewable energy systems (including CWEGS) in settlement areas, rural areas, and prime agricultural areas, in accordance with provincial and federal requirements. Therefore, Commercial Wind Energy Generating Systems are permitted in these designations as shown on Schedule "A" to the County of Perth Official Plan; however, an Amendment to local municipality's implementing Zoning By-law is required. A CWEGS is considerably different from the typical uses located within the County. Therefore, it is important to carefully control the establishment of these large systems, to ensure the compatibility of the land use, and the safety of neighbouring residents.

Prior to the local Council considering the approval of a CWEGS, the following policies shall be addressed:

- (i) A site plan shall be provided illustrating the location of the proposed turbines, as well as the location and height of all existing structures on the subject property and the location and height of all existing structures within 500 metres of the subject property;
- (ii) A professional engineer shall approve the base and tower design of the turbines;
- (iii) A Site Plan Agreement, pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990 shall be required and should include location of road access, parking, accessory buildings, vegetative buffers, location of external works/facilities, storm water management/drainage and any other identified mitigation measures;

- (iv) The applicant shall review noise attenuation measures with the Ontario Ministry of the Environment, to ensure that the proposal will comply with the Ministry's requirements;
- (v) Setbacks from road allowances, lot lines, and structures (on-site and off-site) and maximum height provisions shall be established in the Zoning By-law Amendment;
- (vi) Commercial Wind Energy Generating Systems constructed within 10 kilometres of an airport reference point will require the written approval of Transport Canada. Such approval will provide assurance that there will be no adverse effect on the instrument approaches to the airport;
- (vii) Climatic conditions are the principal locational criteria for Wind Energy Generating Systems. Such uses may be permitted in the Agriculture@ designation but will be encouraged to locate on lands of lesser agricultural capability where climatic conditions are of a similar nature. The County of Perth encourages wind turbine placements that minimize the disruption to agricultural uses, and normal farming practices;
- (viii) Commercial Wind Energy Generating Systems that are located in either a "Settlement Area" on Schedule "A" of the County Official Plan (including designated settlement areas for abutting municipalities, such as the City of Stratford and the Town of St. Marys), or any sensitive land use (such as schools, nursing homes, etc), or within 500 metres of same, are required to submit a planning study to the satisfaction of the local municipality as part of the required Zoning Amendment to address the potential impacts of the wind generation system on the adjacent land uses, and explain how such impacts may be reduced;
- (ix) Commercial Wind Energy Generating Systems that are proposed in proximity to an area within a "Natural Resource/Environment" designation on Schedule "A" of the County Official Plan, must demonstrate that there is no negative environmental impact on the feature within the "Natural Resource/Environment" designation; and;
- (x) An amendment to the local municipal Zoning By-law may provide for a holding provision which should be removed when a contract has been executed to allow the Commercial Wind Energy Generating System to be connected to a transmission grid for electrical distribution.

## **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.

## **SECTION 19 - INTERPRETATION**

### 19.1 **SCHEDULES**

The schedules attached to this Official Plan (Schedules "A", "B", and "C"), shall constitute part of the County of Perth Official Plan. Where future amendments to this Plan include additional schedules incorporating changes to Schedule "A" (Land Use Plan) or any of the other schedules (Schedules "B", and "C"), such additional schedules shall be deemed to form part of this Official Plan.

### 19.2 **LAND USE DESIGNATION BOUNDARIES**

The boundaries of the land use designations established by this Plan and as shown on Schedule "A" (Land Use Plan) are intended to be approximate and shall be considered as absolute only in the following situations:

- (a) Where they coincide with roads, railway lines, rivers, lot lines shown in an implementing Zoning By-law, or other clearly defined physical feature; and
- (b) Where the land use designations are shown on an inset map forming part of Schedule "A" (i.e. Schedule "A-1", "A-2") and are coincident with lot lines as shown on such schedules.

Where the land use designation boundaries are considered as approximate, amendments to this Plan will not be required in order to make minor adjustments to the boundaries provided that the general intent and purpose of the Plan is maintained. Such minor adjustments shall be determined by Council and will not need to be incorporated into the land use schedules.

Where the land use boundaries are considered as absolute, the location of the boundaries are not open to interpretation and an amendment to this Plan will be required in order to deviate from or change these boundaries.

It is also intended that the location of features, etc. as shown on Schedules "B", and "C", are considered to be approximate only and not absolute.

### 19.3 **ACCESSORY USES**

Wherever a use is permitted within a land use designation, it is intended that uses, buildings, and structures normally incidental, accessory, and essential to that use are also permitted.

### 19.4 **REFERENCES TO STATUTES**

Where any Act or portion of any Act is referred to in this Plan, such references shall be interpreted as referring to the stated Act or portion of the Act and any subsequent changes to or renumbering of these sections of such Act.

19.5

**REFERENCES TO MINISTRIES AND REVIEW AGENCIES**

Throughout this Official Plan, references are made to various Provincial Ministries and agencies in regard to the review of and/or input on various types of planning issues and development proposals. While such references are considered to be current at the date of adoption of this Official Plan, it is acknowledged that changes may occur as a result of ongoing changes in the planning and application review processes in the Province of Ontario. No amendment to this Plan is required in order to acknowledge such changes; however, it is the intent of the County to update these such Ministry and agency references at the time that general reviews and updates of the County Official Plan are undertaken.



## INDEX OF SCHEDULES

**SCHEDULE “A”**            Land Use Plan

### CONSOLIDATION TABLE OF OP AMENDMENTS

#### DETAILED MAPS:

#### VILLAGE AREAS

AMENDED BY OPA No. 104

<b>Schedule ‘A1-1’</b>	Gowanstown	<b>Schedule ‘A1-9’</b>	Gads Hill
<b>Schedule ‘A1-2’</b>	Trowbridge	<b>Schedule ‘A1-10’</b>	Wartburg
<b>Schedule ‘A1-3’</b>	Atwood	<b>Schedule ‘A1-11’</b>	Sebringville
<b>Schedule ‘A1-4’</b>	Monkton	<b>Schedule ‘A1-12’</b>	Shakespeare
<b>Schedule ‘A1-5’</b>	Newton	<b>Schedule ‘A1-13’</b>	Nithburg
<b>Schedule ‘A1-6’</b>	Millbank	<b>Schedule ‘A1-14’</b>	Kirkton
<b>Schedule ‘A1-7’</b>	Brunner	<b>Schedule ‘A1-15’</b>	Dublin
<b>Schedule ‘A1-8’</b>	Rostock	<b>Schedule ‘A1-16’</b>	Staffa

#### HAMLET AREAS

<b>Schedule ‘A2-1’</b>	Kurtzville	<b>Schedule ‘A2-13’</b>	Avonton
<b>Schedule ‘A2-2’</b>	Molesworth	<b>Schedule ‘A2-14’</b>	St. Pauls
<b>Schedule ‘A2-3’</b>	Britton	<b>Schedule ‘A2-15’</b>	Rannoch
<b>Schedule ‘A2-4’</b>	Newry	<b>Schedule ‘A2-16’</b>	Woodham
<b>Schedule ‘A2-5’</b>	Donegal	<b>Schedule ‘A2-17’</b>	Brodhagen
<b>Schedule ‘A2-6’</b>	Carthage	<b>Schedule ‘A2-18’</b>	Bornholm
<b>Schedule ‘A2-7’</b>	Hesson	<b>Schedule ‘A2-19’</b>	St. Columban
<b>Schedule ‘A2-8’</b>	Pooler	<b>Schedule ‘A2-20’</b>	Cromarty
<b>Schedule ‘A2-9’</b>	Kinkora	<b>Schedule ‘A2-21’</b>	Russeldale
<b>Schedule ‘A2-10’</b>	Amulree	<b>Schedule ‘A2-22’</b>	Fullarton
<b>Schedule ‘A2-11’</b>	Lisbon	<b>Schedule ‘A2-23’</b>	Carlingford
<b>Schedule ‘A2-12’</b>	Sebastopol		

#### MOBILE HOME PARK AREAS

<b>Schedule ‘A3-1’</b>	Crystal Lake
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### URBAN FRINGE AREAS

<b>Schedule 'A4-1'</b>	North of Listowel	<b>Schedule 'A4-9'</b>	East of St. Marys
<b>Schedule 'A4-2'</b>	East of Listowel (includes The village and Herder Mobile/Modular Home Parks)	<b>Schedule 'A4-10'</b>	West of St. Marys
<b>Schedule 'A4-3'</b>	West of Listowel	<b>Schedule 'A4-11'</b>	South of St. Marys
<b>Schedule 'A4-4'</b>	West of Palmerston	<b>Schedule 'A4-12'</b>	North of Mitchell
<b>Schedule 'A4-5'</b>	South of Milverton	<b>Schedule 'A4-13'</b>	East of Mitchell
<b>Schedule 'A4-6'</b>	West of Stratford	<b>Schedule 'A4-14'</b>	South of Mitchell
<b>Schedule 'A4-7'</b>	North of Stratford	<b>Schedule 'A4-15'</b>	Southeast of Mitchell
<b>Schedule 'A4-8'</b>	East of Stratford (Little Lakes)		

### INFILLING AREAS

<b>Schedule 'A5-1'</b>	Brotherston	<b>Schedule 'A5-12'</b>	East of Millbank
<b>Schedule 'A5-2'</b>	Wallace	<b>Schedule 'A5-13'</b>	East of Milverton
<b>Schedule 'A5-3'</b>	Trecastle	<b>Schedule 'A5-14'</b>	Topping
<b>Schedule 'A5-4'</b>	West of Listowel	<b>Schedule 'A5-15'</b>	Harmony
<b>Schedule 'A5-5'</b>	East of Listowel (Lot 48, Conc. 1, Elma Ward)	<b>Schedule 'A5-16'</b>	Conroy
<b>Schedule 'A5-6'</b>	East of Listowel (Lot 56, Conc. 1, Elma Ward)	<b>Schedule 'A5-17'</b>	Dunn's Bridge
<b>Schedule 'A5-7'</b>	North of Atwood (Lot 15, Conc. 5, Elma Ward)	<b>Schedule 'A5-18'</b>	Science Hill
<b>Schedule 'A5-8'</b>	North of Atwood	<b>Schedule 'A5-19'</b>	Prospect Hill
<b>Schedule 'A5-9'</b>	Lot 19, Conc. 4, Elma Ward	<b>Schedule 'A5-20'</b>	Kennicott
<b>Schedule 'A5-10'</b>	Dorking	<b>Schedule 'A5-21'</b>	North of Dublin
<b>Schedule 'A5-11'</b>	North of Millbank		

### SERVICED URBAN AREAS

<b>Schedule 'A6-1'</b>	<b>Atwood</b>
<b>Schedule 'A6-2'</b>	<b>Shakespeare</b>

**SCHEDULE "B"**            Transportation and Cultural Heritage

**SCHEDULE "C"**            Land Use Constraints