

THE CORPORATION OF THE COUNTY OF PERTH

BY-LAW NO. 3212-2010


TO ADOPT AMENDMENT NO. 104 TO THE COUNTY OF PERTH OFFICIAL PLAN

The Council of the Corporation of the County of Perth in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990 hereby enacts as follows:

1. Amendment No. 104 to the County of Perth Official Plan, consisting of the attached text and schedule (A6-1 and A6-2), is hereby adopted.
2. That the Clerk is hereby authorized and directed to proceed with the giving of written notice of the County's decision in accordance with the provisions of the Planning Act, R.S.O. 1990.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

Read a first and second time this 21st day of October, 2010

Read a third time and finally passed this 21st day of October, 2010


Julie Behrns, Warden


R. William Arthur, Clerk

Certified that the above is a true copy of By-law Number 3212-2010, as enacted and passed by the Council of the Corporation of the County of Perth on October 21, 2010.


William Arthur, Clerk

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute part of this Amendment.

PART B - THE AMENDMENT, consisting of the following text and maps (designated Schedule “A6-1” and “A6-2”), constitute Amendment No. 104 to the County of Perth Official Plan.

Also attached is **PART C - THE APPENDICES** which does not constitute part of this Amendment. These appendices (I thru IV) contain background, land use, servicing, and public participation and decision making information associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this Amendment is as follows:

- (1) to amend Schedule “A” - Land Use Plan, to change ‘Atwood’ and ‘Shakespeare’ from “Village” to “Serviced Urban Area” and add new Schedules “A6-1” and “A6-2”; and
- (2) to amend Section 6 – **Settlement Areas** by adding policies for identifying Atwood and Shakespeare as Serviced Urban Areas.

Location This Amendment consists of two parts which shall be referred to as Items (1) and (2):

Item (1): The text of the County Official Plan is amended as set out in Sections 1 to 7 in Part B of this amendment; and

Item (2): That Schedule “A” Land Use Plan is amended by changing the designations for Atwood and Shakespeare and adding new land use schedules A6-1 and A6-2 for Atwood and Shakespeare.

Basis OPA 104 has been initiated by the County in response to the servicing of Atwood and Shakespeare with municipal sanitary services. New Sections 6.4.5 to 6.4.16 inclusive are being added to bring into the County Official Plan policies for growth and development in the Serviced Urban Area designation. Atwood and Shakespeare are not serviced with full municipal water. Therefore there are policies in this amendment to address limited growth on partial services.

The amendment also adds two new land use schedules A6-1 and A6-2 for Atwood and Shakespeare.

PART B - THE AMENDMENT

All of this document entitled “Part B - The Amendment” consisting of the following text and attached Map, designated Schedule “A-103” (Land Use Plan), “A6-1 Land Use Plan-Atwood” and “A6-2 Land Use Plan – Shakespeare” , constitutes Amendment No. 104 to the County of Perth Official Plan.

DETAILS OF THE AMENDMENT

The County of Perth Official Plan is hereby amended as follows:

1. That Schedule “A” Land Use Plan be amended by changing Shakespeare (as shown on schedule A1-12) from “Village” to ‘Serviced Urban Area’.
2. That Schedule “A” Land Use Plan be amended by changing the land use designation on the lands described as south part of lot 15, Concession 7 (Elma) from “Village” to “Agriculture” and changing the remaining “Village” designation to “Serviced Urban Area” as shown on the attached map “Schedule A-103”.

3. That Schedules 'A1-3' and 'A1-12' are deleted and new land use schedules "Schedule 'A6-1' – Land Use Plan - Atwood" and "Schedule 'A6-2' – Land Use Plan-Shakespeare" be added.
4. Section 6.4.2 is deleted and replaced with the following:

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"

5. SECTION 6 – SETTLEMENT AREAS is amended by deleting the first paragraph of Section 6.4.3 and replacing with the following:

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.

6. Section 6.4.4.2 is amended by adding a new paragraph following the first paragraph which states:

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.

7. A new Section 6.4.5 be added following Section 6.4.4.3 as follows:

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 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 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**

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.

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 104 to the County of Perth Official Plan, but are included as information supporting the Amendment.

APPENDIX I - BACKGROUND TO THE AMENDMENT

APPENDIX II - LAND USE SURVEY

APPENDIX III - SERVICES

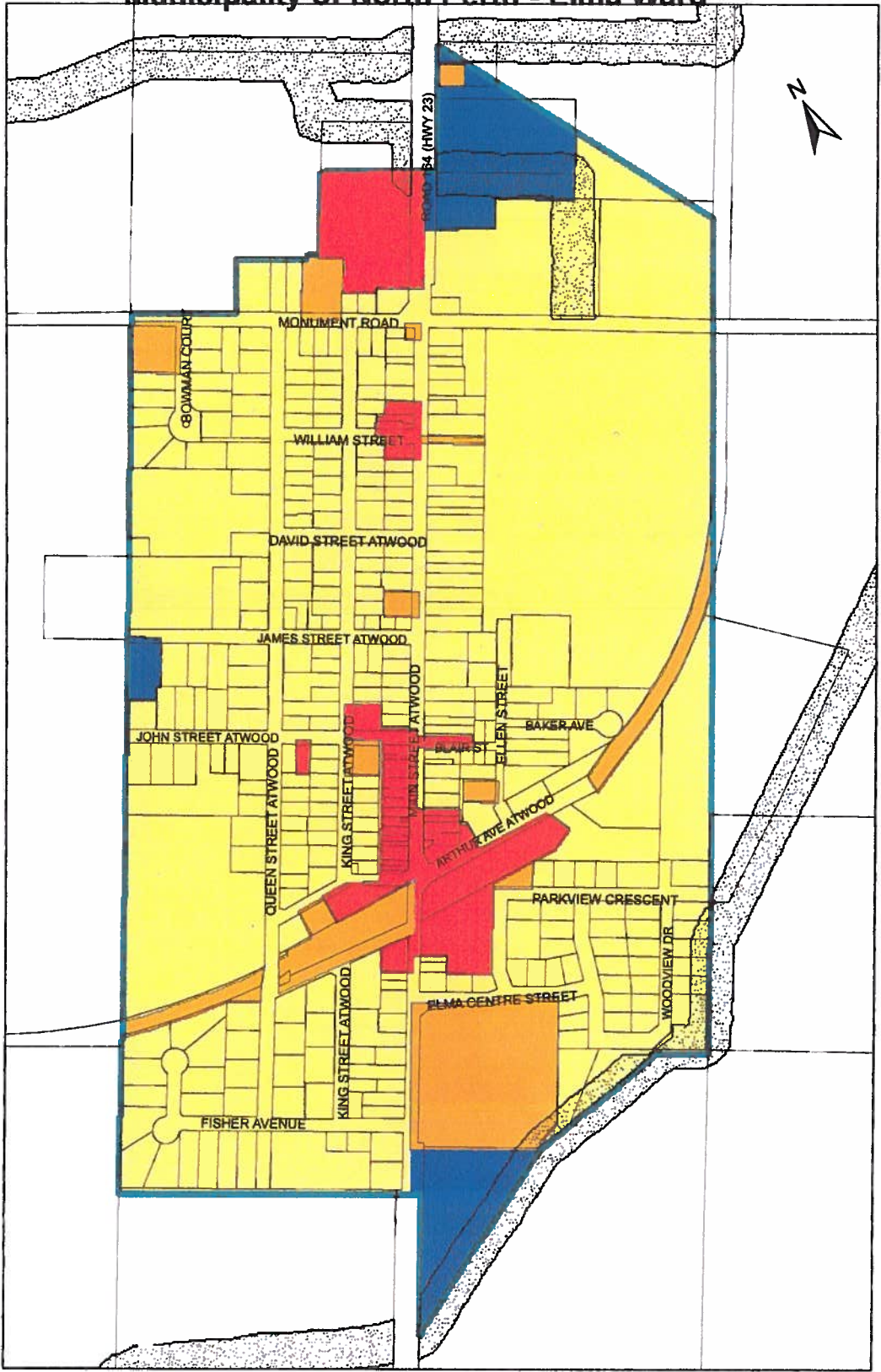
APPENDIX IV - PUBLIC PARTICIPATION/DECISION MAKING

This appendix contains the following:

- (i) Notice of Public Meeting;
- (ii) Planning Department's planning report to the County Council;
- (iii) Public Meeting Agenda, Sign-in Sheet, and Minutes of Public Meeting;
- (iv) Correspondence;

- (v) Notice of the County's decision to adopt Amendment No. 104;

Schedule "A6-1"
Land Use Plan - ATWOOD
Municipality of North Perth - Elma Ward



Perth County
 Cultivating Opportunity

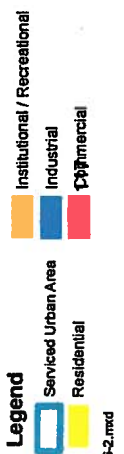
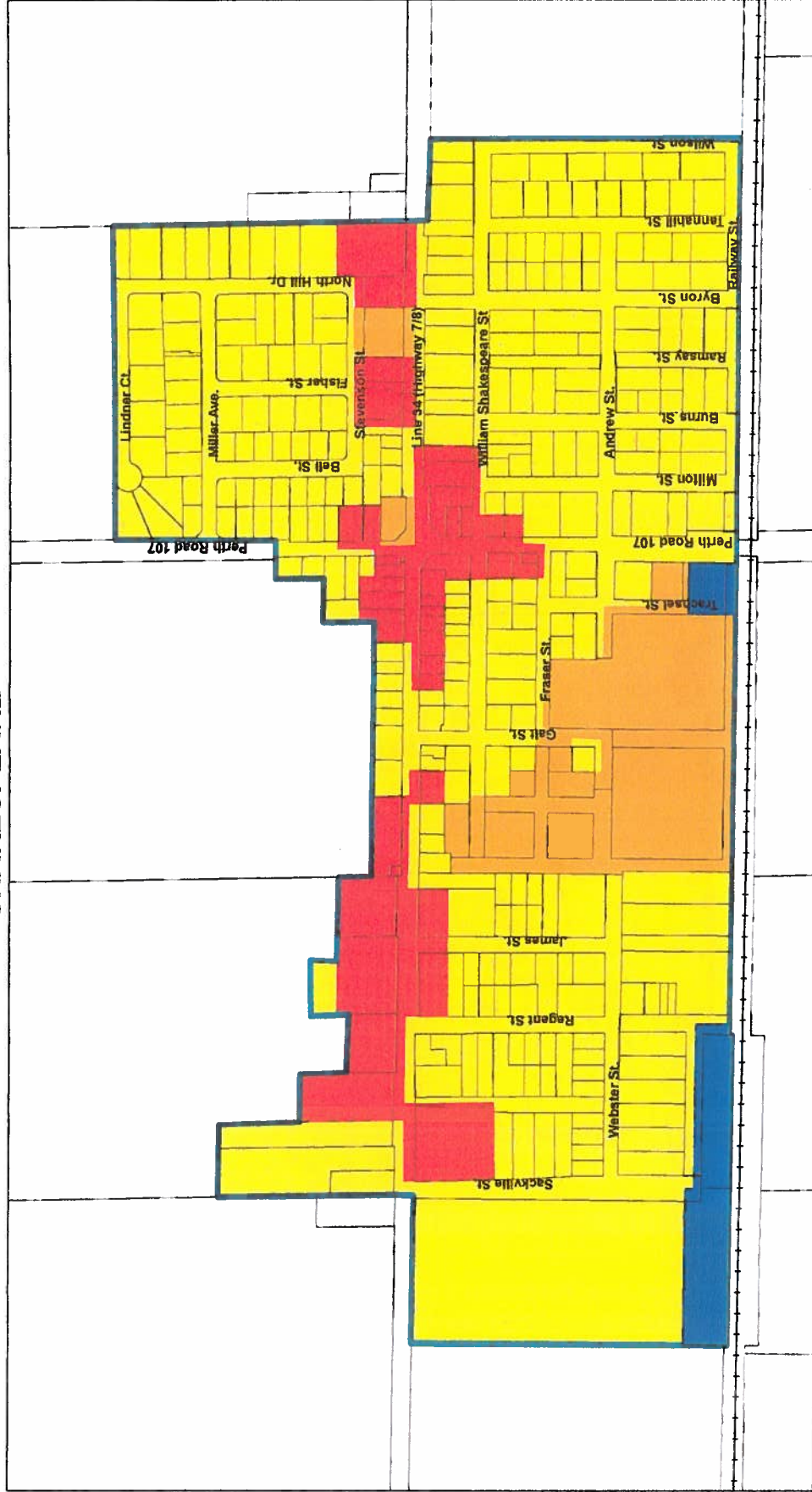
October 2010

Legend

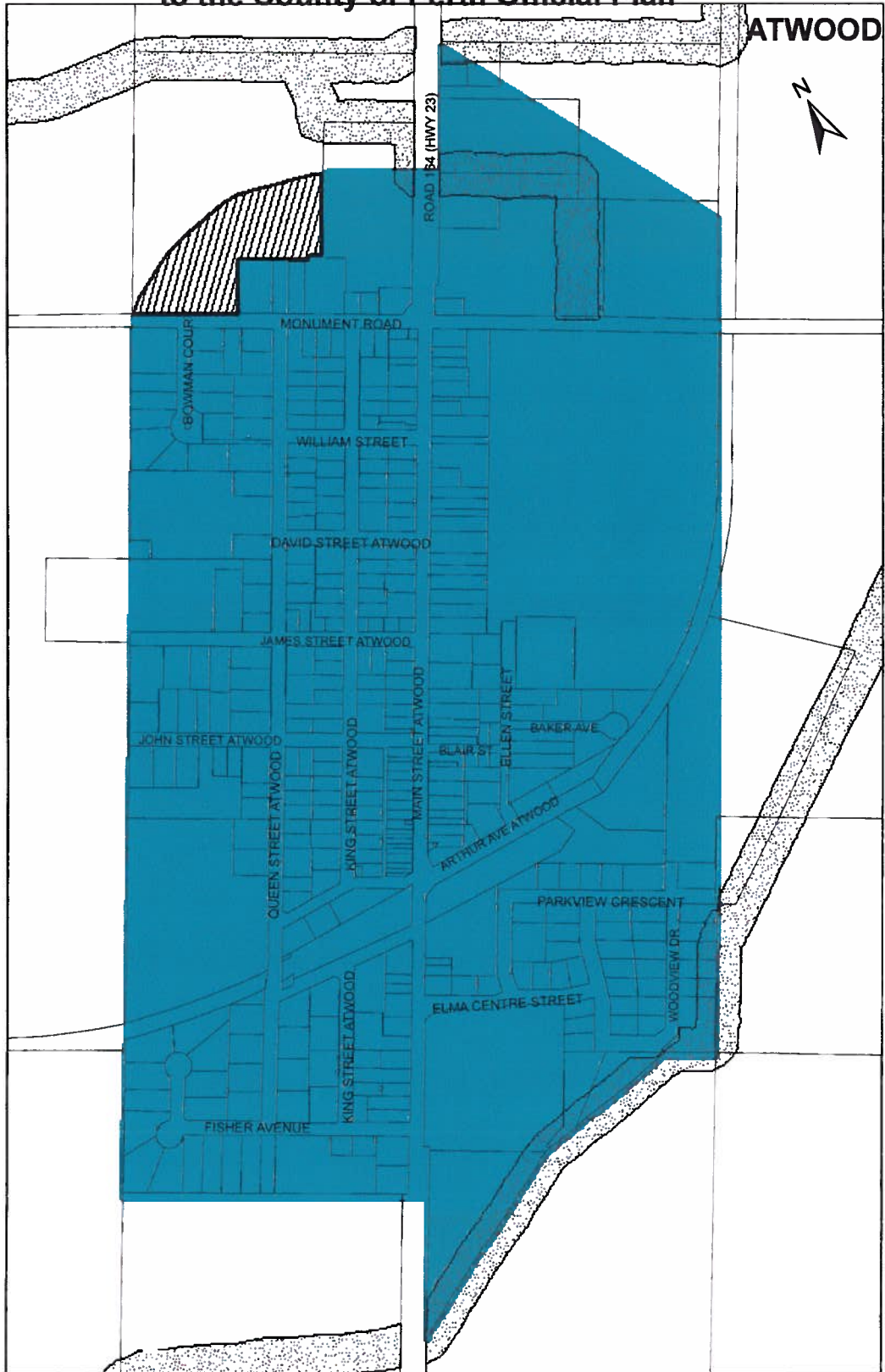
- | | |
|---------------------|------------------------------|
| Serviced Urban Area | Industrial |
| Residential | Institutional / Recreational |
| Commercial | Adjacent Land Overlay |



Schedule "A6-2"
Land Use Plan - SHAKESPEARE
Township of Perth East - NEH and SEH Ward
SHAKESPEARE



**"Schedule "A-103" - Land Use Plan
AMENDMENT NO. 104
to the County of Perth Official Plan**



Legend

- Change from "Village" to "Agriculture"
- Change from "Village" to "Serviced Urban Area"



