

**OFFICIAL PLAN**  
**for the**  
**LISTOWEL WARD**  
**MUNICIPALITY OF NORTH PERTH**



Prepared by  
**Perth County Planning and Development Department**

**Adopted by North Perth Council on March 16, 2010**

(As approved by the County of Perth on November 18, 2010)



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**TABLE OF CONTENTS**

<b><u>Section</u></b>		<b><u>Page No.</u></b>
1.0	INTRODUCTION.....	1-1
2.0	GENEARAL CHARACTERISTICS.....	2-1
3.0	APPROACH.....	3-1
4.0	LAND USE DESIGNATIONS AND LAND USE PLAN.....	4-1
5.0	RESIDENTIAL.....	5-1
6.0	CENTRAL COMMERCIAL.....	6-1
7.0	HIGHWAY COMMERCIAL.....	7-1
8.0	INDUSTRIAL.....	8-1
9.0	MAJOR INSTITUTIONAL.....	9-1
10.0	NATURAL RESOURCE/ENVIRONMENT.....	10-1
11.0	FLOOD PLAIN.....	11-1
12.0	CULTURAL HERITAGE RESOURCES.....	12-1
13.0	ECONOMIC DEVELOPMENT.....	13-1
14.0	HEALTHY COMMUNITIES.....	14-1
15.0	POLICY FOR THE DIVISION OF LAND.....	15-1
16.0	COMMUNITY FACILITIES, RESOURCES AND SERVICES..	16-1
17.0	IMPLEMENTATION.....	17-1
18.0	INTERPRETATION.....	18-1
	SCHEDULE "A" (LISTOWEL LAND USE PLAN) .....	
	SCHEUDLE "B" (ROADS PLAN) .....	



## 1.0 **INTRODUCTION**

The Listowel Ward, formerly the Town of Listowel, was formally established on January 1, 1998 as a part of the re-structuring of the municipalities in the County of Perth. The Listowel Ward along with the Elma Ward and the Wallace Ward now comprise the Municipality of North Perth.

The Listowel Ward area has been involved in the land use planning process for many years, dating back to the Town of Listowel's first Zoning By-law in the 1960s and the Town of Listowel's first Official Plan in the early 1970s. These basic planning documents have been reviewed and updated a number of times in order to keep current with changes in the Listowel area and to keep current with Provincial planning policies and regulations.

The following document is the Official Plan for the Listowel Ward of the Municipality of North Perth. It has been prepared for the Municipality of North Perth, reviewed and considered by the North Perth Planning Advisory Committee and the North Perth Council, and adopted by the North Perth Council. In accordance with the provisions of Section 17 of the Planning Act, R.S.O. 1990, this Official Plan has been forwarded to the County of Perth for review following its adoption by North Perth Council and has been approved by County Council.

This Official Plan applies to the lands and area that are within the Listowel Ward of the Municipality of North Perth. It does not apply to any of the lands in the abutting Elma and Wallace Wards that are considered to be within the Listowel servicing area and that are future growth areas for the Listowel settlement area.

This Official Plan is a lower-tier municipal Official Plan and it provides detailed policies for the Listowel Ward lands and area. It contains goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the Listowel Ward. It establishes various land use designations and sets forth detailed policies for each of these designations.

In accordance with the provisions of Section 27 of the *Planning Act, R.S.O. 1990*, a lower-tier municipal Official Plan must conform to the upper-tier municipal Official Plan, in this case the County of Perth Official Plan. The County of Perth Official Plan designates the Listowel Ward area as a "Serviced Urban Area" and sets forth a number of policies that apply to same (see Section 6 of the County Official Plan). The policies of the Listowel Ward Official Plan have been prepared so as to conform to the applicable County Official Plan policies.

The planning period for the Listowel Ward Official Plan is intended to be 20 years. The Official Plan will be reviewed from time-to-time by the Municipality with amendments/modifications made when appropriate.

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## **2.0 GENERAL CHARACTERISTICS**

This Section is intended to provide a brief overview of some of the general characteristics of the Listowel Ward in the Municipality of North Perth. It does not constitute policy, but rather is to be considered as general background information which provides some of the rationale and support for the policy content in the Listowel Ward Official Plan.

### **2.1 Location**

The Listowel Ward is centrally situated in the Municipality of North Perth in the northerly part of the County of Perth, at the junction of Mitchell Road South/ Provincial Highway No. 23 and the Perth Line 86 (former Provincial Highway No. 86). It is located approximately 55 kilometres north of Stratford, approximately 60 kilometres north-west of the Kitchener-Waterloo, approximately 160 kilometres west of Toronto, and approximately 60 kilometres east of the Lake Huron shoreline.

The Listowel Ward comprises the former Town of Listowel and it has a geographic area of 6.19 square kilometres. The Listowel Ward, along with the Elma Ward and Wallace Ward, form the Municipality of North Perth. The Listowel Ward is the only serviced settlement area in the Municipality of North Perth and as such is the primary growth area for urban type development in the Municipality of North Perth.

### **2.2 Population**

According to Statistics Canada information, the 2001 population of the Listowel Ward was 5,905. This compares to Statistics Canada population figures of 5,467 in 1996, 5,404 in 1991, and 5,107 in 1986. Over the 15 year period between 1986 and 2001, Listowel's population grew by 798 people, representing a 15.6 per cent increase. While Statistics Canada has published its 2006 Census population information, a population figure for the Listowel Ward is no longer available.

Concerning Statistics Canada's 2006 population information, the 2006 population for the Municipality of North Perth was 12,254. This compares to population figures of 12,055 in 2001, 11,808 in 1996, 11,843 in 1991, and 11,180 in 1986. Over the 20 year period between 1986 and 2006, the North Perth population grew by 1,074 people, representing a 9.6 per cent increase. Over the 15 year period between 1986 and 2001, the North Perth population grew by 875 people, representing a 7.8 per cent increase.

While there is no 2006 Statistics Canada population figure for Listowel, the above-noted population information indicates that the population of the serviced, urban Listowel Ward has grown at a much faster rate than the rural wards in North Perth. This is indicative of population trends throughout Perth County and surrounding municipalities and it bears forward the importance of ensuring that there is adequate land designated for future residential growth needs in the

Listowel Ward and its immediate serving area and that there is adequate servicing capacity to accommodate future residential growth needs.

In the absence of a Statistics Canada 2006 population figure for the Listowel Ward, the 2001 population figure for the Listowel Ward has been relied on as the base figure for preparing population projections for the Listowel Ward. Based on Listowel's population growth over the 1986 – 2001 period, Listowel's population would be expected to grow by approximately 1,284 people by the year 2026, representing a 0.79% growth per annum. Using the 1.38% growth rate for servicing urban areas that has been used in population projections for Perth County, Listowel's population would be expected to grow by approximately 2,413 people by the year 2026. Using the historical growth. Taking both of these methods into consideration, Listowel's population is expected to grow by 1300 to 2400 people by the year 2026.

### **2.3 General Land Use Pattern**

Based on the review of 2006 aerial photography, approximately 75 per cent of the geographic area of the Listowel Ward has been developed, including parks and major institutional uses services. This compares to a figure of approximately 60 per cent approximately 12 years ago.

The primary land use categories in the Listowel Ward are residential, commercial, industrial, institutional, and parks/recreation.

Residential areas consist of both older developed areas in or adjacent to the core area and more recently developed and developing areas further removed from the core area. Most of the residential development has occurred in the area that lies north of the former Newton subdivision railway line and north of the Middle Maitland River. Residential uses vary in type, including single-detached, semi-detached, duplexes, townhouses, and apartment buildings. The primary dwelling type is the single-detached dwelling.

Commercial uses consist of those that have traditionally located in central core area and those that are located in peripheral areas along connecting link and arterial roads. The former consist of uses such as retail stores, shops, restaurants, banks, and business offices that have tended to develop in a compact form in an approximate 4 block radius of the main intersection in the Listowel Ward (i.e. Main Street/Wallace Avenue intersection); while the latter consist of larger retail space uses (e.g. DSTM uses, grocery store, larger retail uses, etc.) and highway commercial uses that serve the travelling public (e.g. automobile service stations, restaurants, automotive related uses) have tended to locate along major roadways and where larger spaces are available to accommodate building size and off-street parking needs.



Industrial uses vary in size from small to large and consist of a range of use types, including manufacturing, processing fabrication, trucking, storage, warehousing, construction related, and service type uses. Over the last few decades, industrial development has tended to locate in one of three areas – an area immediately south of and abutting the central core area, an area in the south-east portion of Listowel, and an area in the south-west portion of Listowel.

Institutional uses vary in respect to both type and scale, and include uses such as schools, hospital, library, churches, municipal administration offices, and municipal operations and service uses. Recreation uses consist of both active and passive recreation uses, including uses such as an arena, baseball diamonds, soccer fields, tennis courts, swimming pool, parks, trails, and golf course.

All of these land uses have played an important role in the development of the Listowel Ward area as the primary settlement area in the North Perth area and in serving the needs of the residents of the Listowel Ward, the Municipality of North Perth, and areas beyond. It is important that, through planning documents such as the Listowel Ward Official Plan, the Municipality of North Perth ensure that there is an adequate supply of land designated for the future growth needs of the Listowel Ward area in each of the primary land use categories (e.g. residential, commercial, industrial).

#### **2.4 Economic Characteristics**

Within the hierarchy of urban centres, the Listowel Ward area is considered as a “sub-regional” centre as it serves the residents of the Listowel Ward and the residents of a large part of the surrounding area (including the Elma and Wallace Ward parts of North Perth and areas beyond). The Listowel Ward area has been able to maintain a large and healthy commercial sector due to its extensive trade area.

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### 3.0 APPROACH

This Official Plan is intended to establish a set of policies that will be used to guide the future growth and development of the Listowel Ward area. The preparation of this Official Plan was undertaken in order to replace the existing Listowel Official Plan with revised and updated policies and provisions that reflect current views on land use planning for the Listowel Ward area. Additionally, the updating of the existing Listowel Official Plan was necessary in order to take into consideration the policies of the Provincial Policy Statement (2005), which provides a policy direction on matters of provincial interest related to land use planning and development.

In accordance with the Provincial Policy Statement (2005), the planning period for the Listowel Ward Official Plan is 20 years. The Official 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. local conditions, County Official Plan policies, Provincial Policy Statement policies). North Perth Council will conduct meetings in order to assess the need to review the Listowel Ward Official Plan and to provide the opportunity for public comment on same in accordance with the provisions of the *Planning Act, R.S.O. 1990*.

Specific purposes of this Official Plan are as follows:

- (a) to provide a formal statement of the Municipality of North Perth's intentions with respect to the growth and development of the Listowel Ward to the year 2028 and beyond;
- (b) to establish a policy framework, consisting of goals, objectives and policies, for maintaining and enhancing the long term physical, economic, natural heritage, community, and social characteristics of the Listowel Ward;
- (c) to develop and implement a land use planning program that maximizes compatibility between different lands uses and strives to minimize potential conflicts between different lands uses;
- (d) to create a planning environment that reflects local initiatives and circumstances and which addresses the needs and aspirations of the community;
- (e) to provide guidance for the North Perth Council, the Planning Advisory Committee, the Committee of Adjustment, the County of Perth Land Division Committee, municipal staff, and others that are involved in the review and decision making processes regarding matters such as the implementing Zoning By-law, the division of land (e.g. plans of subdivision, consents), minor variances, and development proposals;
- (f) to provide the basis for a consistent approach to the review and evaluation of development applications throughout the Listowel Ward;

- (g) to maintain a business environment which assists existing businesses, attracts new businesses, and which promotes entrepreneurial activity in the Listowel Ward and its broader servicing area;
- (h) to ensure the land use planning occurs in a manner that will minimize public health and safety issues, including the protection of human life and property from water related hazards such as flooding;
- (i) to promote an increased awareness of the policies that will be used to guide growth and development in the Listowel Ward and to assist in informing the public, development sector, public agencies, and other levels of government of the Municipality of North Perth's intentions for the future growth and development of the Listowel Ward;
- (j) to provide a guide for decisions in respect to matters such as public works and community services; and
- (k) to provide a policy framework that will protect, preserve, and encourage the enhancement and improvement of the natural resource base in the Listowel Ward.

## **4.0 LAND USE DESIGNATIONS AND LAND USE PLAN**

### **4.1 Land Use Designations**

This Official Plan establishes several land use designations and sets forth specific goals, objectives, and policies applicable to each of the designations. Each land use designation is defined based on its primary use with provisions for any additional uses that are considered complimentary to the primary use.

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

- Residential (Section 5)
- Central Commercial (Section 6)
- Highway Commercial (Section 7)
- Industrial (Section 8)
- Major Institutional (Section 9)
- Natural Resource/Environment (Section 10)
- Flood Plain (Section 11)

### **4.2 Land Use Plan**

This Official Plan contains a Land Use Plan or map, referred to as Schedule “A” (Listowel Land Use Plan), which identifies and delineates the location of each of the land use designations established by the Plan and as noted in Section 4.1 above.

The attached Schedule “A” (Listowel Land Use Plan) is deemed to form a part of this Official Plan and it is intended that development in the Listowel Ward of the Municipality of North Perth occur in accordance with the land use designations as shown on Schedule “A” (Listowel Land Use Plan) and their related text policies.

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**5.0 RESIDENTIAL****5.1 Background**

The Listowel Ward has developed as the residential, commercial, and industrial focal point for the surrounding area. The Ward has always had a strong inter-relationship with the surrounding agricultural areas which is evidenced by the number of retired members of the farm community who chose to reside in Listowel. The residential areas of the Ward have also developed in response to the need for housing of employees involved with the industries forming the industrial base of the Ward.

Residential land use in Listowel consists primarily of single-detached dwellings but there are also a number of semi-detached and duplex units, townhouses, and other forms of multiple unit accommodation in existence. Residential development has occurred primarily north of the former railway tracks and most extensively in the northeast and southeast sectors of the Ward. Although significant development now exists on the south and northwest sectors of the Listowel Ward as well.

Development of the residential areas has occurred in a fairly compact manner because of the barriers created by the former railway, the watercourses, and the effect of the grid pattern of development established by the original survey of the Ward.

**5.2 Goals and Objectives**

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

- (i) To encourage and promote the provision for new housing developments and the rehabilitation of the existing housing stock to meet the current and future needs of the residents of North Perth;
- (ii) To promote the efficient use of the infrastructure and public services facilities while fostering a stable, mature residential environment which minimizes the potential for land use conflicts by preventing the indiscriminate mixing of non-compatible uses;
- (iii) To encourage and promote a wide range of housing types, styles, and choices which respond to the varying needs of the North Perth community;
- (iv) To continue to provide an attractive, enjoyable, safe, and healthy living environment for the residents of the Listowel Ward;
- (v) To promote housing for senior citizens, those with special needs, and low income households that are unable to find adequate housing through the private market;

- (vi) To ensure that residential development occurs in a cost-effective manner which is consistent with the Municipality's infrastructure and public service facilities growth development strategy and with the resources of the municipality;
- (vii) To provide an alternative residential environment for the members of the surrounding farm community;
- (viii) To preserve and enhance the character of the residential environment in the Listowel Ward by ensuring that new residential development is harmonious with existing areas of older development;
- (ix) To maintain and improve the existing housing stock and character of residential areas;
- (x) To encourage and promote additional housing through intensification and redevelopment;
- (xi) To maintain at least a 10 year supply of land that is designated and available for residential uses and land with servicing capacity to provide a 3 year supply of residential units zoned to facilitate residential intensification and redevelopment, and in draft and registered plans;
- (xii) To establish and implement minimum targets for the provision of housing which is affordable to low and moderate income households.

### **5.3 Land Use Designation and Mapping**

The policies for the "Residential" designation shall apply to the areas designated as "Residential" on Schedule "A" (Listowel Land Use Plan) to this Official Plan.

### **5.4 Definition**

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 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.

Other uses permitted in this designation include institutional uses such as schools, churches and cemeteries, nursing homes, day care centres, senior citizen housing, and neighbourhood parks, as well as home occupations, bed and breakfast establishments, and neighbourhood commercial uses.

Lands designated as "Residential", to which the following goals, objectives,



and policies apply, are shown on Schedule “A” (Listowel Land Use Plan).

## **5.5 Policies**

### **5.5.1 Housing Statement**

It is the intent of Council that the following policies apply in respect to the provision of housing in the Listowel Ward:

- (a) Council shall designate sufficient land within the “Residential” designation to meet the housing needs of the community for up to 20 years. Council will encourage residential development and redevelopment by designating sufficient land to provide the marketplace with sufficient alternatives to accommodate growth for a minimum of 10 years and Council will make available sufficient servicing to provide at least a 3 year supply of residential units;
- (b) that the handling of residential applications be streamlined through the preparation of a guideline document to outline procedures to deal with the processing of residential applications and to set out suggested time frames within which residential applications will be dealt with;
- (c) that Council shall encourage and promote an appropriate range of housing types and densities throughout the areas designated “Residential” in the Ward. New residential development should incorporate a range of housing types and residential intensification wherever possible and Council will favour those developments with a mixture of lower and higher densities of development over those consisting of only low densities of development;
- (d) that targets for the creation of new affordable housing units will be considered by Council;
- (e) to monitor the provision of housing and the adequate capacity of the water and sewage systems in the Ward on an ongoing basis to ensure that the residential housing needs of the Ward are and will continue to be met and to ensure that residential development proposals meet the general policies of the Provincial Policy Statement; and
- (f) that a minimum of 20 per cent of all housing units to be provided within the Listowel Ward will be within the affordability range established for this area by the Province.

### **5.5.2 Residential Servicing Requirements**

It is the intent of this Plan that all residential development within the “Residential” designation shall take place on full municipal servicing. The servicing policies contained in Section 16, entitled “Water, Sewage System, and Storm Sewers” shall also be satisfied.

Council may require proponents of triplex, fourplex, row/townhouse, apartment senior citizen housing, nursing home, or rest home developments to demonstrate, through relevant engineering reports, that there is adequate capacity or allocation within the municipal infrastructure and public service facilities to accommodate the projected population of the development. If the required capacity is not available, the proposal shall be considered premature.

Proposals which, in the opinion of Council, would result in undue financial burden on the municipality, especially with respect to the provision of municipal infrastructure and public service facilities, shall not be permitted.

### **5.5.3 Residential Density**

The following minimum net densities in the “Residential” designation shall be used as general guidelines:

10-25 units per hectare	single-detached dwellings
20-35 units per hectare	semi-detached, duplex dwellings
30-50 units per hectare	triplex, fourplex, row/townhouse dwelling, and converted dwellings
40-75 units per hectare	low rise apartments

The foregoing densities are general guidelines which Council may increase or decrease dependent upon specific site circumstances, provision of on-site 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 Council may moderately modify these when considering specific residential development proposals.

### **5.5.4 Residential Development Pattern**

Residential development shall be encouraged to:

- (a) locate as infilling;
- (b) locate in areas which will avoid the need for unjustified and/or uneconomical expansion 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 or collector roads as opposed to direct access onto arterial roads; 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 differing types of existing residential uses.

Where opportunities exist, Council will favour residential intensification and redevelopment over new green land residential development as a means of providing affordable and efficient infrastructure and public service facilities.

#### 5.5.5

#### **Single-Detached, Semi-Detached, 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 generally occur through the process of infilling, brownfield development, or green field development where such development would generally be in keeping with the attributes of the neighbourhood in terms of building type, building form, spatial separation lot size, shape, design, and character. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height). In cases where one or more of the existing zone provisions are not met, an amendment or a minor variance to the zone provisions may be considered to permit the proposed development provided that the spirit of this Section is maintained;
- (b) adequate buffering, landscaping, or 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 residential neighbourhoods;
- (c) semi-detached and duplex dwellings shall be encouraged to be developed in groups or clusters rather than in scattered form;
- (d) adequate off-street parking areas shall be provided. The number of parking spaces required shall be set out in the implementing Zoning By-law.

**5.5.6 Triplex, Fourplex, Row/Townhouse and Apartment Dwellings**

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

- (a) such development should be situated in close 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 traffic movement through adjoining lower density residential areas. 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, including the travelling public;
- (d) the buildings and structures for this type of development shall be designed in such a way that they are in keeping with the attributes of the neighbourhood in terms of building type, building form, spatial separation. When evaluating the attributes of the neighbourhood, regard shall be given to lot fabric (i.e., area, frontage, and depth), and built form (i.e., setbacks, massing, scale, and height). In cases where one or more of the existing zone provisions are not met, an amendment or a minor variance to the zone provisions may be considered to permit the proposed development provided that the spirit of this Section is maintained;
- (e) triplex, fourplex, row/townhouse and apartment dwellings, as well as other multiple dwelling development dwellings shall be encouraged to be developed in groups or clusters rather than in scattered form;
- (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 low rise apartment dwelling use;
- (g) adequate road access and off-street parking areas shall be provided, the number of parking spaces required shall be set out in the implementing Zoning By-law;

- (h) a site plan agreement under the authority of Section 41 of the *Planning Act, R.S.O. 1990*, shall be required for all multiple unit 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.

## **5.5.7 Conversion of Dwellings**

### **5.5.7.1 Accessory Dwelling or Secondary Suite**

The Municipality supports the introduction of an accessory dwelling/secondary suite into an existing single-detached dwelling as they provide a supply of lower cost rental housing, provide income for the owners of host dwelling, and provide opportunities for the nearby lodging of elderly relatives.

The following specific policies shall be applied when proposals involving the conversion of existing single-detached dwellings into a two dwelling unit residential use are evaluated:

- (a) Only one accessory dwelling or secondary suite is permitted;
- (b) The conversion of existing single-detached dwellings that are of sufficient size to accommodate one additional dwelling unit shall be permitted in all residential zone classification. The implementing Zoning By-law shall establish minimum floor area requirements for conversion of dwellings and minimum parking standards;
- (c) Minor external alterations and additions to an existing single-detached dwelling will be permitted to accommodate an accessory dwelling or secondary suite provided that such alterations do not change the character of the building or the neighbourhood.

### **5.5.7.2 Multiple Residential Uses**

The following specific policies shall be applied when proposals involving the conversion of existing dwellings to multiple residential use (3 or more units) are evaluated:

- (a) the conversion of existing dwellings which are of sufficient size to accommodate an additional dwelling unit(s) shall be permitted. The implementing Zoning By-law shall establish minimum floor area requirements for conversion of dwellings;

- (b) where a dwelling is of sufficient size, minor external alterations and additions will be permitted provided that such alterations do not change the character of the building or the neighbourhood (excepting those changes required for fire and safety purposes);
- (c) dwellings subject to conversion should be situated in close proximity to community and neighbourhood 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 potential land use conflicts with adjacent land uses;
- (e) adequate road access and off-street parking areas shall be provided. The number of parking spaces required shall be set out in the implementing Zoning By-law;
- (f) a site plan shall be required for all conversions involving the creation of more than one (1) new dwelling. A site plan agreement under the authority of Section 41 of the *Planning Act, R.S.O. 1990* may be required for such conversions.

#### **5.5.8 Senior Citizen Housing, Nursing Homes, and Rest Homes**

Residential development for senior citizen housing, nursing homes, and rest homes will be permitted within the "Residential" land use designation as shown on Schedule "A" (Listowel Land Use Plan).

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.

When considering proposals for such development, Council shall apply the following criteria:

- (a) such facilities shall be encouraged to locate in areas which are in proximity to the core area where 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 such a manner as to complement and harmonize with the character of the surrounding area;
- (c) adequate road access and off-street parking shall be provided, with the number of parking spaces required shall be 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 applicable servicing requirements as set out in this Plan;
- (f) a site plan agreement under the authority of Section 41 of the *Planning Act, R.S.O. 1990* shall be required for all new senior citizen housing, nursing homes, and rest homes;
- (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 Zoning By-law shall be necessary in order to establish new senior citizen housing, nursing homes, and rest homes.

#### **5.5.9 Group Homes**

It is a policy of the Plan that group homes may be permitted within the "Residential" land use designation established by this Plan in accordance with the policies set forth in this Official Plan.

For the purposes of this section, group homes are 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 needs of the Listowel Ward and the surrounding rural areas.

- (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 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 - group homes may be permitted in all "Residential" designations as shown on Schedule "A" (Listowel Land Use Plan). An amendment to the Municipality's implementing Zoning By-law shall be required prior to the establishment of any group home within the "Residential" land use designation. The Municipality's Zoning By-law will set forth provisions and regulations for group homes which will address matters such as definitional requirements, separation distances between group home, on-site parking, and licensing/registration requirements.

- (c) Registration - the 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 Municipality's implementing Zoning By-law, and the Municipality's Maintenance and Occupancy Standards By-law. Inspections shall be conducted, as necessary, by the Municipality prior to registration. The registration of group homes shall be subject to annual renewal.
- (d) Public Input - the 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 Listowel Ward.

#### **5.5.10 Mobile Homes**

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

#### **5.5.11 Neighbourhood Commercial Uses**

Neighbourhood commercial uses shall be permitted in the "Residential" land use designation; however, such uses shall be limited to those uses which supply convenience goods and personal services for neighbourhood residents.

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

- (a) the need for the use in a neighbourhood, shall be assessed by 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 being set out in the implementing Zoning By-law;



- (d) access to neighbourhood commercial uses 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 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. 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 use;
- (g) no open storage will be permitted for neighbourhood commercial uses;
- (h) the floor area of any neighbourhood commercial use shall not exceed 200 square metres;
- (i) the location of neighbourhood commercial uses shall be such that they do not create excessive amounts of vehicular traffic which affect nearby residential streets;
- (j) neighbourhood commercial uses shall be placed in a separate zone classification in the implementing Zoning By-law. An amendment to the Zoning By-law shall be necessary in order to establish a new neighbourhood commercial use;
- (k) a site plan agreement under the authority of Section 41 of the *Planning Act, R.S.O. 1990* shall be required for all new and/or expanded neighbourhood commercial uses.

#### **5.5.12 Institutional Uses**

Institutional uses such as schools, churches, cemeteries, and public buildings and facilities shall be permitted in the "Residential" land use designation. 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 municipality and/or areas beyond, 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, Council shall apply the following criteria:

- (a) adequate off-street parking areas shall be provided. The number of parking spaces required shall be set out in the implementing Zoning By-law;
- (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 Zoning By-law shall be necessary in order to establish a new institutional use;
- (e) a site plan under the authority of *Section 41 of the Planning Act, R.S.O. 1990* shall be required for all new institutional uses.

#### **5.5.13 Parkland Areas**

Neighbourhood parks and playground areas shall be permitted in the "Residential" land use designation. Such uses should be located and designed in such a way as to harmonize with and enhance the surrounding residential 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 up to 5 per cent of the land area or cash-in-lieu shall be required for lands being subdivided for residential purposes pursuant to *Section 51 of the Planning Act, R.S.O. 1990*. 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, R.S.O. 1990*;
- (b) as a condition of development or redevelopment of land, Council may, by by-law applicable to the Listowel Ward 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 Municipality for park or other public recreational purposes;
- (c) through public purchase, donations, gifts, and bequests of land and/or monies.

**5.5.14 Plans of Subdivision and Consents**

New development within the Listowel Ward will generally take place either by registered plan of subdivision or by consents. 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”.

**5.5.15 Monitoring of Residential Development**

It is the intent of this Plan that all development within the “Residential” land use designation take place on full municipal servicing. Council shall monitor and, if necessary, regulate 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.

**5.5.16 Home Occupations**

In residential areas, home occupations that comprise a secondary use carried on entirely within a dwelling unit by the resident may be permitted. The implementing Zoning By-law may contain regulations 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.

**5.5.17 Bed and Breakfast Establishments**

Bed and breakfast establishments carried on entirely within a single detached dwelling in the “Residential” designation may be permitted. Such bed and breakfast establishment must clearly be secondary to the main use of the dwelling as a private residence and it must not change the character of the dwelling as a private residence. Bed and breakfast establishments must satisfy the specific zoning requirements as set out in the implementing Zoning By-law and meet all other applicable requirements (e.g. Building Code, Fire Code, Perth District Health Unit requirements).

**5.5.18 Brownfield Redevelopment**

Applications to re-develop existing or previously used industrial lands for residential uses 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 requirements. The proponent’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 prior to Council permitting any such redevelopment.

**5.5.19 Zoning By-law**

The implementing Zoning By-law shall zone land in accordance with the policies of this Plan. The Zoning 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.

The Zoning By-law will zone initially only those lands which have been developed for a permitted use existing at the date of adoption of the By-law. Development of the areas designated as “Residential” but not used for a use permitted in the “Residential” land use designation at the date of adoption of the Zoning By-law may be placed in a development or holding zone in the By-law and will require, therefore, amendments to the By-law prior to being developed.

**5.5.20 Staging of Development**

The following policies apply to the lands designated for development beyond the existing built-up area of the Listowel Ward:

- (a) the staging of development in the Listowel Ward shall be regulated in order to facilitate an orderly and efficient land use pattern;
- (b) generally, new development shall be located close to the existing built up areas and moving outwardly towards the Listowel Ward boundaries. Generally, strip development shall be avoided and a compact “cluster” development within the Ward is encouraged;
- (c) the land proposed for development shall have frontage on an opened and maintained municipal road in accordance with the policies of this Plan;
- (d) new development will not interfere with any existing development nor restrict the future development of remnant or adjacent lands (i.e. landlocking); and
- (e) to minimize the high cost of servicing, the staging of development is contingent upon the sewage capacity for the Listowel Ward.

**5.5.21 Quality of Residential Environment**

Within residential areas, Council may pass by-laws to enhance the quality of the residential environment. Such by-laws may include, but are not limited 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 from public property under the *Municipal Act*;
- (c) regulation of a constant line of building setbacks 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 by-law under the *Environmental Protection Act*.

## **5.6 Consent/Severance Policies**

The following specific policies shall apply to consent applications which involve land in the “Residential” designation as shown on Schedule “A” (Listowel Land Use Plan). They are intended to implement the foregoing goals, objectives, and policies and are to be applied in addition to the general consent/severance policies set forth in Section 15.3 of this Plan.

### **5.6.1 Servicing Requirement**

All consent applications involving new and/or expanded development permitted in the “Residential” designation shall be approved only if the subject land is serviced by municipal water and sewage services. An exception to this may be applied in the case of uses such as parks and stormwater management facilities.

### **5.6.2 Lot Enlargement**

Consents for the purpose of enlarging existing lots may be permitted provided that the proposed enlargement is for a use permitted in the “Residential” designation, there is a demonstrated need for the enlargement, and an undersized lot is not created.

### **5.6.3 General Principles**

The following general principles shall apply to consent applications involving land in the “Residential” designation:

- (a) regard shall be had for the preservation and protection of existing natural heritage features (e.g. woodlots, treed areas); and
- (b) regard shall be had for the protection of drainage systems.

## **5.7 Site Specific Amendments**

### **5.7.1** Part of Lots 17 and 25, Registered Plan 185 in the Listowel Ward (622 Elma St. W.):

Notwithstanding the policies of Section 5.4 of this Official Plan to the contrary, the conversion of the existing church building to a professional office and an accessory dwelling unit shall be permitted on the property described above. An amendment to the Municipality's implementing Zoning By-law, as well as a Site Plan Agreement is required.

*Note: Section 5.7.1 carries forward the policies of Amendment No. 16 to the previous Official Plan for the Listowel Ward.*

### **5.7.2** In addition to the uses permitted in Section 5.4 of this Official Plan, a use described the parking of vehicles (associated with the neighbouring car dealership) shall be permitted within the "Residential" designation on property described as Part of Park Lot 10, Registered Plan 182 (York Ave., Listowel Ward). The proposed development shall be permitted to front onto an unopened road allowance that will be developed and maintained to the satisfaction of the Municipality of North Perth.

An amendment to the Municipality's implementing Zoning By-law, as well as a Site Plan Agreement with the Municipality is required.

*Note: Section 5.7.2 carries forward the policies of Amendment No. 18 to the previous Official Plan for the Listowel Ward.*

### **5.7.3** Part of Lots 14-18, Main Street, West, and part of Lots 15-18, Elma Street, West, Registered Plan 165 (Main St. W.) in the Listowel Ward of the Municipality of North Perth (formerly in the Town of Listowel):

Notwithstanding the policies of Section 5.4 of this Official Plan to the contrary, an additional use described as business or professional offices shall be permitted on the property described above. The business or professional offices shall be permitted within the existing buildings on the above-noted property (shown as Buildings "A", "B", and "C" on the attached Schedule "A-1").

Notwithstanding the above noted policy, the existing building "C" may be enlarged to the height of one storey to the south only as shown on the attached Schedule "A-1" to accommodate the additional use described as professional offices. The permitted expansion shall not exceed 91.4 square metres (983.85 square feet) of ground floor area.

The policies of Section 5.7.3 do not apply to the expansion of institutional uses on the above-noted property.

An amendment to the Municipality's implementing Zoning By-law, as well as a Site Plan Agreement with the Municipality is required.

*Note: Section 5.7.3 carries forward the policies of Amendment No. 19 to the previous Official Plan for the Listowel Ward, as approved by the Ontario Municipal Board.*

- 5.7.4** Properties subject to this specific policy are described as follows:
- (i) Block 158, Registered Plan 563 (Wallace Ave. S., Listowel Ward);
  - (ii) Block 159, Registered Plan 563 (Wallace Ave. S. Listowel Ward);
  - (iii) Block 11, Registered Plan 44M-3 (Albert Ave. N. Listowel Ward);
  - (iv) Blocks 160 and 161, Registered Plan 563 (Bamford Dr. Listowel Ward); and
  - (v) Park Lot 7, Registered Plan 159 (Elizabeth St. W.), in the Listowel Ward.

Notwithstanding any policies 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 above 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.

An amendment to the Municipality of North Perth's implementing Zoning By-law, as well as a Site Plan Agreement with the Municipality is required to permit the type of residential development as noted above.

*Note: Section 5.7.4 carries forward the policies of Amendment Nos. 26 and 27 to the previous Official Plan for the Listowel Ward.*

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## **6.0 CENTRAL COMMERCIAL**

### **6.1 Background**

Historically, general commercial and business uses in the Listowel area have developed and located in the central commercial or core area, which area is centered on the intersection of Main Street and Wallace Avenue. The majority of this development has occurred in a 4 to 5 block radius around the main intersection. This type of development has resulted in what, essentially, is a compact central commercial area and it is this area that serves as one of the four primary focal points for business activity in Listowel.

The Listowel Ward is the only serviced urban area in the Municipality of North Perth. As such, it has been and should continue to be the primary location for non-farm related commercial and business activity. Commercial uses such as retail stores, shops, restaurants, banks, and business office uses have and should continue to be focused in the Listowel central commercial and core area. 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.

The commercial and business establishments presently located in Listowel provide a variety of goods and services that serve the residents of the Listowel Ward and surrounding area. Not only are the central commercial uses important for providing goods and services, but they also provide a source of employment for Listowel and area residents and a source of taxation revenue for the municipality. Accordingly, the preservation and enhancement of the central commercial area is of significant importance to the overall vitality of the Listowel Ward and its future growth and development.

### **6.2 Goals and Objectives**

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

- (i) To provide for a range of commercial goods and services which are needed on a regular basis by residents of the Listowel Ward and its surrounding market area;
- (ii) To promote the continued development of commercial and business activities in a compact, attractive, and well defined central commercial/core area;
- (iii) To establish policies and performance standards to guide and maintain a desirable level of commercial development;

- (iv) To minimize potential for land use conflicts between uses by ensuring compatibility among commercial and business uses and with adjacent land uses;
- (v) To preserve and enhance the character of the Listowel Ward's central commercial/core area;
- (vi) To provide different location options in the central commercial area to suit the different locational needs of commercial and business use activities; and
- (vii) To encourage co-operative and innovative approaches and programs aimed at improving and enhancing the vitality and attraction of the central commercial area.

### **6.3 Land Use Designation and Mapping**

The policies for the "Central Commercial" land use designation shall apply to the areas shown as "Central Commercial" on Schedule "A" (Listowel Land Use Plan) to this Official Plan.

### **6.4 Definition/Permitted Uses**

The "Central Commercial" designation shall mean that the primary use of land in areas so designated shall be for all forms of retail and service commercial facilities, business and professional offices, hotels, eating establishments, and places of entertainment.

In addition, public utilities, public and private clubs, recreational facilities, and institutional uses such as existing churches, libraries, and parks are permitted. Existing residential uses are permitted. New residential uses are permitted provided they are located in upper stories so as to not interfere with or detract from the primary commercial/business function of the area.

### **6.5 Policies**

#### **6.5.1 Servicing Requirement**

All new development shall be serviced by municipal water and sanitary sewage services.

#### **6.5.2 Development of Vacant Lands**

The development of vacant lands in the "Central Commercial" designation is strongly encouraged, unless this development will unduly restrict the availability of parking.

### **6.5.3 Redevelopment and Improvement**

This Plan encourages the improvement, refurbishment, and redevelopment of the “Central Commercial” area in a comprehensive manner through the co-ordination of individual development schemes, the provision of integrated solutions to pedestrian and vehicular traffic circulation issues, and the investigation of possible strategies and programs for urban redevelopment and revitalization.

Private initiatives in support of development in the “Central Commercial” area are encouraged by the Municipality of North Perth provided the proposals are in conformity with the policies of this Plan. In order to assist with the improvement, refurbishment, and redevelopment of the “Central Commercial” area, North Perth Council may consider the following measures:

- (a) promotion of the Listowel Ward’s “Central Commercial” area as both an important and significant commercial area in its economic development strategy for the entire Municipality;
- (b) require that improvement, refurbishment and redevelopment schemes emphasize the provision of sufficient lighting, parking, and a high standard of design which has unity, coherence, and aesthetic appeal;
- (c) participate with the downtown area merchants and business groups in the continuing program of civic beautification;
- (d) assist in the provision of public parking in the “Central Commercial” area, as appropriate; and
- (e) provision of leadership and implementation of various improvement schemes.

### **6.5.4 New Commercial Development**

New commercial developments, excepting development that is typically highway commercial in nature and which requires large amounts of land for development purposes, are encouraged to locate in the “Central Commercial” designation as identified on Schedule “A” (Listowel Land Use Plan) to this Official Plan. Such development should occur through the development of vacant lands, the redevelopment and improvement of existing developed properties, and the conversion of existing non-commercial use properties to commercial use. Where possible, new development should be planned as an extension of the existing built-up commercial area.

### **6.5.5 Major Retail Development**

Proposals for major new or expanded retail developments within the “Central Commercial” area may be required to undergo retail market study or other type of economic impact study. The studies, prepared at the applicant’s expense and carried out by qualified professionals, as determined by the Municipality, shall generally be submitted concurrently with the development application, as a basis for evaluation of development applications in the Municipality. The information required may vary according to the type, scale and scope of the development application. The Municipality should be consulted prior to the submission of any application.

### **6.5.6 Off-Street Parking**

It is important that adequate off-street parking areas/facilities be provided and maintained in the “Central Commercial” area. Council, in co-operation with central commercial area merchants and business groups, should review off-street parking needs on an ongoing basis and work towards practical solutions for addressing such needs.

New commercial uses shall, where possible, provide adequate off-street parking facilities for at least the employees of the establishment. The implementing Zoning By-law shall set forth provisions, as appropriate, regulating off-street parking.

### **6.5.7 Pedestrian Access**

The development of the “Central Commercial” designation should continue to be as compact as possible and development should occur in such a manner as to facilitate and serve pedestrian access.

### **6.5.8 Landscaping and Buffering**

Adequate landscaping and buffering shall be provided between new commercial development in the “Central Commercial” designation and adjacent residential uses and areas. Such landscaping and buffering may include fences, grass strips, and/or tree and shrub planting.

All areas for external sales, service, storage, display of goods or materials, and outdoor waste receptacles shall be adequately screened and/or setback from adjacent residential uses.

### **6.5.9 Open Storage**

Generally, open storage (display of goods and materials offered for sale excepted) shall not be permitted in the “Central Commercial” designation.

### **6.5.10 Site Plan**

A site plan agreement pursuant to the provisions of Section 41 of the *Planning Act R.S.O. 1990* shall be required for all new commercial development.

#### **6.5.11 Residential Uses**

Existing residential buildings and uses are recognized as being permitted under this Official Plan. New residential units in an existing building may be permitted through conversion within the existing building. No expansion of the building for residential purposes shall be permitted.

New residential uses in the “Central 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.

#### **6.5.12 Residential to Commercial Conversion**

The “Central 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) 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.

#### **6.5.13 Institutional and Public Utility Uses**

Existing institutional uses in the “Central Commercial” designation are recognized as permitted uses under this Plan. Generally, the establishment of new institutional type uses should not be located in the “Central Commercial” area.

Public utility uses and facilities that are necessary in proximity to “Central Commercial” uses may be permitted provided they are designed in such a manner as to complement and harmonize with the existing “Central Commercial” uses.

#### **6.5.14 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 use, permitted buildings and structures, and site requirements.

**6.6 Consent/Severance Policies**

The following specific policies shall apply to consent application which involve land in the “Central Commercial” designation as shown on Schedule “A” (Listowel Land Use Plan). They are intended to implement the foregoing goals, objectives, and policies and are to be applied in addition to the general consent/severance policies set forth in Section 15.3 of this Plan.

**6.6.1 Servicing Requirement**

All consents involved with new and/or expansion of existing development shall be approved only if the subject land is serviced or readily capable of being serviced by municipal water and sewage services. Where service extension is required for the new and/or expanded development, such service extension shall be required as a condition of consent approval.

**6.6.2 Abutting Residential Uses**

Where land involved in a consent application abuts an existing residential use lot, consideration shall be given to appropriate conditions of consent approval to deal with buffering and screening issues.

**6.6.3 Lot Enlargement**

Consents for the purpose of enlarging existing lots shall be permitted provided that the proposed enlargement is for a permitted “Central Commercial” use, there is a demonstrated need for the enlargement, and an undersized lot is not created.

**6.7 Site Specific Amendments****6.7.1 Lot 36 and part of Lot 35, Registered Plan 149 in the Listowel Ward (242 Inkerman Street E.):**

Notwithstanding the policies of Sections 6.4 and 6.5.11 of this Official Plan to the contrary, residential uses may be permitted on all floor levels and the residential use of the building, in whole or in part, is permitted on the land as described above.

*Note: Section 6.7.1 carries forward the policies of Amendment No. 12 to the previous Official Plan for the Listowel Ward.*

## **7.0 HIGHWAY COMMERCIAL**

### **7.1 Background**

Highway commercial uses in Listowel have historically been concentrated in three areas. To the west along Mitchell Road South/Provincial Highway 23, north along Wallace Avenue and to a lesser extent east along Main Street. These locations are able to provide the type of larger lots and good highway exposure desired by larger commercial uses such as car dealerships, grocery stores, department stores and other uses serving the travelling public.

The Highway Commercial areas to the north, west and east now extend beyond the Listowel Ward boundaries and policies in the Perth County Official Plan apply to these areas.

### **7.2 Goals and Objectives**

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

- (i) To provide a suitable location for those uses requiring locations along heavily traveled roadways and/or large areas of land;
- (ii) To encourage highway commercial uses to locate in groups in designated areas outside of the central commercial/core area;
- (iii) To encourage suitable building design and appropriate use of landscaping and buffering in order to minimize the potential for land use conflicts between highway commercial uses and adjacent uses, particularly residential uses;
- (iv) To encourage a co-ordinated approach when dealing with new highway commercial development in order to minimize the number of required access points;
- (v) To establish policies and standards to guide and maintain a desirable level and standard of highway commercial development; and
- (vi) To encourage the conversion of non-highway commercial type uses in “Highway Commercial/Service” areas to highway commercial type uses.

### **7.3 Land Use Designation and Mapping**

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

#### **7.4 Definition/Permitted Uses**

The “Highway Commercial” designation shall mean that the primary use of land in areas so designated shall be for:

- (i) Business and professional offices, and commercial establishments oriented to serving the traveling public such as restaurants, fast food outlets, automobile service stations, public garages, motels/hotels, furniture and appliance sales and service, farm implement sales, and recreation and entertainment uses;
- (ii) retail or wholesale outlets requiring large enclosed or open storage areas such as building supply outlets, automobile sales and service dealerships;
- (iii) other retail or service businesses which generally exhibit the following characteristics:
  - (a) they do not cater to the casual, pedestrian shopping trade, but rather to persons coming to the premises for a specific business purpose and therefore should not generally be situated in pedestrian-oriented commercial areas;
  - (b) they depend on exposure to public view or require a location which is readily accessible to vehicular traffic from a broad market area and therefore should be located on heavily traveled major roads; and
  - (c) their physical characteristics and requirements (e.g. building size, lot size/shape, parking requirements) are such that they are not suitable or appropriate for a location in the “Central Commercial” designation.

In implementing the above definition/permitted uses provisions through its implementing Zoning By-law, the range of permitted uses identified above may not be permitted on all sites that are zoned for Highway Commercial use in the Zoning By-law and the Zoning By-law may be more restrictive than the Official Plan in regards to the permitted uses. The decision as to whether distinctions are to be made between the various highway commercial zoned sites rests with North Perth Council.

#### **7.5 Policies**

##### **7.5.1 Location**

All new highway commercial type development shall be located in areas designated “Highway Commercial” as shown on Schedule “A” (Listowel Land Use Plan).

##### **7.5.2 Servicing Requirement**

All new development shall be serviced by a municipal water and sanitary sewage services.



### **7.5.3 New Highway Commercial Type Development**

New highway commercial type development in the “Highway Commercial” designation shall occur through infilling, redevelopment, conversion of existing uses, and new development on vacant land. The development of highway commercial type uses in groups or clusters is encouraged.

### **7.5.4 Access**

Entrance and exit points shall be limited in number, where possible and appropriate, and shall be designed in such a manner as to minimize the danger to road traffic and pedestrian traffic. Access points must not create nor generate conditions that are considered to be hazardous to traffic movement on the surrounding road network. Where appropriate, shared access driveways shall be encouraged.

Where access to a “Highway Commercial” property can be obtained from an existing open road allowance other than Mitchell Road South/Provincial Highway 23, access to Mitchell Road South/Provincial Highway 23 shall not be permitted. Where access to Mitchell Road South/Provincial Highway 23 is the only option for access to a “Highway Commercial” property, the Ministry of Transportation (MTO) will require that a traffic impact study be prepared by the proponent of the development and submitted to MTO for review and approval. Should improvements to Mitchell Road South/Provincial Highway 23 be required, the proponent of the development shall be responsible for the costs associated with such improvements.

### **7.5.5 Infilling and Conversion of Use**

Where new highway commercial type development is to occur through the infilling or conversion of use, the specific nature of the highway commercial type use and its parking requirements must be appropriate for the property in question. Consideration will be given to buffering and screening issues so as to minimize impact on neighbouring land uses, particularly residential use lots.

### **7.5.6 Market/Commercial Needs Study**

Proposals for major new or expanded retail developments within the “Highway Commercial” area shall be required to undergo a retail market study or other type of economic impact study. The studies, prepared at the applicant’s expense and carried out by qualified professionals, as determined in consultation with the Municipality, shall address the issues of need/impact and shall be submitted concurrently with the development application, as a basis for evaluation of such development applications by the Municipality. The information required may vary according to the type, scale, and scope of the development application and must be determined in consultation with the Municipality as part of a pre-consultation process. Should the Municipality decide that a peer review of a submitted study is required, all costs associated with such peer review shall be the responsibility of the applicant/proponent of the development applications and shall be reimbursed to the Municipality by the applicant/proponent.

**7.5.7 Off-Street Parking**

Adequate off-street parking shall be provided for all new highway commercial type development. The implementing Zoning By-law shall establish minimum off-street parking requirements.

**7.5.8 Loading/Unloading Facilities**

Adequate loading/unloading facilities shall be provided for all new highway commercial type development, where required. The implementing Zoning By-law shall establish minimum loading/unloading standards.

**7.5.9 Landscaping and Buffering**

Adequate landscaping and buffering shall be provided between new highway commercial uses and abutting residential uses. Such landscaping and buffering may include fences, berms, grass strips, and/or trees and shrubs.

It is a requirement of this Plan that adequate landscaping be incorporated into all new highway commercial type development. This includes, but is not limited to, on-site landscaping adjacent to public roads abutting the site and vegetative landscaping integrated on-site with building and parking areas.

**7.5.10 Outdoor Storage**

Outdoor storage is a necessary part of some highway commercial type uses. Where outdoor storage is to occur, such outdoor storage shall be kept in a neat/tidy manner and shall be fenced or screened from abutting residential uses and from public roads adjacent to the site.

**7.5.11 Outdoor Display**

The outdoor display of goods and merchandise is a necessary part of some highway commercial type uses. Where the outdoor display of goods and merchandise is to occur, such outdoor display shall be kept in a neat/tidy manner.

**7.5.12 Drainage**

On-site drainage from buildings, parking areas, outdoor storage areas and outdoor display areas will be adequately controlled and must be established to the satisfaction of the Municipality.

**7.5.13 Site Plan**

A Site Plan Agreement pursuant to the provisions of Section 41 of the *Planning Act R.S.O. 1990* shall be required for all new highway commercial type development within the "Highway Commercial" designation.

**7.5.14 Residential Uses**

Existing residential buildings and uses are recognized as being permitted under this Official Plan. New residential units in an existing building may be permitted through

conversion within the existing building. No expansion of the building for residential purposes will be permitted.

New residential uses in the “Highway Commercial” designation shall not be permitted.

**7.5.15 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, setback requirements, buffering, off-street parking, and loading/unloading facilities.

**7.6 Consent/Severance Policies**

The following specific policies shall apply to consent applications which involve land in the “Highway Commercial” designation as shown on Schedule “A” (Listowel Land Use Plan). They are intended to implement the foregoing goals, objectives, and policies and are to be applied in addition to the general consent/severance policies set forth in Section 15.3 of this Plan.

**7.6.1 Servicing Requirement**

All consents involved with new and/or expansion of existing development shall be approved only if the subject land is serviced or readily capable of being serviced by municipal water and sewage services. Where service extension is required for the new and/or expanded development, such service extension shall be required as a condition of consent approval.

**7.6.2 Abutting Residential Uses**

Where land involved in a consent application abuts an existing residential use lot, consideration shall be given to appropriate conditions of consent approval to deal with buffering and screening issues.

**7.6.3 Lot Enlargement**

Consents for the purpose of enlarging existing lots shall be permitted provided that the proposed enlargement is for a permitted “Highway Commercial/Service” use, there is a demonstrated need for the enlargement, and an undersized lot is not created.

**7.7 Site Specific Amendments**

**7.7.1** In addition to the uses permitted in Section 7.4 of this Official Plan, a use described as a retail clothing store shall be permitted within the “Highway Commercial” designation on property described as Part of Lot 31, Concession 1 in the Listowel Ward (former Township of Elma) (500 Mitchell Road S., Listowel). An amendment to the Municipality’s implementing Zoning By-law, as well as an amended Site Plan

Agreement is required.

Note: *Section 7.7.1 carries forward the policies of Amendment No. 17 to the previous Official Plan for the Listowel Ward.*

## **8.0 INDUSTRIAL**

### **8.1 Background**

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. Land use planning for industrial development is, therefore, a major element in achieving the overall economic development goals and objectives of the municipality.

Over the last few decades, industrial development in Listowel has been located primarily in three areas within the Listowel – an area immediately south of and abutting the downtown core area, an area in the south-east corner of Listowel, and an area in the south-west corner of Listowel. More recently, industrial development has occurred in the south portion of the Listowel Ward and the Municipality of North Perth is presently developing an industrial park area in an approximate 30 hectare area located adjacent to the south-easterly portion of the Listowel Ward boundary.

The types of industrial uses in Listowel vary and consist of a broad range of uses, including manufacturing, processing, fabrication, trucking, storage, warehousing, and construction related activities.

The areas that are designated “Industrial” in this Plan along with the applicable policies and servicing initiatives currently being undertaken by the Municipality of North Perth are intended to be major components of North Perth’s strategy for economic development and growth in the Listowel serviced settlement area.

### **8.2 Goals and Objectives**

The following goals and objectives are established for the “Industrial” designation:

- (i) To ensure that sufficient land is designated for industrial purposes to accommodate the industrial growth needs of the North Perth for the Listowel Ward area;
- (ii) To encourage the diversification of the Municipality of North Perth’s industrial base;
- (iii) To encourage industrial development which will not make excessive demands on the water supply and sanitary sewage systems serving the Listowel Ward area;
- (iv) To ensure that areas are available which are highly suited to meeting the modern day requirements of industry;

- (v) To minimize the potential adverse effects of industrial areas on neighbouring non-industrial uses;
- (vi) To protect existing industrial development areas and future industrial development areas from intrusion by those non-industrial uses which are incompatible with an industrial use area;
- (vii) To promote and create attractive industrial environments through esthetic and functional site design measures;
- (viii) 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
- (ix) To expand the employment opportunities available to the residents of the Listowel Ward and the Municipality of North Perth.

### **8.3 Land Use Designation and Mapping**

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

### **8.4 Definition/Permitted Uses**

The “Industrial” designation shall mean that the primary use of land in areas so designated shall be for uses involving assembly, manufacturing, fabricating, packing, processing, repair activities, wholesaling, storage and warehousing, construction industries, communication and utility industries, transportation and cartage industries, and technological service industries.

In addition, other uses permitted in the “Industrial” land use designation include public utilities and works yards, laboratories and research facilities, equipment rentals, and office and retail outlets as a part of a permitted industrial use.

### **8.5 Policies**

#### **8.5.1 Location**

All new industrial development shall be located in areas designated “Industrial” as shown on Schedule “A” (Listowel Land Use Plan).

#### **8.5.2 Servicing Requirement**

All new development in the “Industrial” designation shall be serviced by municipal water and sanitary sewage services.

### **8.5.3 New Industrial Development**

New industrial development in the “Industrial” designation shall generally occur through redevelopment, conversion of existing uses, and new development on vacant land. Wherever possible, new development should be located in proximity to existing industrial development or in groups/clusters of industrial development so as to make the best use of available land area, provide for the use of shared access and parking facilities, to minimize danger to vehicular and pedestrian traffic, and to make best use of servicing infrastructure.

### **8.5.4 Dry Industries**

Council will encourage the development of industries of a “dry” nature. A “dry” industry can generally 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.

Where a proposed industry requires significant amounts of water in its operations or where it will generate excessive wastes, the Council of the Municipality of North Perth may consider the use of a Sewer Use By-law requiring pretreatment of industrial waste prior to discharge to the municipal sewage collection system.

### **8.5.5 Access**

Access shall be available from a public road of reasonable construction and year round maintenance. Access points must not create nor generate conditions that are hazardous to traffic movement on the surrounding road network.

Entrance and exit points shall be limited in number, where possible and appropriate, and designed in such a manner as to minimize the danger to road traffic and pedestrian traffic. Where appropriate, shared access driveways shall be encouraged.

For the “Industrial” area east of Mitchell Road South/Provincial Highway 23 and west of Bassett Avenue, new access driveways to Mitchell Road South/Provincial Highway 23 shall not be permitted. Existing access driveways are recognized as being permitted. All new access driveways to the lands within this specific area shall either be from Bassett Avenue or from Line 84 at a location approved by the Ministry of Transportation.

### **8.5.6 Off-Street Parking**

Adequate off-street parking shall be provided for all new and/or expanding industrial development. The implementing Zoning By-law shall establish minimum off-street parking requirements.

**8.5.7 Loading/Unloading Facilities**

Adequate loading/unloading facilities shall be provided for all new and/or expanding industrial development, where required. The implementing Zoning By-law shall establish minimum loading/unloading standards.

**8.5.8 Landscaping and Buffering**

Adequate landscaping and buffering shall be provided between new and/or expanding industrial uses and adjacent land uses. Such landscaping and buffering may include fences, berms, grass strips, and/or trees and shrubs. Increased setbacks from neighbouring non-industrial uses may be implemented as a part of a landscaping/buffering requirement.

It is a requirement of this Plan that adequate landscaping be incorporated into all new industrial development. This includes, but is not limited to, on-site landscaping adjacent to public roads abutting the site and vegetative landscaping integrated on-site with building and parking areas.

**8.5.9 Outdoor Storage**

Outdoor storage is a necessary part of some industrial uses. Where outdoor storage is to occur, such outdoor storage shall be kept in a neat/tidy manner and shall be fenced or screened from adjacent residential uses, sensitive land uses, and from public roads adjacent to the site.

**8.5.10 Outdoor Display**

A limited amount of outdoor display of goods and merchandise associated with an industrial use is permitted provided such outdoor display is kept in a neat/tidy manner and provided that it is fenced or screened from adjacent residential uses.

**8.5.11 Drainage**

On-site drainage from buildings, parking areas, loading/unloading areas, outdoor storage areas and outdoor display areas will be adequately controlled and must be established to the satisfaction of the Municipality.

**8.5.12 Land Use Compatibility**

Where a designated "Industrial" area is near existing or future residential development areas or other sensitive lands uses (e.g. hospital, school, nursing home) and where a new and/or expanded industrial use proposal has been submitted to the Municipality, consideration shall be given to land use compatibility issues (e.g. noise, dust, odour) that may affect neighbouring existing or future residential development areas or other sensitive land uses. In these situations, the new and/or expanded industrial use development must take into account adequate measures to mitigate the applicable land use compatibility issues. Such measures may include, but are not limited to, distance separation, buffering and screening



(fencing, landscaping), building and site design, and mechanical equipment design.

When assessing land use compatibility issues, the Municipality shall give consideration to the Ministry of the Environment's guidelines for separation distances between industrial uses and sensitive land uses (e.g. Guideline D-6). The Municipality may require that the industrial use proponent submit specific studies dealing with compatibility issues such as noise, dust, and odour for consideration by the Municipality as a part of its review and assessment of the industrial use proposal. Should the Municipality deem it necessary for a peer review of any submitted study, the costs to the Municipality for such peer review shall be the responsibility of and borne by the industrial use proponent.

All applicable approvals, permissions, and Certificates of Approval that are required by other levels of government (e.g. Provincial Ministry of the Environment) for a new and/or expanding industry must be obtained.

Where new industrial development areas are being established in proximity to existing or future residential development areas, the Municipality shall give consideration to establishing specific zoning to assist in addressing potential compatibility issues. For example, the zoning for the lands closest to the existing or future residential development areas could permit intervening uses (e.g. green space uses, use restrictions such as stormwater management facilities and parking facilities) and/or lighter or lower intensity industrial uses (i.e. warehousing uses, storage related uses, service related industrial) while the lands further from the existing or future residential development areas could permit heavier or greater intensity industrial uses (e.g. manufacturing, fabricating, processing).

In order to protect existing and future industrial use areas, development of uses which are not compatible with industrial uses shall not be permitted in "Industrial" areas.

In order to protect the existing and future industrial uses in areas designated "Industrial" by this Official Plan from adverse impacts from new development on lands abutting and and/or adjacent to designated "Industrial" areas, consideration will be given to compatibility impacts associated with new development on the lands abutting and/or adjacent to designated "Industrial" areas. Where deemed necessary and appropriate, the Municipality may require that the proponent of the new development on the abutting and/or adjacent lands submit specific studies dealing with compatibility issues associated with impact on the neighbouring industrial use(s) for consideration by the Municipality as a part of its review and assessment of the new development. Should the Municipality deem it necessary for a peer review of any submitted study, the costs to the Municipality for such peer review shall be the responsibility of and borne by the proponent of the new use.

**8.5.13 Industrial Use Relocation**

This Plan encourages existing industries that are presently located outside of the “Industrial” designation to relocate in areas designated “Industrial”. The conversion of such existing industrial sites to uses that are more in harmony and consistent with the character of their surrounding areas should be encouraged.

**8.5.14 Accessory Uses**

Office uses and retail outlets directly associated with an industrial use are permitted as a part of that industrial use provided they are located within the main industrial building(s). Residential uses shall not be permitted in the “Industrial” designation.

**8.5.15 Natural Heritage Features**

Existing natural heritage features, such as woodlots, treed areas, and open watercourses, shall be protected and preserved when dealing with new development in the “Industrial” designation.

**8.5.16 Site Plan**

A site plan agreement pursuant to the provisions of Section 41 of the *Planning Act R.S.O. 1990* shall be required for all new industrial and/or expanding industrial development in the “Industrial” designation.

**8.5.18 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, setback requirements, off-street parking, loading/unloading facilities, outdoor storage, and outdoor display.

**8.5.19 Portable Asphalt Plants and Portable Concrete Plants**

Portable asphalt plants and portable concrete plants, used by a public road authority or its agent, are permitted in the “Industrial” designation without the need to amend this Plan or the local municipality's implementing Zoning By-law. Such portable 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) Each plant shall be removed from the site upon completion of the public project.

**8.6 Consent/Severance Policies**

The following specific policies shall apply to consent applications which involve land in the “Industrial” designation as shown on Schedule “A” (Listowel Land Use Plan). They are intended to implement the foregoing goals, objectives, and policies and are to be applied in addition to the general consent/severance policies set forth in Section 15.3 of this Plan.

**8.6.1 Servicing Requirement**

All consents involved with new and/or expansion of existing development shall be approved only if the subject land is serviced or readily capable of being serviced by municipal water and sewage services. Where service extension is required for the new and/expanded development, such service extension shall be required as a condition of severance approval.

**8.6.2 Adjacent Residential Uses**

Where land involved in a consent application is adjacent to an existing residential use lot, consideration shall be given to appropriate conditions of consent approval to deal with buffering and screening issues.

**8.6.3 Lot Enlargement**

Consents for the purpose of enlarging existing lots shall be permitted provided that the proposed enlargement is for a permitted “Industrial” use, there is a demonstrated need for the enlargement, and an undersized lot is not created.

**8.6.4 Grouping of Industrial Uses**

Wherever possible, the lands involved in consent applications for new industrial development should be located in proximity to existing industrial development or in groups/clusters of industrial development so as to make the best use of available land area, provide for the use of shared access and parking facilities, to minimize danger to vehicular and pedestrian traffic, and to make best use of servicing infrastructure.

**8.6.5 General Principles**

The following general principles shall apply to consent applications involving land in the “Industrial” designation:

- (a) regard shall be had for the preservation and protection of existing natural heritage features (e.g. woodlots, treed areas);
- (b) regard shall be had for the protection of drainage systems.

**8.7 Site Specific Amendments**

## **9.0 MAJOR INSTITUTIONAL**

### **9.1 Background**

Within the Listowel Ward there are a number of uses and facilities that provide for public use or public service to significant parts of the Listowel Ward, the entire Listowel Ward, and/or to areas beyond the Listowel Ward. While some of these uses/facilities are owned by the Municipality, others are owned by other public bodies or private interests.

These uses/facilities include uses/facilities such as government administrative uses (e.g. North Perth Municipal Offices), educational facilities (e.g. schools and associated lands, library), emergency service facilities (e.g. firehall, ambulance station), health care facilities (e.g. hospital and associated lands), public service facilities and lands that are geared to serving the communities recreational and open space needs (e.g. parks, arena, swimming pool, baseball diamonds, soccer fields, trails, etc.), other public service facilities/lands (e.g. cemeteries, stormwater management facilities), and other uses such as golf courses.

Given that these uses/facilities are significant in their importance to the Listowel Ward community, it is appropriate to place such uses/facilities in a separate and distinct land use designation in this Official Plan.

### **9.2 Goals and Objectives**

The following goals and objectives are established for the “Major Institutional” designation:

- (i) To recognize, designate, and provide land use policy for significant public service uses and facilities that are located in the Listowel Ward;
- (ii) To facilitate the provision and maintenance of a level of public services and facilities that are required to meet the needs of the Listowel Ward community;
- (iii) To ensure that public service uses and facilities are located and designed in such a way as to be compatible with and, where possible, enhance surrounding lands uses; and

To recognize, designate, and provide land use policy for uses and facilities that serve the recreational needs of Listowel Ward residents and North Perth residents.

### **9.3 Land Use Designation and Mapping**

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

#### **9.4 Definition/Permitted Uses**

The “Major Institutional” designation shall mean that the primary use of land in areas so designated shall be for public service and institutional uses and facilities that serve the Listowel Ward community and/or the broader North Perth and surrounding area.

Areas designated “Major Institutional” include government administrative uses (e.g. North Perth Municipal Offices), educational facilities (e.g. schools, library), emergency service facilities (e.g. firehall, ambulance station), health care facilities (e.g. hospital), public service facilities and lands that are geared to serving the community’s recreational and open space needs (e.g. parks, arena, swimming pool, baseball diamonds, soccer fields, trails, etc.), other public service facilities/lands (e.g. cemeteries, stormwater management facilities), and other uses such as golf courses.

#### **9.5 Policies**

##### **9.5.1 Designated Uses**

Only major institutional uses existing at the date of adoption of this Official Plan have been designated as “Major Institutional”. It is not the intent of this Plan to designate vacant land for future major institutional uses at this time.

Not all institutional uses that may be considered as being significant or major have been designated as “Major Institutional” uses as some of these uses are recognized as permitted uses in other land uses designations established by the Official Plan (e.g. churches in the “Residential” designation).

##### **9.5.2 New Major Institutional Uses**

New major institutional uses may be permitted by either an amendment to this Official Plan or in accordance with specific policies set forth in this Official Plan. When considering a proposal for the establishment of a new major institutional use, consideration shall be given to the following criteria:

- (a) there is sufficient need/justification for the proposed use;
- (b) the nature/type of the proposed use is generally compatible with adjacent uses;
- (c) the proposed use will have no significant detrimental impact on traffic flow on the surrounding road network; and
- (d) the proposed use will have no detrimental impact on the natural environment features.

##### **9.5.3 Expansion/Enlargement of Existing Major Institutional Uses**

The expansion or enlargement of an existing major institutional use shall be permitted where such expansion/enlargement is within an area designated “Major Institutional” or

where specific policies of this Plan permit the expansion of the existing use. When considering a proposal for the establishment of a new major institutional use, consideration shall be given to the following criteria:

- (a) there is sufficient need/justification for the proposed expansion/enlargement;
- (b) the nature of the proposed expansion/enlargement is generally compatible with adjacent uses;
- (c) the proposed expansion/enlargement will have no significant detrimental impact on traffic flow on the surrounding road network; and
- (d) the proposed expansion/enlargement will have no detrimental impact on the natural environment features.

#### **9.5.4 Servicing Requirement**

All new major institutional use development shall be serviced by municipal water and sanitary sewage services. Exceptions to this may be applied in the case of certain types of recreational uses (e.g. ball diamonds, soccer fields, tennis courts, trails, etc.) and in the case of uses such as parks, open space areas, and stormwater management facilities.

#### **9.5.5 Off-Street Parking**

New major institutional use development and the expansion/enlargement of existing major institutional uses shall be required to provide adequate off-street parking facilities. The municipal Zoning By-law shall contain provisions regarding parking spaces, including minimum number required.

#### **9.5.6 Landscaping, Buffering, and Screening**

New major institutional use development and the expansion/enlargement of existing major institutional uses shall be required to provide adequate landscaping, buffering, and screening in order to minimize potential detrimental impacts on neighbouring uses.

#### **9.5.7 Outdoor Storage**

Any outdoor storage that may be required for a major institutional use shall be kept in a neat/tidy manner and shall be adequately screened from neighboring uses.

#### **9.5.8 Site Plan**

A Site Plan Agreement pursuant to the provision of Section 41 of the *Planning Act, R.S.O. 1990* shall be required for all new and/or expanded/enlarged major institutional use development. Exceptions to this may be applied in the case of certain types of recreational uses (e.g. ball diamonds, soccer fields, tennis courts, trails, etc.) and in the case of uses such as parks, open space areas, and stormwater management facilities.

**9.5.9 Zoning By-law**

Major institutional uses shall be placed in an appropriate zone classification in the Municipality's implementing Zoning by-law. The Zoning By-law shall contain regulations on matters such as permitted uses, permitted buildings and structures, setback requirements, and off-street parking.

**9.5.10 Former Listowel Ward Landfill Site**

The former Listowel Ward landfill site is located in the north-west corner of the Listowel Ward and is included in the "Major Institutional" designation as shown on Schedule "A" (Listowel Land Use Plan). When future uses are being considered for this former landfill site or when development proposals are being considered on lands abutting and/or adjacent to this landfill site, consideration shall be given to environmental issues such as leachate and methane gas migration and all required approvals must be obtained from the applicable regulatory authorities. Where separation distances between new development and this former landfill site are appropriate and necessary, such separation distances shall be established and implemented through the Municipality's implementing Zoning By-law.

**9.6 Consent/Severance Policies**

The following specific policies shall apply to consent applications which involve land in the "Major Institutional" designation as shown on Schedule "A" (Listowel Land Use Plan). They are intended to implement the foregoing goals, objectives, and policies and are to be applied in addition to the general consent/severance policies set forth in Section 15.3 of this Plan.

**9.6.1 Servicing Requirement**

All consents involved with new and/or expansion of existing development shall be approved only if the subject land is serviced by municipal water and sewage services. An exception to this may be applied in the case of certain types of recreational uses (e.g. ball diamonds, soccer fields, tennis courts, trails, etc.) and in the case of uses such as parks, open space areas, and stormwater management facilities.

**9.6.2 Adjacent Residential Uses**

Where land involved in a consent application is adjacent to an existing residential use lot, consideration shall be given to appropriate conditions of consent approval to deal with buffering and screening issues.

**9.6.3 Lot Enlargement**

Consents for the purpose of enlarging existing lots shall be permitted provided that the proposed enlargement is for a permitted major institutional use, there is a demonstrated need for the enlargement, and an undersized lot is not created.

**9.7 Site Specific Amendments**



## **10.0 NATURAL RESOURCE/ENVIRONMENT**

### **10.1 Background**

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, with very little natural resource/environment area remaining in settlement areas such as the Listowel Ward.

While 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, the remaining natural resource/environment area in the Listowel Ward consist of some woodland/forest area and fish habitat areas (i.e. watercourses). While these areas are relatively small, they are worthy of protection and enhancement in order that they may benefit and be enjoyed by current and future residents of the Listowel Ward and surrounding areas. The Municipality of North Perth 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 resource/environment areas and to provide a policy framework which encourages the enhancement and improvement of these areas.

### **10.2 Goals and Objectives**

The following goals and objectives are established for the "Natural Resource/Environment" designation:

- (a) To identify the remaining natural resource/environment features in the Listowel Ward;
- (b) To ensure the long-term protection, preservation, conservation, and enhancement of the identified "Natural Resource/Environment" areas;
- (c) To encourage the re-establishment or naturalization of "Natural Resource/Environment" areas;
- (d) To promote the wise stewardship and management of "Natural Resource/Environment" areas; and
- (e) To protect water resources, the Municipality will encourage rehabilitation through storm water management and stewardship initiatives.

**10.3 Land Use Designation and Mapping**

Policies for the "Natural Resource/Environment" designation shall apply to the areas shown as "Natural Resource/Environment" on Schedule "A" (Listowel Land Use Plan) to this Official Plan.

**10.4 Definition/Permitted Uses**

The "Natural Resource/Environment" designation as established by this Plan includes the following features:

**Amended By Modification No. 1**

- (a) Woodland/forest areas;
- (b) Natural watercourses and associated fish habitat;
- (c) Significant habitat of threatened and endangered species; and
- (d) Significant wildlife habitat.

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 Listowel and North Perth residents. As a general rule, uses such as conservation, forestry, wildlife areas, and passive recreation are permitted uses.

**Amended By Modification No. 2**

The location and extent of "Natural Resource/Environment" features as shown on Schedule "A" (Listowel Land Use Plan) to this Official Plan, to which the following goals, objectives, and policies apply, are based on information obtained from 2006 aerial photography and other sources prior to the adoption of this Official Plan. Where additional "Natural Resource/Environment" features become known, it is intended that this Official Plan be amended as appropriate to incorporate such features into this Plan.

**10.5 Specific Feature Policies****10.5.1 Woodland/Forest Areas**

It is the intent of this Plan to identify and designate all remaining woodland/forest areas within the Listowel Ward in order that they may be protected, preserved, and enhanced for the benefit of current and future residents of Listowel and the surrounding area.

Specific policies for woodlands are as follows:

- (a) With the exception of the specific activities noted in Clause (b) below, development and site alteration shall not be permitted in woodland areas;
- (b) Notwithstanding the policy of paragraph (a) above, passive recreational uses such as walking, biking, and cross country skiing are considered as appropriate activities in woodland/forest areas if located on a designated

trail that has been or is being established in accordance with appropriate input from the Municipality. Such activities are to be carried out in an environmentally friendly manner so as to preserve the overall woodland/forest area function;

- (c) The municipality's Zoning By-law shall zone woodland/forest areas in a manner so as to preclude development and site alteration excepting that permitted by Clauses (a) and (b) above; and
- (d) Development in areas abutting and/or adjacent to a designated woodland/forest area shall be reviewed to ensure that the potential for adverse impact on the woodland/forest area is minimized.

### **10.5.2 Natural Watercourses and Fish Habitat**

The "Natural Resource/Environment" designation includes natural watercourses that are within the Listowel Ward and which are shown on Schedule "A" (Listowel Land Use Plan) to this Official Plan.

The "Natural Resource/Environment" designation also includes any fish habitat areas in with natural watercourses in the Listowel Ward as identified by the Ministry of Natural Resources. Specific policies for fish habitat area are as follows:

- (a) Development and site alteration shall not adversely affect any fish habitat. Generally, development or site alteration 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 on fish habitat;
- (b) Notwithstanding the policy of Clause (a) above, the clean out of municipal drains shall be permitted in accordance with applicable regulations;
- (c) Although storm water management and drainage measures are often located some distance from a watercourse, these measures can 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;
- (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) Notwithstanding Clauses (a) 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.

#### **Amended By Modification No. 4**

##### **10.5.3 Significant Habitat for Endangered or Threatened Species**

The "Natural Resource/Environment" designation recognizes and acknowledges that there may be significant habitats for endangered or threatened species in the Listowel Ward. This shall include the habitat of species as approved by the Ministry of Natural Resources and identified on the Species at Risk in Ontario List (SARO).

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 other agencies, as appropriate, 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 environmental impact assessment may be required in order to assess the impact of the development and site alteration; and
- (c) notwithstanding the policy of Clause (a) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming operations are permitted on adjacent lands without an environmental impact study, subject to all applicable legislations and regulations.

#### **Amended By Modification No. 5**

##### **10.5.4 Significant Wildlife Habitats**

The "Natural Resources/Environment" designation is intended to include other significant wildlife habitat. Where lands providing significant wildlife habitat are identified through appropriate studies, such areas shall be appropriately recognized on Schedule "A" (Listowel Land Use 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 may be required in order to assess the impact of the development and site alteration; and
- (b) notwithstanding the policy of Clause (a) above, agricultural activities including plowing, seeding, harvesting, grazing, animal husbandry, and existing buildings associated with farming operations are permitted on adjacent lands without an environmental impact study, subject to all applicable legislations and regulations.

### **Amended By Modification No. 3**

#### **10.5.5 Special Provisions**

Notwithstanding the policy of Section 10.5.1 above, limited tree cutting of the woodland/forest area located at part of Lot 33, Concession 1 in the Listowel Ward (formerly in the Township of Elma) may be permitted for the purpose of allowing driveway access to industrial development on abutting lands which are designated as "Industrial". Such limited tree cutting shall be permitted only where access for the industrial development cannot be reasonably located elsewhere, shall be confined to areas along the outer edges of the woodland/forest area, and must be approved by the County of Perth prior to any such cutting occurring and be in general compliance with the County's Forest Conservation By-law.

#### **10.6 General Policies**

##### **10.6.1 Purpose**

The "Natural Resource/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.

##### **10.6.2 Private Ownership**

Some of the areas designated "Natural Resource/Environment" are held in private ownership. Nothing in this Plan implies an intention on the part of the municipality to acquire such lands nor to make such areas available for public use.

**10.6.3 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.

**10.7 Consent/Severance Policies**

The following specific policies shall apply to consent applications which involve land within the "Natural Resource/Environment" designation as shown on Schedule "A" (Listowel 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 15.3 of this Plan.

**10.7.1 New Lot Creation**

As a general rule, the severing of lands in the "Natural Resource/ 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.

**10.7.3 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 resource/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 Municipality's implementing Zoning By-law when dealing with such applications.

**10.7.4 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.

**10.8 Site Specific Amendments**

## 11.0 **FLOOD PLAIN**

### 11.1 **Background**

There are areas within the Listowel Ward which, because of their topographical characteristics, are considered to be hazardous in nature. These areas are the valley lands and the slopes associated with the Middle Maitland River and flooding has occurred in parts of these flood plain areas in the past. The Middle Maitland River flows southward through the Listowel Ward in a north-east to south-west direction. Its valley lands and slopes, while not excessive, do result in limitations on development due to hazards associated with flooding and slope stability.

Historically, the Middle Maitland River has played a significant role in the settlement and development of Listowel. In the early stages of its development, much of the commerce and industry in Listowel located either beside or in proximity to the Middle Maitland River, where the river waters could be used for power, water supply, and transportation. The result is that a substantial part of the central commercial area and adjacent industrial and residential development in the Listowel core area are located in and beside the valley lands associated with the Middle Maitland River. In the central portion of the Listowel core area, the Middle Maitland River flows through a conduit which is located below some of the core area buildings. This conduit was re-constructed in the 1990's and was designed to accommodate the water flows resulting from a regulatory storm event.

The Middle Maitland River is within the broader Maitland River watershed and is within the jurisdiction of the Maitland Valley Conservation Authority (MVCA). The former Town of Listowel and the MVCA have worked together in the past to deal with flood and building related matters and the Municipality of North Perth has continued to work with the MVCA in respect to these matters. Through the use of a two-zone approach to planning for flood plain areas, some development and re-development has been permitted to occur in parts of the flood plain area subject to regulations and specific development standards (e.g. flood-proofing) imposed by the MVCA and the Municipality.

As was the case with previous Official Plans for the Listowel area, it is the intent of this Official Plan to permit limited development to occur within the floodplain areas associated with the Middle Maitland River. This Official Plan will continue to make use of the two-zone approach to planning for flood plain areas, through which limited development will be permitted within flood prone areas. The Municipality will continue to work with the MVCA in order to ensure that protection from flooding is appropriately addressed and that development proposals involving lands in flood plain areas are reviewed and appropriately addressed.

### 11.2 **Goals and Objectives**

The following goals and objectives are established for the "Flood Plain" designation:

- (i) To provide a suitable flood plain/land use management framework in order to permit controlled development and re-development of lands within flood plain areas in the Listowel Ward;

- (ii) To prevent the needless destruction of property from flooding, to prevent the loss of life, to minimize property damage, and minimize social disruption by providing a reasonable level or degree of flood protection for the flood plain areas in the Listowel Ward;
- (iii) To permit, in accordance with recognized Provincial policy, controlled development and re-development within the flood plain areas that have been identified for the Middle Maitland River;
- (iv) To encourage and promote a co-ordinated approach to the use of flood plain lands in the Listowel Ward and when dealing with proposals for development involving lands in and adjacent to the identified flood plain areas; and
- (v) To preserve, conserve, and enhance the natural environment associated with identified flood plain areas.

### 11.3 **Land Use Designation and Mapping**

The policies for the "Flood Plain" designation shall apply to:

- (i) Identified "floodway" areas. These areas are shown and designated as "Flood Plain" on Schedule "A" (Listowel Land Use Plan) to this Official Plan;
- (ii) Identified "flood fringe" areas. The outer limits of the flood fringe area is identified on the Schedule "A" (Listowel Land Use Plan) to this Official Plan and the flood fringe area policies will function as an "overlay constraint" associated with the underlying land use designation (e.g. "Residential", "Central Commercial", etc.).

The "floodway" areas designated as "Flood Plain" on Schedule "A" and the "flood fringe" areas shown as an "overlay constraint" on Schedule "A" (Listowel Land Use Plan) are based on information provided to the Municipality by the Maitland Valley Conservation Authority (MVCA). The MVCA's information is based on flood plain studies undertaken by it and/or agents.

### 11.4 **Definition/Permitted Uses**

The "Flood Plain" designation as established by this Plan shall apply to those lands and watercourse areas that are within the floodway portion of the flood plain as identified and mapped by the MVCA. The "Flood Plain" overlay area shall apply to those lands that are within the flood fringe portion of the flood plain as identified by the MVCA.

The regulatory flood plain for the Listowel area is based on the Regulatory Flood Standard associated with the Hurricane Hazel storm event. A two-zone flood plain management concept which is consistent with the provincial policy on flood plain management is being used in this Official Plan. For the purpose of this Plan, the following definitions apply:



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; and

Floodway - means that portion of the flood plain where development and site alteration would cause a danger to public health and safety or property damage and where new development is not permitted. In the two-zone concept, 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. In the two-zone concept, the outer portion of the flood plain is called the flood fringe; and

Flood Fringe - means 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.

The permitted uses of land in the **floodway** portion of the flood plain shall be open space, forestry, conservation uses, agriculture (i.e. cropland), and outdoor recreation uses.

The **flood fringe** portion of the flood plain will function as an "overlay constraint" 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.

## 11.5 Policies

### 11.5.1 Boundaries

The boundaries or limits of the flood plain area, consisting of both the floodway area which is designated as "Flood Plain" on the attached Schedule "A" (Listowel Land use Plan) and the flood fringe area as shown on the attached Schedule "A" (Listowel Land Use Plan), are based on detailed flood line information made available through specific flood line studies conducted by the Maitland Valley Conservation Authority. More detailed maps showing the extent of flood line mapping for the Listowel Ward area are available for review at the Municipality of North Perth offices and the MVCA offices.

### 11.5.2 Two-Zone Floodway/Flood Fringe Concept

The two-zone floodway/flood fringe concept shall apply to the flood plain areas (i.e. floodway and flood fringe areas) as shown on the attached

Schedule "A" (Listowel Land Use Plan). The two-zone floodway/flood fringe concept is based on the following policies:

- (a) The permitted uses in the **floodway** portion of the flood plain shall be open space, forestry, conservation uses, agriculture (i.e. cropland), and outdoor recreation uses;
- (b) The permitted uses in the **flood fringe** portion of the flood plain shall be those uses permitted in accordance with the applicable policies of the underlying land use designations established by this Plan. For example, where the underlying designation is "Central Commercial", the permitted uses for the "Central Commercial" designation as set out in Section 6.4 of this Plan shall apply;
- (c) In the **floodway**, new construction and the placement of fill is not permitted except where the construction or fill is associated with flood or erosion control work or necessary municipal services. Where construction and/or filling are permitted, the design and construction must be approved by the Maitland Valley Conservation Authority prior to the work commencing;
- (d) In the **flood fringe**, construction and the placement of fill will be permitted in accordance with the policies for the underlying land use designation and subject to prior approval of the Maitland Valley Conservation Authority. An amendment to this Official Plan is not required for permitted construction and filling activity in a **flood fringe** area; and
- (e) Where construction is permitted in the **flood fringe**, the flood proofing policies as set out in Section 11.5.3 shall apply.

### 11.5.3

#### **Flood Proofing Policies**

- (a) All new construction, including both habitable and non-habitable structures, in the flood plain areas must be flood proofed to the Regulatory Flood level under existing conduit conditions. The method and type of flood proofing will vary depending upon the proposed use of the structure.
- (b) Human Habitation Uses
  - (i) the main floor must be above the Regulatory Flood level elevation;
  - (ii) all building openings to living space shall be above the Regulatory Flood level elevation;
  - (iii) foundations, walls, and floor systems located below the Regulatory Flood level elevation shall be designed and constructed to withstand the hydrostatic pressures associated with a Regional Flood event. Construction materials used of a

- type that is not subject to deterioration by water or shall be of a wetting/drying cycle;
- (iv) the construction of full basements in areas subject to more than one metre of flooding will not be permitted unless the site can be raised by filling so that the basement floor will be subject to less than one metre of flooding;
  - (v) all mechanical, electrical, and heating equipment shall be located above or protected to the Regulatory Flood level elevation; and
  - (vi) sump pump outlets must be equipped with an anti-back flow device if such outlets are located below the Regulatory Flood level elevation.
- (c) **Commercial Development**
- (i) all window openings shall be above the Regulatory Flood level elevation;
  - (ii) doorways and floor levels may be located below the Regulatory Flood level elevation provided that flood proofing measures are incorporated into doorways;
  - (iii) foundations, walls, and floor systems located below the Regulatory Flood level elevation shall be designed and constructed to withstand the hydrostatic pressures associated with a Regional Flood event. Construction materials used shall be of a type that is not subject to deterioration by water or the wetting/drying cycle;
  - (iv) all mechanical, electrical, and heating equipment shall be located above or protected to the Regulatory Flood level elevation;
  - (v) where commercial development includes a residential use component, the policies of Clause (b) above shall apply; and
  - (vi) sump pump outlets must be equipped with an anti-back flow device if such outlets are located below the Regulatory Flood level elevation.
- (d) **Other Development**
- The policies of Clause (c) above shall apply to all other types of development as permitted by the underlying land use designation.

#### **11.5.4 Accessory Structures**

Where accessory structures such as storage buildings, garages, and sheds are permitted, they shall be anchored so as to prevent movement during a Regional Storm event.

The storage of materials which would constitute a pollution threat or which could be damaged during a flood event shall be located above the Regional Flood level elevation or stored in a manner that enables them to be moved prior to a flood emergency.

- 11.5.5 Conversion**  
The conversion of one use to another type of use (e.g. commercial to residential) shall be permitted provided that the policies that are applicable to the proposed use are satisfied.
- 11.5.6 Dry Access**  
As a general policy, all uses involving human habitation shall not be permitted to locate in flood plain areas unless dry access can be provided for evacuation purposes during a Regional Flood event.
- 11.5.7 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/identified flood plain and/or the 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 18.2 of this Plan.
- 11.5.8 Setbacks**  
Where the nature of the hazard and physical characteristics of the site warrant it, setbacks for buildings and structures from areas designated/identified flood plain areas shall be imposed. The extent of such setbacks shall be determined in consultation with the Maitland Valley Conservation Authority and will be implemented through the Municipality's implementing Zoning By-law, where appropriate.
- 11.5.9 Land Dedication for Park or Other Public Recreation Purposes**  
Where new development is proposed on a site, part or all of which is designated/identified as a flood plain area by this Plan, and the owner/developer is required to convey land for park or other public recreation purposes to the Municipality as part of the development approval process, it is a policy of this Plan that lands which are designated/identified as flood plain area shall not necessarily be acceptable as part of the land dedication requirement.
- 11.5.10 Woodlots and Forest Areas**  
The clearing of woodlots and forest areas in areas designated/identified as flood plain 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.
- 11.5.11 Re-establishment of Vegetation Cover**  
It is a policy of this Plan that the Municipality encourages the re-establishment of vegetation cover and buffer areas along the watercourses that are within designated/identified flood plain areas.

**11.5.12 Zoning By-law**

The floodway and flood fringe components of the flood plain areas designated and identified on Schedule "A" (Listowel Land Use Plan) shall also be identified as flood plain areas/overlays in the Municipality's implementing Zoning By-law. The Zoning By-law will contain provisions consistent with the flood plain area policies as set forth in this Plan.

**11.6 Consent/Severance Policies**

The following specific policies shall apply to consent applications which involve land within the flood plain areas designated and identified on Schedule "A" (Listowel 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 15.3 of this Plan.

**11.6.1 New Lot Creation**

Except as provided for in Section 11.6.2 below, consents for the purpose of creating new lots for development within the designated/identified flood plain areas shall be prohibited.

**11.6.2 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 Maitland Valley Conservation Authority prior to the consent granting authority making its decision.

**11.6.3 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.

**11.6.4 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.

**11.6.5 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.

**11.7 Site Specific Amendments**

## **12.0 CULTURAL HERITAGE RESOURCES**

### **12.1 Introduction**

The cultural heritage resources of the Listowel Ward primarily includes buildings and structures (or the remains thereof) erected by the many generations of our forefathers. The Middle Maitland River may also be a potential resource for more diverse examples of our cultural heritage, including archaeological sites, 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.

### **12.2 Goals and Objectives**

- (i) 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 and enhance their heritage value and benefits to the community;
- (ii) To compile and maintain a ward-wide inventory of cultural heritage resources, including: heritage resources designated under the *Ontario Heritage Act*, archaeological and historical resources identified in Provincial and Federal inventories; and sites or areas of architectural, cultural, social, political, economic, or historical significance to the community;
- (iii) To encourage the protection of heritage resources in their surrounding context and to minimize the extent to which they are affected by development;
- (iv) To expand the list of cultural heritage resource sites that are considered worthy of preservation;
- (v) To encourage development and redevelopment in a manner that is generally in keeping with the cultural heritage of the Listowel Ward; and
- (vi) To encourage and foster public awareness, participation and involvement in the conservation and appreciation of cultural heritage resources (e.g. Heritage Committee, heritage trails, interpretive plaques, public archives, educational programs).

### **12.3 Land Use Designation and Mapping**

The "Cultural Heritage Resources" policies shall apply throughout the Listowel Ward, where applicable. The locations of any known cultural heritage resource sites are shown on Schedule "B" to this Official Plan. These areas are site specific in nature.

### **12.4 Policies**

To achieve the forgoing objectives, the following policies are adopted:

#### **12.4.1 Ontario Heritage Act**

The *Ontario Heritage Act* is an important tool for the preservation of the Listowel Ward's cultural heritage. Where merited, Council may consider the following:

- (a) designating buildings, structures, and sites considered to be of historical importance, when appropriate, under Part IV of the *Ontario Heritage Act*,
- (b) designating a portion or portions of the Ward as Heritage Conservation Districts under Part V of the *Ontario Heritage Act*,
- (c) preparing a Heritage Conservation District Plan for the District or Districts which will include design guidelines for both existing buildings and new construction; and
- (d) entering into Heritage Easements to protect property in perpetuity.

Council will develop and 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 Heritage Committees is encouraged for these purposes.

#### **12.4.2 Historic Buildings, Sites, and Areas**

Council will provide leadership in the protection, improvement and management of cultural heritage resources by using municipally-owned heritage properties as examples of the proper stewardship of such resources and encourage private land holders to redevelop or recycle designated historical buildings to uses compatible with the historical or architectural character of the building.

#### **12.4.3 Incentive Programs**

Council may promote the repair, refurbishment and maintenance of the existing structures through the administration of funding programs that may become available for the preservation and enhancement of cultural heritage.

#### **12.4.4 Development**

##### **12.4.4.1 Designated Buildings or Sites**

Prior to the approval of any development or redevelopment applications involving a cultural heritage site, Council may require a Heritage Impact Assessment where a proposal to alter, demolish or erect a structure on a property designated under the *Ontario Heritage Act*, or by the Federal Department of Canadian Heritage is made.

If a Heritage Impact Assessment permits any cultural heritage resource to be demolished or significantly altered, Council may require, and it shall be the responsibility of the developer, to prepare documentation for archival purposes including such things as a history, photographic record, measured drawings and other available documentation of the heritage resource prior to demolition or alteration.



#### **12.4.4.2 Archaeological Resources**

Prior to the approval of any development or redevelopment applications, Council will determine the potential presence of archaeological resources, based on archaeological potential maps, provincial screening criteria, geographic and historic features. If it is determined that there may be potential for archaeological resources, Council shall require an archaeological assessment of the lands to be developed.

Where the archaeological assessment identifies a significant archaeological resource, Council will not permit development on the lands containing the significant archaeological resource until the land or site has been conserved by removal and documentation by a licensed archaeologist, prior to any site alterations or construction.

Where the archaeological assessment concludes that significant archaeological resources must be preserved, only development and site alterations which maintain the heritage integrity of the site may be permitted.

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*.

#### **12.4.5 Alterations and Demolition**

All alterations to, or demolitions of, buildings, structures and sites designated "Cultural Heritage Resources", or designated under the Ontario Heritage Act or by the Federal Department of Canadian Heritage, must receive approval of the North Perth Council.

Prior to such permission being given, Council may require a Heritage Impact Assessment. 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;

Council will attempt to protect the cultural heritage resource in their context by promoting the redevelopment of designated historical properties with uses compatible with the historical or architectural character of the structures(s) or natural features on the properties. Where this is not feasible, Council will attempt to protect important aspects of the cultural heritage resources, or where protection is not feasible, will encourage the re-creation of the cultural heritage resources.

#### **12.4.6 Land Acquisition**

Council may consider the acquisition of any designated heritage resource, where deemed necessary, in the public interest, and where financially feasible.

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### **13.0 ECONOMIC DEVELOPMENT**

Economic development is an important part of the growth and development strategies of the Municipality of North Perth, particularly in the Listowel Ward and its servicing area. The economic prosperity of the Listowel Ward services urban area, its residents, and its business community are essential components of the overall economic health of the area and contribute towards making the Listowel Ward and the broader North Perth and County of Perth areas 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 and the need for a concerted effort on the part of all economic development parties/participants to implement and achieve the goals and objectives of the overall economic development strategy.

The economic development strategy for the Municipality of North Perth is set out, in part, in the “County of Perth Economic Development Strategic Plan” document prepared for the County and its member municipalities by Brown & Associates in 2003. It, along with other economic related studies such as the “Economic Base Analysis For Perth County” by Mathew Fischer & Assoc. Ltd., 2004, help to establish an overall economic vision for the Municipality of North Perth, the County, and other member municipalities in the County and sets out goals, objectives, and an implementation plan aimed at fulfilling the vision.

Through the policies of the Listowel Ward Official Plan, the Council of the Municipality of North Perth supports and encourages the following economic development goals and objectives:

- (i) The development, attraction, and retention of small business investment in the Listowel Ward, focusing on the commercial and industrial areas throughout the Ward;
- (ii) The attraction, retention, and expansion of commercial and industrial business investment in the Listowel Ward, the Municipality of North Perth, and surrounding communities;
- (iii) The creation and retention of full-time employment opportunities within the Listowel Ward, the Municipality of North Perth, and surrounding communities, with specific focus on the development of opportunities for youth;
- (iv) The broadening and diversification of municipal tax assessment to improve financial viability of the Municipality of North Perth through the increase of industrial, commercial, and small business assessment in the Listowel Ward and throughout the Municipality of North Perth;
- (v) The facilitation of a positive business development culture in local government, the business associations, Listowel Ward residents, and surrounding communities;

- (vi) The timely and efficient provision of and development of the necessary physical infrastructure to support residential, commercial, and industrial development;
- (vii) Municipal involvement in facilitating industrial development through a variety of economic development initiatives;
- (viii) The facilitation of residential development in the Listowel Ward and its servicing area, 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;
- (ix) The provision of an adequate supply of land **designated** for residential, commercial, and industrial purposes in the Listowel Ward and its servicing area in order to accommodate projected future growth and development needs;
- (x) The continual monitoring of the capacity and capability of North Perth's 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;
- (xi) Co-operation and co-ordination with the various economic development parties/partners throughout the County and the broader geographic area in order to achieve both the broader economic development strategy and the specific economic goals and objectives; and
- (xii) Promotion of tourism initiatives and programs for the Listowel Ward, the Municipality of North Perth, and surrounding communities.

**14.0 HEALTHY COMMUNITIES**

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

- (a) the development of a compact development form in the Listowel Ward and in the fringe growth areas in the Listowel serving area in order to encourage and facilitate active transportation (i.e. walking, cycling, etc.);
- (b) the siting of new public buildings, where possible, 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 that support the recreation and healthy lifestyle needs of Listowel Ward residents; and
- (f) encouraging the use of and sustaining existing trails and parks/open in the Listowel Ward.

Page 14-2 left Blank

## **15.0 POLICY FOR THE DIVISION OF LAND**

### **15.1 Introduction**

This section of the Listowel Ward 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 the applicable approval authorities and by the Municipality in making its recommendations on specific applications/proposals.

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*.

### **15.2 Plans of Subdivision**

#### **15.2.1 General**

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(5) of the *Planning Act*, the County of Perth is the approval authority for plans of subdivision involving lands within the Listowel Ward.

Under Section 51(16) of the *Planning Act*, an owner of land or the owner's authorized agent may apply to the County 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)).

**15.2.2**      **Policies**

When reviewing a proposal for a draft plan of subdivision, Council, its Planning Advisory Committee, and all other agencies, committees, and boards that are involved in the review/approval process are to have regard for the following policies:

- (a) All information that is required under the Planning Act must be submitted with the application and made available for review purposes;
- (b) 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;
- (c) Development through the plan of subdivision process should be orderly and contiguous to existing development;
- (d) 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;
- (e) Proposed plans of subdivision are to be reviewed to ensure that the proposed development is consistent with applicable Provincial policy as set forth in the Provincial Policy Statement and that the proposed development is in conformity with the County Official Plan and the Listowel Ward Official Plan. Subdivision proposal which do not meet these criteria shall not be approved;
- (f) Plan of subdivision proposals should be consistent and compatible with land uses in the immediate vicinity;
- (g) Where a proposed plan of subdivision is for residential purposes and involves a large parcel of land, consideration shall be given to incorporating a mixture of housing types into the development;
- (h) 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;



- (i) 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 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;
- (j) 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 potential impacts on such features are appropriately studied and addressed.
- (k) 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 plan of subdivision proposals wherever possible;
- (l) Sewage capacity and water supply capacity are to be given due consideration and proposed plans of subdivision should not be approved where insufficient sewage and/or water supply capacities exist;
- (m) Proposed plans of subdivision are to be reviewed to ensure that the plans have an acceptable parkland/open space component. The Municipality 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 Municipality be obligated to accept parkland which is being offered by an applicant for a proposed plan of subdivision;
- (n) Proposed plans of subdivision shall be subject to a subdivision agreement entered into between the 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 or 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 prior to final approval of the plan and registered on title at the appropriate time; and

- (o) Before recommending to the approval authority that a proposed plan of subdivision be approved, the 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.

### **15.3 CONSENTS/SEVERANCES**

#### **15.3.1 General**

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 Listowel Ward.

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 approval authority with the prescribed information or material (Section 53(2)). When considering a consent application, the approval authority 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 approval authority may impose whatever conditions as it considers are reasonable (Section 53(12)). The types of consent policies contained in this Plan are 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.

#### **15.3.2 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.

##### **15.3.2.1 Lot Creation**

Lot creation through the consent process should only be considered 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.

**15.3.2.2 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.

**15.3.2.3 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.

**15.3.2.4 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 should meet the applicable minimum lot area and lot frontage requirements as set forth in the Municipality's implementing Zoning By-law.

**15.3.2.5 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.

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.

- 15.3.2.6**     **Sewage and Water Services**  
Consents should be granted only in those situations where the lots being created can be adequately and appropriately served by the Municipality's sewage collection/treatment system and water supply system.
- 15.3.2.7**     **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 Municipality and/or the County.
- 15.3.2.8**     **Natural Hazards**  
Natural hazards such as flood plains and steep slopes shall be considered when reviewing consent applications to ensure that the new lot does not aggravate existing natural hazards or increase risk to life and property from natural processes.
- 15.3.2.9**     **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.
- 15.3.2.10**    **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.
- 15.3.2.11**    **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 lot enlargement matters noted in Section 15.3.2.10 and the provisions of the Municipality's implementing Zoning By-

law when dealing with applications involving lot boundary adjustments/corrections.

**15.3.2.12 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.

**15.3.2.13 Zoning By-law**

An application for consent must be in conformity with the provisions of the Municipality's implementing Zoning By-law if it is to be approved. Where an amendment or minor variance to the 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 of coming into force of such amendment or variance.

**15.3.2.14 Conditions of Consent**

When reviewing and considering an application for consent, the Municipality 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 Municipality for park purposes or alternatively, the 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 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.

### **15.3.3 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 15.3.2 and must be satisfied if an application is to be approved.

## **16.0 COMMUNITY FACILITIES, RESOURCES AND SERVICES**

### **16.1 Water, Sanitary Sewage System, and Storm Sewers**

Municipal infrastructure and services are a major component of the servicing strategies for growth and development in the Municipality of North Perth and in particular, in the Listowel Ward and its adjacent servicing area (i.e. abutting fringe areas). Currently, the Listowel Ward is the only fully serviced settlement area in the Municipality of North Perth.

It is the intent of the Municipality of North Perth that the allocation of servicing capacity for the Listowel Ward and its adjacent servicing area be implemented through the applicable municipal planning approval processes, the staging of growth (where appropriate), and the ongoing monitoring of servicing capacity.

#### **16.1.1 Water Supply and Storage**

The Municipality of North Perth owns and operates a water supply system for the Listowel Ward area and this system is the primary means of water supply to the residents of and businesses in the Listowel Ward. With the exception of a couple of privately owned wells serving specific business uses, it is the only water supply system serving the Listowel Ward area.

The Municipality's water supply system for the Listowel Ward area presently consists of three deep, aquifer fed wells, water storage facilities, and a pipe distribution system. The Municipality has upgraded the water supply system, as appropriate, over the years to ensure that continued capacity is maintained and to ensure that it is operated and maintained in accordance with Provincial water regulations.

The Municipality's water supply system for the Listowel Ward area has sufficient capacity for present and future anticipated growth demands over the 20 year planning period of this Official Plan. The water supply system for the Listowel Ward area is capable of meeting the peak and/or emergency demands for the foreseeable future.

As growth continues to occur in the Listowel Ward area and its abutting fringe areas, it is expected that the water distribution system will be extended and upgraded, as appropriate, in order to properly serve this new growth.

#### **16.1.2 Sanitary Sewage System and Treatment Facilities**

The Municipality of North Perth owns and operates a sanitary sewage system which serves the Listowel Ward area and some of the adjacent servicing area (i.e. abutting fringe area). This sanitary sewage system is the primary means of sanitary sewage treatment for the Listowel Ward area.

This sanitary sewage system consists of a sewage treatment facility, a pumping station, and a sewer pipe collection system. It is a tertiary treatment system (e.g. based on the Biological Nutrient Removal concept) and it is located at Lots 13 and 14, Concession 2 in the Elma Ward of the Municipality of North Perth, immediately to the south-west of the Listowel Ward. This sewage treatment facility has been upgraded a number of times, with the most recent upgrade occurring in 2007.

The Municipality's sanitary sewage system for the Listowel Ward area has sufficient capacity for present and future anticipated growth demands over the next number of years. The capacity and operation of the system are reviewed annually, with any required upgrades being undertaken as required.

As growth continues to occur in the Listowel Ward area and its abutting fringe areas, it is expected that the sewage treatment system will be upgraded, as appropriate, in order to properly serve this new growth.

### **16.1.3 Storm Sewers**

Much of the Listowel Ward area and the existing development within the Listowel Ward are serviced by a storm water collection system(s). In considering and dealing with new development in newer developing areas of the Listowel Ward (e.g. south and south-east development areas), the Municipality has and intends to continue looking at the issue of storm water management on a broader area based approach as opposed to an individual development based approach. A cooperative approach among developers in providing storm water management facilities has been encouraged by the Municipality and has become a part of the Municipality's approach to the provision of storm water services for new development areas in the Listowel Ward.

### **16.1.4 General Policies for Servicing**

Council shall have regard to the following when addressing the size and density of proposals for development:

- (a) the level of servicing available within the particular area of the Municipality which is subject to the proposed development;
- (b) the need to ensure that the development of land is based on a logical, orderly extension of services, while at the same time preventing scattered development in large, undeveloped areas;
- (c) the financial and environmental implications with the servicing of development, especially if the development will necessitate the upgrading of one or more components of the existing servicing system; and



- (d) the overall capacity of municipal service systems, especially where the development may affect the adequacy of servicing for the existing areas, or major portions thereof. For greater clarity, overall capacity may be generally determined by the use of Ministry of Environment procedure D-5-1, 'Calculating and Reporting Uncommitted Reserve Capacity at Sewage and Water Treatment Plants.'

As a general policy of this Plan, new development shall be permitted only where adequate municipal water, sanitary sewage, and storm services are available.

Council will take the steps and actions it deems appropriate and necessary to establish and monitor the status of its municipal water, sanitary sewage, and storm sewer systems and infrastructure in an effort to ensure that sufficient and adequate capacity is available to accommodate growth and development in the Listowel Ward and surrounding servicing area for both the short and longer term periods. It is the intention of Council to initiate studies of its municipal servicing systems, as appropriate and necessary, and to initiate any required upgrades of its servicing systems to accommodate growth over the planning period established by this Official Plan and to be prepared for continued growth beyond this period.

## **16.2 Solid Waste Disposal**

### **16.2.1 Existing Landfill Facilities**

The Municipality of North Perth owns and operates a sanitary landfill site on property at the north part of Lot 10, Concession 9 in the Elma Ward. This landfill site serves the entire North Perth area, including the Listowel Ward, Elma Ward, and Wallace Ward areas.

Residential and commercial waste collection for the Listowel Ward area is carried out by a private firm under contract to the Municipality of North Perth. The Municipality does not perform industrial waste collection. The Municipality encourages recycling and has a "blue box" collection system in place in the Listowel Ward area.

Based on current information and studies, the Municipality's landfill site at the north part of Lot 10, Concession 9, Elma Ward property has sufficient capacity for present and future anticipated growth demands for the Listowel Ward area and for the remainder of the North Perth area.

### **16.2.2 Former Landfill Facilities**

The Municipality previously operated a landfill site that served the Listowel Ward area and which was located in the north-west corner of the Listowel Ward. This landfill site is full and has been closed to receiving any additional waste. The necessary steps required for the ongoing monitoring of this landfill site will be carried out by the Municipality. When future uses are being considered for this former landfill site or when development proposals are being considered on lands abutting and/or adjacent to this landfill site, consideration shall be given to environmental issues such as leachate and methane gas migration and all required approvals must be obtained from the applicable regulatory authorities. Where separation distances between new development and this former landfill site are appropriate and necessary, such separation distances shall be established and implemented through the Municipality's implementing Zoning By-law.

#### **Amended By Modification No. 6**

Regarding methane migration, Council recognizes that there may be a need for a methane gas migration buffer around landfill facilities. Where development is proposed within 500 metres of a landfill facility which lacks methane gas attenuation measures, Council may require the proponent to demonstrate that no impacts will result from the landfill activities or associated activities and appropriate buffering and monitoring may be required.

### **16.3 Transportation Policy**

#### **16.3.1 Highway Transportation**

##### **16.3.1.1 Introduction**

This part of the Plan should be read in conjunction with Schedule "B" which indicates the general classification and jurisdictional division of the road system in the Listowel Ward of the Municipality of North Perth.

##### **16.3.1.2 Classification**

The existing roads within the Listowel Ward area of the Municipality are classified on Schedule "B" according to their ultimate function and it is intended that this classification be adopted as part of this Plan.

Where additional land is required for widening and extensions, such land shall be obtained, wherever possible, in the course of the division of land and/or the negotiations and agreements associated with development in the Municipality.

The classifications are as follows:

(a) Provincial Highways

A Provincial highway shall mean a highway under the jurisdiction and control of the Ministry of Transportation (MTO). MTO permits related to land use, buildings and structures, signs, and entrances are required prior to the commencement of any construction within prescribed permit control areas under the Public Transportation and Highway Improvement Act. In some instances, MTO's requirements are more limiting or restrictive than those of the Municipality and these instances, the requirements of MTO shall take precedence.

Mitchell Road South/Provincial Highway 23 is classified as a Provincial Highway.

(b) Arterial Roads

Arterial roads are generally intended and designed to carry large volumes of traffic from one area to another and/or through a settlement area such as the Listowel Ward. Main Street, Wallace Avenue (existing and proposed), Tremaine Avenue to the southerly limit of the Listowel Ward, and Line 84 from Mitchell Road South/Provincial Highway 23 to the easterly limit of the Listowel Ward are classified as arterial roads.

Main Street West and Wallace Avenue North are also considered as connecting links as they connect Mitchell Road South/Provincial Highway 23 on the west side of Listowel with Provincial Highway 23 north of Listowel.

(c) Local Roads

Local roads are generally intended and designed to provide access to abutting properties and to carry lesser volumes of traffic than Provincial Highways and arterial roads. Most of the roads in the Listowel Ward are considered to be local roads.

**16.3.1.3 Intersection Improvement**

It is intended that, as traffic conditions warrant and Municipal finances permit, improvements in the form and function of intersections will be undertaken at those intersections requiring such improvements.

**16.3.1.4 Bridge Improvements**

It is intended that, as traffic and safety conditions warrant, improvements may be made to any bridge requiring upgrading, subject to financial considerations. These improvements will be designed to serve the ultimate proposed road allowance.

**16.3.1.5 Road Improvements**

It is the policy of this Plan that normal standards of road maintenance will be followed, and that a reasonable standard reconstruction program will be implemented. In order to assist in the identification of roads requiring improvements and an order for such improvements, road assessments and/or other similar studies may be undertaken by the Municipality from time to time.

**16.3.1.6 General Policies – Roads**

The following road policies will apply in respect to roads within the Listowel Ward of the Municipality of North Perth:

- (a) the provision of new roads will occur as a result of new plans of subdivision and severance applications. New local roads may be developed, where provided for, with rights-of-way of less than 20 metres;
- (b) all development must front on a public road which is constructed to standards established by the Municipality and which is maintained on a year-round basis;
- (c) provision shall be made in the Municipality's implementing Zoning By-Law for adequate setbacks for all new development having regard for the width and function of the abutting road;
- (d) where additional land is required for road widening, extensions, or rights-of-way, such land may be obtained by the appropriate agencies in the course of approving plan of subdivision, development or redevelopment applications, and consents for land severances;
- (e) the location of access driveways should not create a traffic hazard because of concealment by a curve, grade, or other visual obstruction. Access driveways should be limited in number and designed so as to minimize the dangers to vehicle and pedestrian traffic in the vicinity.

## **16.4 MAJOR UTILITIES**

The facilities of most utilities can have a major impact on the land surrounding these facilities and for this reason, this Plan establishes policies applicable to the various proponents of these facilities as follows:

### **16.4.1 Electric Power Facilities**

All existing electric power facilities and the development of new electric power facilities, are under the control of Ontario Hydro, and as such are subject to Provincial regulation, including the provisions of the Planning Act.

The provisions of the County of Perth Official Plan shall apply in respect to any wind energy generation systems that are proposed on lands within the Listowel Ward.

### **16.4.2 Sewage Treatment Plants**

The establishment of new municipal sewage treatment facilities will require an amendment to this Official Plan and will be subject to the review process under the Environmental Assessment Act and/or the Environmental Protection Act. The municipality will comply with all applicable provincial and/or federal regulations.

### **16.4.3 Trunk Pipelines**

Trunk pipelines for water, hydrocarbons, and other fluids or gases shall be permitted in any land use designations subject to such development satisfying the provision of the Environmental Assessment Act and/or any other relevant Provincial or Federal statute.

### **16.4.4 Guidelines for Review Process**

In evaluating and establishing its position on proposed electric power facilities or municipal or private sewage treatment facilities, North Perth Council shall apply the following guidelines:

- (a) electric power facilities and sewage treatment facilities shall be located in such a way as to minimize their impact on the ecology and environment of the affected areas;
- (b) the proponent will ensure that construction is carried out in a manner that minimizes the impact on the surrounding land;
- (c) the proponent will minimize the impact on the natural environment;
- (d) the proponent will strive to ensure that all structures, easements, rights-of-way, and other works are designed as far as possible to harmonize with the character of the area in which they are located;

- (e) where practical, more than one utility will be located within a common right-of-way.

North Perth Council shall encourage the co-ordination of utilities involving the various agencies/bodies that provide services throughout the Listowel Ward (i.e. Bell Telephone, Union Gas, etc.).

#### **16.5 Airports**

There are no municipally owned airports within the Listowel Ward or the remainder of the Municipality of North Perth. The nearest municipal airports to the Listowel Ward area are the Stratford Airport, located to the south-east of the Listowel Ward, and the Wingham Airport, located to the west of the Listowel Ward.

The nearest international airport to the Listowel Ward area is the Region of Waterloo International Airport, located in the Kitchener-Waterloo area to the east of the Listowel Ward.

There are a number of private air strips and air fields in the abutting Elma and Wallace Wards that cater to and accommodate smaller air craft.

**17.0**      **IMPLEMENTATION****17.1**      **General Policies**

- (a)      The policies of this Plan shall be implemented by the Municipality of North Perth, the County of Perth (e.g.. subdivisions, condominiums), the County of Perth Land Division Committee (e.g. consents), and the North Perth Committee of Adjustment through the powers conferred upon them by the *Planning Act*, the *Municipal Act*, the *Ontario Building Code Act*, and any other applicable statutes of the Province of Ontario;
- (b)      Upon approval of this Official Plan pursuant to the provisions of the *Planning Act*, 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 North Perth Council, the County of Perth, the County of Perth Land Division Committee, and the North Perth Committee 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 Municipality of North Perth or the County of Perth that does not conform to the intent and policies of this Official Plan;
- (e)      The Municipality of North Perth Council 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*, the *Municipal Act*, and any other applicable statutes of the Province of Ontario;
- (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; and
- (g)      Where a proposed development results in the conversions of significant employment lands (i.e. a proposal that has a significant effect on the supply of employment lands in the Municipality) to other types of uses, the conversion of such lands shall only be considered and permitted after a comprehensive review has been done and where such comprehensive review demonstrates that the land is not required for employment purposes over the long term and that there is a need for the conversion. Further, it is a policy of this Official Plan that this comprehensive review requirement not apply to the conversion of smaller or isolated parcels of employment lands.

**17.2 Division of Land by Plan of Subdivision**

The policies of Section 15.2 of this Official Plan shall apply in respect to the division of land through the plan of subdivision process.

The County of Perth has been delegated the approval authority for all plans of subdivisions within local municipalities in Perth County.

**17.3 Division of Land by Consent**

The general consent policies of Section 15.3 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 is the approval authority for all consent applications within the 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. County Council has delegated approval authority to the County of Perth Land Division Committee.

**17.4 Site Plan Control****17.4.1 Objective and Purpose**

The objective 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 Listowel Ward of the Municipality of North Perth. 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.

**17.4.2 Application**

It is the intent of this Official Plan that site plan control apply to all development within the Municipality of North 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 Listowel Ward of the Municipality of North Perth, as shown on Schedule "A" to this Official Plan, are hereby identified as a proposed site plan control area.

Notwithstanding the foregoing, the Municipality of North Perth 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 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, R.S.O. 1990*.

#### **17.4.3 Approval of Site Plans**

Where a local municipal Council 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.

#### **17.4.4 Site Plan Detail**

In accordance with the provisions of Section 41(7) of the *Planning Act, R.S.O. 1990*, 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.

#### **17.4.5 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 17.4.4 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.

**17.4.6 Highway Widening**

Concerning the provisions of Section 17.4.4(a) above pertaining to the widening of highways, the following policies shall apply:

- (a) North Perth Council shall have the authority to require road widening along any road allowance that does not have a standard right-of-way width of 20 metres;
- (b) 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.

**17.5 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 North Perth Council 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.

**17.5.1 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.

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

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

**17.5.2.1 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.

#### **17.5.2.2 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.

#### **17.5.3 Implementation**

It is intended that holding provisions shall be implemented by means of the 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.

#### **17.6 Temporary Use By-laws**

This section of the Plan contains policy to guide Council in its 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 Council for the purpose of allowing a use that is otherwise prohibited by the 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 may apply for a period

not exceeding ten years. 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, Council 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.

#### **17.7 Interim Control By-laws**

Interim Control By-laws may be passed by Council in accordance with the provisions of Section 38 of the Planning Act, R.S.O. 1990, 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, 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.

#### **17.8 By-laws for Increased Height and Density**

Pursuant to the provisions of Section 37 of the Planning Act, R.S.O. 1990, 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.

### 17.8.1 **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.

### 17.8.2 **Application of Bonus Zoning**

Council 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.

### 17.8.3 **Implementation**

The 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, R.S.O. 1990*, 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.

## **17.9 Maintenance and Occupancy Standards**

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 Municipality.

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 leveled 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, R.S.O. 1990*.

## **17.10 Community Improvement**

### **17.10.1 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.

**17.10.2 Principal Goal**

The principal goal for community improvement in the Listowel Ward of the Municipality of North 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 principal settlement area in North Perth.

**17.10.3 Objectives**

By establishing the above goal, the Municipality of North Perth wishes to reconfirm a sense of pride among the citizens of the municipality and as a direct or indirect benefit of that pride, encourage private sector investment throughout the municipality. 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 municipality;
- (c) To encourage local municipal and County, where appropriate, 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 municipality;
- (e) To encourage the improvement of municipal services and facilities, where necessary, to a suitable standard to serve present and future needs of the community;
- (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; and
- (h) To support industrial development by encouraging the provision of adequate services and facilities.

**17.10.4 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.

#### **17.10.5 Delineation of Community Improvement Areas**

The entire Listowel Ward of the Municipality of North Perth is designated as a Community Improvement Area.

#### **17.10.6 Implementation**

In order to achieve the principal goal and the objectives set forth in the preceding sections, the Council of the Municipality of North Perth 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;
- (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 Municipality of North Perth, the County, 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, R.S.O. 1990* to assist and advise Councils on all matters related to cultural heritage resource conservation in the municipality.

#### **17.11 Other Municipal By-laws**

It is a policy of this Plan to encourage Council 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.

**17.12 Zoning By-law**

The Zoning By-law is the primary means of implementing the policies of this Official Plan. 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.

**17.12.1 Official Plan Conformity**

It is a policy of this Plan that all municipal Zoning By-laws conform to the policies of this Official Plan, as well as the County of Perth Official Plan. Following adoption of this Plan and its subsequent approval by the County, the North Perth Zoning By-law should 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 the existing Zoning By-law.

**17.12.2 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.

**17.12.3 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 municipality's Zoning By-law. Notwithstanding this, 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 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.

**17.12.4 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 municipal Zoning By-law may be considered pursuant to the provisions of Section 34(10) or Section 45(2) of the *Planning Act, R.S.O. 1990*, without the need for an amendment to this Official Plan. The former section involves a By-law passed by Council while the latter section involves permission from the 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, 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, R.S.O. 1990*, 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 to make application for the extension, enlargement, or change in a legal non-conforming use does exist, neither Council nor the Committee of Adjustment shall, under any circumstances, be obligated to approve such applications.

### **17.13 Committees of Adjustment**

Pursuant to the provisions of Section 44 of the *Planning Act, R.S.O. 1990*, Council may establish a Committee of Adjustment to deal with the specific application types addressed in Section 45 of the *Planning Act, R.S.O. 1990*. 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.

#### **17.13.1 Review Criteria**

A Committee of Adjustment, when considering an application for minor variance to the 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 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.

**17.13.2 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.

**17.14 Building Inspection and Administration**

Building administration and inspection is carried out by the municipality's Chief Building Official who is responsible for building inspection and administration/enforcement of the municipality's building permit system.

Council 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 Municipality's implementing Zoning By-law.

**17.15 Review of Official Plan**

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 Municipality 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.

**17.16 Contaminated Sites**

This Official Plan encourages the redevelopment and reuse of lands that may, because of past use activity, be contaminated. Where new development or redevelopment is proposed on land that is either known to be contaminated or that is suspected of being contaminated, the new development or redevelopment proposal shall be accompanied by a preliminary assessment/analysis of the present and past uses of the lands and surrounding lands sufficient to determine the likelihood of site contamination. Where such preliminary assessment/analysis indicates the likelihood of contamination, further detailed study will be required to determine the nature and extent of contamination along with any clean-up measures that may be required. The submission of Records of Site Condition documentation may be required by the Municipality. It is a policy of this Official Plan that a contaminated site be cleaned-up to the extent required by applicable regulations before it can be used for new development or redeveloped.

**17.17 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 Municipality is 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.

## **18.0 INTERPRETATION**

### **18.1 Schedules**

The schedules attached to this Official Plan (Schedules "A" and "B"), shall constitute part of the Listowel Ward 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 (Schedule "B"), such additional schedules shall be deemed to form part of this Official Plan.

### **18.2 Land Use Designation and 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, 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 Schedule "B", are considered to be approximate only and not absolute.

### **18.3 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.

### **18.4 References to Statues**

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.

**18.5 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 Municipality of North Perth to update these Ministry and agency references at the time that general reviews and updates of the Listowel Ward Official Plan are undertaken.