

THE CORPORATION OF THE TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

BY-LAW NO. 2013-029

SITE PLAN CONTROL BY-LAW

BEING A BY-LAW to designate the whole Township of Drummond/North Elmsley as a site plan control area.

WHEREAS under section 41 of the Planning Act, R.S.O. 1990 Chapter P.13 as amended, municipalities may by by-law designate the whole or any part of such area as a site plan control area.

AND WHEREAS the Official Plan of the Township of Drummond/North Elmsley contains policies relating to the use of Site Plan Control;

NOW THEREFORE the Council of the Corporation of the Township of Drummond/North Elmsley enacts as follows:

1. Short Title

1.1 This By-Law may be cited as the Site Plan Control By-Law.

2. Definitions

2.1 In this, By-Law,

- a) "Council" shall mean the Council of the Corporation of the Township of Drummond/North Elmsley;
- b) "Development" means the construction, erection or placing of one or more buildings or structures on land; the making of an addition or alternation to a building or structure that has the effect of substantially increasing the size or usability thereof; the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or of sites for the location of three or more mobile homes; and includes redevelopment of existing structures that substantially changes their use.
- c) "Municipality" means the Corporation of the Township of Drummond/North Elmsley;
- d) "Owner" means an owner of land whose interest in the land is defined and whose name is specified in a instrument in the property Land Registry or Land Titles Office and includes a corporate owner or partnership;
- e) "Planning Act" means the Planning Act, R.S.O. 1990, c. P. 13, as amended.

3. Site Plan Control Area

- 3.1 The lands which are affected by this By-Law and which are hereby designated as a Site Plan Control Area include all lands located within the entire geographic limits of the Township of Drummond/North Elmsley.

4. Application of By-law

- 4.1 No person shall undertake any development unless in conformity with this By-law.
- 4.2 Every person must enter into Site Plan Agreement with the Municipality prior to undertaking any of the following classes of development:
- a) All non-residential development, multiple residential development consisting of three (3) or more units, and mobile home development;
 - b) Any industrial, commercial or institutional land use;
 - c) All conversions and redevelopments within any of the above categories;
 - d) New commercial kennels and other similar uses;
 - e) Garden suites as permitted in the Official Plan;
 - f) Accessory buildings with a total lot coverage greater than 140 m² (1,507 ft²) in the Limited Services Residential (LSR) Zone;
 - g) All uses abutting a Municipally owned road which does not meet the minimum right-of-way width of 20 m;
 - h) All uses and proposed uses in a natural heritage feature or area or within 120 metres of land designated Wetland;
 - i) All uses and proposed uses within natural hazard areas or adjacent to a waterbody where the proposed development may have an impact on the ecological function of the waterbody;
 - j) Any development adjacent to the Rideau or Tay Canals and lands ancillary thereto;
 - k) A communication tower or public utility installation, where applicable;
 - l) All cannabis production facilities, including outdoor cultivation areas.

5. Classes of Development Excluded

- 5.1 Notwithstanding Section 4, the following classes of development may be undertaken without the approval of plans and drawings otherwise required under Section 41 of the Planning Act:
- a) Any agricultural and farm related buildings that are utilized in active farm operations or additions or alterations to any buildings or structures accessory thereto;
 - b) Temporary uses, subject to the Municipality's Temporary and Mobile Vendor By-law
 - c) All additions to commercial and industrial buildings under 75 m² (807 ft²) and institutional buildings under 100 m² (1,076 ft²);
 - d) All renovations, retrofitting or repair of buildings that provide for accessibility, does not increase the external footprint or is otherwise exempt under Section 5 of this By-Law;

- e) Development undertaken by the Municipality;
- 5.2 All single detached, semi-detached and duplex dwellings and buildings or structures accessory thereto in zones which permit residential uses as a principle use unless otherwise provided for in Section 4.

6. Site Plan Agreement

- 6.1 Unless exempted by Section 5, no person shall undertake any development in the area or areas designated as a Site Plan Control Area by this By-Law, unless Council, or where referral has been made, the Ontario Municipal Board, has approved the plans and drawings for such development in accordance with Section 41 of the *Planning Act* and the Official Plan of the Municipality, and in addition, as may be required, has entered into one or more agreements with the Municipality dealing with and ensuring the provision of any or all facilities, works or matters and the maintenance thereof, required as a condition to the approval of the plans and drawings.
- 6.2 The agreement shall be registered against the lands to which it applies in accordance with Section 41 of the *Planning Act*.

7. Application Requirements

- 7.1 Every person shall file an application in writing by completing a Site Plan Application form available at the offices of the Municipality.
- 7.2 As provided for in Section 41(3.1) of the *Planning Act*, applicants are required to consult with Municipal Staff before submitting plans and drawings for approval.
- 7.3 Every site plan application shall be accompanied by the required fee, as set by the Municipality's Tariff of Fees By-law;
- 7.4 Every application shall be submitted to the Municipality's Planner and contain the following information:
 - a) Plans showing the location of all buildings and structures existing and to be erected, as well as all related facilities and works to be undertaken;
 - b) Plans showing the massing and conceptual design of each building;
 - c) Plans showing the relationship of each proposed building to adjacent existing buildings, streets and exterior public areas;
 - d) Plans showing the provision of interior walkways, stairs, elevators and escalators to which members of the public will have access;
 - e) Vehicle access facilities including walkways, ramps, parking spaces and related facilities;
 - f) Pedestrian access facilities including walkways, ramps and related facilities;
 - g) Location, size and height of any existing and proposed signage on the subject property;
 - h) Exterior lighting facilities;
 - i) Site landscaping, including measures for protection of adjacent lands;

- j) Garbage storage and collection facilities;
- k) Site grading and provisions for the disposal of storm, surface and waste water from all land, buildings and other structures within the proposed development;
- l) Easements for the construction, maintenance or improvement of services and utilities related to the proposed development;
- m) Sustainable design elements such as energy efficiency, vegetation materials, street furniture, waste and recycling opportunities and bicycle parking where appropriate;
- n) And other matters which may be considered as part of the Site Plan Approval process by the Municipality in accordance with Section 41 of the *Planning Act*.

7.5 Incomplete applications will not be processed until satisfactory information, documentation and full application fee are received.

8. Contravention

8.1 Any person who contravenes this By-law shall be guilty of an offence and upon conviction liable to a fine as prescribed under the *Planning Act*.

8.2 Where an owner is required to complete development in accordance with a Site Plan Agreement and is in default of the Agreement, the Township may complete the requirements of the Agreement at the expense of the owner and the expense so incurred may be recovered from securities posted for the work, or, where such securities are insufficient to cover the works, in like manner as municipal taxes.

9. Repeal

9.1 By-law 2010-010 shall be and is hereby repealed.

10. Previous Site Plan Agreements

10.1 All site plans and agreements entered into pursuant to the provisions of any previous by-law passed under Section 41 of the Planning Act or any Zoning By-law amendment or Committee of Adjustment decision continue in full force and effect.

11. Ultra Vires

11.1 Should any sections of this By-Law be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

12. Effective Date

12.1 This By-law shall come into force and take effect on the date of passing.

Read a first, second and third time and finally passed this 28th day of May, 2013.

Aubrey Churchill, Reeve

Cindy Halcrow, Clerk Administrator