The Corporation of the Township of Whitewater Region

By-law Number 21-05-1384

A by-law to designate the whole area of the Corporation of the Township of Whitewater Region as a site plan control area, to exempt certain classes of development from approval of plans and drawings, under Section 41 of the Planning Act, R.S.O. 1990, c. P.13.

Whereas, Section 41 of the Planning Act permits the Council of a municipality by by-law, where in an Official Plan an area is shown or described as a proposed site plan control area, to designate the whole or any part thereof as a site plan control area;

Whereas, Section 41 of the Planning Act, R.S.O. 1990, c. P.13, provides in part that, where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a site plan control area;

Whereas, the Official Plan of the County of Renfrew designates the entire geographical area of the County of Renfrew as a Site Plan Control Area pursuant to the provisions of Section 41(2) of the Planning Act, R.S.O. 1990, c. P.13; and

Whereas, the Council of the Corporation of the Township of Whitewater Region considers it appropriate to designate the whole of the Township of Whitewater Region as a site plan control area, to exempt certain classes of development from approval of plans and drawings, under Section 41 of the Planning Act, R.S.O. 1990, c. P.13 to ensure the provision and maintenance of any of the facilities, works or matters to be provided in conjunction with all buildings and structures to be erected and any of the facilities, works or matters mentioned in Subsection 41(7) of that Act.

Now Therefore, the Council of the Corporation of the Township of Whitewater Region enacts as follows:

Section 1 – Title, Interpretation and Application

1.1 This by-law may be cited as the "Site Plan Control By-law" of the Township of Whitewater Region.

1.2 For the purposes of this by-law, words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number; the word "shall" is mandatory; the word "used" shall also mean "designed to be used"; words shall be read with such changes to gender as the context may require.

1.3 The whole of the area located within the geographic limits of The Corporation of the Township of Whitewater Region is hereby designated as a site plan control area pursuant to subsection 41 (2) of the Planning Act.

1.4 The approval of plans or drawings in accordance with subsection 41(4) or 41(5) of the Planning Act is required before development is undertaken within the area described in Clause 1.3, unless otherwise exempt from approval as set out in this by-law.

1.5 Any person who is required to draft a site plan must duly complete the Site Plan Control Approval application form, pay the security deposit, if applicable, and other appliable fees relevant to this application.

Section 2 – Definitions

For the purpose of this by-law the following words and phases shall have the meanings given below;

2.1 **"Act"** means the Planning Act, R.S.O. 1990. c. P.13;

2.2 **"Corporation"** means The Corporation of the Township of Whitewater Region;

2.3 **"Council"** means the municipal council of the Corporation;

2.4 **"Development"** means

i. the construction, erection or placing of one or more buildings or structures on land, including radiocommunication towers; or

ii. 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

iii. the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164(4) of the Municipal Act, 2001 or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the Planning Act, R.S.O. 1990. c. P.13; or

iv. 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. c. P.13.

v. and includes redevelopment however excludes the placement of a portable classroom on a school site of a distinct school board if the school site was in existence on January 1, 2007;

2.5 **"Development Agreement"** means an agreement entered into between the Corporation and the Owner outlining the terms and conditions of the development and the approved plans and drawings as provided under Section 41(7)(c) of the Planning Act, R.S.O. 1990. c. P.13;

2.6 **"Owner"** means the person appearing as the registered Owner according to the records of the proper land registry office;

2.7 Where a word or term used in this by-law is not defined, the word or term has the same meaning as defined by the applicable zoning by-law, as amended from time to time.

Section 3 - Exempt Classes of Development

3.1 The following classes of development may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or (5) of the Planning Act, and this by-law does not apply to such classes:

i. residential development of one or two dwelling units per lot, unless the lands exhibit physical constraints to development or are considered environmentally sensitive;

ii. alterations or additions of a minor nature to existing buildings and/or structures where there is a site plan agreement registered on title to the lot;

iii. private garage or carport;

iv. public uses;

v. farms;

vi. private park;

vii. wayside pits;

viii. forestry;

ix. community facility uses which are not operated for gain or profit;

x. roadside stand;

xi. buildings and structures for flood control or conservation purposes; and

xii. accessory uses to the foregoing, provided the accessory(s) are smaller than 10 square meters.

3.2 Despite Section 3.1, any development subject to site plan control that is damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that existed before the damages occurred, the use does not require the addition of four (4) or more parking spaces and no new dwelling units or lodging units are created.

Section 4 – Application for Approval

4.1 Every site plan application shall be accompanied by the following plans, specifications, documents and information:

i. the plans referred to in Paragraph 1 of Subsection 41(4) of the Act, showing all facilities and works to be provided in conjunction with the building or structure and all facilities, works and matters referred to in Clause 41(7)(a) of the Act;

ii. the drawings referred to in Paragraph 2 of Subsection 41(4) of the Act;

iii. where required under clause 12(b) of this by-law one or more agreements with the Corporation dealing with the provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in Subsection 41(7) of the Act in accordance with the plans and drawings approved pursuant to the Act;

iv. where required under an agreement cash or an irrevocable letter of credit in favour of the Corporation to protect the Corporation in respect of its liability for holdback to assure satisfactory provision and maintenance of the facilities and works and matters mentioned in Subsection 41(7) of the Act in accordance with the plans and drawings approved pursuant to the Act; and

v. all reports and studies required on the record of consultation or during review.

Section 5 – Requirements for Site Plan Approval

5.1 Prior to the submission of any application for site plan control approval, the owner shall formally consult with the Township, or their designate, for the purposes of identifying the need for and scope of any information and material necessary for consideration of the site plan control application.

5.2 As a condition to the approval of the plans and drawings referred to in subsection 41(4) of the Act, the Owner of the land shall hereby:

i. Provide at no expense to the Corporation the facilities, works or matters mentioned in clause 41(7)(a) of the Act approved in accordance with Section 41 of the Act and shown on the approved plans and drawings and in the development agreement; and

ii. Maintain at the sole risk and expense of the Owner the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 and clause 41(7)(a) of the Act and shown on the approved plans and drawings in the development agreement, approved in accordance with Section 41 of the Act, including the removal of snow from access ramps and driveways, parking and loading areas and walkways.

5.3 The owner of any land designated under this by-law shall be required as a condition of any development to enter into one or more agreement with the Township dealing with any or all of the facilities, works or matters referred to in Sections 4 and 5, as deemed necessary by Council, and Pursuant to Section 41(7)(c) of the Planning Act.

5.4 The Council shall require that any development agreement be registered against the lands to which it applies. The Council shall enforce the provisions of the development agreement or agreements against the owner of the said lands and, subject to the provisions of The Registry Act, and The Land Titles Act, any and all subsequent owners of the said lands.

Section 6 – Administration and Enforcement

6.1 This by-law shall be administered by the Planner/ Economic Development Officer and the Clerk.

6.2 The Mayor and the Clerk are hereby authorized to execute on behalf and under the seal of the Corporation any document necessary to give further effect to the provision of this by-law, when the appointed officers' authority has been revoked.

6.3 If any provision of this by-law is for any reason held to be invalid, it is

hereby declared to be the intention that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

6.4 In the event of conflict between the provisions of any guidelines or standards and any applicable zoning by-law or federal or provincial statute or regulation, the provisions of the zoning by-law or federal or provincial statute or regulation shall apply.

6.5 Every person who, without having plans or drawings approved in accordance with Section 41 of the Act, undertakes any development in the site plan control area designated by this by-law pursuant to Section 67 of the Act, is guilty of contravening Section 41 of the Act.

6.6 Every person who undertakes any development in the site plan control area designated by this by-law without providing or maintaining any of the facilities, works or matters that are mentioned in Clause 41(7)(a) of the Act and that are required by the Corporation under that clause as a condition to the approval of plans or drawings in accordance with Section 41 is, pursuant to Section 67, guilty of contravening Section 41 of the Act.

6.7 Every person who undertakes any development in the site plan control area designated by this by-law without entering into one or more agreements with the Corporation that deal with or ensure the provision or maintenance of any of the facilities, works or matters and that the person is required by the Corporation to enter into under that subsection as a condition to the approval of plans and drawings in accordance with Section 41 of the Act is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

6.8 Every person who is convicted of an offense under Section 41 of the Act is liable to a fine or penalty prescribed by Section 67 of the Act.

Section 7 – Effective Date and Repeal

7.1 This by-law shall come into effect upon third and final reading thereof.

7.2 That By-law 09-04-379 is hereby repealed.

Read a first, second and third time and finally passed this 5th day of May, 2021.

Michael Moore, Mayor

Carmen Miller, Clerk