

THE CORPORATION OF THE TOWNSHIP OF CHAMPLAIN

BY-LAW NUMBER 2018-11

BEING A BY-LAW TO ESTABLISH WITHIN THE TERRITORIAL LIMITS OF THE TOWNSHIP OF CHAMPLAIN AN AREA OF SITE PLAN CONTROL AND TO EXEMPT CERTAIN CLASSES OF DEVELOPMENT FROM APPROVAL OF PLANS AND DRAWINGS.

REFERENCE: *The Planning Act, R.S.O. 1990, Chap. P. 13, Section 41, as amended*

WHEREAS Section 41 of the *Planning Act* provides 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;

AND WHEREAS the Official Plan of the United Counties of Prescott and Russell describes the entire geographical area of the United Counties of Prescott and Russell as a Site Plan Control Area pursuant to the provisions of Section 41 of the *Planning Act*;

AND WHEREAS Section 41 of the *Planning Act* provides that no person shall undertake any development in an area designated under a by-law passed under that section without first having received approval;

AND WHEREAS Section 41 of the *Planning Act* provides that the Council of the Township of Champlain may define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required;

AND WHEREAS the Council of the Township of Champlain deems it advisable and necessary to revise By-law 2002-03, as amended;

NOW THEREFORE the Council of The Corporation of the Township of Champlain enacts as follows:

TITLE

1. This by-law shall be cited as the "Site Plan Control Area By-law of The Township of Champlain".

DEFINITIONS

2. In this by-law the following definitions shall apply:
 - (a) **"Building By-law"** means any by-law of the Township passed pursuant to the Building Code Act;
 - (b) **"Building Permit"** means any permit required by the Building By-law;
 - (c) **"Chief Building Official"** means the officer or employee of the Township charged with the duty of enforcing the provisions of this By-law;
 - (d) **"Council"** means the Council of The Corporation of the Township of Champlain;
 - (e) **"Development"** means development as defined by Section 41 of the *Planning Act*, and includes "redevelopment" meaning the removal in whole or in part of one or more buildings or structures from land and the construction, erection or placing of one or more buildings or

structure thereon and shall not include the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.

- (f) **“Dwelling Unit”** means a residential unit that:
 - i. Consists of a self-contained set of rooms located in a building or structure;
 - ii. Is used or intended for use as a residential premises;
 - iii. Contains kitchen and bathroom facilities that are intended for the use of the unit only; and
 - iv. Is not an accessory second dwelling unit, mobile home or any vehicle.
 - (g) **“Erect”** means the carrying out of any activity within the meaning of “development” herein;
 - (h) **“Farm Development”** means the construction, erection, placing or alteration of one or more buildings used exclusively by farming operations for agricultural uses, and shall include the residence of the farm operator and a temporary dwelling for seasonal labour, but shall not include secondary agricultural uses, veterinarian clinics, kennels, or agricultural-related commercial and industrial uses;
 - (i) **“Owner”** means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the proper Registry or Land titles Office and includes a corporate owner or partnership;
 - (j) **“Site Plan Control Agreement”** means an agreement entered into between The Corporation of the Township of Champlain 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*;
3. Where a word or term used in this by-law is not defined, the word or term has the same meaning as defined under Section 2 of the Township of Champlain By-law No. 2000-75, as amended from time to time.

SITE PLAN CONTROL AREA

- 4. The whole of the area located within the entire geographic limits of The Corporation of the Township of Champlain is hereby designated as a site plan control area pursuant to subsection 41 (2) of the *Planning Act*.
- 5. The approval of plans and drawings in accordance with subsection 41 (4) of the *Planning Act* is required before development is undertaken within the area described in Clause 4, unless otherwise exempt from approval as set out in this by-law.

EXEMPT CLASSES OF DEVELOPMENT

- 6. 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:
 - (a) A building or structure which is constructed, erected or placed on a freehold lot for the purpose of a single detached dwelling unit or a semi-detached dwelling unit or a duplex dwelling unit, except an Accessory Second Dwelling Unit located on a lot of an area of less than 0.8 hectares that requires the use of a septic tank and well, and except where the approval of plans or drawings is required as a

condition of provisional consent or a condition of a Minor Variance decision;

- (b) An addition or alteration to a building or structure mentioned in Clause (a) except an Accessory Second Dwelling Unit located on a lot of an area of less than 0.8 hectares that requires the use of a septic tank and well, and except where the approval of plans or drawings is required as a condition of provisional consent or a condition of a Minor Variance decision;
- (c) A rowhouse dwelling unit approved through a plan of subdivision;
- (d) Building or structure accessory to a building or structure mentioned in Clauses (a) and (c);
- (e) Farm Development as defined herein;
- (f) Recurrent temporary seasonal chipstands;
- (g) An outdoor commercial patio;
- (h) A seasonal garden centre in a parking lot;
- (i) A seasonal dome over an existing outdoor field or court;
- (j) A temporary building or structure if it is:
 - i. part of a special event or construction purposes on the lot;
 - ii. a garden suite;
 - iii. used as an office for the sale of residential lots or dwelling units and does not exceed a gross floor area of 100 square metres; and
- (k) Alterations to a building where:
 - i. Dwelling units are added to the building and:
 - After the alteration the building contains no more than three dwelling units; and,
 - After the alteration no new parking spaces have been added;
 - ii. The usability of a commercial or industrial use is not substantially increased.

REPLACE OR REBUILD

7. Despite Sections 4 to 6, 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 remains the same and no new dwelling and rooming units are added.

REQUIREMENT FOR SITE PLAN APPROVAL

PRE-CONSULTATION

8. 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.

CONSULTATION WITH UPPER-TIER

9. The Township shall not approve any application for site plan control approval until the United Counties of Prescott and Russell has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to:
- a. provide to the satisfaction of and at no expense to the United Counties of Prescott and Russell any or all of the following:
 - i. subject to subsection 41 (9) of the *Planning Act*, widenings of highways that are under the jurisdiction of the United Counties of Prescott and Russell and that abut on the land;
 - ii. subject to the *Public Transportation and Highway Improvement Act*, where the land abuts a highway under the jurisdiction of the United Counties of Prescott and Russell, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;
 - iii. where the land abuts a highway under the jurisdiction of the United Counties of Prescott and Russell, off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - iv. where the land abuts a highway under the jurisdiction of the United Counties of Prescott and Russell, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land;
 - v. where the land abuts a highway under the jurisdiction of the United Counties of Prescott and Russell, facilities designed to have regard for accessibility for persons with disabilities;
 - b. enter into one or more agreements with the United Counties of Prescott and Russell dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Clause (a) or (c) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas; and
 - c. subject to subsection 41 (9.1) of the *Planning Act*, convey part of the land to the United Counties of Prescott and Russell to the satisfaction of and at no expense to the municipality for a public transit right of way.

DRAWINGS

10. For all lands subject to site plan control approval the Owner must submit, for review and approval of the Township, plans, drawings, reports and/or information, pursuant to subsection 41(4) of the *Planning Act*, the Township's Official Plan, the Township's Site Plan & Subdivision Design Guidelines Manual, the United Counties of Prescott and Russell Official Plan and the following:
- a. drawings bearing a drawing number, date or date of revision and drawn to scale;
 - b. drawings showing the location of all buildings and structures to be erected and the location of all facilities and works; and
 - c. drawings showing plan, elevation and cross-section views for each building to be erected, which drawings are sufficient to display:
 - i. the massing and conceptual design of the proposed building;
 - ii. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access;
 - iii. the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from the streets, open spaces and interior walkways in adjacent

- buildings;
- iv. exterior design matters relating to the materials, patterns and colours of all building exteriors, including roofs; the location, size and type of all exterior building signage and lighting as per the dark skies policies set out in the United Counties of Prescott and Russell Official Plan; and any sustainable design features to be incorporated, such as green roofs or walls;
 - v. the treatment of the public realm; and the sustainable design elements on any adjoining road under the County or township's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
 - vi. facilities designed to have regard for accessibility for persons with disabilities.
11. The following matters relating to buildings described in Clause 10(c) are not subject to site plan control:
- a. interior design;
 - b. the layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in Clause 10(c)(iii); and
 - c. the manner of construction and standards for construction.

PROVISION AND MAINTENANCE OF FACILITIES

12. As a condition to the approval of the plans and drawings referred to in subsection 41(4) of the *Planning Act*, the Owner of the land shall hereby:
- a. provide at no expense to the Township the facilities, works or matters mentioned in subsection 41(7) of the *Planning Act* approved in accordance with Section 41 of the *Planning Act* and shown on the approved plans and drawings and in the Site Plan Control Agreement; and
 - b. maintain at the sole risk and expense of the Owner the facilities or works mentioned in paragraph 2, 3, 4, 5, 6, 7, 8 and 9 of Clause 41(7)(a) of the *Planning Act* and shown on the approved plans and drawings in the Site Plan Control Agreement, approved in accordance with Section 41 of the *Planning Act*, including the removal of snow from access ramps and driveways, parking and loading areas and walkways.

REGISTRATION OF AGREEMENTS

13. Any Site Plan Control Agreement entered into pursuant to Section 41 of the *Planning Act* shall be registered against the title of the land to which it applies.
14. No building permit shall be issued until the Owner has received approval from the Township pursuant to Section 41 of the *Planning Act*.
15. The Mayor and the Clerk of the Township of Champlain are authorized to execute any agreement required pursuant to this by-law and affix the corporate seal.

FAILURE TO ENTER INTO AGREEMENT

16. 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 Township that deal with or ensure the provision or maintenance of any of the facilities, works or matters that the person is required by the Township to enter into under that subsection as a condition to the approval of plans and drawings in

accordance with Section 41 is, pursuant to Section 67 of the *Planning Act*, guilty of contravening Section 41 of the *Planning Act*.

DEVELOPMENT WITHOUT APPROVED PLANS

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

FAILURE TO PROVIDE OR MAINTAIN FACILITIES

18. 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 *Planning Act* and that are required by the Township as a condition to the approval of plans and drawings in accordance with Section 41, is pursuant to Section 67 of the *Planning Act*, guilty of contravening Section 41 of the *Planning Act*. The Township may also apply section 446 of the *Municipal Act* to any requirements made under Clauses 41(7)(a) and 41(7)(b) and to any requirements made under an agreement entered into under 7(c) or (c.1) of the *Planning Act*.

PENALTY UPON CONVICTION

19. Every person who is convicted of an offence under Section 41 of the *Planning Act* is liable to fine or penalty prescribed by Section 67 of the *Planning Act*.

MINOR DEVIATIONS

20. Minor deviations to a development which has received site plan control approval may take place without further approval where written permission is provided by the Chief Administrative Officer based on the recommendation of the Chief Building Official and the Director of Public Works.
21. Where subject to Site Plan Control, the signing of a site plan agreement is mandatory prior to the issuance of a construction permit. Exceptions to the construction permit issuance procedure may be allowed by the Chief Administrative Officer.

REPEAL

22. By-law Number 2002-03 entitled "Site Plan Control Area By-law of The Township of Champlain" and By-law Number 2013-65 being a By-law to amend By-law Number 2002-03 are hereby repealed.
23. Plans, drawings, agreements or other matters approved under Section 41 of the *Planning Act* by a former municipality shall hereafter be continued, enforced and deemed to have been approved or executed under this by-law.

SHORT TITLE

24. This by-law may be cited as the Site Plan Control By-law.

FORCE AND EFFECT

25. This by-law shall come into force and effect on the date of its passing by the Council of the Corporation of the Township of Champlain.

READ a first, second and third time and duly enacted this 10th day of April, 2018.



Gary J. Barton, Mayor



Alison Collard, Clerk

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