

THE CORPORATION OF THE TOWNSHIP OF WOLLASTON

BY-LAW NO. 4-2021

Being a By-Law To Designate The Whole Of The Township of Wollaston As A Site Plan Control Area, Pursuant To Section 41 Of The *Planning Act*, R.S.O. 1990, Chapter P.13, As Amended, And To Adopt Certain Procedures For The Processing Of Site Plan Control Applications, And To Exempt Certain Classes Of Development From Approval Of Plans And Drawings

Whereas the Official Plan for the County of Hastings permits the whole of the Township of Wollaston as an area to be subject to Site Plan Control;

And Whereas Section 41(2) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended authorizes the Council of a local municipality to pass a By-Law respecting Site Plan Control;

And Whereas Council deems it advisable to repeal the Site Plan Control By-Law Number 24-18 and enact a new Site Plan Control By-Law pursuant to Section 41 of the *Planning Act* that would designate all the lands within the geographic limits of the Township of Wollaston as a Site Plan Control Area and exempt from approval certain classes of development;

Now Therefore the Council of The Corporation of the Township of Wollaston enacts as follows:

1. This By-Law may be cited as the "Township of Wollaston Site Plan Control By-Law".
2. All lands within the limits of the Township of Wollaston effective January 01, 2021 are subject to the provisions of this By-Law, and of Section 41(4) of the *Planning Act*, R.S.O. 1990 c.P.13.

3. **General Provisions**

The following developments shall be subject to Site Plan Control:

- 1) New non-residential developments or additions to existing non-residential developments.
- 2) Any residential development containing four (4) or more dwelling units.
- 3) "On-farm diversified uses" as defined in the Provincial Policy Statement.
- 4) Commercial Parking Lots and Commercial Parking Structures as defined in the Townships Zoning By-law.
- 5) Any patio accessory to a commercial use and located outdoors on private property; this does not apply to industrial or institutional uses.
- 6) Propane: Any propane transfer station.
- 7) Community Facility or Private Schools: Any new development of or conversion to a Community Based Care facility, Private School, Place of Worship, Private Social facility, Cultural facility, or Community Centre, as described in the Township of Wollaston's Zoning By-law.
- 8) Road Widening may be required at the discretion of Council for: Any development along any road in the Township of Wollaston unless the widening has already been dedicated to the Township.
- 9) Outdoor commercial / recreational: Any development of a commercial outdoor recreational facility such as a campground, swimming pool, amusement park, or other similar use.
- 10) Any buildings or structures used for producing, processing, testing, destroying,

packaging and/or shipping of cannabis authorized by an issued license or registration by the federal Minister of Health pursuant to the Access to Cannabis for Medical Purposes Regulations, the Controlled Drugs and Substances Act, or any applicable legislation or successors thereto.

4. Exemptions

The following classifications of development shall be exempt from Site Plan Control:

- 1) Notwithstanding Section 3(2), minor modifications to existing development currently subject to a registered Site Plan Control Agreement with the Corporation that do not have the effect of substantially increasing the size or usability of any building or structure or alter grading or drainage shall be exempt from Site Plan Control at the discretion of Council.
- 2) A portable classroom on a school site of a school board shall be exempt from Site Plan Control.
- 3) Works which result from the requirements of the *Fire Marshall's Act* or an Order issued by the Corporation's Fire Department.
- 4) Where there is an approved Site Plan, any deviation from any dimension respecting the location of buildings and structures shown in the approved plans provided the deviation does not exceed 0.3 metre and, further, provided the deviation does not result in a violation of the requirements of any By-Law enacted by the Corporation or other applicable law.
- 5) Interior building alterations that, in the opinion of Council, do not involve a change in major occupancy as defined by the Ontario Building Code.
- 6) Home businesses and Home Industries that meet the requirements of the Townships Zoning By-law and other applicable law.
- 7) Signs and temporary construction buildings placed in accordance with any applicable By-Law.
- 8) Agricultural buildings or uses as defined in the applicable Zoning by-law, but not including "On-farm Diversified uses" as defined in the Provincial Policy Statement.
- 9) Townhouses with direct access to the street, at the same grade, and approved through a plan of subdivision.

5. Drawings

All lands subject to Site Plan Control must submit, for the review and approval of the Township, graphic rendering(s), pursuant to Section 41(4) of the *Planning Act*, the following:

- 1) Drawings bearing a drawing number, date or date of revision and drawn to scale.
- 2) Drawings showing the location of all buildings and structures to be erected and the location of all facilities and works, including facilities designed to have regard for accessibility for persons with disabilities, to be provided in conjunction with the development.
- 3) Drawings showing plans, elevation, and cross-section views for each building to be erected, which drawings are sufficient to display,
 - a) the massing and conceptual design of the proposed building;
 - b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
 - c) the provision of interior walkways, stairs, elevators, and escalators to which members of the public have access from streets, open spaces, and interior walkways in adjacent buildings;

- d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, lighting, and their sustainable design;
 - e) the sustainable design elements on any adjoining road under a 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
 - f) facilities designed to have regard for accessibility for persons with disabilities
- 4) Where Council deems it appropriate, it may alter, amend, or remove the requirements in Sub section 5(3) of this by-law, including specific requirements for the drawings, provided:
- a) The proposed development meets the criteria set out in Section 6 2); and
 - b) Council is satisfied it is in the best interest of the public to do so.

6. Registration of Agreements

- 1) Any agreement or amendment thereto entered into in accordance with this By-Law shall be registered against the title of the land to which it applies.
- 2) Notwithstanding, subsection 6 1) to the contrary, where development meets the following criteria Council may consider exempting it from registering a site plan agreement on tile and may consider a reduced or alternative agreement, provided Council is satisfied it will ensure appropriate development of the site:
 - a) No part of the proposed development is located on Federal, Provincial or Municipal lands;
 - b) The development does not require any "off site" works including any alteration(s), upgrades, improvements, or replacement of Federal, Provincial or Municipal infrastructure or lands;
 - c) Any new development that proposes a building or combination of buildings that has a gross floor area of less than 100 m², and is not subject to an existing site plan agreement;
 - d) The Township does not require securities or performance requirements for the proposed development;
 - e) The proposed development complies with, and has obtained all other necessary Federal, Provincial and Municipal approvals.

7. Definitions

In this By-Law, unless the context requires otherwise, the following definitions and interpretations shall apply:

- 1) **Building By-Law** - means any By-Law of the Corporation passed pursuant to the *Building Code Act*, as amended;
- 2) **Building Permit** - means a permit required by the Building By-Law;
- 3) **Corporation** - means The Corporation of the Township of Wollaston;
- 4) **Council** - means the Municipal Council of the Corporation of the Township of Wollaston;
- 5) **Development** – means the construction, erection or placing of one or more buildings or structures on land or 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 establishment 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 the *Planning Act* or of sites for the construction, erection or location of three or more land lease community homes as defined in the *Planning Act*.
- 6) **Erect** - means the carrying out of any activity within the meaning of

Development herein;

- 7) **Land** - includes lands, tenements, and hereditments, and any estate or interest therein, and any right or easement affecting them, and lands covered with water and any right or easement affecting them;
- 8) **Municipal Act** - means the *Municipal Act*, S.O. 2001, c.25 and any amendments thereto;
- 9) **On-site Improvements** - means paving (base and top course asphalt, excluding granular materials); final site grading; hard and soft landscaping; walkways; retaining walls; fencing (screening and acoustic); lighting; and signage. For clarity, On-site Improvements do not include buildings, structures and underground storm, sanitary and water services.
- 10) **Person** - includes any association, firm, partnership, syndicate, company, Corporation, its agents or trustee, and the heirs, administrators, executors, assigns and other legal representatives of such person to whom the context may apply according to law;
- 11) **Plan** - means a formal drawing as referred to in Section 5;
- 12) **Planning Act** - means the *Planning Act*, R.S.O. 1990, c.P.13, as amended;
- 13) **Qualified Person** – means an individual with qualifications and/or credentials related to a field of study and who is therefore appropriate for conducting a study and/or providing expert opinion that has been required by the Corporation. The qualifications and credentials of the qualified person may be either Landscape Architect, Architect or Certified Engineer depending on related work and must be to the satisfaction of the Corporation, or where appropriate, are defined by relevant legislation, regulation, and standards.
- 14) **By-Law Administrator** - means the Director of Planning and Development or in the absence of the Director, the Manager of Development Approvals or Manager of Policy Planning.

8. Administration

- 1) Issuance of Building Permits:
 - a) Notwithstanding any provisions of the Building By-Law or any other By-Law of the Corporation to the contrary, no building permit shall be issued until the plans and drawings and any such agreements required by the Municipality for such development have been approved by Council, its delegate, or where a referral has been made to the Ontario Municipal Board or so ordered by a Court of competent jurisdiction;
 - b) Nothing in this By-Law shall prevent development on any lands subject to this By-Law where such development is proceeding in accordance with a valid building permit which was issued by the Corporation prior to the passing of this By-Law.

2) Violations and Penalties

Any person who contravenes any of the provisions of Section 41 of the *Planning Act*, or its successors thereto, or the provisions of this By-Law is guilty of an offence and on conviction is liable to the penalties provided for in Section 67 (1) and (2) of the *Planning Act*, or its successors thereto, as follows:

- a) Where a person is convicted, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, the maximum penalty that may be imposed is:
 - i. on a first conviction, to a fine of not more than \$25,000; and
 - ii. on a subsequent conviction, to a fine or not more than \$10,000 for each

day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

- b) Where a corporation is convicted, the maximum penalty that may be imposed is:
 - i. on a first conviction, to a fine of not more than \$50,000; and
 - ii. on a subsequent conviction, to a fine or not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

3) Validity

If any section, clause, or provision of this By-Law is, for any reason, declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part hereof other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that the remaining sections, clauses provisions of this By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions hereof shall have been declared to be invalid.

4) Interpretation

For the purposes of this By-Law, words used in the present tense also include the future; words in the singular also include the plural and words in the plural include the singular number; words in the neuter gender include the masculine and the feminine; and the word "shall" is mandatory.

5) Imperial Values

Only the values provided with metric units of measure which appear in the By-Law are official.

6) By-Law Administrator

This By-Law shall be administered by Council. Where Council deems it appropriate they may by-by-law delegate the administration of any or all of this by-law, to the Clerk, Chief Building Official Township, or an agent of the Township. Council may remove the delegation at any such time they deem appropriate.

9. Repeal of previous by-laws

That any other by-law or parts of by-laws inconsistent with the provisions of this by-law are hereby repealed.

10. That the provisions of this by-law shall come into force as at January 01st, 2021.

PASSED THIS 11th DAY OF JANUARY 2021.

MAYOR: LYNN KRUGER

SEAL

CLERK: BERNICE CROCKER