

# THE CORPORATION OF THE MUNICIPALITY OF THAMES CENTRE

## BY-LAW NO. 24-2020

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Being a By-law to designate a Site Plan Control Area and to delegate Council's authority under Section 41 of the Planning Act

### **Site Plan Control Area By-law**

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

**AND WHEREAS** the Official Plan for the Municipality of Thames Centre designates its entire geographical limits as a site plan control area;

**AND WHEREAS** Section 41 of the Planning Act, provides that the council of a municipality may by by-law define any class or classes of development that may be undertaken without site plan approval and may delegate a committee of council or to an appointed officer identified in the by-law either by name or position occupied, any of council's power or authority under this said Section except the authority to define any aforementioned class or classes of development;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Thames Centre **ENACTS** as follows:

1. **THAT** all lands situated within the geographical limits of the Municipality of Thames Centre are designated as a site plan control area.
2. **THAT** in this By-law, "development" shall be defined as either:
  - a) the construction, erection or placing of one or more buildings or structures on land;
  - b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;
  - c) the layout and establishment of a commercial parking lot, or site for the location of three or more trailers or sites for the location of three or more mobile homes;
  - d) the laying out of sites for the construction, erection or location of three or more land lease community homes;
  - e) the laying out and establishment of outdoor recreation uses unless accessory to a residential use;
  - f) the laying out and establishment of outdoor patios associated with restaurants or taverns.
3. **THAT** as otherwise provided herein, the definitions contained in the Municipality of Thames Centre Comprehensive Zoning By-law No. 75-2006 shall apply for the purposes of this By-law.
4. **THAT** the following classes of development are exempt from the application of site plan control:
  - a) farm buildings and structures, excluding secondary agricultural uses, veterinarian clinics, kennels, commercial riding establishments, or agriculture-related commercial and industrial uses;
  - b) single detached dwellings, semi-detached dwellings, duplexes and any other two unit dwelling and buildings and structures accessory thereto,
  - c) free-hold street townhouse units;
  - d) aggregate extraction operations;
  - e) 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.

5. **THAT** where development is subject to site plan control and as a condition to the approval of drawings, the following matters shall be addressed:

- a) land dedication for road widening purposes;
- b) off-street parking facilities and vehicular loading;
- c) number, width and location of vehicular entrances;
- d) exterior lighting of the land, buildings and structures;
- e) pedestrian access and circulation;
- f) facilities designed to have regard for accessibility for persons with disabilities;
- g) landscaping and buffering (including fencing);
- h) servicing and utility easements;
- i) grading or alteration in the elevations or contours of the land;
- j) disposal of storm, surface and waste water;
- k) facilities and enclosures for the storage of garbage and other waste materials.

With the exception of paragraph a), the foregoing facilities and works shall be maintained to the satisfaction of the Municipality and at the sole risk and expense of the owner including the removal of snow from access ramps, driveways, parking and loading areas and walkways.

6. **THAT** where development is subject to site plan control, drawings shall be submitted for approval to the Municipality demonstrating the following requirements prior to the issuance of a building permit:

- 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 showing the location of all facilities and works to be provided.
- c) Drawings showing plan, elevation and cross-section views for each building to be erected which 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 streets, open spaces and interior walkways in adjacent buildings;
  - iv. Matters related to exterior design including the design, shape and coordination of architectural features such as balconies, cornices, banding, building materials, colour, dormers, frieze, parapet, windows, and any other design feature that affects the appearance or exterior facade of a proposed building or building addition;
  - v. Sustainable design elements on an adjoining street or highway under the Municipality's jurisdiction, including without limitation, trees, shrubs, hedges, plantings, paving materials and other ground cover, sidewalks, trails and pathways, street furniture and curb ramps;
  - vi. Facilities designed to have regard for accessibility for persons with disabilities.
- d) The foregoing drawings shall be consistent with the Provincial Policy Statement, in conformity with the Municipality of Thames Centre Official Plan and other policies and regulations approved by Council, including but not limited to the Municipality of Thames Centre Comprehensive Zoning By-law No. 76-2006.

7. **THAT** as a condition of the approval of drawings, an agreement registered on title shall be required and be binding on future heirs and successors in title at the expense of the owner.

8. **THAT** no person shall undertake any development and no building permit shall be issued unless the agreement required under Section 7 of this By-law is executed and registered against the title of the lands affected.

9. **THAT** security shall be required in the form of an irrevocable letter of credit, cash or cheque to the satisfaction of the Municipality to ensure due performance to the site works required with such security to be equivalent to at least \$5,000 or 66.6% of the estimate cost of the site works whichever is the greater and returned to the owner without interest within one year of the completion of the works to the satisfaction of the Municipality less any costs incurred by the Municipality to remedy any deficiencies in the works undertaken.
10. **THAT** notwithstanding exempting certain classes of development from the site plan approval process, the authority vested under Section 41 of the Planning Act, including but not limited to the approval of drawings, imposing of conditions, and the approval of site plan agreements and amendments thereto, is hereby delegated to the Director of Planning and Development Services.
11. **THAT** notwithstanding Council's delegation of authority under Section 10 of this By-law, the Director of Planning and Developments Services may request that Council consider any given site plan application for approval.
12. **THAT** in addition to the site plan approval application fee, additional charges may be imposed by the Municipality as reimbursement for the Municipality's costs for additional professional assistance, legal or otherwise incurred during the review of the site plan application and furthermore the owner shall provide an acknowledgement of this reimbursement through the declaration appended to the site plan approval application form.
13. **THAT** consistent with Section 67 of the Planning Act, every person who contravenes this By-law and, upon conviction, is found guilty, is liable to a fine of not more than \$25,000 on a first conviction and on a subsequent conviction a fine of 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.
14. **THAT** consistent with Section 67 of the Planning Act, every corporation who contravenes this By-law and, upon conviction, is found guilty, is liable to a fine of not more than \$50,000 on a first conviction and on a subsequent conviction a fine of 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.
15. **THAT** By-law No. 25-2003 is hereby repealed.
16. **THAT** this By-law shall come into force and take effect upon the final passing thereof.

**READ a FIRST and SECOND** time, this 9<sup>th</sup> day of March, 2020.

**READ a THIRD** time and **FINALLY PASSED** this 9<sup>th</sup> day of March, 2020.

Original signed by:

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Mayor, A. Warwick

Original signed by:

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Clerk, T. Michiels