

The Corporation of the Township of North Huron

By-law No. 11-2023

A by-law to establish fees and charges for the Township of North Huron

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## The Corporation of the Township of North Huron

### By-law No. 11-2023

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#### Being a By-law to Designate a Site Plan Control Area and to Adopt Rules for the Processing of Site Plan Control Development Applications

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WHEREAS subsection 41(2) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended (the "Planning Act") provides that where in an official plan an area is shown or described as a proposed site plan control area, council of the local municipality 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 North Huron identifies those areas and land uses which may be subject to site plan control within the Township;

AND WHEREAS the Council of the Corporation of the Township of North Huron deems it desirable to designate all of the lands within the limits of the Township of North Huron as a site plan control area;

AND WHEREAS subsection 41(4.0.1.) of the *Planning Act* provides that a Council that passes a by-law under subsection 41(2) shall appoint an officer, employee, or agent of the municipality as an authorized person for the purposes of subsection 41(4);

AND WHEREAS subsection 41(4) states that no person shall undertake any development in an area designated under subsection 41(2) unless the authorized person referred to in subsection 41(4.0.1.), has approved the required plans and drawings;

AND WHEREAS subsection 41(3.1) of the *Planning Act* provides that a Council may by by-law, require applicants to consult with the municipality before submitting plans and drawings for approval under subsection 41(4);

AND WHEREAS the Township requires the approval of certain plans and drawings as a condition of development in the Township, and requires that an owner enter into a site plan agreement with the Township, in accordance with Section 41 of the *Planning Act*;

NOW THEREFORE the Council of the Corporation of the Township of North Huron ENACTS as follows:

1. Short Title

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

2. Definitions

For the purpose of this by-law, definitions in the Township of North Huron's Zoning By-law, as amended from time to time, shall apply, except where listed below:

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

2.2. "Clerk" means the Clerk of the Township of North Huron, or designate.

2.3. "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 subsection 164(4) of the *Municipal Act*, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of the *Planning Act* or of 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*.

2.4. "Township" means the Corporation of the Township of North Huron.

### 3. Site Plan Control Area

3.1. All lands within the boundaries of the Corporation of the Township of North Huron are hereby designated as a site plan control area pursuant to subsection 41(2) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

3.2. All lands on which commercial scale wind facilities are proposed in the Township of North Huron are hereby designated as a site plan control area.

3.3. All lands on which a cannabis production facility is proposed in the Township of North Huron are hereby designated as a site plan control area.

### 4. Authorized Person/Delegated Authority for Approvals

Pursuant to Section 41(4.0.1) of the *Planning Act*, it is required that Council shall appoint an officer, employee, or agent of the Township as an authorized person for the purposes of Section 41(4) for the Act.

4.1. The Clerk is hereby delegated the authority to approve site plan control plans and drawings required by the Township; and through conditions to the approval of the plans and drawings establish requirements under Section 41 of the *Planning Act*.

4.2. The Clerk is hereby delegated the authority to require, approve, execute, cause to be registered, and amend Site Plan Agreements under Section 41 of the *Planning Act*.

4.3. The Clerk shall consult with the Planner, appropriate members of Township Staff and agencies in exercising their delegated authorities.

4.4. The Clerk may further delegate their authority under this By-law to any other officer or employees of the Township.

4.5. Pursuant to section 41(13) of the *Municipal Act*, the Clerk is delegated the administrative responsibility for confirming that the Site Plan conditions have been met. Following confirmation that any required conditions are met, the by-law is in full force and effect.

### 5. Approval of Plans and Drawings

No person shall undertake any development in an area designated under Section 3 herein unless the authorized person designated in Section 4 herein, or, where an appeal has been made under subsection 41(12) of the Act, the Tribunal has approved one or both, as the authorized person may determine, of the following:

5.1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Section 6.1(a) herein, including facilities designed to have regard for accessibility for persons with disabilities.

5.2. Drawings showing plan, elevation and cross-section views for buildings to be erected, including but not limited to industrial and commercial buildings, and for each residential building containing more than ten (10) dwelling units to be

erected which 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; and
- (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 building construction required under a by-law referred to in section 97.1 of the Municipal Act, 2001;
- (e) the sustainable design elements on any adjoining highway under a municipality'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, if an official plan and a by-law passed both contain provisions relating to such matters are in effect in the municipality; and
- (f) facilities designed to have regard for accessibility for persons with disabilities.

but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in 2 (b) (iii), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

## 6. Conditions to Approval of Plans and Drawings

6.1. As a condition to the approval of the plans and drawings referred to in Section 5 herein, the Township may require the Owner of the land to:

- (a) provide to the satisfaction of and at no expense to the Township any or all of the following:
  - i. Widening of highways that abut on the land;
  - ii. Subject to the *Public Transportation and Highway Improvement Act* and/or the Township of North Huron Development Standards Policy, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;
  - iii. 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. Walkways, including the surfacing thereof, and all other means of pedestrian access;
  - v. Facilities designed to have regard for accessibility for persons with disabilities.
  - vi. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;

- vii. Walls, fences, hedges, trees, shrub or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
  - viii. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
  - ix. Easements conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities and other public utilities of the local board thereof on the land;
  - x. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (b) maintain to the satisfaction of the Township and at the sole risk of the Owner any or all of the facilities or works mentioned in paragraphs ii, iii, iv, v, vi, vii, viii, ix and x of Section 6.1(a) herein, including the removal of snow from access ramps and driveways, parking and loading areas and walkways; and
- (c) enter into one or more agreements with the Township dealing with any or all of the facilities, works or matters mentioned in Clause 6.1(a) or with the provision and approval of the plans and drawings referred to in Section 5 herein.

## 7. Exemptions to Approval of Plans and Drawings

- 7.1. The following defined class or classes of development may be undertaken without the approval of plans and drawings otherwise required under Section 5 herein:
- (a) All residential buildings and structures on a parcel of land if that parcel of land will contain no more than ten (10) separate dwelling units, including additional residential units in ancillary buildings;
  - (b) All buildings and structures accessory to residential buildings and structures as noted in clause 7.1(a) above;
  - (c) All agricultural buildings and structures used for agricultural purposes (i.e. barns; silos; drivesheds; and manure storage facilities) in an AG1 and AG2 Zone including commercial-scale greenhouse operations on a site less than 4 hectares. Buildings, structures and associated uses used for on-farm diversified uses and cannabis production facilities are not exempt from Site Plan Control;
  - (d) All licensed mineral aggregate resource operations;
  - (e) All temporary buildings and structures, including temporary buildings and structures, incidental to and necessary for construction work being carried on. This exemption is only for said buildings and structures which are necessary for the construction work in progress which has neither been finished nor abandoned;
  - (f) Any addition to an existing building provided such addition does not increase gross floor area of the building to which the addition is proposed by more than 25%, and which in the opinion of the Township's Chief

Building Official does not materially affect an existing Site Plan registered against that property;

- (g) Any buildings and land owned by the Township of North Huron;
- (h) The replacement of travel trailers, mobile homes, park model trailer and the construction of additions on the same; and
- (i) Parking lots smaller than 5 parking spaces.

*Notwithstanding the exemptions listed in Section 7 above:*

- (j) New, expanding or altered septic systems located in areas where it would be a significant drinking water threat, is subject to the approval of plans and drawings specific to the servicing details of the proposal as required under Section 5.1 of this By-law. This includes but is not limited to Wellhead Protection Area with a vulnerability score of 10. The local Source Protection Plan shall be referenced for the location of the wellhead protection area.

#### 8. Pre-Application Consultation Requirements

- 8.1. Under the authority provided in subsection 41(3.1) of the *Planning Act*, no person shall submit a site plan application prior to engaging in a pre-consultation process with Township staff and staff from any other external agency as deemed appropriate by the Clerk. The Clerk may refuse to accept or may return any site plan application submitted prior to the owner/applicant engaging in a pre-consultation process with Township staff.

#### 9. Site Plan Application Requirements

- 9.1. Following the completion of the pre-consultation process as set out in Section 8 of this By-law, the following shall be submitted in support of a site plan application:
  - (a) a completed site plan application form;
  - (b) any information or materials prescribed by statute;
  - (c) a pre-consultation letter outlining the details of the pre-consultation meeting(s);
  - (d) any supporting information and materials to be provided within the initial submission, as determined through the pre-consultation meeting(s); and
  - (e) the prescribed, current application fee(s), as amended from time to time.

#### 10. Amendments to Existing Site Plan Control Agreements

- 10.1. Amendments made to an existing site plan development agreement, including to any of its associated plans and drawings, after the date of enactment of this By-law, are subject to the provisions of this By-law.

#### 11. Fees

- 11.1. The application fee for a site plan is established by the Township pursuant to Section 69(1) of the *Planning Act* and is outlined in detail in the Township of North Huron Fees and Charges By-law, as amended from time to time.

- 11.2. In addition to the application fee, where the Township requires assistance from its solicitors or other technical or professional consultants in the processing of an application, the owner shall be responsible for reimbursing all legal and consulting fees incurred by the Township. These fees will be re-billed to the owner listed on the application. By signing the application, the owner agrees to pay all fees incurred by the Township related to the review of the site plan.
- 11.3. Shall the approval of plans and drawings of a submitted Site Plan Control application in which all the required materials were received not be granted within the legislative timeframes outlined in Section 41(11.1) of the *Planning Act*, then a refund of the application fee (as referenced in Section 11.1 of this by-law) shall be issued in accordance with the requirements of the *Planning Act*.

## 12. Securities

- 12.1. The Township of North Huron may require securities to be posted for a development. The value of the securities shall be determined by the Township and may include but not be limited to: an estimate of engineering and legal fees, landscaping, fencing, drainage facilities, sanitary sewers, watermains, water services, paving, and curbing. The Township may take 100% of the security for any works that will be completed within the Municipal Right-of-Way.
- 12.2. The Township will accept security in the form of an irrevocable letter of credit, certified cheque or other form approved by the Township. The letter of credit or certified cheque will be released when, in the opinion of the Township, works and matters mentioned in Subsection 41(7) of the Act and all the terms and conditions of the site plan agreement have been completed fully.

## 13. Risk, Expense, and Default

- 13.1. The facilities and matters required pursuant to a site plan agreement shall be provided and maintained to the satisfaction of the Township at the sole risk and expense of the owner of the lands in respect of which such site plan agreement was entered into by the Township.
- 13.2. In the event an owner of the lands fails to comply with any of the provisions of a site plan agreement that was entered into with the Township, then the Township, its authorized agents, servants or employees, may enter upon the owner's land or into the owner's structures with reasonable notice to complete to its satisfaction any work required by the said site plan agreement and left unfinished by the owner. The Township may recover any costs incurred by the Township to provide, maintain or complete site works by deducting from or drawing upon securities that have been provided to the Township by the owner. If there are no securities, or if the amount of securities held by the Township are not sufficient to cover the costs incurred by the Township, then without limiting the Township's remedies the costs incurred by the Township which cannot be reimbursed or recovered from securities will be added to the tax roll of the subject property and will be collected in the same manner as municipal taxes.
- 13.3. Section 67 (1) of the *Planning Act* applies to the contravention of Section 41

#### 14. Registration of Agreements

- 14.1. After the required application fee is paid to the Township, any agreement entered into under Section 6.1(c) herein may be registered against the land to which it applies and the Township is entitled to enforce the provisions thereof against the Owner and, subject to the provisions of the *Registry Act* and the *Land Titles Act*, any and all subsequent Owners of the land.

#### 15. Recourse to Default

- 15.1. Section 434 of the *Municipal Act, 2001* applies to any requirements made under Section 6.1(a) and 6.1(b) herein and to any requirements made under an agreement entered into under Section 6.1(c) herein.

#### 16. Other Applicable Laws

- 16.1. This By-law does not supersede the laws of Canada, the laws of the Province of Ontario, nor any other laws of the Township, and in the event of a conflict between this By-law and the aforesaid laws, said laws shall apply.

#### 17. Administration and Enforcement

- 17.1. Administration, enforcement, and associated processes, procedures, and penalties shall be established, determined, and carried out in accordance with relevant legislation and law.

#### 18. Severability

- 18.1. In the event that a particular provision or part of a provision of this By-law is found to be invalid or unenforceable for any reason, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to this fullest extent permitted by law.

#### 19. Effective Date and Repeal

- 19.1. By-law No. 63-2022 of the Corporation of the Township of North Huron is hereby repealed.
- 19.2. This by-law shall come into force and takes effect on the day of the final passing thereof.

Read a first and second time this 21<sup>ST</sup> day of February, 2023.

Read a third time and passed this 21<sup>ST</sup> day of February, 2023.

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Paul Heffer, Reeve

CORPORATE SEAL

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Carson Lamb, Clerk