

BY-LAW 2015/63

**BEING A BY-LAW OF THE MUNICIPALITY OF WEST NIPISSING
TO DESIGNATE A SITE PLAN CONTROL AREA**

WHEREAS Section 41(2) of the Planning Act, RSO 1990, Ch. P.13, as amended, provides that where an area is shown in the Municipality's Official Plan as a proposed Site Plan Control Area, Council may, by By-law, designate such area as a Site Plan Control Area;

AND WHEREAS the West Nipissing Official Plan designates specific land uses and designations in the Municipality as a proposed Site Plan Control Area;

AND WHEREAS Section 41(13) of the Planning Act, RSO 1990, Ch. P.13, as amended, authorizes the Council of a municipality to delegate to an appointed officer of the municipality any of the Council's power or authority under Section 41;

AND WHEREAS the Municipality may require the approval of certain plans and drawings as a condition of development in the Municipality, and may require that an owner enter into a Site Plan Agreement with the Municipality, in accordance with Section 41 of the Planning Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF WEST NIPISSING ENACTS AS FOLLOWS:

1) SITE PLAN CONTROL AREA

The following lands are designated as a Site Plan Control Area:

A) Lands in the following zones as identified in West Nipissing Zoning By-law 2014-45:

- i) General Commercial..... C1**
- ii) Highway Commercial..... C2**
- iii) Tourist Commercial C3**
- iv) Light Industrial..... M1**
- v) Heavy Industrial..... M2**
- vi) Waste Disposal Industrial..... M3**
- vii) Community Facility..... CF**
- viii) Open Space..... OS**
- ix) Provincially Significant Wetland..... PSW**
- x) Mobile Home Residential MHR**
- xi) Hazard Zone Overlay HZ**

B) Specific uses in the following zones as identified in West Nipissing Zoning By-law 2014-45:

- i) In the Residential Three (R3) and Residential Four (R4) zones:**
 - a) Multiple Dwelling;
 - b) Street Townhouse Dwelling
 - c) Apartment Dwelling
- ii) In the Rural (RU) Zone,**
 - a) Kennel
- iii) In any zone:**
 - a) Any brownfield or contaminated site
 - b) Group home
 - c) Home industry
 - d) Bed and Breakfast Establishment
 - e) Lands within a well head protection area or high aquifer vulnerability area
 - f) The establishment or expansion of a waterfront landing
 - g) Lands abutting a waterbody or watercourse, natural or human-made hazard or natural heritage features

- h) Lands abutting an at capacity lake as defined in the Official Plan (Cache Lake, Deer Lake)
 - i) Communications Towers, storage and administration facilities
- C) Lands identified through conditions of planning approval
- i) Lands identified as subject to site plan control in a zoning amendment or approval of a minor variance;
 - ii) Condition of approval of a consent by the Committee of Adjustment;
 - iii) Condition of approval of a plan of subdivision or condominium.

2) CLASSES OF DEVELOPMENT EXCLUDED

The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Sections 41(4) or 41(5) of the Planning Act, RSO 1990, Ch. P. 13, as amended:

- A) Any development, buildings or structures erected by the Corporation of the Municipality of West Nipissing.
- B) Minor extensions to existing buildings or structures. For the purposes of this By-law, a minor extension means development that adds less than 15% to the gross floor area of the building or structure, or 100 square metres of gross floor area, whichever is less, and which does not require any variance from or amendment to any provision of Zoning By-law 2014-45, as amended. This provision applies to any accessory building or structure constructed in lieu of an extension.

3) APPROVAL OF PLANS

No person shall undertake any development in the site plan control area unless the Municipality has approved the following:

- A) Plans showing the true dimension of the lot to be built upon, excavated or otherwise to be used or occupied;
- B) Plans showing the location, heights, floor area and dimensions of all existing and proposed buildings and structures to be developed on the lands;
- C) Plans showing the relationship of all existing or proposed buildings or structures to adjacent buildings and streets and the location and dimension of any yards, setbacks, landscaped open space, landscape features including retaining walls, outsider storage, off setter parking and loading facilities;
- D) Plans showing such contours, elevations, and cross-sections as may be required to determine surface drainage patters, flood line elevations and the elevation of the lands and proposed buildings and structures relative to a public street, road or waterway; and
- E) The general location of all services such as water supply, sewage disposal, solid waste collection, energy supplies and communication utilities.

The Municipality may determine whether any of the particular plans noted above are required for a particular site plan application.

The Municipality may exempt specific developments from the requirement for approval of plans as noted in this section.

As a condition of approval of the plans, the Municipality may require the owner to provide to the satisfaction of and at no expense to the Municipality any of the facilities listed in Section 41 (7) of the Planning Act.

4) SITE PLAN AGREEMENTS

- A) The owner may be required to enter into an agreement with the Municipality to provide and maintain those facilities required on the site plan, and authorized by Section 41 (7) of the Planning Act.
- B) Where it is determined that a site plan agreement is required, no development is permitted unless the owner enters into a Site Plan Agreement.
- C) The Agreement shall be registered against the lands affected by the Agreement, and the cost of such registration shall be borne by the owner or person undertaking the development.

5) ROAD WIDENING

- A)** The owner may be required to convey lands to the Municipality for the widening of highways required by the Municipality, free of charge and with a title free of encumbrances, as authorized by Section 41 (7) of the Planning Act, and as identified in the West Nipissing Official Plan.

6) CLASSES OF SITE PLAN

A) Minor Site Plan

A minor site plan application involves any of the following:

- i)** residential development containing six (6) dwelling units or less;
- ii)** Any non-residential development that would result in a building footprint or an increase in the building footprint less than 200 square metres
- iii)** a temporary building
- iv)** any change to a site not involving the erection of a new building or building addition.

B) Major Site Plan

A major site plan application involves any development that is not considered a minor site plan application as defined in Paragraph 4 (a) above.

7) DELEGATION OF SITE PLAN APPROVAL

- A)** The powers and authority given to Council under Section 41 of the Planning Act, are delegated to the Planner or designate where they relate to a Minor Site Plan as defined in Paragraph 5 above.
- B)** The Planner is delegated as being the official entitled to exercise Council's authority to approve or exempt development, impose conditions and require agreements pursuant to Section 41 of the Planning Act. The Planner may consult with the Chief Building Official, other municipal departments and outside agencies to ensure compliance of the site plan to municipal policies, by-law and/or statues administered by such departments and/or agencies.
- C)** The Planner, or designate, has the sole discretion to forward for approval to Council any Minor Site Plan Application which is of such a nature that further corporate review is deemed appropriate.
- D)** Where the Planner refuses to approve the site plan, or where the owner is not satisfied with any of the requirements and /or conditions imposed by the Planner, the owner may refer the matter to Council for a decision.
- E)** The applicant for a Minor Site Plan Application may request that the approval of the site plan application be made by Council.
- F)** Council is the approval authority for major site plans, upon recommendation from the Planning Advisory Committee.

8) AUTHORIZATION

The Mayor and Clerk are hereby authorized to sign any site plan agreement and any documents which may be required to implement the conditions of approval after approval of an application by Council, the Planner or designate,

9) SECURITIES AND COMPLETION OF WORKS AT OWNERS' EXPENSE

- A)** The Municipality may require securities to be posted for the provision of facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act, that are in the public interest, including, but not limited to, any works on public lands, and any landscaping or site grading works or shoreline vegetation buffer works on private lands;
- B)** Where an owner is required to complete development in accordance with a Site Plan Agreement and is in default of the Agreement, the Municipality is hereby authorized to complete the requirements of the Agreement at the expense of the owner and the

expense so incurred may be recovered from securities posted for the works, or, where such securities are insufficient to cover the works, in like manner as municipal taxes.

10) RIGHTS OF ENTRY

- A) Unless prohibited by law, the Owner signing each Site Plan Agreement shall be requested to agree to a provision whereby the Planner, the Chief Building Official or other person to whom the Planner delegates the responsibility, may enter on land subject to the agreement to inspect same for compliance with the Agreement. In the case of a shoreline vegetation buffer required by a by-law of the Municipality, such right to enter on the buffer and inspect same for compliance continues so long as the buffer is required. Nothing in this provision authorizes the entry of any building.
- B) The right of entry described in paragraph (a) above is in addition to any statutory rights or entry the Municipality may otherwise specifically have.

11) SITE PLAN SUBMISSION GUIDELINES

The Municipality may prepare site plan submission guidelines

12) CONSULTATION

As provided in Section 41(3.1), applicants are encouraged to consult with Municipality staff before submitting plans and drawings for approval.

13) DEFINITIONS

For the purposes of this By-law, "development" has the same meaning as set out in Section 41(1) of the Planning Act.

Other definitions are as identified in Zoning By-law 2014/45, as amended.

ENACTED AND PASSED THIS 11th DAY OF AUGUST, 2015 AS WITNESSED BY THE SEAL OF THE CORPORATION AND THE HANDS OF ITS PROPER OFFICERS.

JOANNE SAVAGE
MAYOR

MELANIE DUCHARME
MUNICIPAL PLANNER