

THE CORPORATION OF THE TOWNSHIP OF PERRY

BY-LAW No. 2008 - 16

**Being a By-law to establish
SITE PLAN CONTROL
in the Township of Perry**

WHEREAS the *Planning Act*, R.S.O. 1990, chapter P.13, Section 41, as amended, provides that where an area is shown or described as a Site Plan Control Area in an Official Plan, Council may by By-law, designate the whole or any part of the area as a Site Plan Control Area;

AND WHEREAS the Official Plan of the Township of Perry designates the entire Township as a Site Plan Control Area and sets out general policies concerning Site Plan Control;

AND WHEREAS the Council of the Township of Perry deems it expedient and advisable to enact Site Plan Control;

NOW THEREFORE the Council of the Corporation of the Township of Perry hereby enacts as follows:

1. **Defined Area**
All of the lands situated within the limits of certain zones in comprehensive Zoning By-law No. 2002-10, as amended, and described in Schedule 'A', attached hereto, are hereby designated as a Site Plan Control Area;
2. **Definition**
In this By-law, "development" means the construction, erection or placing of one or more buildings or structures on and 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, 2001*, as amended, or of sites for the location of three or more mobile homes, as defined in Subsection 46 (1) of *The Planning Act, R.S.O., 1990, Chapter P.13* as amended;
3. **Exemptions from Site Plan Control**
Despite the provision of Section 1, the following are exempt from Site Plan Control:
 - 3.1 The development of a single detached dwelling, an addition to a dwelling, or an accessory building or structure, in any residential zone provided that development of the site has not been identified by the Township and/or its Public Works Administrator and/or Chief Building Official to be of concern or create problems, including but not limited to storm water drainage, off street parking, fish or habitat or
 - 3.2 Any lands specifically exempted by By-law;
4. **Conditions of Development**
No person shall undertake any development in an area designated as a Site Plan Control Area within the Township, unless the Corporation or, where the matter of Site Plan Control is the subject matter of hearing before the Ontario Municipal Board, the Board has approved one or both as the Corporation may determine, of the following:
 - 4.1 Plans showing the location of all buildings and structures to be erected or altered and showing the location of all facilities and works to be provided in conjunction therewith and of all matters required under Section 41 of *The Planning Act, R.S.O., 1990, Chapter P.13* as amended.

5. **Conditions of Approval**

As a condition to the approval of the plans referred to in Section 4, the Township may require the owner of the land to:

- 5.1. Provide, to the satisfaction of, and at no expense to the Township, any or all of the following:
 - 5.1.1 Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;
 - 5.1.2 Off-street vehicular parking and loading areas and access driveways, including driveways for emergency agencies, and the surfacing of such areas and driveways;
 - 5.1.3 Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
 - 5.1.4 Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - 5.1.5 Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - 5.1.6 Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - 5.1.7 Easements conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works and other public utilities of the Township or local board thereof on the land; and
 - 5.1.8 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;
 - 5.2 Maintain, to the satisfaction of the Township, and at the sole risk and expense of the owner, any or all of the facilities or works mentioned in Section 5.1 inclusive, including the removal of snow from access ramps and driveways, parking and loading areas and walkways; and
 - 5.3 Enter into one or more agreements with the Township dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Section 5.1 and the maintenance thereof, as mentioned in Section 5.2 or with the provision and approval of the plans referred to in Section 4.
6. Any agreement entered into under Section 5.3 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 provision of the *Registry Act* and the *Land Titles Act*, any and all subsequent owners of the land.
 7. Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to the provisions of any Site Plan Agreement made pursuant to the provisions of this By-law, or who causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof, shall forfeit and pay a penalty pursuant to Section 67 of *The Planning Act*, R.S.O., 1990, Chapter P.13, as amended.
 8. The Mayor and Clerk of the Corporation of the Township of Perry, are hereby authorized to execute all Site Plan Agreements made pursuant to this By-law and to affix the Corporate Seal thereto.

9. Schedule 'A', attached hereto, shall form part of this By-law.

10. **Severability**

Should any section, subsection, clause or paragraph of this By-law, be 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 other than the section, subsection, clause or paragraph declared to be invalid.

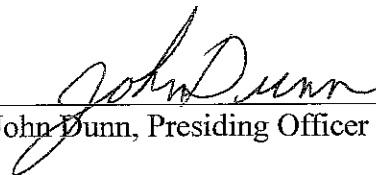
11. **Repeal**

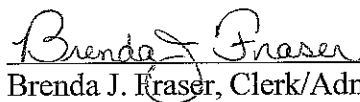
By-law No. 2007-08 is hereby repealed.

12. **Effective Date**

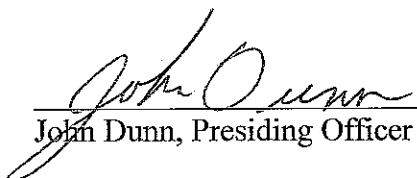
This By-law shall come into force effect on the date of passing by the Council of the Corporation.

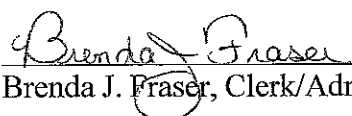
Read a first and second time this 23rd day of April, 2008.


John Dunn, Presiding Officer


Brenda J. Fraser, Clerk/Administrator

Read a third time and finally passed, this 23rd day of April, 2008.


John Dunn, Presiding Officer


Brenda J. Fraser, Clerk/Administrator

SCHEDULE 'A'

To By-law No. 2008-16

DESCRIPTION OF SITE PLAN CONTROL AREA

Those lands lying within the limits of the following zones as contained in comprehensive Zoning By-law No. 2002-10:

Rural (RU) & Rural Residential (RUR)

- Any rezoning for a mobile home park
- Any rezoning involving trailers and/or tents
- Any development by Plan of Condominium

Residential Type One (R1), Residential Type Two (R2), Multiple Residential (R3), Limited Service Residential (LSR) & Shoreline Residential (SR)

- Any major residential intensification or multi-family development containing three (3) or more dwelling units
- Any retirement home
- Any development by Plan of Condominium
- Any commercial or industrial use where the proposed building exceeds the square meters

General Commercial (CG)

- All development

Commercial Tourist Park (CTP)

- All development

Commercial Tourist (CT)

- All development

General Industrial (M1)

- All development

Waste Disposal (M3)

- All development

Institutional (I)

- All development

Environmental Protection (EP)

- All development

Open Space (OP)

- All development