

**TOWNSHIP OF SOUTH FRONTENAC  
BY-LAW 2022-58**

**A BY-LAW TO DESIGNATE THE WHOLE OF THE TOWNSHIP OF SOUTH FRONTENAC AS A SITE PLAN CONTROL AREA PURSUANT TO SECTION 41 OF THE PLANNING ACT, R. S. O. 1990, 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**

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**WHEREAS** The Planning Act, R.S.O, 1990, c.P.13, Section 41(2), as amended provides that the Council of a Municipality that has an approved Official Plan may by by-law, designate the whole or part of the Municipality as a Site Plan Control Area, and provide that no person shall undertake any development in an area designated as a Site Plan Control Area unless certain plans and drawings are approved;

**AND WHEREAS** the Township of South Frontenac has an Official Plan that identifies areas of development subject to site plan control,

**AND WHEREAS** the Council of the Township of South Frontenac deems it advisable to repeal Site Plan Control By-law 2003-25, as amended, 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 as a Site Plan Control Area and exempt from approval certain classes of development.

**AND WHEREAS** the Planning Act, R.S.O, 1990, c.P.13, Section 41(13) as amended, provides that the Council of a local municipality may define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under Section 41(4) and 41(5) of the Planning Act;

**NOW THEREFORE**, the Council of the Township of South Frontenac enacts as follows:

1. This By-law may be cited at the "South Frontenac Site Plan Control By-law".
2. All lands within the limits of the Township of South Frontenac are subject to the provisions of this By-law and of Section 41(4) of the Planning Act.
3. REPEAL OF PREVIOUS BY-LAW

Site Plan Control By-law 2003-25, as amended, is hereby repealed and replaced with this by-law.

**4. DEFINITIONS**

**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, 2001, 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.

**Director** - means the Director of Development Services or their designate.

**Designate** - means the Senior Planner or Chief Administrative Officer

**Official Plan** - means the in effect Official Plan for the Township of South Frontenac

**Off-site Improvements-** means any works required on public lands to support a development and may include road improvements, paving.

**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.

**Owner** - means any owner of land as identified in the records of the proper Land Registry Office or Land Titles Office and includes a purchaser under a valid Agreement of Purchase and Sale, and the authorized agent of any such purchaser or owner of land.

**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 Township. 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 Township, or where appropriate, are defined by relevant legislation, regulation and standards

## 5. GENERAL PROVISIONS

The following uses are required to be subject to site plan control:

- a) land commercial, recreational commercial, community facility (institutional) and industrial uses;
- b) commercial parking lots
- c) lands used for multi-unit residential, containing 4 or more dwelling units
- d) lands used for wrecking yards;
- e) lands within or adjacent to the Environmental Protection designation;
- f) lands within 90 metres of a waterbody (primarily waterfront lots), including land used for residential purposes where the land has significant constraints (e.g. natural hazard and natural heritage features, steep slopes, minimal vegetation cover and thin soils);
- g) lands within or adjacent to an Environmentally Sensitive Area;
- h) lands within 300 metres of an At-Capacity Lake Trout Lake;
- i) lands which are subject to a natural hazard; and
- j) Notwithstanding the exemptions to site plan control established in this By-law, site plan control may be required by Council, the Committee of Adjustment or by the Director of Development Services (or their designate) through their consideration of an application under the Planning Act.

## 6. EXEMPTED DEVELOPMENT

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

- a) Minor modifications to existing development subject to a registered site plan control agreement shall be exempt, subject to approval from the Director of Development Services (or their designate), if the modification does not significantly alter the overall function and appearance of the site.
- b) One or two-unit dwelling, including buildings and structures accessory thereto, or an addition or expansion to an existing residential structure, that complies with the provisions of the Zoning By-law.
- c) One or two-unit dwelling, including buildings and structures accessory thereto, or an addition or expansion to an existing residential structure, that through the

approval of Council, Committee of Adjustment, or Director of Development Services (or their designate) where a development agreement has been required as a condition of development.

- d) Agriculture, forestry or conservation buildings or structures, including buildings and structures accessory thereto.
- e) Parking lots for less than 5 spaces
- f) A new or replacement sewage system
- g) Less than three (3) portable classrooms accessory to a school.
- h) Works which result from requirements of the Fire Protection and Prevention Act or an Order to Comply issued by the Township of South Frontenac Fire Department.
- i) Any deviation from any dimension respecting the location of the buildings and structures shown as plans pursuant to this By-law or predecessor thereof, provided the deviation does not exceed 0.3 metres or approximately twelve (12) inches and further provided that the deviation does not result in a violation of the requirements of any By-law enacted by the Township or other applicable law.
- j) Interior building alterations which do not involve a change in major occupancy as defined by the Ontario Building Code.
- k) A temporary building or structure used during construction of a permanent building or structure.
- l) Lands owned by the Township of South Frontenac.

## 7. DRAWINGS

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

- a) Drawings bearing a drawing number, date or date of revision and drawn to scale.
- b) Drawings showing existing conditions located and labeled including:
  - i. Dimensions and area of the property;
  - ii. Location and use of all existing buildings, including setbacks from lot lines and lot coverage;
  - iii. Uses of abutting properties for surrounding lands;
  - iv. All easements, both on and adjacent to the property;
  - v. All existing utilities and services;
  - vi. Original grades on the property; and
  - vii. All natural features such as trees and other types of vegetation, water bodies, rock outcrops, drainage ditches, swales, wetlands or steep slopes.
- c) 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.
- d) Drawings showing plan, elevation and cross-section views for each building to be erected, which drawings 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. vehicle access facilities including access ramps, curbs traffic direction signs, off-street loading and parking facilities (including bicycle parking), driveways, and emergency access facilities;

- v. pedestrian access facilities including walkways, ramps, and related facilities;
- vi. lot grading and drainage and any other stormwater management facilities;
- vii. landscaping for the site and for the protection of adjoining sites;
- viii. exterior lighting elements;
- ix. garbage, recycling, and other waste facilities;
- x. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, in accordance with the policies of the Official Plan;
- xi. matters relating to exterior access to each building that will contain affordable housing units, in accordance with the policies of the Official Plan;
- xii. the sustainable design elements on any adjoining road under the Township's jurisdiction, including limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities in accordance with the policies of the Official Plan; and
- xiii. facilities designed to have regard for accessibility for persons with disabilities.

## 8. CONDITIONS OF APPROVAL

- a) As a condition to the approval of the plans the Township may require the owner of the lands to provide to the satisfaction of and at no expense to the Township any of the following:
  - i. Widening of highways that abut land designated for widening in accordance with the Official Plan.
  - ii. Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps, curbs 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 and walkway ramps 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 any building or structures thereon.
  - vii. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
  - viii. Establish, enhance and maintain trees and other types of vegetation
  - ix. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
  - x. Easements conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works and servicing and other public utilities of the Township or local board thereof on the land.
  - xi. Grading or alteration in elevation or contour of the land and provision for disposal of storm, surface and wastewater from the land and from buildings or structures thereon.
- b) 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 including the removal of snow from access ramps and driveways, parking and loading areas, and walkways.
- c) The Township may require the dedication of land for park or other recreational purposes, or the payment of money in lieu of land in accordance with the policies of the Official Plan.

- d) Where an agreement is a condition of approval, enter onto one or more agreements with the Township which will deal with and ensure:
  - i. provision of all the facilities, works or matters referred to in Section 8 a) including the provision of financial securities in respect of the facilities and works;
  - ii. The continued maintenance of the works and facilities

## 9. ADMINISTRATION

- a) By-Law Administration
  - i. This By-law shall be administered by the Director of Development Services or designate.
  - ii. The Council of the Township of South Frontenac hereby delegates to the Director of Development Services or their designate, the authority to approve Site Plan Control applications.
  - iii. The Council of the Township of South Frontenac hereby delegates to the Director of Development Services or their designate, authority to approve revisions or amendments to approved site plans and site plan control agreements.
  - iv. The Mayor and Clerk are authorized to enter into an agreement with the owner of the lands to which an approval of site plan control has been approved by the Director of Development Services or their designate.

b) Pre-consultation & Complete Application

- i. In accordance with section 41(3.1) of the Planning Act, the applicant shall pre-consult with municipal staff prior to submission of an application, including plans and drawings.
- ii. A site plan control application will not be deemed complete and will not be processed until the application form, fee, plans and drawings and all relevant supporting information identified at the time of pre-consultation is submitted to the satisfaction of municipal staff.

c) Fees

- i. The applicant shall pay the Township application fee together with any processing fees as set out in the Township's Planning Fees By-law.

d) Registration of Agreement

- i. 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.
- ii. The agreement or amendment thereto shall be registered at the expense of the owner.

e) Performance Securities

The applicant shall provide securities in cash, certified cheque or letter of credit to guarantee compliance with the conditions of the agreement and satisfactory completion and maintenance of the works required by the agreement and the approved plans and drawings. Where no-off site works are proposed for a one- or two-unit residential dwelling, or addition thereto, securities may not be required.

Where securities are determined to be required, the amount of the security shall be based on the estimated cost of the approved works and shall be calculated as follows:

- i. The owner shall submit an estimated cost of the approved works for review and approval by the Township. The cost estimate shall be prepared by a qualified person. The approved cost estimate will form a schedule to the site plan control agreement. The amount of security shall equal 50% of the estimated cost of the on-site improvements.
- ii. For all works on Township owned property the amount of security shall equal 100% of the costs of the approved works.

f) Security Release/Reduction

Requests for security release may be submitted to the Township once all required works on the approved plans have been completed and all conditions in the agreement have been met to the satisfaction of the Township.

- i. The owner shall submit a written request for security release including; a certificate from a qualified person confirming that all required works have been completed in accordance with the approved plans and the site plan control agreement;
- ii. The Township may complete a site inspection to confirm the satisfactory completion of the work;
- iii. A maximum of 90% of the security amount will be released
- iv. Where deficiencies are identified the security release may be delayed or reduced until the deficiencies have been addressed;
- v. The owner shall submit a written request for remaining 10% of the initial security amount with a certificate from a qualified person confirming all works are completed and have been maintained in accordance with the approved drawings and agreement. The 10% will be held for a minimum of one year as a maintenance security to ensure all site works including landscaping are maintained and that any necessary replacements are completed.

f) Financial Security to Remedy Defaults

- i. Where the owner has received notice from the Township of defaults with respect to the approved drawings or site plan control agreement the Township may draw on the security to remedy the default.
- ii. The Township may apply all or any portion of the financial security toward the payment of the costs and expenses to remedy the default.
- iii. Where the Township draws on the financial securities to remedy any default the owner will be charged an administration fee equal to 20% of the costs to remedy the default.

g) Issuance of Building Permits

- i. Notwithstanding any provisions of the Building By-law or any other By-law of the Township to the contrary, no building permit shall be issued until the plans and drawings and any such agreements required by the Township have been approved and registered on title.
- ii. 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 Township prior to the passing of this By-law.

10. LAPSING OF APPROVAL

- a) Site Plan Control approval of all agreements and documents, lapses and is of no force or effect:
  - i. Where a building permit is required for the development, at the expiration of five years from the date of approval if no building permit is issued for development, if a building permit is issued but construction has not been completed, or if a building permit has been revoked.
  - ii. Where no building permit is required but the Owner has not started development within five years of the date of approval.
- b) The lapse of an approval is effective upon the date of giving written notice by the Township of South Frontenac to the Owner by registered mail revoking the approval, or where an agreement has been registered, upon the registration of a notice that the approval is revoked and the agreement

is terminated, unless the Township of South Frontenac agrees in writing to an extension. The request for an extension must be submitted in writing by the Owner to the Township of South Frontenac.

11. 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.

12. 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 and provision of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provision hereof shall have been declared to be invalid.

13. IMPERIAL VALUES

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

14. EFFECT

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

**Dated at the Township of South Frontenac this 21<sup>st</sup> day of June, 2022.**

**Read a first and second time this 21<sup>st</sup> day of June, 2022.**

**Read a third time and finally passed this 21<sup>st</sup> day of June, 2022.**

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH FRONTENAC**

  
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Ron Vandewal, Mayor

  
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Angela Maddocks, Clerk