

Corporation of the City of Clarence-Rockland

By-law 2022-62

Being a By-law to designate the whole area of the Corporation of the City of Clarence-Rockland as a site plan control area, to exempt certain classes of development from approval of plans and drawings, and to repeal By-law 2018-22, as amended.

Whereas Section 41 of the Planning Act, provides in part that, where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a site plan control; and

Whereas Clause 5(2)(b) of the Building Code Act authorizes the council of a municipality to pass by-laws requiring applications for building construction permits to be accompanied by such plans, specifications, documents and other information as prescribed; and

Whereas the Official Plan of the United Counties of Prescott and Russell designates the entire geographical area of the United Counties of Prescott and Russell as a Site Plan Control Area pursuant to the provisions of Section 41(2) of the Planning Act; and

Whereas the Official Plan for the Urban Area of the City of Clarence-Rockland designates the whole of the Urban Area as a proposed Site Plan Control Area pursuant to the provisions of Section 41(2) of the Planning Act; and

Whereas the Council of the Corporation of the City of Clarence-Rockland considers it appropriate to designate the whole of the City of Clarence-Rockland as a site plan control area, to exempt certain classes of development from approval of plans and drawings, and to repeal Bylaw 2018-22, as amended.

Therefore, the Council of the Corporation of the City of Clarence-Rockland enacts as follows:

1. Definitions

1.1. In this by-law,

- a) **Act** means the Planning Act, R.S.O. 1990. c. P.13;
- b) **Corporation** means The Corporation of the City of Clarence-Rockland;
- c) **Council** means the municipal council of the Corporation;

- d) **Delegated Official** means any of the appointed officers of the Corporation identified as per the current Community Development Approval Authority By-law;
 - e) **Development** means the construction, erection or placing of one or more buildings or structures on land; or
 - i. 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
 - ii. 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 or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the Act, or
 - iii. sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of the Act, and includes redevelopment however excludes the placement of a portable classroom on a school site of a distinct school board if the school site was in existence on January 1, 2007;
 - f) **Development Agreement** means an agreement entered into between the Corporation and the Owner outlining the terms and conditions of the development and the approved plans and drawings as provided under Section 41(7)(c) of the Act;
 - g) **Owner** means the person appearing as the registered Owner according to the records of the proper land registry office;
- 1.2. Where a word or term used in this by-law is not defined, the word or term has the same meaning as defined as per the current City of Clarence-Rockland Zoning By-law, as amended from time to time.

2. Site Plan Control Area

- 2.1. The whole of the area located within the geographic limits of The Corporation of the City of Clarence-Rockland is hereby designated as a site plan control area pursuant to subsection 41 (2) of the Act.
- 2.2. The approval of plans or drawings in accordance with subsection 41(4) or 41(5) of the Act is required before development is undertaken within the area described in Clause 2.1, unless otherwise exempt from approval as set out in this by-law.

3. Exempt Classes of Development

3.1 Where there is no site plan agreement registered on title to the lot, the following classes of development may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or (5) of the Act, and this by-law does not apply to such classes:

a) Residential

- i. A building or structure which is constructed, erected or placed on a free hold lot for the purpose of a detached dwelling, duplex dwelling, linked dwelling, seasonal dwelling, semi-detached dwelling, three-unit dwelling, or a townhouse dwelling containing three (3) or fewer dwelling units.
- ii. Townhouse dwellings on a lot or block within a plan of subdivision where the lots or blocks were identified for said use and sufficient detail was provided at time of planning approvals to evaluate the grading and servicing.
- iii. An addition or alteration to a building or structure mentioned in Clause 3.1 i. or 3.1 ii.
- iv. An accessory building or structure to a building or structure mentioned in Clause 3.1 i or 3.1 ii.
- v. A second unit or garden suite associated with a permitted residential use. Does not include an accessory dwelling associated with a non-residential use.
- vi. A bed and breakfast or residential conversion to a bed and breakfast with no more than four (4) lodging units, or a building or structure accessory thereto.
- vii. A group home, dormitory or lodging house that requires four (4) or less parking spaces, or a building or structure accessory thereto provided that the total floor area does not exceed one hundred and fifty (150) square metres.
- viii. A home-based business, home industry or private home day care that meets the requirements of Zoning By-law No. 2016-10, as amended.
- ix. Notwithstanding, site plan control is required for a condominium development (i.e. private roads, amenity areas, etc.).

b) Retail Uses, Service Commercial Uses, Office Uses, Hospitality Uses or Mixed-Uses

- i. An addition or alteration to an existing retail, service commercial, office, hospitality or mixed-use (including

combined with a permitted residential use) provided that the floor area:

- a. does not exceed fifty-five (55) square metres; or
 - b. 30% of the existing floor area, to a maximum of fifty-five (55) square metres;
 - c. does not accommodate the establishment on the lot of a new drive-through facility; or
 - d. does not include the addition of more than four (4) parking spaces.
- ii. The establishment of a temporary outdoor commercial patio that does not remove any required parking spaces and that does not add more than 55 square meters of impermeable space.
- c) Employment, Institutional, Community, or Motor Vehicle Uses
- i. An addition or alteration to an existing employment, institutional, community or motor vehicle use provided that the floor area, measured from the exterior walls of the addition:
 - a. does not exceed fifty-five (55) square metres; or
 - b. 30% of the existing floor area, to a maximum of fifty-five (55) square metres;
 - c. does not accommodate the establishment on the lot of a new drive-through facility; or
 - d. does not include the addition of more than four (4) parking spaces.
 - ii. Notwithstanding, site plan control is required for the following:
 - a. Heavy industrial use (through rezoning)
 - b. Marine facility
 - c. Medium industrial Use (through rezoning)
 - d. Motor vehicle dealership
 - e. Motor vehicle service station
 - f. Motor vehicle storage compound
 - g. Snow disposal facility
 - h. Waste (solid) disposal facility

- i. Waste processing and transfer facility (non-putrescible)
 - j. Waste processing and transfer facility
- d) Open Space Uses
 - i. Agricultural and farm related buildings, building additions, building alterations or structures that are utilized in farming operations but not including agricultural related, on-farm diversified, agricultural commercial or industrial operations such as farm equipment sales and service, farm supply sales and agricultural storage, service or supply establishments.
 - ii. A mineral aggregate operation approved under the Aggregate Resources Act, but not including any associated medium or heavy industrial use such as a permanent asphalt or concrete plant.
 - iii. A building or structure used for forestry uses if the floor area of the building does not exceed two thousand (2,000) square metres.
 - iv. Notwithstanding, site plan control is required for the following uses:
 - a. Campground
 - b. Ecotourism facility
 - c. Golf course
 - d. Salvage yard
 - e. Storage yard
- e) Temporary Building(s)
 - i. A temporary building or structure that is designed, constructed and placed on the land in a manner which permits its removal after a period of time not to exceed one hundred and twenty (120) consecutive days.
 - ii. 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.
- f) Parking
 - i. A commercial parking area containing less than five (5) parking spaces including all parking spaces and aisles, provided further that the said commercial parking area is to be constructed separate and apart from any other

development as defined in this by-law which requires approval.

g) Other

- i. A building or structure forming part of a transit network.
- ii. A communication tower.
- iii. Public Authority works such as a pumping station or utility installation.
- iv. A community building in a public park, a seasonal dome over an existing outdoor field or court, an outdoor farmer's market, a seasonal garden centre in a parking lot or other temporary special event where written permission is obtained from the appointed officer(s).
- v. Any addition or modification required pursuant to the Fire Protection and Prevention Act or Accessibility for Ontarians with Disabilities Act (ADDA) including but not limited to disabled parking spaces, ramps and related signs.
- vi. Any works to implement sustainable initiatives such as solar panels, wind turbine, electric vehicle charging stations, etc.
- vii. Permitted additions or alterations (including change of use) are only permitted once every twenty four (24) months, unless written permission is obtained from the appointed officer(s).
- viii. An accessory building or structure to a permitted use where the delegated official deems it to be minor.
- ix. Notwithstanding Section 3.1, site plan control is required where the approval of plans or drawings is required as a condition of provisional consent or a condition of a Minor Variance decision or otherwise required by the Official Plan of the United Counties of Prescott and Russell, or the Official Plan of the Urban Area of the City of Clarence-Rockland (i.e. potential retrogressive landslide areas, heritage properties, protection of significant natural heritage features, etc.).

3.2 Where [there is a site plan agreement registered on title to the lot](#), the following classes of development may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or (5) of the Act:

a) Residential

- ii. A second unit or garden suite associated with a permitted residential use. Does not include an accessory dwelling associated with a non-residential use.
 - iii. The addition of no more than four (4) parking spaces.
 - iv. The addition to a dwelling unit where the size of the addition does not exceed the greater of:
 - a. Fifty-five (55) square metres; or,
 - b. 30% of the existing floor area, to a maximum of fifty-five (55) square metres.
 - v. An accessory building or structure to a permitted residential use.
- b) Retail Uses, Service Commercial Uses, Office Uses, Hospitality Uses or Mixed-Use
- i. The establishment of a temporary outdoor commercial patio that does not remove any required parking spaces and that does not add more than 55 square meters of impermeable space.
 - ii. An addition or alteration (including change of use) to a retail, service commercial, office, hospitality, or mixed-use where:
 - a. The size of the addition does not exceed the greater of:
 - (i) Fifty-five (55) square metres; or,
 - (ii) 30 % of the existing floor area, to a maximum of fifty-five (55) square metres.
 - b. The addition or alteration (including change of use) does not accommodate the establishment on the lot of a new drive-through facility.
 - iii. The addition of no more than four (4) parking spaces.
- c) Employment, Institutional, Community, or Motor Vehicle Uses
- i. An addition or alteration to an employment, institutional, community or motor vehicle use where:
 - a. The size of the addition does not exceed the greater of:
 - (i) Fifty-five (55) square metres; or,
 - (ii) 30 % of the existing floor area, to a maximum of fifty-five (55) square metres.
 - b. The addition or alteration does not accommodate the establishment of a new:

- (i) Heavy industrial use (through rezoning)
- (ii) Marine facility
- (iii) Medium industrial Use (through rezoning)
- (iv) Motor vehicle dealership
- (v) Motor vehicle service station
- (vi) Motor vehicle storage compound
- (vii) Snow disposal facility
- (viii) Waste (solid) disposal facility
- (ix) Waste processing and transfer facility (non-putrescible)
- (x) Waste processing and transfer facility

ii. The addition of no more than four (4) parking spaces.

d) Open Space Uses

i. Agricultural and farm related buildings, building additions, building alterations or structures that are utilized in farming operations but not including agricultural related, on-farm diversified, agricultural commercial or industrial operations such as farm equipment sales and service, farm supply sales and agricultural storage, service or supply establishments.

ii. Equestrian establishment.

iii. Open space uses where:

a. The size of the addition does not exceed the greater of:

(i) Fifty-five (55) square metres; or,

(ii) 30 % of the existing floor area, to a maximum of fifty-five (55) square metres.

b. The addition does not accommodate the establishment on the lot of a new:

(i) Campground

(ii) Ecotourism facility

(iii) Golf course

(iv) Salvage yard

(v) Storage yard

e) Parking

- i. A change to a commercial parking area so long as no more than five (5) parking spaces are added.

f) Temporary Uses

- i. A temporary building or structure that is designed, constructed and placed on the land in a manner which permits its removal after a period of time not to exceed one hundred and twenty (120) consecutive days.
- ii. 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.

g) Other

- i. The addition or alteration of a building or structure forming part of a transit network.
- ii. A communication tower.
- iii. Public Authority works such as a pumping station or utility installation.
- iv. A community building in a park, a public or private park, a seasonal dome over an existing outdoor field or court, an outdoor farmer's market, a seasonal garden centre in a parking lot or other temporary special event where written permission is obtained from the appointed officer(s).
- v. Any addition or modification required pursuant to the Fire Protection and Prevention Act or Accessibility for Ontarians with Disabilities Act (ADDA) including but not limited to disable parking spaces and related signs.
- vi. Any modification to implement sustainable initiatives such as solar panels, wind turbine, electric vehicle charging stations, etc.
- vii. Permitted additions or alterations (including change of use) are only permitted once every twenty four (24) months, unless written permission is obtained from the appointed officer(s).
- viii. Notwithstanding Section 3.2, site plan control is required where the approval of plans or drawings is required as a condition of provisional consent or a condition of a Minor Variance decision or otherwise required by the Official Plan of the United Counties of Prescott and Russell, the Official Plan of the Urban Area of the City of Clarence-Rockland (i.e.

potential retrogressive landslide areas, heritage properties, protection of significant natural heritage features).

- ix. An accessory building or structure to a permitted use where the delegated official deems it to be minor.

4. Replace and Rebuild

- 4.1 Despite Sections 3.1 and 3.2, any development subject to site plan control that is damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that existed before the damages occurred, the use does not require the addition of four (4) or more parking spaces and no new dwelling units or lodging units are created.

5. Minor Deviations

- 5.1. Any deviation from any dimension deemed minor by the appointed officer(s) so long as the deviation does not result in a violation of any by-law requirement of the City of Clarence-Rockland.

6. Provision and maintenance of facilities, road widenings, etc

- 6.1. As a condition to the approval of the plans and drawings referred to in subsection 41(4) of the Act, the Owner of the land shall hereby:
 - a) Provide at no expense to the Corporation the facilities, works or matters mentioned in clause 41(7)(a) of the Act approved in accordance with Section 41 of the Act and shown on the approved plans and drawings and in the development agreement; and
 - b) Maintain at the sole risk and expense of the Owner the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 and clause 41(7)(a) of the Act and shown on the approved plans and drawings in the development agreement, approved in accordance with Section 41 of the Act, including the removal of snow from access ramps and driveways, parking and loading areas and walkways.

7. Requirement for Site plan approval pre-consultation

- 7.1. Prior to the submission of any application for site plan control approval, the owner shall formally consult with the City, or their designate, for the purposes of identifying the need for and scope of any information and material necessary for consideration of the site plan control application.

8. Consultation with Upper-tier

- 8.1. The City shall not approve any application for site plan control approval until the United Counties of Prescott and Russell has been

advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to:

- a) Provide to the satisfaction of and at no expense to the United Counties of Prescott and Russell any or all of the following:
 - i. subject to subsection 41 (9) of the Act, widenings of highways that are under the jurisdiction of the United Counties of Prescott and Russell and that abut on the land;
 - ii. subject to the Public Transportation and Highway Improvement Act, where the land abuts a highway under the jurisdiction of the United Counties of Prescott and Russell, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs;
 - iii. where the land abuts a highway under the jurisdiction of the United Counties of Prescott and Russell, 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. where the land abuts a highway under the jurisdiction of the United Counties of Prescott and Russell, facilities designed to have regard for accessibility for persons with disabilities;
- b) enter into one or more agreements with the United Counties of Prescott and Russell dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (c) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas; and
- c) subject to subsection 41 (9.1) of the Act, convey part of the land to the United Counties of Prescott and Russell to the satisfaction of and at no expense to the municipality for a public transit right of way.

9. Application for approval

9.1 Every site plan application shall be accompanied by the following plans, specifications, documents and information:

- a) the plans referred to in Paragraph 1 of Subsection 41(4) of the Act, showing all facilities and works to be provided in conjunction with the building or structure and all facilities, works and matters referred to in Clause 41(7)(a) of the Act;
- b) the drawings referred to in Paragraph 2 of Subsection 41(4) of the Act;

- c) where required under clause 12(b) of this by-law one or more agreements with the Corporation dealing with the provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in Subsection 41(7) of the Act in accordance with the plans and drawings approved pursuant to the Act;
- d) where required under an agreement referred to in clause iii. cash or an irrevocable letter of credit in favour of the Corporation in accordance with Council's security policy to protect the Corporation in respect of its liability for hold back and costs under Subsection 17(4) of the *Construction Lien Act, 1990* and to assure satisfactory provision and maintenance of the facilities and works and matters mentioned in Subsection 41(7) of the Act in accordance with the plans and drawings approved pursuant to the Act; and
- e) all reports and studies required on the record of consultation or during review.

10. Delegation to appointed officers

- 10.1 Site Plan approval authority is delegated in accordance with the Community Development Delegated Authority By-law, as amended from time to time.

11. Public meetings

- 11.1 At the time of considering a rezoning of a property or properties, the Planning Committee may as part of their recommendation to City Council require that a site plan public meeting be held to receive comments regarding the site plan, building elevations, landscape plan and any requirements of the development agreement by placing a holding provision with the proposed zone without further notice or by adding a direction for staff to hold a public meeting at Planning Committee and based on the one or more public meetings Council should advise the appointed officer of any items to consider in their review as raised by the public and/or as advised by Council;
 - a) In some cases, Official Plan policies may require a site plan public meeting. In these cases the appointed officer(s) will request that the Planning Committee convene a public meeting on behalf of the appointed officer(s) to obtain input from the public and receive advice from Council and subsequently report to the appointed officer(s) the results of the public meeting and any comments of Council;
 - b) City Council may require a public meeting. The Planning Committee shall convene the public meeting and the Owner (or

agent) shall be given an opportunity to present their development. The Planning Committee shall provide a recommendation to the delegated authority concerning the approval of the plans and drawings pertaining to the development and any requirements under Subsection 41(7) of the Act, including the provision of any required agreement;

- c) In any case where development has been the subject of a public meeting and that development does not proceed, a further public meeting will be required when a new or revised site plan application is made for the same lands. In cases where an application is made to make minor amendments in keeping with the general intent of the plans approved, the appointed officer(s) may approve these changes and may add any additional clauses to the agreement without the need for a further public meeting except as otherwise directed by Council.

12. Letter of undertaking

12.1 In the case of a residential development, a letter of undertaking may be provided as an alternative to a site plan control agreement where,

- a) easements or conveyances are not required to be made to the City after issuance of the building permit;
- b) the owner is not required to enter into other related development agreements (i.e. encroachment agreement) with the city after the issuance of the building permit;
- c) special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions; and,
- d) the total amount of securities to be provided to the City does not exceed \$50,000.

12.2 In the case of non-residential development, a letter of undertaking may be provided as an alternative to a site plan control agreement where,

12.3 easements or conveyances are not required to be made to the City after issuance of the building permit;

12.4 the owner is not required to enter into other related development agreements with the city after the issuance of the building permit; and

12.5 special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions.

12.6 the total amount of securities to be provided to the City does not exceed \$50,000.

13. Enforcement

13.1 Conflict of Laws

- c) In the event of conflict between the provisions of any guidelines or standards and any applicable zoning by-law or federal or provincial statute or regulation, the provisions of the zoning by-law or federal or provincial statute or regulation shall apply.

13.2. Development without approved plans

- a) Every person who, without having plans or drawings approved in accordance with Section 41 of the Act, undertakes any development in the site plan control area designated by this by-law pursuant to Section 67 of the Act, is guilty of contravening Section 41 of the Act.

13.3. Failure to provide or maintain facilities, etc.

- a) Every person who undertakes any development in the site plan control area designated by this by-law without providing or maintaining any of the facilities, works or matters that are mentioned in Clause 41(7)(a) of the Act and that are required by the Corporation under that clause as a condition to the approval of plans or drawings in accordance with Section 41 is, pursuant to Section 67, guilty of contravening Section 41 of the Act.14.

14. Liens

- 14.1 When Council causes any work to be done pursuant to any approval provided for in this by-law, the City shall have a lien for any amount expended by or on behalf of the City and for an administrative fee of ten percent of any amount expended by or on behalf of the City, and the certificate of the City Clerk as to the total amount expended shall be admissible as evidence as prima facie proof of the total amount expended and such total amount together with the administrative fee shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

14.2 Before the certificate of the City Clerk is issued under Section 14.1 of this bylaw, an interim certificate shall be delivered to the owner of the property that is subject to the lien, as well as to all prior mortgagees or other encumbrances and the affected owner, mortgagees or other encumbrances shall have two weeks from the date of receipt of the interim certificate to appeal the amount shown thereon to Council.

15. Failure to enter into agreement

15.1 Every person who undertakes any development in the site plan control area designated by this by-law without entering into one or more agreements with the Corporation that deal with or ensure the provision or maintenance of any of the facilities, works or matters and that the person is required by the Corporation to enter into under that subsection as a condition to the approval of plans and drawings in accordance with Section 41 of the Act is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

16. Penalty upon conviction

16.1 Every person who is convicted of an offense under Section 41 of the Act is liable to a fine or penalty prescribed by Section 67 of the Act.

17. Repeal

17.1 By-law 2018-22, as amended, being a by-law to establish Site Plan Control is hereby repealed.

18. Short title

18.1 This by-law shall be cited as the "Site Plan Control Area By-law".

19. Effective Date

19.1. This By-law shall come into force and effect on the date of its adoption.

Read, passed and adopted in open council this 6th day of July 2022.

Mario Zanth, Mayor

Maryse St-Pierre, Deputy Clerk