

CORPORATION OF THE TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS

BY-LAW #11-002

A BY-LAW TO DESIGNATE PART OF LEEDS AND THE THOUSAND ISLANDS TOWNSHIP AS A SITE PLAN CONTROL AREA PURSUANT TO SECTION 41(2) OF THE PLANNING ACT, R. S. O. 1990, AS AMENDED.

WHEREAS The Planning Act, R.S.O, 1990, c.P.13, Section 41 (2) as amended provides that the Council of a Municipality which 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 Leeds and Thousand Islands Township has an Official Plan approved by the Minister of Municipal Affairs and Housing, that has defined site plan control areas;

AND WHEREAS the Planning Act, R.S.O. 1990, Chapter 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 Corporation of Leeds and the Thousand Islands enacts as follows:

1. **REPEAL OF PREVIOUS BY-LAWS**

All existing Site Plan Control By-laws are hereby repealed and replaced with this by-law.

2. **DEFINITION**

For the purposes of this by-law "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, 2001, or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the Planning Act, or of site for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of the Planning Act.

3. **SITE PLAN CONTROL AREAS**

The following areas, uses, and zones, as defined in the Leeds and Thousand Islands Zoning By-law No.07-079, as may be amended, are hereby designated as Site Plan Control Areas:

- Second Density Residential (R2)-Lansdowne Zone
- Shoreline Residential (RS) Zone
- Island Residential (RI) Zone
- Mobile Home Park Residential (RMHP) Zone
- General Commercial (CG) Zone
- Highway Commercial (CH) Zone
- Tourist Commercial (CT) Zone
- Recreation Commercial (CR) Zone

- Light Industrial (ML) Zone
- Rural Industrial (MR) Zone
- Institutional (I) Zone
- Open Space (OS) Zone
- Rural (RU) Zone for commercial, greenhouse, place of worship, recreational facility
- Wrecking Yard (WY) Zone
- Waste Management (WM) Zone
- Sewage Disposal (SD) Zone
- Environmental Protection (EP) Zone
- Parking Lot (PL) Zone
- Areas of Natural and Scientific Interest (ANSI) Zone

In addition, Site Plan control applies in the following situation:

- i. All lots which abut waterbodies and/or watercourses.

4. APPROVAL OF PLANS

No person shall undertake any Development, and no Building permit or permits shall be issued for any Development in an area designated as a Site Plan Control area unless the Council of the Municipality has approved the following:

- a) Plans showing the location of all buildings and structures to be erected on the property and also illustrating the location of any facilities and works.
- b) Drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building contain twenty-five (25) or more dwelling units to be erected which are sufficient to display;
 - i. The massing and conceptual design of any proposed building or buildings;
 - ii. The relationship of the proposed building or buildings to adjacent buildings, streets, and exterior areas to which members of the public and vehicular traffic have access.

5. CONDITIONS OF APPROVAL

As a condition to the approval of any plans or drawings referred to in Section 4, hereto the Municipality may require that the owner provide, at no cost to the Municipality, any or all of the facilities, works or matters established in Section 41 (7) (a) and (b) of the Planning Act, R.S.O. 1990, Chapter c.P.13, as amended, and may require that the owner enter into an agreement with the Municipality pursuant to Section 41 (7) (c) of the Planning Act, dealing with the provision of any of those facilities, works or matters.

6. REGISTRATION OF AGREEMENT

Any agreement referred to herein shall be between the owner of the land and the Municipality, shall be in registerable form and, at the option of the Municipality any or all of such agreement shall be registered against the land to which it applies, all at the expense of the owner. Section 446 of the Municipal Act, 2001, as amended, applies to any requirements made under clauses 7 (a) or 7 (b) of Section 41 of the Planning Act and to any requirements made under an agreement entered into under Clause 7 (c) of Section 41 of the Planning Act, so that, in default of anything being done pursuant to those sections and agreements by the person required to do it, it may be done at his expense and the expense may be recovered in like manner as municipal taxes.

7. CONCORDANCE WITH APPLICATION FOR SITE PLAN

The submission of plans and drawings, the provision of required facilities and works, and the processing of application for approval of plans and drawings shall be in accordance with the Municipality's application for Site Plan, which may be amended from time to time. A site plan control application will not be deemed complete and will not be processed until all relevant information requested is completed on the form and is included on the drawings.

8. EXEMPTED DEVELOPMENT

Notwithstanding Section 3 of this By-law, the following exemptions from site plan approval shall apply:

- a. Any new single or semi-detached dwelling, accessory building or structure, or an addition or expansion to existing residential development that complies with the provisions of the zoning by-law, unless otherwise requested by the Municipality or a reviewing agency.
- b. For any new single or semi-detached dwelling, accessory building or structure, or an addition or expansion to an existing residential development where a planning amendment is requested with respect to a setback from a waterbody or watercourse and the Committee of Adjustment, Council, or any applicable reviewing agency does not require that development of the site be subject to a site plan agreement.
- c. All new additions to existing non-residential development where the floor area expansion is 10% or less than the existing floor area at time of application.
- d. Permitted agricultural buildings and structures used in farming operations.
- e. The development, redevelopment, alteration or expansion of any above ground broadcasting and communications building or structure.
- f. The development, redevelopment, alteration or expansion to any above ground utilities infrastructure which has not been subject to review under the subdivision process.
- g. Less than three (3) portable class rooms accessory to a school.
- h. Works which result from the requirements of the Fire Marshals Act or an Order issued by the Township of Leeds and Thousand Islands Fire Department.

- i. Any deviation from any dimension respecting the location of 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 Corporation 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. Signs and temporary construction buildings.
- l. Any building or structure used for the purpose of public service by the Corporation of Leeds and the Thousand Islands or any department or agent of the Government of Ontario or Canada.

9. AMENDMENTS

Amendments to a site plan agreement enacted under this By-law, or under any previous by-law, are to be approved by the Township's Chief Administrative Officer or Clerk. However, approval of amendments to site plan control agreements can be referred to Council at the request of any member of Council, the owner, or a member of the public.

10. SPECIAL CIRCUMSTANCES

Notwithstanding the exemptions above, site plan control may be required for any property found in any zones, if imposed as a condition by the Leeds and Thousand Islands Township Committee of Adjustment under Section 45 of the Planning Act, R.S.O., 1990, Chapter P.13, as amended, or by the County Consent Granting Authority as a condition of a consent under Section 53 of the Planning Act.

11. 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 provisions 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. DURATION OF SITE PLAN CONTROL APPROVAL

Within the Site Plan Control Area for all classes of buildings, no building permit will be issued until site plan control approval has been secured. Sunset clauses may be included as part of the approval of a site plan control agreement indicating that approval will lapse unless construction commences within a specified period of time.

15. PRESCRIBED FEES

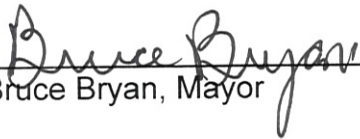
Applicants for site plan approval or amendment shall pay the fees as prescribed by the Municipality and as are subject to change, from time to time, for the review and processing of site plan approvals and amendments.

16. ROAD WIDENINGS

As a condition of site plan approval, applicants may be required to dedicate land for road widening purposes.

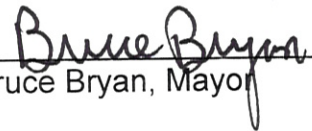
This by-law shall come into force and take effect on the date of its passing by Council.

READ A FIRST AND SECOND TIME THIS 24th DAY OF JANUARY, 2011.


Bruce Bryan, Mayor


Vanessa Latimer, Clerk

READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF FEBRUARY, 2011.


Bruce Bryan, Mayor


Vanessa Latimer, Clerk

