

COPY

**THE CORPORATION OF THE
TOWNSHIP OF TAY**

BY-LAW NUMBER 2010-70

“Being a By-law to designate certain lands within
the Township as Site Plan Control Areas”

WHEREAS Section 41 of The Planning Act, R.S.O. 1990, c.P. 13, provides that where an area is shown or described as a site plan control area in an Official Plan the 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 for the municipality describes areas proposed for site plan control;

NOW THEREFORE the Council of the Corporation of the Township of Tay enacts and is hereby enacted as follows:

1. That By-law Number 2008-30 is hereby repealed.

2. SECTION 1 - DEFINITIONS

For the purposes of this By-law the following definitions shall apply:

- 1.1 “Council” means the Council of the Corporation of the Township of Tay.
- 1.2 “Corporation” means the Corporation of the Township of Tay.
- 1.3 “Dwelling Unit” means a residential unit that:
 - (a) consists of a self-contained set of rooms located in a building or structure,
 - (b) is used or intended for use as a residential premises,
 - (c) contains kitchen and bathroom facilities that are intended for the use only of the unit, and
 - (d) has a means of egress to the outside of the building or structure in which it is located, which may be a means of egress through another residential unit.
- 1.4 “Duplex Dwelling” shall mean a building that is divided horizontally into two separate dwelling units, each of which has two independent entrances contained within the building.
- 1.5 “Semi Detached Dwelling” means a building containing a pair of attached dwelling units with a common masonry wall dividing the two dwellings vertically.

1.6 "Single Detached Dwelling" shall mean a dwelling containing only one (1) dwelling unit.

1.7 "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 or of sites for the location of three or more mobile homes.

1.8 "Gross Floor Area" means the aggregate of the areas of each floor above grade, except in the case of an apartment building where part of a basement is used for habitable purposes, in which case such area shall constitute part of the gross floor area, measured between the exterior faces of exterior walls of the building or structures at the level of each floor.

1.9 "Mobile Home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer of trailer otherwise designed.

1.10 "Person(s)" means any human being, association, firm, partnership, private club, incorporated company, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law.

1.11 "Trailer" means any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, and capable of being used for the living, sleeping or eating accommodation of persons notwithstanding that such vehicle is jacked-up or that its running gear is removed.

SECTION 2 - DESIGNATE SITE PLAN CONTROL AREAS

Any lands zoned for:

- a) Village Residential "R1"
- b) Village Residential "R2"
- c) Village Residential - Special "R2-S"
- d) Multiple Residential "R3"
- e) Residential Estate "RE"
- f) Shoreline Residential "SR"
- g) Limited Service Residential "LSR"
- h) Residential Mobile Home Park "RMH"
- i) Recreational Trailer Park "RTP"
- j) Village Commercial "C1"
- k) Neighbourhood Commercial "C2"
- l) Tourist Accommodation Commercial "C3"
- m) Highway Service Commercial "C4"
- n) Rural Commercial "C5"
- o) Marine Commercial "C6"

- p) General Industrial "M1"
- q) Prestige Industrial "M2"
- r) Mineral Aggregate Resource "MAR"
- s) Agriculture "A"
- t) Rural "RU"
- u) Institutional "I"
- v) Environmental Protection "EP"
- w) Open Space "OS"
- x) Lake Side "LS"
- y) Development "D"

And all Zone Exceptions as shown on the Schedules to General Zoning By-law 2000-57 as amended are designates as site plan control areas.

SECTION 3 - CLASSES OF SITE PLAN APPLICATIONS

- 3.1 Minor Site Plan Application
 - 3.1.1 A minor site plan application involves a residential development containing two (2) dwelling units or less; or the addition to an existing building or structure that adds less than:
 - i) 20% to the gross floor area or has a gross floor area less than 200 square metres;
 - ii) any temporary building;
 - iii) any change to a site not involving the erection of a new building or building addition.

3.2 Major Site Plan Application

- 3.2.1 A major site plan application involves any development that is not considered a minor site plan application as defined in Paragraph 3.1 above.

SECTION 4 - DELEGATION OF SITE PLAN APPROVAL

- 4.1 The power and authority given to Council of the Corporation of the Township of Tay under Section 41 of the Planning Act, RSO 1990, c. P.13 are hereby delegated to the Director of Planning and Development or designate where they relate to a Minor Site Plan Application as defined in Paragraph 3.1 herein.
- 4.2 The Director of Planning and Development, 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.
- 4.3 The applicant for a minor site plan application may request that the approval of the site plan application be made by Council.
- 4.4 In all other instances, Council is the approval authority for site plans.

SECTION 5 - AUTHORIZATION

- 5.1 After approval of an application by Council, the Director of Planning and Development or designate, the Mayor and Clerk are hereby

authorized to sign any site plan agreement and any documents that may be required to implement the conditions of approval.

SECTION 6 - EXCLUSIONS FROM SITE PLAN CONTROL

- 6.1 Despite the provisions of Section 2, the following matters are not subject to site plan control:
- i) A detached dwelling, duplex dwelling or semi-detached unless site plan control is being utilized for a matter of a health issue, including individual septic and/or well or is addressing a matter of natural heritage/environmental or if the dwelling is part of a multiple residential, commercial, institutional or industrial development or site plan control is required by condition of a subdivision agreement.
 - ii) Interior design.
 - iii) The layout of interior areas, excluding interior walkways, stairs, elevators and escalators.
 - iv) The manner of construction and standards for construction.

SECTION 7 - APPROVAL OF PLANS

- 7.1 No person shall undertake any development on land designated as a site plan control area described in Section 2, unless the Corporation or, where a referral has been made, the Ontario Municipal Board, has approved one or both as the Corporation may determine, of the following:

7.1.1 Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Section 8.1.1 to the By-law, including facilities designed to have regard for accessibility for persons with disabilities.

7.1.2 Drawings showing plan, elevation and cross-section views for each building to be erected which are sufficient to display:

- a) the massing and conceptual design of the proposed building;
- b) the relationship of the proposed to adjacent buildings, streets and exterior areas to which members of the public have access;
- c) and the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings, matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed that contains provisions relating to such matters are in effect in the municipality;
- d) the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and,

- e) facilities designed to have regard for accessibility for persons with disabilities.

SECTION 8 - FACILITIES, WORKS, MAINTENANCE, AGREEMENT

8.1 As a condition to the approval of the plans referred to in Section 7, the Corporation may require the owner of the lands to:

8.1.1 Provide to the satisfaction of and at no expense to the Corporation any of all of the following:

- i) Widening of highways that abut on land designated for widenings.
- ii) Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbings 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 of facilities for the landscaping of the lands or the protection of adjoining lands.
- viii) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- ix) Easements conveyed to the Corporation for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewage facilities and other public utilities of the Corporation or local board thereof on the land.
- x) Grading or alteration in elevation or contour of the land and provision for disposal of storm, surface and waste water from the land and from buildings or structures thereon.

8.1.2 Maintain to the satisfaction of the Corporation and at the sole risk and expense of the owner any or all of the facilities or works mentioned in clauses (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) of subsection 8.1.1, including the removal of snow from access ramps and driveways, parking and loading areas, and walkways.

8.1.3 Enter onto one or more agreements with the Corporation which will deal with and ensure:

- i) provisions of all the facilities, works or matters referred to in subsection 8.1.1;

- ii) the continued maintenance referred to in subsection 8.1.2; and,
- iii) the provision and approval of the plans and drawings referred to in Section 7.

8.1.4 Any agreement entered into under Section 8 shall be registered against the land to which it applies and the Corporation is entitled to enforce the provisions of the agreement against the owner; and subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land.

SECTION 9 - MUNICIPAL ACT, S.434

Section 434 of the Municipal Act, R.S.O. 2001, c.25 applies to any requirements made under Sections 7 and 8 to this By-law.

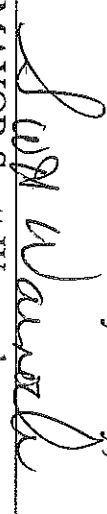
SECTION 10 - SEVERABILITY


Should any Section, subsection, clause or paragraph of the by-law, be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-laws as a whole or any part other than the Section, subsection, clause or paragraph declared to be invalid.

SECTION 11 - EFFECTIVE DATE

This By-law shall come into force and take effect upon and from the date it is finally passed by the Council of the Corporation.

BY-LAW READ a FIRST, SECOND and THIRD time and finally PASSED this 14th day of July, 2010.


MAYOR Scott Warnock


CLERK Alison Thomas