

## **By-law Number 24-64**

### **The Corporation of the Township of Clearview**

#### **Being a By-law to provide for and regulate Site Plan Control under Section 41 of the Planning Act, R.S.O. 1990, c.P.13.**

(Site Plan Control By-law)

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**Whereas** subsection 41 (2) of the Planning Act, R.S.O. 1990, c.P.13, as amended (the "Planning Act"), provides that where in an official plan an area is shown or described as a proposed site plan control area, Council of the local municipality, may, by by-law, designate the whole or any part of such area as a site plan control area;

**And Whereas** the Township of Clearview Official Plan designates all lands within the Township as a site plan control area;

**And Whereas** the Township requires the approval of certain plans and drawings as a condition of development in the Township, and requires that an Owner enter into a site plan agreement with the Township, in accordance with Section 41 of the Planning Act;

**And Whereas** by the provisions of subsection 41 (3) of the Planning Act, a by-law passed under subsection 41 (2) may designate a site plan control area by reference to one or more land use designations contained in a by-law passed under section 34 of the Planning Act;

**And Whereas** the Township of Clearview has passed by-laws under section 34 of the Planning Act, being By-law 06-54, and its successors;

**And Whereas** Bill 109 amended Section 41 of The Planning Act to add subsection 41 (4.0.1) to require the Council to appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4) of Section 41 of the Planning Act;

**And Whereas** through By-law 22-100 the Township of Clearview appointed the Township's Chief Administrative Officer or their designate as the authorized person for the purposes of issuing Site Plan Approval with or without conditions pursuant to s. 41(4.0.1) of the Planning Act;

**And Whereas** Bill 109 and Bill 185 amended Section 41 of the Planning Act to add subsections 41(3.1 to 3.9) to allow for pre-submission consultation and to establish completeness requirements for site plan control areas;

**And Whereas** Council of the Township of Clearview deems it necessary to update its Site Plan Control regulations;

**Now Therefore** Council of the Corporation of the Township of Clearview hereby enacts as follows:

1. That Schedule "A" – Site Plan Control Regulations attached hereto; forms part of this by-law.
2. That By-laws 07-17 and 22-100 and any current by-laws or resolutions outlining the regulations for site plan control are hereby repealed.
3. That this by-law shall take force and effect upon the passage hereof.

**By-law Number 24-64 read a first, second and third time and finally passed this 23<sup>rd</sup> day of September, 2024.**

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Douglas Measures, Mayor

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Sasha Helmkey, Director of Legislative Services/Clerk

## Schedule A – Site Plan Control Regulations

### Part 1: Definitions

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1.1. For the purpose of this by-law the following definitions shall apply:

**“Approved Plans”** means all of the plans, drawings, sketches, elevations, details, reports, studies and renderings submitted to and approved by the Municipality for development of the Lands. Approved Plans may also be referred to as ‘accepted for construction’ plans.

**“Council”** means the Council of The Corporation of the Township of Clearview.

**“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 pursuant to the definition of ‘development’, including defined exclusions, in s. 41 of the Planning Act, as amended from time to time.

**“Engineering Standards”** means the Engineering Standards of the municipality, as well as provincial and federal standards as amended and updated from time to time.

**“External Works and Services”** means the activity undertaken to install/construct infrastructure and appurtenances required to support and facilitate development and use of the lands and that are external to the lands (e.g., on adjacent lands or within road allowances), including but not limited to: site servicing, stormwater management facilities, utilities, lighting, landscaping, signage, driveways, roads, parking/loading facilities, pedestrian paths of travel, and trails.

**“Internal Work and Services”** means the activity undertaken to install/construct infrastructure and appurtenances required to support and facilitate development and use of the lands and that are internal to the lands (i.e., situated on the lands), including but not limited to: site servicing, stormwater management facilities, utilities, lighting, landscaping, signage, driveways, roads, parking/loading facilities, pedestrian paths of travel, and trails.

**“Lands”** means a lot or parcel of land, including all easement rights and obligations granted in connection therewith.

**“Minor Amendment”** means an amendment to approved plans which is, in the opinion of the municipality, minor in nature as it does not significantly depart from the overall intent of the approval, conditions, or site design/layout and which warrants and requires a revision to the approved plans and/or site plan agreement.

**“Major Amendment”** means an amendment to approved plans which is, in the opinion of the municipality, major in nature as it significantly departs from the overall intent of the approval, conditions, or site design/layout and which warrants and requires a revision to the approved plans and/or site plan agreement.

**“Minor Variation”** means a change to approved plans which is, in the opinion of the municipality, so minor that a revision to the approved plans or site plan agreement through a minor or major amendment is not warranted or required as it does not interfere with the overall intent of the approval, conditions, or site design and layout.

**“Municipality”** means The Corporation of the Township of Clearview.

**“Owner”** means the registered Owner of the lands or agent representing the registered Owner of the lands.

**“Professional Consultant”** means a duly qualified Architect, Engineer, Landscape Architect, Planner, Biologist, Ecologist, Arborist, Lawyer or other professional licenced in the province of Ontario, having expert knowledge in the relevant field, acceptable to the Municipality, acting reasonably.

**“Security”** means all forms of security paid in a manner acceptable to the Municipality (e.g., letter of credit) to be provided by the Owner pursuant to the requirements of this By-law and any applicable Site Plan Agreement.

**“Settlement Areas, Community”** means Nottawa and New Lowell.

**“Settlement Areas, Urban”** means Stayner and Creemore.

**“Settlement Areas, Rural”** means Avening, Batteaux, Brentwood, Dunedin, Duntroon, Glen Huron, Old Sunnidale, Singhampton, and Sunnidale Corners.

**“Site Plan Agreement”** means a contract, registered on title of the lands, between an Owner of land and the municipality allowing for development of the lands, which is authorized under s. 41 of the Planning Act and is required as a condition of Site Plan Approval.

**“Site Plan Approval”** means the approval granted by the Municipality for development of the Lands in accordance with Section 41 (4) of the Planning Act.

**“Site Plan Approval, Provisional”** means Site Plan Approval issued with conditions granted by the Municipality for development of the Lands in accordance with ss. 41(4) and 41(7) of the Planning Act.

## **Part 2: General**

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- 2.1 The approval authority for Site Plan Approval is the municipal Chief Administrative Officer (CAO) or their designate.
- 2.2 The Chief Administrative Officer (CAO) or their designate is authorized to execute all agreements required as a result of the exercise of authority appointed in this By-law.
- 2.3 By-law 24-65 outlines and prescribes pre-submission consultation and completeness requirements applicable to Site Plan Control.

## **Part 3: Site Plan Control Area**

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- 3.1 The municipality in its entirety is hereby established as a Site Plan Control Area. For certainty, this includes lands within the following:
  - a. Urban Settlement Areas
  - b. Community Settlement Areas
  - c. Rural Settlement Areas
  - d. Niagara Escarpment Planning and Development Control Area
  - e. All lands within the municipality located outside of the areas indicated in Part 3 Sec. 1a-1d of this By-law.

## **Part 4: Site Plan Approval Required**

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- 4.1 No person shall undertake any development in an area designated under Part 2: unless the municipality has approved plans and/or drawings as outlined in s. 41(4) of the Planning Act.
- 4.2 Site Plan Approval requires that the Owner enter into a Site Plan Agreement with the municipality, unless the development is, in the option of the municipality, so minor that an agreement is not warranted.
- 4.3 The municipality may require the Owner of land subject to Site Plan Approval to provide specific appurtenances or facilities, undertake and maintain works, provide easements or widenings, and enter into agreements pursuant to s. 41(7) of the Planning Act as conditions to approval of plans.
- 4.4 Provisional Site Plan Approval is required to include a lapsing date for such approval, which shall be no greater than three (3) years from the date of decision of the provisional approval to the date that a Site Plan Agreement is executed or, where an Agreement isn't warranted, a Building Permit is issued.

- 4.5 The following classes of residential development are exempt from Site Plan Approval:
- a. Single detached dwellings, semi-detached dwellings, duplex dwellings.
  - b. Buildings, structures and uses accessory to single detached dwellings, semi-detached dwellings, duplex dwellings.
  - c. Residential dwelling units, accessory to primary single detached dwellings, semi-detached dwellings, duplex dwellings.
  - d. Residential development on a parcel of land containing 10 dwelling units or less, so long as the Planning Act exempts it.
- 4.6 The following classes of agricultural development are exempt from Site Plan Approval:
- a. Primary and accessory farm buildings and structures, such as livestock facilities, drivesheds, and farm outbuildings.
- 4.7 Unless exempt under this By-law, Site Plan Control shall apply to all development, including but not limited to the following:
- a. Laying out a parking area for commercial, industrial, multi-unit residential, or institutional uses, regardless of the zone, having more than four (4) required parking stalls.
  - b. Commercial, multi-unit residential, institutional, recreational, and industrial uses.
  - c. Outdoor storage.
  - d. On-farm diversified uses and agriculturally-related commercial and industrial uses.
  - e. Kennels.
  - f. Cannabis Cultivation and Cannabis Production Facilities.
  - g. Accessory residential uses not otherwise exempt, including farm-help accommodation and garden suites.
  - h. Multi-unit residential development having 10 units or less that are required, through a Subdivision or other Development Agreement to be developed through Site Plan Control.
  - i. Development undertaken by the Township and other public authorities.
- 4.8 The classes of development (i.e., uses) reference herein shall be defined pursuant to the municipality's Zoning By-law, as may be amended from time to time.

- 4.9 Notwithstanding the provisions of this section, the Municipality, specifically the administrator of this By-law shall retain the discretion as to when site plan approval or an agreement are required.

## **Part 5: Construction in Accordance with Approved Plans**

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- 5.1 Development shall occur in accordance with the approved plans and consistent with any applicable Site Plan Agreement.
- 5.2 No deviations or changes shall be made to the Approved Plans and no construction shall take place contrary to the Approved Plans without the prior written approval of the Municipality.
- 5.3 Where the Owner wishes to deviate from or change the approved plans, the municipality shall classify the extent of the change, as a minor variation, minor amendment, or major amendment as defined in Part 1 of this By-law, based on evidence submitted by the Owner.
- 5.4 Where a minor variation to the approved plans is permitted by the municipality a copy of the Owner's request and the municipality's authorization shall be kept as a record by the municipality and the Owner. A minor variation shall be identified on the Record 'As-constructed' Drawings submitted to the Municipality following completion of the site works.
- 5.5 Minor amendments and major amendments shall be processed in accordance with the standard procedure for Site Plan Approval applications and shall require, at a minimum, issuance of new decisions with or without conditions.

## **Part 6: Financial Obligations**

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- 6.1 Site Plan Securities shall be collected and managed in accordance with the following terms:
- a. That 25 per cent of internal works and services be secured;
  - b. That 110 per cent of external works and services be secured;
  - c. That Site Plan securities be held in their entirety until the project is substantially complete and the required maintenance period begins; and
  - d. That Site Plan securities be reduced to 10 per cent and held for the duration of the one-year maintenance period and released once the maintenance period has expired and all required deficiencies have been satisfactorily addressed.

- 6.2 Securities shall be calculated on the basis of a probable construction cost estimate prepared by a qualified professional consultant and submitted to the Municipality for review and acceptance.
- 6.3 Probable construction cost estimates shall be provided to the satisfaction of the municipality and reflected in the Site Plan Agreement.
- 6.4 The calculation of securities shall include all internal works and services and external works and services, estimated separately, and include HST.
- 6.5 Each probable construction cost estimate shall include an additional five per cent (5%) for Engineering/administration and an additional five per cent (5%) for contingency.
- 6.6 Financial obligations may otherwise be set out and implemented through the Site Plan Agreement applying to the development of the lands.
- 6.7 All financial obligations shall be addressed prior to or together with execution of the Site Plan Agreement, or where an Agreement isn't warranted, a Building Permit is issued, including but not limited to:
  - a. Posting of securities.
  - b. Provision of proof of insurance.
  - c. Payment of any tax arrears applying to the lands.
  - d. Payment of any outstanding invoices, fees or deposits associated with the Site Plan Approval Application.
  - e. Payment of cash-in-lieu of parkland and/or parking, if applicable.
  - f. Payment of any other fee, charge or deposit required as a condition of Site Plan Approval.

## **Part 7: Administration**

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- 7.1 The provisions of this By-law shall be interpreted where required and administered by the municipality's Director of Planning & Building or their designate.
- 7.2 This By-law shall be subject to review a minimum of every five (5) years and shall be amended by the Township to reflect legislative changes or other warrant, as appropriate.