

**By-law Number 07-17 of the
Township of Clearview**

Site Plan Control By-law

WHEREAS it is considered desirable to control development within the Township of Clearview in accordance with the Official Plan and in accordance with the provisions of Section 41 of the Planning Act, R.S.O. 1990 c.P. 13 as amended.

NOW THEREFORE the Council of the Corporation of the Township of Clearview enacts as follows:

1.0 EXISTING SITE PLAN CONTROL BY-LAW

Township of Clearview By-law 06-54 of the Township of Clearview, is hereby modified to remove all provisions related to site plan control which are now to be established by this By-law, By-law 07-17. This has no effect on the validity of site plan approvals issued under the previous by-law which continue to be in full force and effect.

2.0 TITLE

This By-law shall be known as the "Township of Clearview Site Plan Control By-law" also further referred to herein as the "Site Plan Control By-law" or "this By-law".

3.0 PURPOSE OF THE BY-LAW

In accordance with Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended, this By-law establishes site plan control regulations, provisions and requirements and sets out the areas in which site plan control applies. It is intended that this By-law implement the policies contained within the Clearview Official Plan, which was adopted by Council on September 19, 2001, and approved by the County of Simcoe on January 29, 2002, and has been, and will be, amended from time to time. This By-law must also conform to the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe.

4.0 SITE PLAN CONTROL

4.1 Definition of Development

Notwithstanding any definitions or provisions to the contrary in this By-law, for the purposes of administration of site plan control only, “*development*” shall mean:

“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; the laying out and establishment of a commercial parking lot; the laying out or establishment of sites for the location of three or more trailers, or three or more mobile homes; or, the laying out or establishment of sites for the construction, erection, or location of three or more land lease community homes. This definition does not include 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.”

4.2 Site Plan Approval Required for Development

No person shall undertake any development in an area designated as a site plan control area in this By-law unless the applicant has consulted with the municipality before submitting plans or drawings for approval and the Township has approved one or both, as the Township may determine, of the following:

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 clause 4.3a and 4.4a below, including facilities to have regard for accessibility for persons with disabilities.
2. Drawings showing the plan, elevation, and cross-section views for each building to be erected which drawings are sufficient to display;
 - (a) the massing and conceptual design of the proposed building;

- (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and,
- (c) 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;
- (d) 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;
- (e) the sustainable design elements of any adjoining highway under the 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,
- (f) facilities designed to have regard for accessibility for persons with disabilities.

Notwithstanding these requirements, the following matters relating to buildings are not subject to site plan control:

- (a) interior design;
- (b) the layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in the above clauses; and
- (c) the manner of building construction and standards for building construction.

4.3 Municipal Conditions of Approval

As a condition to the approval of the plans and drawings the Township may require the owner of the land to;

- a) provide to the satisfaction of, and at no expense to the Municipality, any or all of the following:
 - i. Widening of highways that abut on the land;
 - ii. Facilities to provide access to and from the land such as access ramps, curbing, 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 of any buildings 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. Vaults, central storage, collection areas, and other facilities and enclosures for the storage of garbage and other waste material;
 - ix. Easements conveyed to the municipality for the construction, maintenance, or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities, and other public utilities of the municipality or local board thereof on the land; or,
 - x. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface, and waste water from the land and from any buildings or structures thereon.
- b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs ii), iii), iv), v), vi), vii), viii), and ix) of Clause a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
 - c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities or works and the maintenance thereof or with the provision and approval of the plans and drawings;
 - (d) enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved by the municipality; and,

- (e) convey part of the land to the municipality to the satisfaction of, and at no expense to, the municipality for a public transit right of way.

4.4 County Conditions of Approval

Plans and drawings in respect of any development proposed to be undertaken on lands abutting a County road, property, or waste disposal site shall not be approved until the County of Simcoe 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 upper-tier municipality, any or all of the following:
 - i. Widening of highways that are under the jurisdiction of the upper-tier municipality and that abut on the land;
 - ii. Facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;
 - iii. Where the land abuts a highway under the jurisdiction of the County of Simcoe, 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; or,
 - iv. Where the land abuts a highway under the jurisdiction of the County of Simcoe, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land.
- b) enter into one or more agreements with the County of Simcoe dealing with and ensuring the provision of any or all of the facilities, works or matters to be provided to the satisfaction of the municipality 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) convey part of the land to the County of Simcoe to the satisfaction of, and at no expense to, the County, for a public transit right of way.

4.5 Additional Agreements

The Township may, in accordance with the Municipal Act, also enter into other agreements with the owner of the lands subject to site plan control to further implement

requirements of the Official Plan, the Comprehensive Zoning By-law, this By-law, or other legislative, policy, or regulatory requirements. Such agreements may be concurrent with a site plan agreement or may be consolidated with such an agreement.

5.0 SITE PLAN CONTROL AREA

The entire area of the Municipality of Clearview is designated as a site plan control area.

Requirements for and applicability of site plan control in this By-law are further established as follows:

5.1 All Agricultural Zones and Uses

The following uses in association with development are subject to site plan control:

- Farm help accommodation; and,
- Garden suites.

A site plan agreement shall be required to be registered on title to the lands with respect to farm help accommodation and garden suite development.

5.2 All Agricultural Industrial Zones and Uses

The following uses in association with development are subject to site plan control:

- Farm help accommodation; and,
- Garden suites.
- Feed mill;
- Seed cleaning plant;
- Fertilizer mixing plant and distribution facility;
- Grain drying facility;
- Agricultural produce warehouse;
- Dairy products plant;
- Cold storage;
- Abattoir;

- Large scale agri-composting facilities and bio-generation energy facilities;
- Livestock assembly area; or,
- Agricultural processing plant.
- Accessory retail outlet associated with a permitted agricultural processing plant;
- Accessory retail outlet associated;
- Accessory and primary open storage;
- Accessory office; or,
- Accessory display and sales.

A site plan agreement shall be required to be registered on title to the lands for all development.

5.3 All Agricultural Commercial Zones and Uses

The following uses in association with development are subject to site plan control:

- Farm help accommodation; and,
- Garden suites.
- Veterinary clinic;
- Farm co-operative;
- Fertilizer, seed, pesticide, and herbicide sales facility;
- Agricultural equipment and supply sales outlet;
- Agri-tourism operation;
- Retail and wholesale establishment for the sale of locally produced agricultural products including indoor and outdoor display and sales and including winery or cidery retail outlets (locally produced refers to produce from farm(s) located in the Township of Clearview);
- Farm auction or stock yard establishment; or,
- Farmers market;
- Temporary agricultural fair or exhibition;
- Temporary accessory seasonal outdoor attraction such as a farm tour, a maze, an agriculturally related play or activity area;
- Accessory and primary open storage;

- Accessory office; or,
- Accessory display and sales.

A site plan agreement shall be required to be registered on title to the lands for all development.

5.4 All Agricultural and Rural Kennel Zones and Uses

All new kennels are subject to site plan control. A site plan agreement shall be required to be registered on title with respect to the kennel.

5.5 All Rural Zones and Uses

The following uses in association with development are subject to site plan control:

- Farm help accommodation; and,
- Garden suite.

A site plan agreement shall be required to be registered on title to the lands with respect to farm help accommodation and garden suite development.

5.6 All Residential Zones and Uses

All development of three (3) or more residential units per building is subject to site plan control.

A site plan agreement shall be required to be registered on title to the lands for all development of three (3) or more residential units per building.

5.7 All Institutional Zones and Uses

All institutional development, other than that by the Township, is subject to site plan control.

A site plan shall be required to be registered on title to the lands.

5.8 All Recreational Zones and Uses

All recreational development, which is not undertaken by the Township, is subject to site plan control.

A site plan shall be required to be registered on title to the lands.

5.9 All Commercial Zones and Uses

All commercial development is subject to site plan control.

A site plan agreement shall be required to be registered on title to the lands.

5.10 All Industrial Zones and Uses

All industrial development is subject to site plan control.

A site plan agreement shall be registered on title to the lands.

The Township, for new development may require the proponent to prepare a compatibility and mitigation plan prior to the approval of a site plan. The proponent, where such a plan is required, is responsible for evaluating the severity of impacts, both before and after mitigation, within the facility(s) influence area(s) or potential influence area(s), according to whether there will be a no adverse effect or an adverse effect.

Information is to be provided, and when necessary gathered from the local municipality, regional ministry or district offices and other appropriate agencies, and utilized in the decision-making process, may include, but is not necessarily limited to:

- Nature of the sensitive land use;
- All existing and committed facilities within the study area, and those not within it but which would impact the study area;
- Duration, timing and types of operational activities, shipping, receiving and other transport activities, and outputs contaminants such as noise, odour,

dust/particulates, vibration, associated with the facility(s);

- Distance of sensitive land use from a facility, influence areas, or potential influence areas;
- Hours of operation or normal use periods for both the facilities and sensitive land use;
- Site plan details and building fenestration for sensitive land use;
- Wind patterns, topography, and natural and man-made barriers and buffers such as elevation, vegetation, walls, berms, ground and surface water; and,
- Any existing complaint history associated with the operation of facilities which would impact the sensitive land use site.

The proponent is responsible for proposing, designing, and implementing mitigation as required by the Ministry, delegated authority, and/or approving authority. Mitigative measures can be located either at the contaminant source or elsewhere on the facility site, on the sensitive land use site, or on the site of an intervening land use.

The proponent is responsible for determining the influence area for a particular facility or a designated area based on:

- All components of the facility's operations or processes and transport activities such as shipping and receiving or transporting, likely to generate contaminant discharges or other compatibility problems such as visibility for landfills;
- Types and extent of outputs and contaminants such as noise, odour, dust/particulates, vibration, associated with the facility may need to be assessed in technical studies;
- Site plan details for the facility;
- Facility's building ventilation system; and,
- Facility's building fenestration.

The proponent is responsible for evaluating the severity of impacts, both before and after mitigation, within the influence area(s) or potential influence area(s), according to whether there will be no adverse effect or an adverse effect.

Sensitive land use may include buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be part of the natural or built environment. Examples may include, but are not limited to, residences, day care centres, and educational and health facilities.

5.11 All Hazard Land Special Policy (FPSP) Zones and Uses Located Therein

All development within hazard land special policy areas (floodplains) is subject to site plan control for the purposes of dealing with implementation and maintenance of any hazard mitigation works or measures.

A site plan agreement shall be required to be registered on title to the lands. Where such works are not required, site plan control requirements shall be determined in accordance with site plan control provisions for the underlying zoning category. Where development is also subject to site plan control due to the nature of the use or underlying zone category, those site plan control regulations and provisions shall apply in addition to the provisions and regulations associated with site plan requirements for all uses within the hazard land special policy areas.

For any new development, the applicant must demonstrate in a report to be approved by the Township and Nottawasaga Valley Conservation Authority, that:

- The proposed site alteration and development are located outside of the floodway;
- Safe access can be provided to the development;
- Site alteration and development will not aggravate or alter flood flows or flood impacts on other lands; and,
- Site alteration and development will not detrimentally impact the environment.

5.12 All Development in the Niagara Escarpment (NEC) Area

All new development within the Niagara Escarpment Area, other than single detached residences and agricultural buildings, is subject to municipal site plan control.

A site plan agreement shall be required to be registered on title to the lands.

6.0 Site Design Standards

The following standards shall be utilized by the municipality as a guideline in reviewing all site plans. They are supplemented by municipal engineering standards and other guidelines of the published or amended by the Township from time to time, which shall also apply to the review and approval of site plan applications.

These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements and are not intended to discourage creativity, invention, and innovation, nor are they exclusive of any other requirements of the municipality or any other review agency.

- a) The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal and any grade changes shall be in keeping with the general appearance of neighbouring developed areas, and minimizing alterations to drainage and infiltration.
- b) Proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed building(s).
- c) With respect to vehicular and pedestrian circulation including walkways, interior drives, and parking, special attention shall be given to the location and the number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient, and insofar as practicable, do not detract from the design of proposed buildings and structures and the neighbouring properties.
- d) Special attention shall be given to proper site surface drainage so that the removal of surface waters will not adversely affect neighbouring properties or the

public storm drainage system. Storm water shall be removed from all roofs, canopies, paved areas, and other impervious surfaces and carried away in an efficient and approved manner. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in the paved areas. Drainage and storm water management shall also be designed as to avoid or mitigate any harmful impact to surface or groundwater quality or quantity.

- e) The site shall be designed and maintained so as to be aesthetically appropriate in appearance, to provide for orderly development, and to be compatible with the surroundings.
- f) Electric and telephone lines shall be underground where practicable. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighbouring properties and the site.
- g) The size, location, lighting, and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the surrounding properties.
- h) The standards of review outlined above shall also apply to all accessory buildings, structures, free-standing signs, and other site features however related to the major buildings or structures.

At the time of development plan application, landscape plans shall be submitted that clearly demonstrate conformance with all applicable sections of this By-law, the Comprehensive Zoning By-law and any further Township guidelines approved by Council for establishing landscaping requirements as may be issued or amended from time to time.

Landscape plans, at a minimum, shall include:

- a) A planting plan showing location, quantity, and type of proposed plantings;
- b) Planting schedule listing all plant materials by botanical name, common name,

quantity, and size at installation;

- c) All horizontal landscape construction such as walls, drives, decks, terraces, etc. shall be labeled according to material and finish with spot elevations;
- d) All vertical landscape construction such as walls, fences, raised decks, shelters, light standards, signs, flagpoles, trellises, seats, mailboxes, etc. shall be labeled sufficiently to indicate size, materials, and general appearance; and,
- e) For any proposed irrigation, an outline of performance specifications and the extent of coverage.

In an effort to conserve water, landscape plans which utilize existing vegetation, native plants, and drought-tolerant ornamental plants are encouraged.

The landscape plans for the proposed development shall provide visually harmonious and compatible settings for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding natural landscape.

Outside built up areas, natural appearing landscape forms are strongly encouraged and should constitute the majority of the landscaped area. Plant material and structural elements required as screens or buffers shall be designed and maintained in a staggered or undulating manner to create a natural looking buffer.

Landscaping shall be required between buildings and sidewalks, parking lots and driveways. The scale of the proposed landscaping shall be in proportion to the building.

All lighting fixtures designed or placed so as to illuminate any portion of a site shall be so designed, installed, and maintained as to:

- a) Direct light only down towards the parking area, aisle, or walkway;
- b) Not allow light to cross any adjacent property line; and,
- c) Not cause a disturbance or annoyance as a result of intensity, flickering, or any other effect of emission to any use of an adjacent property.

7.0 TOWNSHIP DISCRETION IN APPLICATION OF SITE PLAN CONTROL

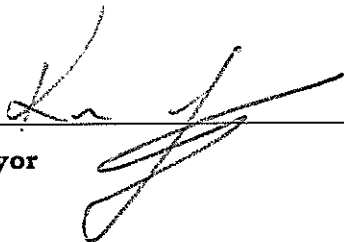
Despite these provisions related to the implementation of site plan control, the Township shall retain the discretion as to when site plan approval or an agreement are required and may, at its sole discretion, vary the requirements for site plan control submissions.

8.0 RESPONSIBILITY FOR ADMINISTRATION AND ENFORCEMENT

The provisions of this By-law shall be administered and enforced by the Zoning Administrator. The Zoning Administrator shall include, singly or collectively: the Director of Planning and Development; a Planner so designated by the Director of Planning and Development; the Clerk; the Township solicitor; the Township By-law Enforcement Officer; the Chief Building Official; a Building Inspector so designated by the Chief Building Official; and, any other person designated from time to time by the Council of the Township.

Administration, enforcement, and associated processes, procedures, and penalties shall be established, determined, and carried out in accordance with relevant legislation and law.

By-law Number 07-17 read a first, second and third time and finally passed this 26th day of March, 2007.



Mayor



Clerk