

**THE CORPORATION OF THE
MUNICIPALITY OF ARRAN-ELDERSLIE**

BY-LAW NO. 43 - 2018

BEING A BY-LAW TO ESTABLISH SITE PLAN CONTROL

WHEREAS Subsection 41(2) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, provides that where an Official Plan is in effect in a municipality, the Council of the municipality may by by-law designate the whole or any part of the area covered by the Official Plan as a site plan control area; and

WHEREAS Section 6.52 of the Bruce County Official Plan and Section 7.11 of the Municipality of Arran-Elderslie Official Plan describe all areas within the Municipality of Arran-Elderslie as a proposed Site Plan Control area; and

WHEREAS Section 41(3) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*, provides that a Site Plan Control by-law may designate a Site Plan Control area by reference to one or more land use designations contained in a zoning by-law pass under Section 34 of the *Planning Act, R.S.O. 1990, c. P.13, as amended*; and

WHEREAS Council of the Corporation of the Municipality of Arran-Elderslie has determined that all lands in the Municipality of Arran-Elderslie shall be in the Site Plan Control Area.

NOW THEREFORE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF ARRAN-ELDERSLIE ENACTS AS FOLLOWS:

1 SITE PLAN CONTROL AREA

This is a Site Plan Control by-law for the Municipality of Arran-Elderslie. It places all lands that are subject to the Municipality's zoning by-law under Site Plan Control.

For the most part this by-law relates to Commercial, Institutional, and Industrial, and multi-family residential development (not single-detached dwellings).

The by-law may also be applied to Residential development in areas where site-specific studies or applications have identified the need for more detailed planning to address natural heritage or cultural heritage features; in these areas, specific mitigation measures for a property may be described in a site-specific zoning by-law amendment or in Schedule 'A' to this by-law.

2 CITATION AND SCHEDULES

This By-law shall be cited as the "Municipality of Arran-Elderslie Site Plan Control By-law."

3 DEFINITIONS

(i) The following words or phrases in this by-law have the following meanings:

"Act" Means the *Planning Act, R.S.O. 1990*, as amended.

"Corporation" means the Corporation of the Municipality of Arran-Elderslie.

"Council" means the Municipal Council of the Corporation

"Development" means development as described in subsection 41(1) of the Act.

INTERPRETATION NOTE: currently this 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 this Act or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the *Planning Act*, R.S.O. 1990.

(ii) words or phrases not defined subsection (i) of this section, that are defined by Zoning By-law 36-09, or successors thereto, shall have the meanings attributed to them in the applicable zoning by-law.

4 ESTABLISHMENT OF AREAS SUBJECT TO SITE PLAN CONTROL

All lands within the Municipality of Arran-Elderslie are subject to Site Plan Control.

5 PROHIBITION ON DEVELOPMENT EXCEPT IN ACCORDANCE WITH SITE PLAN AGREEMENT

No person shall undertake or cause to be undertaken any development within a Site Plan Control area unless Council, or any person delegated authority to do so by Council, has approved the plans and drawings in accordance with subsection 41(4) of the Act and imposed any conditions in accordance with Subsection 41(7) of the Act.

6 EXEMPTIONS FROM SITE PLAN CONTROL

Notwithstanding Section 4, the following classes of development shall not be subject to Site Plan Control and may proceed without the approval of the plans and drawings otherwise referred to in Subsection 41 (4) or (5) of the *Planning Act*:

A building or structure which is constructed, erected, placed, altered or enlarged and used for the purpose of a single detached residential dwelling, duplex dwelling, semi-detached dwelling unit or converted dwelling house, together with associated site clearing, access, and grading, except where the lot on which such building or structure is to be located is specifically indicated in Schedule 'A' to this by-law.

A building or structure which is constructed, erected, placed, altered or enlarged and used for the purpose of agricultural uses, including temporary farm help buildings, and associated site clearing, access, and grading, but excluding any ancillary commercial or industrial uses, nurseries, fruit stands or commercial greenhouses, except where the lot on which such building or structure is to be located is specifically indicated in Schedule 'A' to this by-law.

Accessory uses, buildings and structures to those exempted classes of development described in (i) and (ii) above, except where the lot on which such building or structure is to be located is specifically indicated in Schedule 'A' to this by-law.

Any proposed facilities, works or matters undertaken by the Corporation or any local board of the Corporation.

Development in accordance with an appropriate development agreement registered on title of an approved Plan of Condominium.

Any building or structure not already exempted above which does not occupy more than ten (10) square metres of land or have more than ten (10) square metres of floor area and the placement of which does not involve tree clearing or the re-grading of lands.

7 PRE-SUBMISSION CONSULTATION

Prior to submission of an application for an approval pursuant to this By-law, the person or body proposing to make the application is encouraged to consult with the Corporation.

8 APPLICATION FOR APPROVAL

1. Every application for an approval pursuant to this by-law shall be accompanied by the following plans, specifications, documents, and information:
 - a. A completed and signed application form, attached as Schedule 'B' to this by-law;
 - b. The requisite fees and payments in accordance with the Municipality's Fees By-law;
 - c. A site plan satisfactory to illustrate the location of the development within the subject lands and to demonstrate conformity with applicable law;
 - d. 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 the facilities, works and matters referred to in Clause 41(7)(a) of the Act;
 - e. The drawings referred to in Paragraph 2 of Subsection 41(4) of the Act, except for residential buildings consisting of fewer than four dwelling units;
 - f. Where required, 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 this Act and this By-law; and,
 - g. Where required under an agreement referred to in Clause (e) above, cash or one or more security bonds in a form acceptable to the Corporation and in favour of the Corporation to assure satisfactory 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 and this By-law.

9 COMMUNITY DESIGN GUIDELINES

The Corporation of the Municipality of Arran-Elderslie has adopted Community Design Toolkits for Paisley by way of Resolution 03-039-2018. All development within Paisley shall be consistent with the intent and direction of this Toolkit, unless otherwise specifically exempted.

10 DELEGATION TO APPOINTED OFFICERS

Council's powers or authority under Section 41 of the Act, except the authority to define any class or classes of development as mentioned in Clause 41(13)(a)

of the Act, may be delegated by Council in accordance with the provisions of the *Municipal Act*, 2001, S.O. 2001, Section 23.

11 LAPSE OF APPROVAL

Unless so authorized by Council or a delegated officer, a development approval pursuant to Section 41 of the Act, which has been authorized by Council or a delegated officer, lapses at the expiration of three (3) years from the date of approval if the development does not proceed within a three (3) year period from the date of the approval.

12 ACTS AUTHORIZED

The Mayor and Clerk are hereby authorized to execute on behalf and under the seal of the Corporation any document necessary to give further effect to the provisions of this By-law.

A delegated officer is hereby authorized to execute on behalf of the Corporation any document necessary to give further effect to the provisions of the delegated authority.

13 REGISTRATION ON TITLE

Any agreement entered into under Section 41(7) and/or 41(8) Planning Act R.S.O. 1990 shall be registered against the land to which it applies and shall be binding against the owner and all future land owners.

14 NO BUILDING PERMIT UNLESS DEVELOPMENT AUTHORIZED

No building permit shall be issued for any development subject to this By-law until site plan approval has been obtained.

15 DEVELOPMENT WITHOUT APPROVED PLANS

Every person who, without having plans or drawings approved in accordance with Section 41 of the Act and this By-law, undertakes any development in the site plan control area designated by this By-law is guilty of contravening Section 41 of the Act and Section 4 of this By-law.

16 PENALTY UPON CONVICTION

Every person who is convicted of an offence of contravening Section 41 of the Act or this By-law is liable to the fine or penalty prescribed by Section 67 of the Act.

17 FACILITIES PROVIDED BY CORPORATION

In default of an owner of land providing or maintaining any of the facilities, works or matters or facilities that are to be provided in conjunction with all buildings and structures to be erected or that are mentioned in Clause 41(7)(a) of the Act and that are required by the Corporation as a condition to the approval of plans or drawing referred to in Subsection 41(4) of the Act, the Council may direct that such facilities, works or matters shall be provided or maintained by or on behalf of the Corporation at the expense of the owner and the expense incurred in doing so shall be recovered,

- i) by use of any securities furnished to the Corporation under clause 8(i)(g) of this By-law; or,
- ii) by action; or,

- iii) in like manner as municipal taxes; or,
- iv) in annual installments payable by the owner, with interest, not exceeding ten (10) years.

18 REPEAL

That any former by-laws of the Municipality of Arran-Elderslie or separate municipalities existing prior to amalgamation which designates areas as being subject to site plan control are hereby repealed.

19 EFFECTIVE DATE

This by-law shall come into force and take effect upon the enactment thereof.

READ a FIRST and SECOND time this 25th day of June, 2018.
READ a THIRD time and finally passed this 25th day of June, 2018.

Original Signed by

Paul Eagleson, *Mayor*

Original Signed by

Peggy Rouse, *Clerk-Administrator*

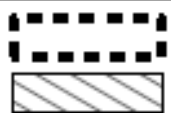
SCHEDULE 'A' TO BY-LAW NO. 43-2018

**LIST OF RESIDENTIAL AND AGRICULTURAL PROPERTIES SUBJECT TO SITE
PLAN CONTROL**

A-1: Plan 168 Park Lot 16/17 (By-law 58-2013) (B-01-2013.39):

Entire property subject to Site Plan Control

Note: Lands are zoned R3 Medium Density Residential

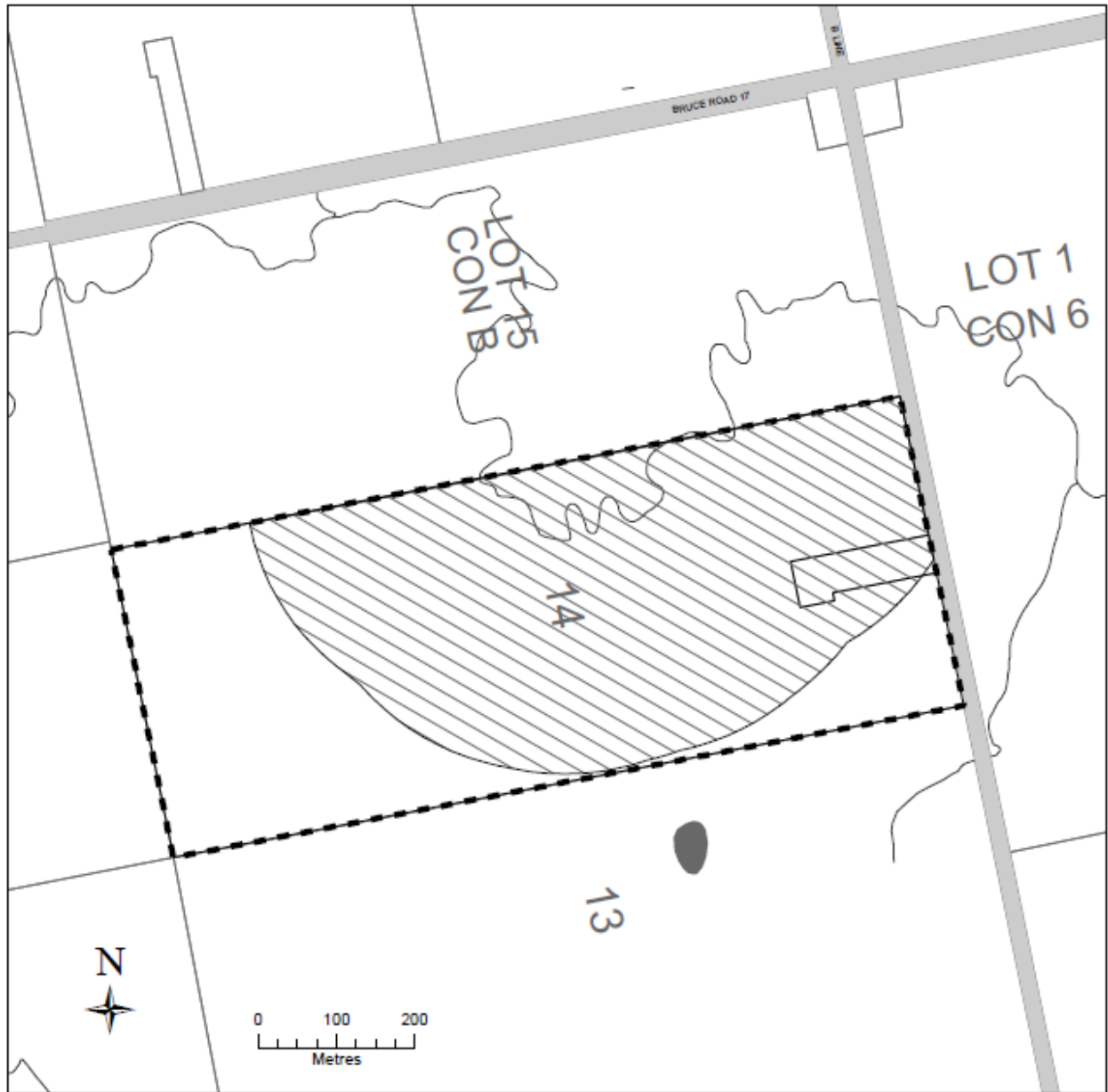


LANDS SUBJECT TO SITE PLAN CONTROL UNDER SECTION 41
OF THE PLANNING ACT, R.S.O.1990

DATE : February, 2014

A-3 Concession 'B' Lot 14 Arran (B-88-2013.49):
Areas shown below subject to Site Plan Control to address areas of high archaeological potential

Lot 14, Concession B (1157 B-Line)
Municipality of Arran-Elderslie (geographic Township of Arran)



-  SUBJECT PROPERTY
-  LANDS SUBJECT TO SITE PLAN CONTROL UNDER SECTION 41 OF THE PLANNING ACT, R.S.O.1990