

THE CORPORATION OF THE
TOWNSHIP OF BLANDFORD-BLENHEIM
BY-LAW NUMBER 1679-2011

SITE PLAN CONTROL BY-LAW

WHEREAS Section 41 of the Planning Act, R.S.O. 1990, as amended, provides in part that, where in an Official Plan an area is shown or described as a proposed Site Plan Control area, the Council of the local municipality in which the proposed area is situate may, by By-law, designate the whole or any part of such area as a Site Plan Control Area and may delegate to either a Committee of the Council or to an appointed officer of the municipality any of the Council's powers or authority under that Section;

AND WHEREAS in the Oxford County Official Plan, the whole of the Township of Blandford-Blenheim is described as a Site Plan Control Area and the Council of the Township of Blandford-Blenheim considers it appropriate to designate the whole of the Township of Blandford-Blenheim as a Site Plan Control Area;

AND WHEREAS the Township of Blandford-Blenheim requires applications for building construction permits to be accompanied by plans and drawings referred to under Subsection 41(4) of the Planning Act, R.S.O. 1990, and by one or more agreements with the Corporation that deal with or ensure the provision and maintenance of any facilities, works or matters to be provided in conjunction with all buildings and structures to be erected and any facilities, works or matters mentioned in Subsection 41(7) of that Act.

THEREFORE, the Council of the Corporation of the Township Blandford-Blenheim enacts as follows:

1.0 DEFINITIONS

In this By-law, unless a contrary intention appears:

- 1.1 "Act" means the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 1.2 "Corporation" means the Corporation of the Township of Blandford-Blenheim;
- 1.3 "Council" means the Municipal Council of the *Corporation*;
- 1.4 "Development" means:
 - 1.4.1 the construction, erection or placing of one or more buildings or structures on the land, or;
 - 1.4.2 an interior or exterior addition or alteration to a building or structure on a property that has the effect of increasing the usability of the property;
 - 1.4.3 an addition or alteration to a building or structure on a property that has the effect of increasing the size of the building or structure in any zone by more than 25% of the gross floor area;
 - 1.4.4 the laying out and establishment of a commercial parking lot resulting in five (5) or more spaces;
 - 1.4.5 the laying out and establishment of sites for the location of three or more trailers, as defined in the Municipal Act; or, of the sites for the location of three or more mobile homes as defined in subsection 46(1) of the *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 *Act*; or
 - 1.4.6 an amendment to an existing site plan, elevation plan, landscape plan, and/or servicing plan or an amendment to an existing site plan agreement with the *Corporation*;
- 1.5 "Official Plan" means the County of Oxford Official Plan as amended from time to time;
- 1.6 "Site Plan Design Guidelines" means Schedule "A" to this By-law;
- 1.7 "Site Plan Administrator" means the person duly appointed by a By-law adopted under Section 41(13)(b) of the *Act*, with the authority and responsibilities of administering, implementing and enforcing the Site Plan Control By-law.

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- 1.8 "Usability" means a change in the use of a property which would:
- 1.8.1 result in a change in the amount of noise, lighting, odour and/or vibration which is generated on the property; or,
 - 1.8.2 alter the ingress/egress of the property; or,
 - 1.8.3 alter the traffic flow on or around the subject property, including the installation of a drive-through; or,
 - 1.8.4 alter the parking requirements; or,
 - 1.8.5 alter the hours of operation.
- 1.9 "Zoning By-law" means the Township of Blandford-Blenheim Zoning By-law No. 1360-2002, as amended from time to time, or any subsequent replacement Zoning By-law duly adopted by the Council.

DEVELOPMENT SUBJECT TO SITE PLAN CONTROL

2.0 SITE PLAN CONTROL AREA

The whole of the Township of Blandford-Blenheim as constituted from time to time is hereby designated as a Site Plan Control Area.

2.1 EXEMPT CLASSES OF DEVELOPMENT

Pursuant to Section 41(13)(a) of the *Act*, the following classes of *development* may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or 41(5) of the *Act*, and this By-law does not apply to such classes:

- 2.1.1 A residential building which is constructed, erected or placed for the purpose of a single detached dwelling, semi-detached dwelling, duplex dwelling, or converted dwelling containing a maximum of two (2) dwelling units;
- 2.1.2 An addition or alteration to a building or structure mentioned in Section 2.1.1;
- 2.1.3 Buildings or structures used for an agricultural use, but not including agricultural-commercial or agricultural-industrial operations such as farm equipment sales and service, farm supply sales and other uses set out in the Agri-Business Zone (AB) of the Township Zoning By-law;
- 2.1.4 Minor additions or alterations that increase the size of a building or structure by less than 25% of the gross floor area, as defined in the Zoning By-law.

- 2.1.5 Pursuant to Section 41(1.1) of the Planning Act, the placement of a portable classroom on a school site of a district school board if the school was in existence on January 1, 2007.

APPLICATION REQUIREMENTS

3.0 REQUIREMENT FOR PRE-SUBMISSION CONSULTATION

Pursuant to Section 41(3.1) of the *Act*, every Owner of land that is subject to the provisions of this By-law shall consult with the *Site Plan Administrator*, or her/his designate, prior to the submission of any application for Site Plan Approval. Where necessary, the *Site Plan Administrator* shall arrange with other relevant agencies to provide appropriate advice prior to the submission of the application to the Owner in regard to the proposed *development*. The pre-submission consultation session shall result in the identification of all necessary studies, reports or other documents that will be required to accompany the application for Site Plan Approval.

3.1 APPLICATION FOR SITE PLAN CONTROL

For the lands subject to the provisions of this By-law, every Site Plan Control *development* application, shall be accompanied by prescribed fees and the following information:

- 3.1.1 the plans referred to in Paragraph 1 of Section 41(4) of the *Act*, 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 with the buildings or structures and all the facilities, works and matters referred to in clause 41(7)(a) of the *Act* in accordance with the *Corporation's Site Plan Control Guidelines*, attached as Schedule "A" to this By-law; and,
- 3.1.2 the drawings referred to in Paragraph 2 of Section 41(4) of the *Act* in accordance with the *Corporation's Site Plan Control Guidelines*; and,
- 3.1.3 any studies, reports or other documents that are required by the *Corporation* or other relevant agencies to address *development* related issues that may affect and constrain, or arise from or be caused by the proposed *development*.

MAINTENANCE

4.0 PROVISION AND MAINTENANCE OF FACILITIES

As a condition to the *Council's* approval of the plans and drawings referred to in subsection 41(4) of the *Act*, the Owner of the land is hereby required:

- 4.1 to provide in accordance with the *Site Plan Control Guidelines* and at no expense to the *Corporation* the facilities, works or matters mentioned in subsection 41(7)(a) of the *Act* as required by the *Council* in accordance with Section 41 of the *Act* and as shown on the plans and drawings; and,
- 4.2 to maintain in perpetuity in accordance with the *Site Plan Control Guidelines*, as revised from time to time, and at the sole risk and expense of the owner, the facilities or works mentioned in paragraphs 2 to 9 (inclusive) of Section 41(7)(a) of the *Act* and as shown on the approved Site Plans.

DELEGATION OF COUNCIL'S POWERS

5.0 PARTIAL DELEGATION OF COUNCIL'S AUTHORITY TO SITE PLAN ADMINISTRATOR

Whereas subsection 41(13) of the *Act* permits the delegation of any of the *Council's* powers or authority under the Site Plan Control provisions of the *Act* to either a Committee of *Council* or an appointed officer of the municipality, following the *Council's* approval of a Site Plan application, the authority to stamp and sign Site Plans and related drawings and, the authority to enforce any provision of any Agreement entered into by the *Corporation* as required for any Site Plan Control Area in the Township, are hereby delegated to the *Site Plan Administrator*. Council shall remain the sole authority for approval of a *development* application requiring Site Plan Approval.

EXERCISE OF COUNCIL'S POWERS

6.0 EXERCISE OF POWER

The exercise of the municipality's powers and authority under Section 41 of the *Act* is subject to the following:

- 6.1 *Council* shall approve the plans and drawings referred to in subsection 41(4) of the *Act* except where,
 - 6.1.1 the proposed facilities, works or matters shown on the plans and drawings do not comply with the applicable *Zoning By-law* or, are not substantially in accordance with the *Site Plan Control Guidelines* attached as Schedule "A" to this By-law; or,
 - 6.1.2 the *development* application requirements listed under Section 3.0 of this By-law are incomplete.
- 6.2 The powers or authority under Sections 41(7)(b) and 41(7)(c) of the *Act* with respect to any of the facilities, works or matters mentioned in Section 41(7)(a) of the *Act* shall be exercised by the *Council*.
- 6.3 The *Corporation's Site Plan Control Guidelines* shall be applied in each circumstance as it arises with such variations or modifications as the circumstances may require so long as each applicable design guideline provision is given effect according to its true intent and purpose.
- 6.4 As a condition to the approval of the Site Plan drawings referred to in subsection 41(4) of the *Act*, the *Council* shall require the Owner of the subject land to:
 - 6.4.1 enter into one or more agreements with the *Corporation* in the form in Appendix "D" (to the *Site Plan Control Guidelines*) to this By-law dealing with the provision and maintenance of the facilities and works to be provided in conjunction with the buildings or structures 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 and in accordance with the *Corporation's Site Plan Control Guidelines*.
 - 6.4.2 The form or wording of the example Site Plan Development Agreement in Appendix "D" (to Schedule "A") shall be used with such variations or modifications as the circumstances may require so long as the substance is not changed or affected; and

any variance from Appendix "D", not being in manner of substance, does not affect the regularity of any agreement.

- 6.4.3 Where required under an agreement referred to in Section 6.4.1, the Owner shall provide security, in the form of cash, certified cheque or a letter of credit, for the following purposes:
- a) to protect the *Corporation* in respect of its liability for holdback and costs under subsection 17(4) of the Construction Lien Act. R.S.O. 1990. c. C.30, as amended; and,
 - b) 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 approved Site Plan(s) and drawings and in accordance with the *Corporation's Site Plan Control Guidelines*.
- 6.4.3.1 The security will be equal to the greater of \$1,000 or the dollar value of fifty percent (50%) of the costs of the above-noted facilities, works and matters, including but not limited to, asphalt, curbing, servicing, and landscaping.

LAPSING

7.0 LAPSING OF APPROVAL

The lapse of *Council's* approval is effective upon the date of the written notice revoking the approval by the *Site Plan Administrator* as sent by registered mail to the Owner. Where an agreement has been registered on title, the *Site Plan Administrator* shall register on title a notice that the approval is revoked and the Agreement is terminated.

7.1 The approval by the *Council* of plans and drawings referred to in subsection 41(4) of the *Act* shall be deemed to lapse in the following circumstances.

7.1.1 Where a building permit is required for the development and any of the following conditions have been met:

7.1.1.1 at the expiration of one (1) year from the date of *Council's* approval if, within the one (1) year period, no building permit is issued for the development; or,

7.1.1.2 a building permit is issued for the development but the Owner has not started construction within one (1) year of date of issuance of the building permit or the construction of the *development* has not been completed within two (2) years of the date of issuance of the building permit; or,

7.1.1.3 upon the revocation at any time of any building permit issued for the development.

7.1.2 Where a building permit is not required for the development and the Owner has not started construction or site alteration within one (1) year of the date of *Council's* approval or, the construction of the *development* has not been completed within two (2) years of the date of *Council's* approval.

FAILURE TO ACT / APPEAL

8.0 FAILURE TO ACT / APPEAL TO ONTARIO MUNICIPAL BOARD

Where the *Council* does not approve the plans and drawings referred to in subsection 41(4) of the *Act* within thirty (30) days after they are submitted to the *Corporation* or, if the Owner of the subject land is not satisfied with any of the requirements made by the *Council* under subsection 41(7) of the *Act*, or with any part thereof, including the terms of any agreement required, the Owner of the subject land may, by written notice to the *Corporation* and to the Ontario Municipal Board, request that the plans or drawings or the unsatisfactory requirements or parts thereof of the Site Plan Development Agreement, be referred to the Ontario Municipal Board. Upon receipt of such an appeal, the Ontario Municipal Board shall hear and make final determination of the matter(s) at issue between the Owner and the *Corporation*.

EXECUTIVE ACTS AUTHORIZED

9.0 EXECUTIVE ACTS AUTHORIZED

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

ENFORCEMENT

10.0 DEVELOPMENT WITHOUT APPROVED PLANS

Every person who, without having plans or drawings approved in accordance with Section 41 of the *Act*, undertakes any development in the Site Plan Control Area designated by this By-law is, pursuant to Section 67 of the *Act*, guilty of contravening Section 41 of the *Act*.

11.0 FAILURE TO PROVIDE OR MAINTAIN FACILITIES, ETC.

Every person who undertakes any *development* in the Site Plan Control Area designated by this By-law without providing or maintaining any of the facilities, works or matters that are mentioned in clause 41(7)(a) of the *Act* and that are required by the *Corporation* under that clause as a condition to the approval of plans or drawings in accordance with Section 41 of the *Act* is, pursuant to Section 67 of the *Act*, guilty of contravening Section 41 of the *Act*.

12.0 FAILURE TO ENTER INTO AGREEMENT

Every person who undertakes any *development* in the Site Plan Control Area designated by this By-law without entering into one or more agreements with the *Corporation* that deal with or ensure the provision or maintenance of any of the facilities, works or matters and that the person is required by the *Corporation* to enter into under that subsection as a condition to the approval of plans and drawings in accordance with Section 41 of the *Act* is, pursuant to Section 67 of the *Act*, guilty of contravening Section 41 of the *Act*.

13.0 PENALTY UPON CONVICTION

Every person who contravenes any provision of this By-law, upon conviction, is guilty of an offence and is liable to any penalty as provided in the *Act*.

14.0 DEFAULT SITUATION - FACILITIES , ETC. TO BE PROVIDED AND/OR MAINTAINED BY THE TOWNSHIP AND COST RECOVERY

Upon declaration by the *Council* of the default of the Owner in respect of the Owner's obligations and responsibilities for providing or maintaining any of the facilities, works or matters that are to be provided in conjunction with all buildings and structures to be erected or that are mentioned in subsection 41(7)(a) of the *Act* and that are required by the *Corporation* as a condition to the approval of plans or drawings referred to in subsection 41(4) of the *Act*, the *Council* may by duly adopted By-law direct that such facilities, works or matters shall be provided or maintained by or on behalf of the *Corporation* at the sole expense of the Owner and the expense incurred in doing so shall be recovered:

- by use of any cash, or security or bond furnished to the *Corporation* under Section 6.4.3 of this By-law; or,
- by action; or,
- in a like manner as municipal taxes; or,
- in annual instalments payable by the owner, with interest, not exceeding ten (10) years.

READ a first and second time this 20th day of April, 2011.

READ a third time and finally passed this 20th day of April, 2011.


Harold J. Whelan

MAYOR

Lorence J. Bell

CAO/CLERK