

THE CORPORATION OF THE TOWNSHIP OF STRONG

BY-LAW NO. 2022-029

Being a By-law to Designate Areas of the Township as Site Plan Control Areas

WHEREAS the Official Plan of the Corporation of the Township of Strong was approved by the Minister of Municipal Affairs on October 14, 2014

AND WHEREAS Council for the Corporation of the Township of Strong established Site Plan Control policies through the Official Plan;

AND WHEREAS Section 41(2) and 41(3) of the *Planning Act*, R.S.O 1990 c. P. 13, as amended provides that where in an Official Plan an area is shown or described as a proposed Site Plan Control area, the Council of the local Township may designate the whole or any part of such area as a Site Plan Control area and further that Site Plan Control areas may be designated on the basis of their zone category and/or use as defined in the Township's Comprehensive Zoning By-law;

AND WHEREAS Section 41(4.01) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, provides that a Council that passes a by-law under subsection 41(2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4);

AND WHEREAS Council deems it advisable to provide for Site Plan Control areas in order to provide for the orderly development of certain uses within the Township;

NOW THEREFORE the Council for the Corporation of the Township of Strong hereby enacts as follows:

1. **Definitions**

- a) "**Council**" means the Council for the Corporation of the Township of Strong.
- b) "**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 of sites for the location of three or more mobile homes as defined in subsection 46 (1) of the *Planning Act*, R.S.O 1990 c. P. 13 or of the laying out 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 c. P. 13, s. 41 (1) 1994, c.4, s. 14.
- c) "**Person**" means an individual, association, firm, partnership, corporation, trust, incorporated company, or other legal representatives of a person to whom the same can apply according to law.
- d) "**Township**" means the Corporation of the Township of Strong
- e) "**Zoning by-law**" means the comprehensive Zoning By-law 2014-019 as amended.
- f) "**Planning approval**" means an approval on a planning or land use matter made under the authority of the *Planning Act*, R.S.O 1990 c. P. 13.

2. **Lands and Uses subject to Site Plan Control**

2.1 The following Zones in By-law 2014-019 are designated as Site Plan Control areas in accordance with Section 41 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended:

- a) Shoreline Residential (SR) Zone

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- b) Limited Service Residential (LSR) Zone
- c) Rural Residential Zone (RR)
- d) Rural Zone (RU)
- e) Commercial Employment Zone (CE)
- f) Commercial Tourist Park Zone (CTP)
- g) Commercial Tourist (CT)
- h) General Industrial Zone (M1)
- i) Extractive Industrial -Pit Zone (M2-P)
- j) Extractive Industrial – Quarry Zone (M2-Q)
- k) Disposal Industrial (M3)
- l) Institutional Zone (I)
- m) Open Space Zone (OS)
- n) Environmental Protection Zone (EP)

2.2 The following uses are exempt from Site Plan Control in any Zone where they may be permitted, unless Council, the Committee of Adjustment or the Planning Board requires site plan control as a condition of a planning approval:

- a) Expansion or replacement of, or renovation to existing dwelling units
- b) New development of a dwelling unit on a vacant lot
- c) Accessory buildings and structures to a dwelling and expansion thereto
- d) Home occupations and home industries
- e) Docks
- f) Agricultural uses and buildings
- g) Conservation uses
- h) Portable food trailers or vehicles
- i) Accessory dwelling units

2.3 Where a land use or uses is permitted through a zoning by-law amendment as an exception, such use or uses shall also be subject to site plan control.

2.4 The replacement of any legal non-conforming building or structure shall be subject to site plan control.

2.5 The change-of-use of any existing building or structure shall be subject to site plan control unless, in the opinion of Council, a site plan agreement is not necessary.

2.6 All development occurring by Plan of Subdivision or Plan of Condominium shall be subject to site plan control, if necessary.

2.7 At the discretion of Council, Site Plan Control may also be utilized on lands which are subject to the transfer of the original shore road allowance, which shall include the original shore road allowance, as a measure to implement Section B4.4.13 of the Official Plan of the Township of Strong.

3. Delegation of Authority

3.1 Pursuant to Section 41(4.01) of the Act, Council appoints the Clerk Administrator or Deputy Clerk as the authorized person to approve all Site Plan applications.

3.2 The Clerk Administrator or Deputy Clerk shall approve Site Plan applications once in receipt of a written recommendation from the Consultant Planner which has been reviewed and endorsed by Council.

4. No Development Permitted

No person shall undertake any development in an area designated under Section 2 of this by-law unless Council has approved its Site Plan and authorized the execution of a Site Plan Control agreement.

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5. Waiver of Site Plan Control

Council may waive the requirement for a Site Plan Control Agreement, when, in Council's opinion, the extent and nature of the development does not warrant an agreement.

6. Application Requirements

Every person who is required to enter into a Site Plan Control Agreement under this by-law shall provide information on the development as authorized by Section 41 of The Planning Act and contained on a "Site Plan Control Application" form as may be approved by Council from time to time.

7. No Building Permit Issued

No building permit shall be issued for any development in the area designated under Section 2 of this by-law until such time as an agreement has been approved or Council has waived the requirement for a Site Plan pursuant to Section 3 of this by-law.

8. Registration of Agreement

Any agreement executed in accordance with this By-law shall be registered on title at the expense of the landowner or proponent pursuant to Section 41 (10) of the Planning Act.

9. Securities and Completion of Works at Owners' Expense

9.1 The Township may require securities to be posted for the provision of facilities, works or matters mentioned in Section 41 (7)(a) of the Act, that are in the public interest, including, but not limited to, any works on public lands, and any landscaping or site grading works, shoreline vegetation buffer work on private lands or shore road allowances;

9.2 Where an owner is required to complete development in accordance with a Site Plan Agreement and is in default of the Agreement, the Township, is hereby authorized to complete the requirements of the Agreement at the expense of the owner and the expense so incurred may be recovered from securities posted for the works, or, where such securities are insufficient to cover the works, in like manner as municipal taxes.

10. Penalties

Every person who contravenes this by-law is guilty of an offence and on conviction is liable to a fine in accordance with the provisions of the Planning Act.

11. Repeal

By-law 2015-015 is repealed, effective the date this By-law comes into effect.

BY-LAW READ A FIRST AND SECOND TIME, THIS 28th DAY OF JUNE, 2022.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 28th DAY OF JUNE, 2022.

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Original Copy Signed

Mayor, Kelly Elik

Original Copy Signed

Clerk Administrator Caitlin Haggart