



THE CORPORATION OF THE TOWNSHIP OF
ASHFIELD-COLBORNE-WAWANOSH

BY-LAW NUMBER 10-2021

BEING A BY-LAW to establish Site Plan Control in the Corporation of the Township of
Ashfield-Colborne-Wawanosh

WHEREAS subsection 41 (2) of the Planning Act, R. S. O. 1990, Chapter P.13, 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 in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a Site Plan Control area;

AND WHEREAS Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh adopted the Ashfield-Colborne-Wawanosh Official Plan by By-law 78-2003 and it was subsequently approved by Huron County Council;

AND WHEREAS subsection 41 (13) of the Planning Act, R. S. O. 1990, Chapter P.13, provides that where the Council of a municipality has designated a Site Plan Control area under this section, the Council may, by by-law, (a) define any class or classes of Development that may be undertaken without the approval of plans and drawings otherwise required under subsection 41 (4) or 41 (5); and (b) delegate to either a committee or the Council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the Council's powers or authority under this section, except the authority to define any class or classes of Development as mentioned in clause 41 (13)(a);

AND WHEREAS Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh deems it expedient to impose Site Plan Control on the whole of the Township of Ashfield-Colborne-Wawanosh;

AND WHEREAS Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh also deems it expedient to exempt certain classes of Development from Site Plan Control and further to delegate certain powers and authority to an appointed officer of the Township.

NOW THEREFORE the Council of the Corporation of the Township of Ashfield-Colborne-Wawanosh enacts as follows:

Section 1: DEFINITIONS

1.1 For the purposes of this by-law, the following definitions shall apply:

- a. "Applicant" shall mean the person who makes an application for Site Plan Control and who is authorized to make decisions related to a Site Plan Control application.
- b. "Building Area" shall mean the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls;

- c. "Chief Building Official" shall mean the Chief Building Official of the Township of Ashfield-Colborne-Wawanosh appointed pursuant to the Ontario Building Code Act, or an appointed designate;
- d. "Council" means the Council of the of the Corporation of the Township of Ashfield-Colborne-Wawanosh;
- e. "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 or of sites for the location of three or more Trailers, or of sites for the location of three or more Mobile Homes, or of sites for the construction, erection or location of four or more Land lease community homes.

Pursuant to subsection 41 (1.1) of the Planning Act, the definition of "Development" 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;

"Redevelopment" shall have a corresponding meaning;

- f. "Land lease community home" means any dwelling that is a permanent structure where the Owner of the dwelling leases the land used or intended for use as the site for the dwelling, but does not include a Mobile Home, as defined in subsection 46(1) of the Planning Act;
- g. "Mobile Home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel Trailer or tent Trailer or Trailer otherwise designed, as defined in subsection 46(1) of the Planning Act;
- h. "Township" means the Corporation of the Township of Ashfield-Colborne-Wawanosh;
- i. "Municipal Engineer" means the person engaged by the Township of Ashfield-Colborne-Wawanosh to provide professional engineering services in the Township of Ashfield-Colborne-Wawanosh, or a designated designate;
- j. "Owner" means a person, corporation or firm whose interest in the land is defined and whose name is specified in an instrument at the local registry office;
- k. "Site Plan" means those plans and/or drawings as contemplated by subsection 41 (4) of the Planning Act;
- l. "Site Plan Review Group" means a working group made up of Township of Ashfield-Colborne-Wawanosh staff, including the Chief Administrative Officer, the Clerk, the Public Works Manager, the Chief Building Official, and other individuals as may be appropriate from time to time. The Site Plan Review Group may also seek assistance from the Planner, Municipal Engineer and Solicitor as required;
- m. "Trailer" means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed, pursuant to subsection 164(4) of the Municipal Act, 2001, S. O. 2001, Chapter 25, and subsection 3(1)

Section 2: GENERAL

- 2.1 The lands affected by this by-law and which are hereby designated as a "Site Plan Control Area" shall be deemed to be the entire Township of Ashfield-Colborne-Wawanosh.
- 2.2 Except as otherwise provided for herein, no person shall undertake any Development or Redevelopment within the Site Plan Control Area unless an application for Site Plan Control has been made with the Township and until the Township has approved the application by entering into a Site Plan Control Agreement with the applicant.
- 2.3 The Township has determined that there are certain exemptions to Site Plan Control. Schedule A, as attached hereto, describes these exemptions.
- 2.4 Application Requirements, attached hereto as Schedule C, will be included in the Site Plan Control agreement as determined by the Site Plan Control Group.

Section 3: AGREEMENTS

- 3.1 The Agreements referred to herein shall be between the Owner of the land and the Township, shall be in a form acceptable to the Township and in a form which is registerable in the local land registry office. The Township shall require the agreement to be registered against the land to which it applies, at no expense to the Township, and the agreement shall be binding on any and all subsequent Owners of the land.

Section 4: AUTHORITY

- 4.1 Council of the Township of Ashfield-Colborne-Wawanosh is the approval authority for Site Plan Control.
- 4.2 The Site Plan Review Group shall review Site Plans submitted to the Township and determine whether the Site Plan application is complete. The mandate of the Site Plan Review Group is to represent the public interest with both functional and aesthetic concerns representing matters such as, but not limited to, traffic circulation, public safety, night lighting, pedestrian walkways, municipal services, drainage, flood protection, environmental quality, waste management, noise abatement, privacy screening, and landscape design. The Site Plan Review Group shall provide recommendations to Council of the Township of Ashfield-Colborne-Wawanosh regarding the approval of a Site Plan and related Site Plan Agreement.
- 4.3 Pursuant to subsection 41(13) of the Planning Act, the Chief Administrative Officer is hereby authorized to approve minor changes to all existing Site Plan Agreements which have been approved by the Township prior to the enactment of this by-law and to all Site Plan Agreements approved by the Township after the enactment of this by-law. The Chief Administrative Officer shall, prior to approving any minor change to a Site Plan Agreement, confer with the Site Plan Review Group. It may be determined that a minor change to a Site Plan would not require an amendment to the registered version of the Site Plan but would be noted in the property file at the Township Office.
- 4.4 The Chief Administrative Officer shall be authorized to exempt Development from provisions of the Site Plan Control by-law; however, prior to doing so shall confer with the Site Plan Review Group.

Section 5: DUTY

- 5.1 Every person who has a duty to satisfy any condition imposed by the Township or any provision of an Agreement made pursuant to this by-law shall forthwith after notice satisfy such duty.

Section 6: EXPENSE AND DEFAULT

- 6.1 The facilities and matters required pursuant to a Site Plan Agreement shall be provided and maintained to the satisfaction of the Township at the sole risk and expense of the Owner of the lands in respect of which such Site Plan Agreement was entered into by the Township.
- 6.2 In the event an Owner of the lands fails to comply with any of the provisions of a Site Plan Agreement that was entered into with the Township, then the Township, its authorized agents, servants or employees, may enter upon the Owner's land or into the Owner's structures with reasonable notice to complete to its satisfaction any work required by the said Site Plan Agreement and left unfinished by the Owner. The Township may recover any costs incurred by the Township to provide, maintain or complete site works by deducting from or drawing upon securities that have been provided to the Township by the Owner. If there are no securities, or if the amount of securities held by the Township are not sufficient to cover the costs incurred by the Township, then without limiting the Township's remedies the costs incurred by the Township which cannot be reimbursed or recovered from securities will be added to the tax roll of the subject property and will be collected in the same manner as municipal taxes.

Section 7: APPLICATION OF THIS BY-LAW

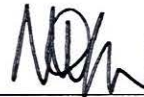
- 7.1 All agreements authorized under Site Plan Control by-laws of the Corporation of the Township of Ashfield-Colborne-Wawanosh shall remain in full force and effect.
- 7.2 Any Development that occurs on a property subject to Site Plan Control following the date of passing of this by-law shall be subject to the provisions of this by-law.
- 7.3 This by-law shall come into full force and effect on the final day of passage.
- 7.4 This by-law may be cited as the "Site Plan Control By-Law".

Read a FIRST and SECOND time this 2nd day of February 2021.

Read a THIRD TIME and FINALLY PASSED this 2nd day of February 2021.



Mayor, Glen McNeil



CAO/Deputy Clerk, Mark Becker

THE CORPORATION OF THE TOWNSHIP OF
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SCHEDULE 'A'
EXEMPTIONS

Notwithstanding the foregoing, the following forms and classes of Development and construction shall be exempt from Site Plan Control:

- a. Agricultural buildings and structures, except for cannabis production facilities;
- a. one, two and 3 unit dwellings, garden suites, and structures accessory to the residential use (more than one two unit dwelling on one property would not be exempt);
- b. one unit residential dwellings and accessory structures in a Mobile Home Park;
- c. land and buildings owned by the Corporation of the Township of Ashfield-Colborne-Wawanosh;

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SCHEDULE C
APPLICATION REQUIREMENTS

Section 1 CONSULTATION

- 1.1 Pursuant to subsection 41(3.1) of the Planning Act, Applicants are required to consult with the Township of Ashfield-Colborne-Wawanosh prior to submitting plans and drawings for approval under subsection 41(4) of the Planning Act.

Section 2 APPLICATION FEES

- 2.1 Applications must be submitted with the required fee and deposit as set out in the Fees By-Law of the Township.
- 2.2 Where the Township requires assistance from its solicitors or other technical or professional consultants in the processing of an application, the Owner shall be responsible for reimbursing all legal, planning, engineering, and consulting fees incurred by the Township. These fees will be invoiced to the Owner listed on the application. By signing the application, the Owner agrees to pay all fees incurred by the Township related to the review of the Site Plan.

Section 3 PLANS AND DRAWINGS

- 3.1 Except as otherwise provided for herein, no person shall undertake any Development or Redevelopment within the Township of Ashfield-Colborne-Wawanosh unless and until the Township has approved the following:
- 3.1.1 Plans showing the location of all buildings and structures (Site Plan) 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 subsection 41(7) (a) of the Planning Act, including facilities designed to have regard for accessibility for persons with disabilities.
- 3.1.2 Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, 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;
 - 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, if an official plan and a by-law passed under subsection 41(2) of the Planning Act that both contain provisions relating to such matters are in effect in the Township;

- e. the sustainable design elements on any adjoining highway under a Township'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.
- g. Any other condition as deemed appropriate by the Township.

Section 4: CONDITIONS OF APPROVAL

As a condition to the approval of plans, drawings and elevations referred to in this by-law, the Township may require the Owner of the lands to:

4.1 Provide, to the satisfaction of and at no expense to the Township, any or all of the following:

- a. Widenings of highways that abut on the land.
- b. Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.
- c. 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.
- d. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
- e. Facilities designed to have regard for accessibility for persons with disabilities.
- f. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
- g. Appropriate signage.
- h. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
- i. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- j. Easements conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township or local board thereof on the land.
- k. 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; and
- l. Any other condition as deemed appropriate by the Township.

4.2 Maintain to the satisfaction of the Township and at the sole risk and expense of the Owner any or all of the facilities or works mentioned included in this By-Law, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

- 4.3 Enter into one or more agreements with the Township dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in this by-law and the maintenance thereof as mentioned in this by-law or with the provision and approval of the plans and drawings;
- 4.4 Enter into one or more agreements with the Township ensuring that Development proceeds in accordance with the plans and drawings approved;
- 4.5 Convey part of the land to the Township to the satisfaction of and at no expense to the Township for a public transit right of way.

Section 5: SECURITIES

- 5.1 The Township of Ashfield-Colborne-Wawanosh shall require security to be posted for a Development. In such cases, the Owner of the said lands shall deposit with the Township an irrevocable letter of credit, in a form approved by the Treasurer, in such amount that will be determined by the Township.
- 5.2 The value of the security shall be determined by the Township. The value of the security shall include but not be limited to: an estimate of engineering, planning, and legal fees, contingency, landscaping, fencing, drainage facilities, sanitary sewers, watermains, water services, paving and curbing proposed on lands by the Owner or required by the Township.
- 5.3 Such irrevocable letter of credit shall be deposited with the Township prior to the execution of any Site Plan Control agreement.
- 5.4 The letter of credit shall be repaid to the Owner when, in the opinion of the Township, all the terms and conditions of the said Site Plan Agreement have been fulfilled.