

**CORPORATION OF THE TOWNSHIP OF LEEDS AND THE
THOUSAND ISLANDS**

BY-LAW 21-071

A BY-LAW TO DESIGNATE THE WHOLE OF THE TOWNSHIP OF LEEDS AND THE THOUSAND ISLANDS AS A SITE PLAN CONTROL AREA PURSUANT TO SECTION 41 OF THE PLANNING ACT, R. S. O. 1990, AS AMENDED, AND TO ADOPT CERTAIN PROCEDURES FOR THE PROCESSING OF SITE PLAN CONTROL APPLICATIONS, AND TO EXEMPT CERTAIN CLASSES OF DEVELOPMENT FROM APPROVAL OF PLANS AND DRAWINGS.

WHEREAS The Planning Act, R.S.O, 1990, c.P.13, Section 41(2), as amended provides that the Council of a Municipality that has an approved Official Plan may by by-law, designate the whole or part of the Municipality as a Site Plan Control Area, and provide that no person shall undertake any development in an area designated as a Site Plan Control Area unless certain plans and drawings are approved;

AND WHEREAS the Township of Leeds and the Thousand Islands has an Official Plan, approved by the United Counties of Leeds and Grenville, that identifies areas of development subject to site plan control;

AND WHEREAS the Council of the Township of Leeds and the Thousand Islands deems it advisable to repeal Site Plan Control By-law 11-002, as amended, and enact a new Site Plan Control By-law pursuant to Section 41 of the *Planning Act* that would designate all the lands within the geographic limits of the Township as a Site Plan Control Area and exempt from approval certain classes of development.

AND WHEREAS the Planning Act, R.S.O, 1990, c.P.13, Section 41(13) as amended, provides that the Council of a local municipality may define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under Section 41(4) and 41(5) of the Planning Act;

NOW THEREFORE, the Council of the Corporation of Leeds and the Thousand Islands enacts as follows:

1. This By-law may be cited at the "Township of Leeds and the Thousand Islands Site Plan Control By-law".
2. All lands within the limits of the Township of Leeds and the Thousand Islands are subject to the provisions of this By-law and of Section 41(4) of the Planning Act.
3. REPEAL OF PREVIOUS BY-LAW

Site Plan Control By-law 11-002, as amended, is hereby repealed and replaced with this by-law.

4. DEFINITIONS

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 as defined in the Municipal Act, 2001, or of sites for the location of three or more mobile homes as defined in the Planning Act, or of sites for the construction, erection or location of three or more land lease community homes as defined in the Planning Act.

Director- Means the Director of Planning and Development or their designate.

Owner- means any owner of land as identified in the records of the proper Land Registry Office or Land Titles Office and includes a purchaser under a valid Agreement of Purchase and Sale, and the authorized agent of any such purchaser or owner of land.

Qualified Person – means an individual with qualifications and/or credentials related to a field of study and who is therefore appropriate for conducting a study and/or providing expert opinion that has been required by the Township. The qualifications and credentials of the qualified person may be either Landscape Architect, Architect or Certified Engineer depending on related work and must be to the satisfaction of the Township, or where appropriate, are defined by relevant legislation, regulation and standards

On-site Improvements - means paving (base and top course asphalt, excluding granular materials); final site grading; hard and soft landscaping; walkways; retaining walls; fencing (screening and acoustic); lighting; and signage. For clarity, On-site Improvements do not include buildings, structures and underground storm, sanitary and water services.

Off-site Improvements- means any works required on public lands to support a development and may include road improvements, paving

5. GENERAL PROVISIONS

- (a) The following uses are required to be subject to site plan control:
- i. Institutional Uses
 - ii. Commercial, including commercial parking lots
 - iii. Industrial Uses
 - iv. Cannabis Production and Processing Uses
 - v. All wrecking yards
 - vi. Active Recreation uses
 - vii. Residential development containing 3 or more dwelling units.
 - viii. The development, redevelopment, alteration or expansion of any above ground broadcasting and communications buildings or structures.

- ix. The development, redevelopment, alteration or expansion to any above ground utility infrastructure.
- x. Any patio accessory to a commercial use and located outdoors on private property.
- xi. Outdoor commercial/ recreational use such as a campground, amusement park or other similar use.
- xii. Notwithstanding the exemptions to site plan control established in this by-law, site plan control may be required by Council, the Township Committee of Adjustment or by the United Counties Consent Granting Authority through their consideration of a development application.

(b) Waterfront Development

- i. Site Plan Control applies to all lots which abut waterbodies and watercourses unless exempted in Section 5 of this by-law.
- ii. On islands less than 1ha (2.5 acres) in area, Residential development, including expansion of dwellings and replacement of dwellings

(c) Natural Heritage System

- i. Any development on or adjacent to lands designated Environmental Protection, ANSI or similar designation in the Township Official Plan unless exempted in Section 5 of this by-law.

(d) Agricultural Uses

- i. Where agriculture-related uses and on-farm diversified uses require planning approval, these uses shall be subject to site plan control.

6. EXEMPTED DEVELOPMENT

The following classes of development shall be exempt from Site Plan Control:

- (a) Minor modifications to existing development subject to a registered site plan control agreement shall be exempt, subject to approval from the Director of Planning and Development, if the modification does not significantly alter the overall function and appearance of the site.
- (b) Marine facilities that comply with the provisions of the Zoning By-law.
- (c) One or two-unit dwelling, including buildings and structures accessory thereto, or an addition or expansion to an existing residential structure, that complies with the provisions of the Zoning By-law.
- (d) Agriculture, forestry or conservation buildings or structures, including buildings and structures accessory thereto.
- (e) Less than three (3) portable classrooms accessory to a school.

- (e) Works which result from requirements of the Fire Protection and Prevention Act or an Order to Comply issued by the Township of Leeds and the Thousand Islands Fire Department.
- (f) Any deviation from any dimension respecting the location of the buildings and structures shown as plans pursuant to this By-law or predecessor thereof, provided the deviation does not exceed 0.3 metres or approximately twelve (12) inches and further provided that the deviation does not result in a violation of the requirements of any By-law enacted by the Corporation or other applicable law.
- (g) Interior building alterations which do not involve a change in major occupancy as defined by the Ontario Building Code.
- (h) A temporary building or structure used during construction of a permanent building or structure.
- (i) Townhouses with direct access to a public street approved through a plan of subdivision.

7. DRAWINGS

All lands subject to Site Plan Control must submit, for the review and approval of the Township, drawing(s) pursuant to Section 41(4) of the Planning Act, the Township Official Plan, and the following:

- (a) Drawings bearing a drawing number, date or date of revision and drawn to scale.
- (b) Drawings showing the location of all buildings and structures to be erected and the location of all facilities and works, including facilities designed to have regard for accessibility for persons with disabilities, to be provided in conjunction with the development.
- (c) Drawings showing plan, elevation and cross-section views for each building to be erected, which drawings are sufficient to display,
 - i. the massing and conceptual design of the proposed building;
 - ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
 - iii. 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;
 - iv. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design;
 - v. the sustainable design elements on any adjoining road under a Corporation'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
- vi. facilities designed to have regard for accessibility for persons with disabilities.

8. CONDITIONS OF APPROVAL

As a condition to the approval of the plans the Township may require the owner of the lands to provide to the satisfaction of and at no expense to the Township any of the following:

- (a) Widenings of highways that abut land designated for widenings in accordance with the Township Official Plan.
- (b) Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps, curbs 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 any building or structures thereon.
- (g) Walls, fences, hedges, trees, shrubs or other groundcover of facilities for the landscaping of the lands or the protection of adjoining lands.
- (h) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- (i) Easements conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewage facilities and other public utilities of the Corporation or local board thereof on the land.
- (j) Grading or alteration in elevation or contour of the land and provision for disposal of storm, surface and wastewater from the land and from buildings or structures thereon.
- (k) 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 including the removal of snow from access ramps and driveways, parking and loading areas, and walkways.
- (l) Where an agreement is a condition of approval, enter onto one or more agreements with the Township which will deal with and ensure:
 - i) provision of all the facilities, works or matters referred to in Section 8 a) including the provision of financial securities in respect of the facilities and works;
 - ii) The continued maintenance of the works and facilities

9. REGISTRATION OF AGREEMENT

Any agreement or amendment thereto entered into in accordance with this by-law shall be registered against the title of the land to which it applies.

10. ADMINISTRATION

(a) By-Law Administrator

- i. This By-law shall be administered by the Director of Planning and Development or designate.
- ii. The Council of the Corporation of the Township of Leeds and the Thousand Islands hereby delegates to the Director of Planning and Development or the Chief Administrative Officer the power and authority to approve Site Plan Control applications.
- iii. The Council of the Corporation of the Township of Leeds and the Thousand Islands hereby delegates to the Director of Planning and Development or the Chief Administrative Officer the power and authority to approve minor revisions or amendments to approved site plans and site plan control.
- iv. In the event that the Director of Planning and Development and an Applicant are unable to agree on the Site Plan requirements and/or the terms of the Site Plan Control Agreement then such Site Plan and Agreement shall be submitted to Council for consideration of approval.

(b) Fees

The applicant shall pay the Township application fee together with any processing fees as set out in the Township's General Rates and Fees By-law.

(c) Performance Securities

The applicant shall provide securities in cash, certified cheque or irrevocable letter of credit to guarantee compliance with the conditions of the agreement and satisfactory completion and maintenance of the works required by the agreement and the approved plans and drawings. The amount of the security shall be based on the estimated cost of the approved works and shall be calculated as follows:

- i. The owner shall submit an estimated cost of the approved works for review and approval by the Township. The cost estimate shall be prepared by a qualified person. The approved cost estimate will form a schedule to the site plan control agreement. The amount of security shall equal 50% of the estimated cost of the on-site improvements.

- ii. For all works on Township owned property the amount of security shall equal 100% of the costs of the approved works.

(d) Security Release/Reduction

Requests for security release may be submitted to the Township once all required works on the approved plans have been completed and all conditions in the agreement have been met to the satisfaction of the Township.

- i. The owner shall submit a written request for security release including; a certificate from a qualified person confirming that all required works have been completed in accordance with the approved plans and the site plan control agreement;
- ii. The Township may complete a site inspection to confirm the satisfactory completion of the work;
- iii. A maximum of 90% of the security amount will be released;
- iv. Where deficiencies are identified the security release may be delayed or reduced until the deficiencies have been addressed;
- v. The owner shall submit a written request for remaining 10% of the initial security amount with a certificate from a qualified person confirming all works are completed and have been maintained in accordance with the approved drawings and agreement. The 10% will be held for a minimum of one year as a maintenance security to ensure all site works including landscaping are maintained and that any necessary replacements are completed.

(e) Financial Security to Remedy Defaults

- i. Where the owner has received notice from the Township of defaults with respect to the approved drawings or site plan control agreement the Township may draw on the security to remedy the default.
- ii. The Township may apply all or any portion of the financial security toward the payment of the costs and expenses to remedy the default.
- iii. Where the Township draws on the financial securities to remedy any default the owner will be charged an administration fee equal to 20% of the costs to remedy the default.

(f) Issuance of Building Permits

- i. Notwithstanding any provisions of the Building By-Law or any other By-Law of the Corporation to the contrary, no building permit shall be issued until the plans and drawings and any such agreements required by the Municipality for such development have been

approved by Council, its delegate, or where a referral has been made to the Ontario Land Tribunal or so ordered by a Court of competent jurisdiction;

- ii. Nothing in this by-Law shall prevent development on any lands subject to this by-Law where such development is proceeding in accordance with a valid building permit which was issued by the Township prior to the passing of this by-law.

11. VIOLATIONS AND PENALTIES

Any person who contravenes any of the provisions of Section 41 of the Planning Act, or its successors thereto, or the provisions of this

By-Law is guilty of an offence and on conviction is liable to the penalties provided for in Section 67 (1) and (2) of the Planning Act, or its successors thereto.

12. VALIDITY

If any section, clause or provision of this by-law is, for any reason, declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the by-law as a whole or any part hereof other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that the remaining sections, clauses and provision of this by-law shall remain in full force and effect until repealed, notwithstanding that one or more provision hereof shall have been declared to be invalid.

13. IMPERIAL VALUES

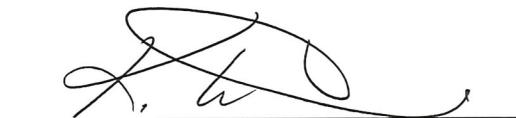
Only the values provided with metric units of measure which appear in the By-law are official.

This by-law shall come into force and take effect on the date of its passing by Council.

GIVEN ALL THREE READINGS AND FINALLY PASSED ON THIS 13th DAY OF DECEMBER 2021.



Corinna Smith-Gatke, Mayor



Kimberly Westgate, Clerk

