

BY-LAW NO. 2015-048

Consolidated By-law

2025-08-07: By-law

THE CORPORATION OF LOYALIST TOWNSHIP

**A BY-LAW TO DESIGNATE PARTS OF
LOYALIST TOWNSHIP AS A SITE PLAN
CONTROL AREA PURSUANT TO SECTION 41 (2)
OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED.**

WHEREAS the Planning Act, R.S.O. 1990, c..P. 13, Section 41 (2) as amended provides that the Council of a Municipality which 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 Loyalist Township has an Official Plan approved by the Minister of Municipal Affairs and Housing, that has defined site plan control areas,

AND WHEREAS the Planning Act, R.S.O. 1990, Chapter c.P.13, Section 41(13) as amended provides the Council of a local municipality to 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 Loyalist Township enacts as follows:

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DEFINITIONS

1. For the purpose of this By-law "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 (3) 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 the Planning Act, R.S.O. 1990. "Municipality" shall mean the Corporation of Loyalist Township.

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.

APPROVAL OF PLANS

2. No person shall undertake any Development, and no Building permit or permits shall be issued for any Development in an area designated as a Site Plan Control area unless the Council of the Municipality has approved the following:
 - a) Plans showing the location of all buildings and structures to be erected on the property and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Section 3 hereto of this By-law, including facilities designed to have regard for persons with disabilities.
 - b) Drawings showing plan, elevation and cross-section views for each building to be erected and for each residential building containing twenty-five or more dwelling units to be erected which are sufficient to display;
 - i) the massing and conceptual design of any proposed building or buildings;
 - ii) the relationship of the proposed building or buildings 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 member of the public have access from street, open space 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 highway under the Municipality'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.

CONDITIONS OF APPROVAL

3. As a condition to the approval of any plans or drawings referred to in Section 2, hereto the Municipality may require that the owner provide, at no cost to the Municipality, any or all of the facilities, works or matters established in Section 41 (7) (a) (b) of the Planning Act, R.S.O. 1990, Chapter c.P.13, as amended, and may require that the owner enter into an agreement with the Municipality pursuant to Section 41(7) (c),(c.1) and (d) of the Planning Act dealing with the provision of any of those facilities, works or matters.

COUNTY REQUIREMENTS

4. Plans and drawings in respect of any development proposed to be undertaken in the Municipality shall not be approved until the County of Lennox & Addington (County) has been advised of the proposed development and afforded a reasonable opportunity to require the owner to:
 - (a) provide to the satisfaction of and at no expense to the County any or all of the following:
 - (i) subject to subsection (9) of the Planning Act, widening of highways that are under the jurisdiction of the County and that abut on the land,
 - (ii) subject to the Public Transportation and Highway Improvement Act, where the land abuts a highway under the jurisdiction of the County, facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs,
 - (iii) where the land abuts a highway under the jurisdiction of the County, offstreet vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways,

- iv) where the land abuts the highway under the jurisdiction of the County, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land,
 - v) where the land abuts a highway under the jurisdiction of the County, facilities designed to have regard for accessibility for persons with disabilities;
- (b) enter into one or more agreements with the County dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas;

REGISTRATION OF AGREEMENT

5. Any agreement referred to in Section 3 hereto shall be between the owner of the land and the Municipality, shall be in registerable form, and, at the option of the Municipality any or all of such agreement shall be registered against the land to which it applies, all at the expense of the owner. Section 326 of the Municipal Act, R.S.O. 1990 Chapter M.45, applies to any requirements made under clauses 7 a) or 7 b) of Section 41 of the Planning Act and to any requirements made under an agreement entered into under Clause 7 c) of Section 41 of the Planning Act, so that, in default of anything being done pursuant to those sections and agreements by the person required to do it, it may be done at his expense and the expense may be recovered in like manner as municipal taxes.

CONCORDANCE WITH APPLICATION FOR SITE PLAN

6. The submission of plans and drawings, the provision of required facilities and works, and the processing applications for approval of plans and drawings shall be in accordance with the Municipality's application for Site Plan, which may be amended from time to time without amending this by-law, and is affixed as Schedule "A" to this by-law. A site plan control application will not be deemed complete and will not be processed until all relevant information requested is completed on the form and is included on the drawings.

SITE PLAN CONTROL AREAS

7. The following areas, uses, and zones (as defined in Loyalist Township Zoning By-law 2001-38) are hereby designated as Site Plan Control Areas:
- (i) Community Facility (CF) zone
 - (ii) Institutional (I) zone

- (iii) Residential Type 5 (R5) zone
- (iv) Residential Type 6 (R6) zone
- (v) Hamlet Commercial (C1) zone
- (vi) Highway Commercial (C2) zone
- (vii) Rural Commercial (C3) zone
- (viii) Shopping Centre Commercial (C4) zone
- (ix) Village Commercial (C5) zone except where the foot print of an existing structure is not being increased and no more than one residential unit is being created
- (x) Recreation Commercial (C6) zone
- (xi) Light Industrial (M1) zone
- (xii) Rural Industrial (M2) zone
- (xiii) General Industrial (M3) zone
- (xiv) Extractive Industrial (M4) zone
- (xv) Waste Management Industrial (M5) zone
- (xvi) Group homes
- (xvii) Recreational/Open Space (OS) zone
- (xviii) Communication Towers in all zones
- (xix) All zones that are special exceptions from the above noted zones
- (xx) Places of worship

EXEMPTED DEVELOPMENT

8. The following areas, uses and zones (as defined in By-law 2001-38, as amended) in the Municipality are hereby exempt from Site Plan Control, except, where a group home, place of worship or an intensive farm is allowed in the following zones, these uses are deemed not to be exempt and Section 6 of this by-law applies:
 - i) Residential Type 1 (R1) zone.
 - ii) Residential Type 2 (R2) zone.
 - iii) Residential Type 3 (R3) zone.
 - iv) Residential Type 4 (R4) zone.
 - v) Prime Agricultural (PA) zone.
 - vi) Rural (RU) zone.
 - vii) Notwithstanding Section 6 of this by-law, development proposed in any commercial, industrial or community facility zone where the floor area expansion proposed is 10% or less than the existing floor area is exempt from site plan control.
 - viii) Estate Residential (ER).
 - ix) Rural Residential (RR).
 - x) Shoreline Residential (SR).
 - xi) Hamlet Residential (HR).
 - xii) Restricted Agricultural (RA).
 - xiii) Streetfront townhouses if this development is regulated by a subdivision agreement.

- xiv) Work undertaken as a result of requirements under the Fire Marshall's Act or an Order issued by the Municipality's Fire Chief or designate.

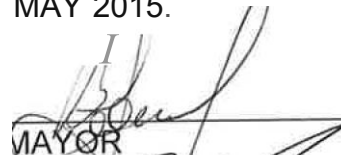
SPECIAL CIRCUMSTANCES


9. Notwithstanding the exempt classes in clause 8, site plan control is required for any property found in these zones, if imposed as a condition by the Loyalist Township Committee of Adjustment under Section 45 of the Planning Act, R.S.O. 1990, Chapter P.13, as amended or such development is located within an area, or is adjacent to an area, designated Environmental Protection or Environmentally Sensitive in the Loyalist Township Official Plan. For the purposes of interpreting the term adjacent, this shall mean lands abutting or lands within 15 metres of lands designated Environmental Protection or Environmentally Sensitive. Such areas are not subject to this by-law if the same concerns are addressed by an agreement with the Municipality and the owner under subsections 51(26) or 53(12) of the Planning Act, R.S.O. 1990, as amended.

REPEALING AND ADOPTION PROVISIONS

10. By-law 2002-13 is hereby repealed and any and all by-laws or parts hereof conflicting with this by-law are hereby repealed. This repealing has no effect on the validity of site plan approvals issued under the previous site plan control by-law, which continues to be in full force and effect.
11. This by-law shall come into force and effect upon its passing.

ENACTED AND PASSED THIS 11TH DAY OF MAY 2015.


MAYOR


CLERK