

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN
BY-LAW NO. 2011-083**

“Being a By-law to designate lands within the Township of Seguin as site plan control areas and repeal all previous site plan control By-laws Nos. 98-54, 2003-53, 2003-100, 2005-089, and 2005-108”

WHEREAS pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, municipal councils are authorized to enact site plan controls for lands within their corporate limits;

AND WHEREAS the Township of Seguin Official Plan designates all lands in the Township as a Site Plan Control Area and provides for the establishment of a site plan control by-law;

AND WHEREAS the Council of The Corporation of the Township of Seguin deems it appropriate to repeal the site plan control by-laws passed under the Official Plans of the former municipalities, being By-law Nos. 98-54, 2003-53, 2003-100, and 2005-089;

AND WHEREAS the Council of The Corporation of the Township of Seguin passed By-law No. 2005-108 defining classes of development and delegating site plan approval to an appointed officer;

AND WHEREAS the Council of The Corporation of the Township of Seguin deems it appropriate to repeal By-law No. 2005-108 and consolidate it with a new site plan control by-law for the Township of Seguin;

NOW THEREFORE, the Council of The Corporation of the Township of Seguin enacts as follows:

SECTION 1 – REPEALS

1. That By-laws Nos. 98-54, 2003-53, 2003-100, 2005-089, and 2005-108 are hereby repealed.

SECTION 2 – DEFINITIONS

1. In this by-law, ‘Development’ shall have the same meaning ascribed to it as in subsection 41(1) of the Planning Act, as amended from time to time.
2. ‘Township’ shall mean the Council of The Corporation of the Township of Seguin or the appointed officer of the Council in accordance with this by-law.
3. ‘Director of Planning’ shall mean the Director of Planning of The Corporation of the Township of Seguin.
4. ‘Chief Building Official’ shall mean the Chief Building Official of The Corporation of the Township of Seguin.
5. ‘Director of By-law Enforcement’ shall mean the Director of By-law enforcement of The Corporation of the Township of Seguin.

6. 'Chief Administrative Officer' shall mean the Chief Administrative Officer of The Corporation of the Township of Seguin.
7. In this by-law all other terms shall be defined in accordance with the Township of Seguin Zoning By-law No. 2006-125.

SECTION 3 – DESIGNATION OF SITE PLAN CONTROL AREAS

1. All land within the corporate limits of the Township of Seguin ('Township') is hereby designated as a Site Plan Control Area.

SECTION 4 - CLASSES OF DEVELOPMENT EXCLUDED

1. The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Sections 41(4) or 41(5) of the *Planning Act, RSO 1990, Ch. P. 13*, as amended:
 - a) Any residential development containing two (2) dwelling units or less (including buildings and structures accessory to such residential development) except where such residential development:
 - (i.) includes an existing or proposed Home Industry;
 - (ii.) includes an existing or proposed Bed and Breakfast Operation;
 - (iii.) is subject to site plan control as imposed as a condition or requirement of a consent, plan of subdivision or zoning amendment by Council, or as a condition of approval by the Committee of Adjustment.
 - (iv.) requires major relief as determined by the Director of Planning and Director of By-law Enforcement is requested by any person from the Township of Seguin Tree Cutting By-law 2008-103, Blasting By-law 2008-104 and Fill By-law 2008-105, site plan control will apply notwithstanding the issuance of a building permit for such residential development (which is normally exempted from site plan approval), should it be determined that the foregoing major relief is required after commencement of work under authority of such building permit.
 - b) Any development occurring in or upon lands zoned 'AR' Airport Zone, "MP" Aggregate Pit and "MQ" Aggregate Pit and Quarry in the Township of Seguin Zoning By-law 2006-125, as amended, save and except such development that is subject to an approval issued under the Aggregate Resource Act;
 - c) Agriculture structures and accessory structures thereto;
 - d) Any development, buildings or structures erected by the Township of Seguin;
 - e) Any land, building or structure undergoing interior alterations or renovations that do not change the location, height, volume, gross floor area of the building or structure; and

- f) Any land, building or structure undergoing alterations, renovations, or addition that does not increase the gross floor area of the building or structure by more than 10%. Only one exemption per building or structure shall be permitted pursuant to this section. Subsection f) does not apply to development or uses prescribed under subsections 1 a) (i) and 1 a) (ii) above.

SECTION 5 – APPROVAL OF PLANS

1. As provided in Section 41 (3.1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, applicants are encouraged to consult with the Township before submitting plans and drawings for approval;
2. Subject to the exclusions set out in Section 4 of this By-law, no person shall undertake any development in the Site Plan Control Areas unless the Township or, where a referral has been made, the Ontario Municipal Board, has approved one or both as the Township may determine, of the following:
 - a) Plans showing the location of all buildings and structures (including all electrical, mechanical, heating and/or cooling equipment not located within the building or structure) to be erected and showing the location of all facilities and work to be provided in conjunction therewith and of all facilities and works required under Section 6 of this by-law; and
 - b) Drawings showing the plan, elevation and cross section views for each building to be erected which are sufficient to display the massing and conceptual design of the proposed building, the relationship of the proposed building to adjacent buildings and streets, exterior areas to which members of the public have access, and the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

SECTION 6 – FACILITIES, WORKS, MAINTENANCE, AGREEMENT

1. As a condition of the approval of the plans referred to in Section 5, the Township may require the owner of the lands to provide to the satisfaction of, and at no expense to, the Township any or all of the following:
 - a) Widening of highways that abut the land designated for widening;
 - b) Facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs;
 - c) Off-street vehicular loading and parking facilities, access driveways, including driveways for emergency vehicles and the surfacing of such areas and driveways;
 - d) Walkways 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 flood lighting of all land or any building or structures thereon;
 - g) Walls, fences, hedges, trees, shrubs or other groundcover or 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 other facilities on the land; and,
 - j) Grading or alteration in elevation or contour of the land and provision for disposal of storm, surface and waste water from the land and from buildings or structures thereon.
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 in clauses b), c), d), e), f), g), h) and j) of subsection 6(1), including the removal of snow from access ramps and driveways, parking and loading area, and walkways and all other means of pedestrian access.
 3. Enter into one or more agreements with the Township which will deal with and ensure:
 - a) The provision of all the facilities, works or matters referred to in subsection 6(1);
 - b) The continued maintenance referred to in subsection 6(2); and
 - c) The approval of the plans and drawings referred to in Section 5.

SECTION 7 – REGISTRATION, MUNICIPAL REMEDIAL ACTION AND ENFORCEMENT

1. Any agreement entered into under subsection 6(3) of this by-law shall be registered against the land to which it applies and the Township is entitled to enforce the provision of the agreement against the owner, and subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land.
2. Where the owner is directed or required by this by-law or an agreement entered into under Section 6 of this by-law that any matter or thing be done and such person defaults in doing such matter or thing, it may be done by the Township at its expense and the Township may recover the expense of doing such matter or thing by drawing upon any securities provided by the owner or by adding the costs to the tax roll and collecting them in the same manner as taxes pursuant to Section 446 of the *Municipal Act*, S.O. 2001, Chapter 25, as amended.
3. Any offence of the provisions of Section 41 of the *Planning Act* or any provisions of this by-law, as may be amended from time to time, may be prosecuted pursuant to the Provisions of Section 67 of the *Planning Act*.

4. Unless prohibited by law, the owner signing each Site Plan Agreement shall be requested to agree to a provision whereby the Director of Planning, the Chief Building Official, or other person to whom the Director of Planning delegates the responsibility, may enter on land subject to the Agreement to inspect same for compliance with the Agreement. Nothing in this provision authorizes the entry of any building;
5. The right of entry described in paragraph (4) above is in addition to any statutory rights of entry the Township may otherwise specifically have.

SECTION 8 – DELEGATION

1. The Director of Planning is hereby delegated as being the official entitled to exercise Council's authority to approve or exempt development, impose conditions and require agreements pursuant to Section 41 of the Planning Act and this by-law. The Director of Planning shall consult with the appropriate municipal departments and outside agencies to ensure compliance of the plans and drawings submitted in accordance with Section 5 above, to the policies, by-laws and /or statues administered by such departments and/or agencies.
2. Notwithstanding the delegation set out in subsection 8(1):
 - a) The Director of Planning may, at any time, refer applications to Council for approval; or
 - b) Council may request (by resolution) that an application be presented to Council for approval; or
 - c) Where the Director has refused to issue an approval or where the conditions of approval are disputed, the Applicant may request that the application be presented to Council for approval.
 - d) Upon receipt of the resolution under subsection(b) or the written application under subsection (c), the Director shall refer the matter to Council.
3. Notwithstanding subsection 8(1) above, the Director of Planning may approve minor changes to any approved site plan, in writing, without an amendment to the site plan agreement. Multiple minor changes shall be incorporated into the site plan agreement through an updated site plan and amending agreement process.
4. Where an application has not been referred or presented to Council for approval under subsection 1(a) (b) or (c) above, upon issuance of an approval by the Director of Planning, the Chief Administrative Officer shall sign the approval and the presence of both signatures shall be conclusive evidence that the approval has been granted.
5. The Mayor and Clerk are authorized to execute a site plan agreement imposed as a condition of site plan approval issued by the Director of Planning subject to any conditions concerning the execution of such agreement contained in such approval. Where site plan approval has been issued by Council or the Ontario Municipal Board, the execution of any site plan agreement shall be subject to authorization by Council.

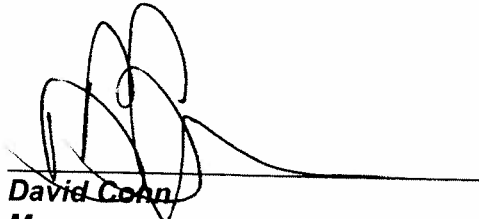
SECTION 9 – SEVERABILITY

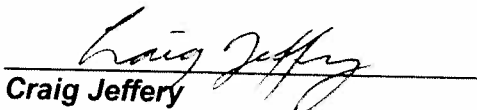
1. Should any Section, subsection, clause or paragraph of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part other than the Section, subsection, clause or paragraph declared to be invalid.

SECTION 10 – EFFECTIVE DATE

1. This By-law shall come into force and take effect upon and from the date it is finally passed by the Council of The Corporation of the Township of Seguin.

BY-LAW READ a FIRST, SECOND and THIRD time and finally PASSED this 17th day of October, 2011.


David Conn
Mayor


Craig Jeffery
Clerk

