

Municipality of Lakeshore

By-law 62-2022

Being a by-law to establish a site plan control area for the Municipality of Lakeshore and to adopt rules for the processing of site plan development applications

Whereas section 41(2) of the *Planning Act*, R.S.O. 1990, c.P.13 (the “Planning Act”) authorizes municipalities to designate an area as an area of site plan control subject to an enabling provision being contained in an approved official plan;

And whereas the Municipality of Lakeshore (the “Municipality”) has an enabling provision contained in section 8.3.4 of its Official Plan;

And whereas on July 1, 2022, subsection 41(4.01) of the *Planning Act* shall come into force which requires that a municipal council that passes a by-law under subsection 41(2) of that Act appoint an officer, employee or agent of the municipality as an authorized person for the purposes of approval of drawings and plans under section 41(4) of the *Planning Act*;

And whereas by By-law 31-2011, being a By-Law to Establish a Site Plan Control Area for the Town of Lakeshore and to Repeal all Other By-Laws Dealing with the Same Subject Matter, Council has designated a Site Plan Control Area under subsection 41(13) of the *Planning Act*;

And whereas the *Planning Act* states that Council may, by by-law, 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) of that Act;

And whereas the Municipality requires the approval of certain plans and drawings as a condition of development, save and except for certain class or classes of development; and

And whereas Council continues to deem it necessary for an owner of land to enter into a Site Plan Control Agreement with the Municipality with respect to any or all of the items contained in section 41 of the *Planning Act*;

Now therefore the Council of the Municipality of Lakeshore enacts as follows:

Interpretation

1. In this By-law, including the recitals, the following capitalized words will have the following meanings unless the context otherwise requires:

“Council” means the Council of the Municipality of Lakeshore;

“Person” includes an individual, a corporation, a partnership, and an unincorporated association, as the context requires;

“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 subsection 164(4) of the *Municipal Act, 2001*, as the case may be or of sites for the location of three or more mobile homes as defined in subsection 46(1) of that Act, or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of that Act;

“Division Leader” means the person holding the employment title of Division Leader - Community Planning for the Municipality;

“Owner” means the Person that is the registered owner of the land pursuant to the

laws of the Province of Ontario;

“Site Plan” means plans, drawings or both as described in subsection 41(4) of the *Planning Act*, and

“Site Plan Control Area” means the lands designated in section 7.

2. Headings are intended for convenience only and do not form part of this by-law.
3. If any court of competent jurisdiction finds any provision of this by-law is invalid or is ultra vires of the jurisdiction of the Municipality, such provision shall be deemed to be severable and shall not invalidate any of the other provisions of this by-law.
4. The headings contained in this by-law are for ease of reference only and do not form part of this by-law.
5. References in this by-law to words in the singular shall be deemed to include the plural.
6. Reference to any statute or by-law includes any amendment to that statute or bylaw and any successor thereto.
7. Any schedules to this by-law shall be binding and in force as though the schedule formed part of the by-law.

Site Plan Control Area

8. All of the lands within the geographic boundaries of the Municipality of Lakeshore are designated as a Site Plan Control Area pursuant to section 41 of the *Planning Act*.

Drawings

9. In addition to the mandatory requirements contained in subsection 41(4) of the *Planning Act*, drawings submitted for approval shall, to be considered sufficient, display:
- (i) 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; and
 - (ii) the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedge plantings or ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities.

Class or Classes of Land Excluded

10. Development in the class or classes of Development described in Schedule "A" may be undertaken without approval pursuant to this by-law.

Delegation of Site Plan Approval

11. The Division Leader is appointed to approve Site Plans and approve any conditions to a Site Plan if such conditions are permitted under the *Planning Act*.

Execution of Agreements

12. After approval of a Site Plan application by the Division Leader, the Mayor and Clerk are authorized to sign any agreements or instruments required to implement the conditions of an approval.

Reporting

13. The Division Leader shall inform Council of the exercise of authority delegated under this by-law by way of an information report presented at a regular meeting of Council on a quarterly basis.

Remedial Action

14. (a) If a By-law Compliance Officer is satisfied that a contravention of this by-law has occurred, the By-law Compliance Officer may make a remedial work order requiring an Owner to do work to correct the contravention and the remedial work order shall set out:

- (i) the municipal address or the legal description of the land requiring the remedial work;
- (ii) reasonable particulars of the contravention and of the work to be done and the period within which there must be compliance with the order; and
- (iii) a notice stating that if the work is not done in compliance with the order within the period it specifies, the Municipality may have the work done at the Owner's expense.

(b) A remedial work order shall be served personally or by prepaid registered mail sent to the last known address of the Owner of the land or both.

(c) If a By-law Compliance Officer is unable to effect service on the Owner, the By-law Compliance Officer may place a placard containing the terms of the order in a conspicuous place on the land.

(d) If the work or things required by a Remedial Work Order are not done within the period specified therein, the Municipality, in addition to all other remedies it may have, may, by its employees or agents, do the work required by the Remedial Work Order and the employees or agents of the Municipality may enter on the land that are the subject of the order for this purpose.

(e) Any Person that contravenes a Remedial Work Order is guilty of an offence.

Recovery of Expenses and Fines

15. (a) Costs incurred by the Municipality pursuant to a Remedial Work Order, in addition to an administration Fee, shall be recovered from the Owner from the security provided where applicable. All of the costs or the balance of the costs not recovered through the security, where applicable, shall be added by the Treasurer to the tax roll for any property in the Municipality for which the Owner is responsible for paying the costs and the costs may be collected in the same manner as municipal taxes. The costs include interest calculated at a rate of 15% calculated for the period commencing on the day that the Municipality incurs the costs and ending on the day that the costs, including the interest, are paid in full.

(b) Fines owing to the Municipality that are in default pursuant to section 69 of the *Provincial Offences Act*, R.S.O. 1990, c. P.33, shall be added by the Treasurer to the tax roll for any property in the Municipality for which the Owner is responsible for paying the fine and the fine may be collected in the same manner as municipal taxes.

Offences and Enforcement

Development without Approved Plans

16. A Person who, without having plans or drawings approved in accordance with any of this by-law or section 41 of the *Planning Act*, undertakes any development in the Site Plan Control Area is, pursuant to section 67 of the *Planning Act*, guilty of the offence of contravening section 41 of the *Planning Act*.

Failure to provide or maintain facilities, etc.

17. A Person who undertakes any development in the Site Plan Control Area without providing or maintaining any of the facilities, works or matters described in paragraph 41(7)(a) of the *Planning Act* and that are required by the Municipality under that clause as a condition of approval of a Site Plan is, pursuant to section 67 of the *Planning Act*, guilty of the offence of contravening section 41 of the *Planning Act*.

Failure to Enter into Agreement

- 18. A Person who undertakes any development in the Site Plan Control Area without an agreement with the Municipality where an agreement is a condition of an approval of a Site Plan is, pursuant to section 67 of the *Planning Act*, guilty of the offence of contravening section 41 of the *Planning Act*.

Penalty Upon Conviction

- 19. A Person who is convicted of an offence under this by-law or section 41 of the *Planning Act* is liable to any remedy or penalty prescribed by section 67 of the *Planning Act*.

Repeal

- 20. (a) By-law 31-2011 and By-law 14-2012 and any amendments to those by-laws are repealed. The site plan control area designated under By-law 31-2011 is continued under this by-law and any approvals granted pursuant to that by-law and any amendment thereto are continued as though they were not repealed.
 - (b) Where a by-law is repealed by this by-law, the repeal does not:
 - i. revive any by-law not in force or existing at the time of which the repeal takes effect;
 - ii. affect the previous operation of any by-law repealed;
 - iii. affect the operation or the validity of any approvals or agreements approved pursuant to the by-law repealed;
 - iv. affect any right, privilege, obligation or liability acquired, accrued, accruing, or incurred under the by-law so repealed; or
 - v. affect any offence committed against any by-law so repealed or any penalty or forfeiture or punishment incurred in respect thereof; or
 - vi. affect any investigation, legal proceeding or remedy in respect of such privilege, obligation, liability, penalty, forfeiture or punishment.

Short Title

- 21. This by-law may be referred to as the " Site Plan Control By- law".

Enactment

- 22. This by-law shall come into force on July 1, 2022.

Read and passed in open session on June 14, 2022.

Tom Bain
Mayor

Kristen Newman
Clerk

Schedule “A” to By-law 62-2022

Description of Class or Classes of Development Which Are Excluded

1. Where a development consists of single detached dwellings, duplexes or semi-detached dwellings, site plan control will not apply, except in cases where specifically required by the Municipality’s Official Plan, such as in cases where development is proposed on identified Hazard Land areas (as defined in section 5.4.1. of the Official Plan; and;
2. Where a development consists of farm operations, farm buildings and the primary residence of the farm operator, site plan control will not apply, except in cases where specifically required by the Municipality’s Official Plan, such as where an on-farm secondary business is proposed.