

The Corporation of the Township of Douro-Dummer

By-law Number 2022-58

Being a By-law to Designate the Township of Douro-Dummer as a Site Plan Control Area

Whereas under the provisions of Section 41 (2) of The Planning Act, R.S.O. 1990, as amended, authority is granted to Councils of Municipalities to designate a site plan control area, where an Official Plan is in effect;

And Whereas Section 7.17.1 of the County of Peterborough Official Plan designates all lands in the Township as a Site Plan Control Area;

And Whereas Section 41 (13) of The Planning Act, R.S.O., 1990, as amended, provides authority for the Council of a Municipality to pass a By-Law prescribing certain classes of development to be exempt from Section 41 (4) and (5) of The Planning Act, 1990, as amended, and providing for the delegation of any of the Council's powers or authority as provided therein;

And Whereas the whole of the area covered by the Official Plan is designated as a site plan control area which is all within the limits of the Corporation;

Now Therefore the Council of The Corporation of the Township of Douro-Dummer enacts as follows:

1. In this by-law:

- 1.1. **"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;
- 1.2. **"Corporation"** means The Corporation of the Township of Douro-Dummer;
- 1.3. **"Owner"** means the owner of land whose interest in the land is defined and whose name is specified in the proper Registry of Land Titles Office;
- 1.4. **"Person"** includes an owner;
- 1.5. **"Gross Floor Area"** means the aggregate of the floor areas of all the storeys of a building including the floor area of any basement but not of a cellar or subcellar, which floor areas are measured between exterior faces of the exterior walls of the building at each floor level but excluding car parking areas

within the building and, for the purpose of this paragraph the walls of an inner court and shall be deemed to be exterior walls.

2. The whole of the area covered by the Official Plan for the Township of Douro-Dummer is designated as a site plan control area insofar as lands in all the zoning categories under the Township of Douro-Dummer Zoning By-law number 10-1996, as amended, save and except for those uses specifically exempted under section 4 of this by-law.
3. Within the various commercial, industrial and institutional, rural and agricultural zones, projects of the following magnitude shall require site plan approval:
 - 3.1. Any new commercial or industrial building or building addition, greater than 100 square metres of gross floor area;
 - 3.2. Any other new non-residential building, or building addition greater than 100 square metres of gross floor area;
 - 3.3. Any project as determined by the Chief Building Official and/or the Planner within an aggregate resource area;
 - 3.4. The approval process has been delegated to the Chief Building Official and the Planner. Agreements shall be signed by the Clerk and the Mayor as per changes enacted by Bill 109.
4. The following projects shall be exempt from site plan control:
 - 4.1. Any construction or alteration of a single-family dwelling, duplex or semi-detached dwelling,
 - 4.2. Any building accessory to the uses described in paragraph 4.1 of this section;
 - 4.3. An inground or above ground swimming pool constructed in connection with the uses described in paragraph 4.1 of this section;
 - 4.4. Any new non-residential building including any accessory building less than 100 square metres of gross floor area;
 - 4.5. Any building addition less than 100 square metres of building area or floor area, whichever is greater;
 - 4.6. Any interior alteration to a building or change of use, but not a change of use to a group home;
 - 4.7. Any agricultural and farm related buildings or structures that are utilized in active farming operations;

- 4.8. Any project which the Council of the Corporation by resolution specifically exempts from the application of the within By-law.
5. Notwithstanding the aforementioned exemptions, site plan control shall apply to:
 - 5.1. Any project, as determined by the Chief Building Official and/or the Planner, which is the subject of a rezoning application or;
 - 5.2. Any project where site plan control is imposed as a condition of an application to the County Land Division Committee.
6. Notwithstanding any of the provisions of any By-law which may be inconsistent with the By-law, no person shall undertake any development in the site plan control area unless the Chief Building Official and Planner have approved the following:
 - 6.1. Plans showing the location of all buildings and structures 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 Section 7, subsection 7.1.
 - 6.2. Drawings showing plan, elevation and cross-section views for each building to be erected within a site plan control area which are sufficient to display:
 - 6.2.1. The massing and conceptual design of the proposed building;
 - 6.2.2. The relationship of the proposed building adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - 6.2.3. 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, but which exclude the following: the layout of interior areas, other than the interior walkways; stairs and escalators referred to in clause 6.2.3; the colour, texture and type of materials; window details; construction details; architectural detail and interior design.
7. As a condition to the approval of the plans and drawings referred to in Section 6, the Corporation may require the owner to:
 - 7.1. Provide to the satisfaction of and at no expense to the municipality any or all of the following:
 - 7.1.1. Widening of highways that abut on the land;
 - 7.1.2. 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;

- 7.1.3. 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;
 - 7.1.4. Walkways, including the surfacing thereof, and all other means of pedestrian access;
 - 7.1.5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - 7.1.6. Walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - 7.1.7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials;
 - 7.1.8. Easements conveyed to the municipality for the construction, maintenance or improvements of watercourses, ditches, land drainage works and sanitary sewerage facilities on the land;
 - 7.1.9. 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;
- 7.2. Maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or work mentioned in paragraph 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8, and 7.1.9 of clause 7.1, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- 7.3. Enter into one or more agreements with the municipality dealing with any or all of the facilities, works or matters mentioned in clauses 7.1 and 7.2 or with the provision and approval of the plans and drawings referred to in Section 6.
8. Any agreement entered into clause 7.3 of Section 7 may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of The Registry Act and The Land Title Act, any and all subsequent owners of the land.
9. Section 326 of The Municipal Act R.S.O., 1990, as amended, applies to any requirements made under clauses 7.1 and 7.2 of Section 7 and to any requirements made under an agreement entered into under clause 7.3 of Section 7.
10. Default:
 - 10.1. Where the owner is directed or required by the By-law that any matter or things be done and such person defaults in doing such matter or thing, it may be done by the Corporation at its expense and the Corporation may recover the expense in doing it by action or the same may be recovered in like manner as municipal taxes.

10.2. Where the owner is in default in doing any matter or thing which the owner is directed or required to do by this By-law the owner is to be given written notice by prepaid registered mail to the owner's usual place of business or place of residence advising of the default and affording the owner not less than thirty (30) days to remedy the default.

10.3. Where the owner has been given notice of default by prepaid registered mail and the owner has failed to remedy the default within the time prescribed in the notice the owner is entitled to appear before a meeting of the Council in respect of such default before the Corporation proceeds under sub-section 10.1 of this section.

11. No building permit or permits are to be issued until:

11.1. The plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the By-law are filed by the owner with the Corporation and approved by the Corporation, and;

11.2. The perspective plans and drawings showing buildings, elevations and cross sections of industrial and commercial buildings and institutional buildings are filed by the owner with the Corporation and approved by the Corporation, and;

11.3. The owner conveys to the Corporation lands for the widening of highways required by the Corporation, free of charge and with a title free of encumbrance, and;

11.4. The owner conveys to the Corporation, free of charge and with a title free of encumbrance, lands for a walkway where required by the Corporation, and;

11.5. The owner conveys to the Corporation, free of charge and with a title free of encumbrance, any easements required by the Corporation for its purposes, and;

11.6. The owner files with the Corporation, for its approval, a lot grading plan showing all grading and changes in elevation or contour of land and disposal of storm, surface and waste water from the lands or any buildings or structures to be erected thereon;

11.7. The owner has entered into any agreements required under Section 7.3.

12. No person shall:

12.1. Block or impede access to land at the point of ingress or egress shown on the plans and drawings filed with the Corporation, and;

12.2. Park a vehicle on private property other than on the parking and loading access shown on the plans filed with the Corporation, and;

12.3. Block or impede the use of walkways shown on the plans filed with the Corporation, and;

- 12.4. Interfere with snow or ice removal directly or indirectly and without limiting the generality of the foregoing, no vehicle shall be parked so as to obstruct the removal of ice or snow from access ramps, driveways, parking areas and walkways shown on the plans filed with the Corporation, and;
- 12.5. Change the grading or contour or elevation of land from that shown on the plans filed with the Corporation and approved by the Engineer of the Corporation without the consent in writing of the Engineer of the Corporation, and;
- 12.6. Block or interfere with the disposal of or alter the normal drainage course for storm surface and waste water from land or buildings or structures unless alternative drainage is provided to the written satisfaction of the Engineer for the Corporation, and;
- 12.7. Block or interfere with watercourse, watermains, ditches, land drainage works or sanitary sewerage facilities of the Corporation or of the County of Peterborough, whichever is the case, and;
- 12.8. Permit floodlights from his land to illuminate neighbouring buildings where such illumination disturbs the sleep or privacy of the occupants of the buildings so illuminated, and;
- 12.9. Fail to maintain walls, fences, hedges, trees, shrubs or other suitable groundcover shown on the plans filed with the Corporation, and;
- 12.10. Fail to keep in good repair or uncovered all vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials as shown on the plans filed with the Corporation.
13. Notwithstanding the foregoing, no approval of site plans and elevation drawings for development or redevelopment in a site plan control area shall be approved unless or until proper drawings have been prepared, either by a qualified draftsman, surveyor, engineer or architect. Such drawings must be signed by the party preparing same. Such drawings must be legible. Extra copies of such drawings must also be provided in legal size and still be legible in case it is determined that a site plan agreement must be registered against the title to the owner(s) land.

14. Violations and Penalties

- 14.1. Any persons who violates any provision of the By-law or causes or permits a violation shall be guilty of an offence and, upon conviction therefore, shall be liable for the penalties set out in Section 67 of The Planning Act, R.S.O., 1990. Each day of violation shall constitute as offence.

15. Remedies

- 15.1. In case any building or structure is to be erected or altered or any part thereof is to be used, or any lot is to be used in contravention of any requirement of this

By-law, such contravention may be retained by action in the instance of any ratepayer or of the Corporation pursuant to the provisions of The Planning Act or the Municipal Act in that behalf.

16. Validity

16.1. 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 all the remaining sections, clauses and provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions hereof shall have been declared to be invalid.

17. That this By-law shall come into effect on the date it is passed by the Council of Corporation of the Township of Douro-Dummer, subject to the applicable provisions of The Planning Act, R.S.O., 1990, as amended.

18. That By-law No. 2022-32 of the Township of Douro-Dummer is hereby repealed.

Enacted and passed this 20th day of December, 2022.

Mayor, Heather Watson

Acting Clerk, Martina Chait-Hartwig