

**The Corporation of the Township Of
Smith-Ennismore-Lakefield**

By-Law Number 2010-035

**Being a By-law to designate a Site Plan Control Area for the
Corporation of the Township of Smith-Ennismore-Lakefield**

Whereas Section 41(2) of the *Planning Act, RSO 1990, Ch. P.13*, as amended, provides that where an area is shown in the Township's Official Plan as a Site Plan Control Area, Council may, by By-law, designate such area as a Site Plan Control Area;

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, RSO 1990, Ch. P.13*, as amended, authorizes the Council of a municipality to delegate to either a committee of Council or an appointed officer of the municipality any of the Council's power or authority under Section 41;

And Whereas the Township may require the approval of certain plans and drawings as a condition of development in the Township, and may require that an owner enter into a Site Plan Agreement with the Township, in accordance with Section 41 of the *Planning Act*;

Now therefore, the Council of the Corporation of the Township of Smith-Ennismore-Lakefield enacts as follows:

1. Site Plan Control Area

All land within the corporate limits of the Corporation of the Township of Smith-Ennismore-Lakefield (The "Township") is hereby designated as a Site Plan Control Area.

2. Classes of Development Excluded

Subject to paragraph 3 below, 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) with the exception of:
 - i. Residential development by registered plan of subdivision or condominium situated adjacent to or in close proximity to shoreline and/or environmentally sensitive areas;
 - ii. Permanent residential dwellings proposed on existing undeveloped lots of record which front on a constructed roadway which is not maintained as part of the municipal road system;
 - iii. Home Industry as defined in the Township of Smith-Ennismore-Lakefield Zoning By-law 2009-021 as amended;
 - iv. Lands where site plan control is imposed as a condition of a zoning amendment by Council or as a condition of approval by the Committee of Adjustment;
 - v. Lands where site plan control is imposed as a condition of an application by the County of Peterborough Land Division Committee;
 - vi. The lands as identified on Schedule "A" of this By-law.

- (b) Any agricultural and farm related buildings or structures that are utilized in active farm operations.

- (c) Any development, buildings or structures erected by the Corporation of the Township of Smith-Ennismore-Lakefield.

3. Further Exceptions

Minor extensions to existing buildings or structures shall not be subject to site plan control where determined unnecessary by the Manager of Building and Planning, or designate.

4. Site Plan Agreements

No development is permitted within the Township unless the owner enters into a Site Plan Agreement, except where exempted from Site Plan Control by Paragraph 2 or 3 of this By-law, or where Council waives the requirement for an Agreement.

Any Agreement or Amendment to an existing Site Plan Agreement made in accordance with the provisions of this By-law shall be registered against the lands affected by the Agreement or Amendment, and the cost of such registration shall be borne by the owner or person undertaking the development.

5. Classes of Site Plan Applications

(a) Major Site Plan Application

A major site plan application involves the proposed development of any new building other than an accessory or temporary building, including building additions which:

- i. For a non-residential building have
 - A gross floor area greater than 500 square metres; or
 - A gross floor area greater than that of the existing building to which it is being added.
- ii. Comprise residential development with five or more dwelling units.

(b) Minor Site Plan Application

A minor site plan application involves the proposed development of any new building or building addition that is smaller than the requirements for a major site plan application, or any temporary building.

A minor site plan application includes any change to a site not involving the erection of a new building or building addition.

6. Delegation of Site Plan Approval

The powers and authority given to Council of the Corporation of the Township of Smith-Ennismore-Lakefield under Section 41 of the Planning, RSO 1990, Ch. P.13, are hereby delegated to:

- (a) The Manager of Building and Planning or designate where they relate to a Minor Site Plan Application as defined in Paragraph 5 above.

Further, the Manager of Building and Planning, or designate, has the sole discretion to forward for approval to Council any Minor Site Plan Application which is of such a nature that further corporate review is deemed appropriate.

The applicant for a Minor Site Plan Application may request that the approval of the site plan application be made by Council.

7. Authorization

After approval of an application by Council or the Manager of Building and Planning or designate, the Reeve and Clerk are hereby authorized to sign

any site plan agreement and any documents which may be required to implement the conditions of approval.

8. Previous Site Plan Agreements

All site plans and agreements entered into pursuant to the provisions of By-law "1998-23" and "91-49" or any zoning by-law amendment or committee of adjustment decision continue in full force and effect.

9. Completion at Owners' Expense

Where an owner is required to complete development in accordance with a Site Plan Agreement and is in default of the Agreement, the Township is hereby authorized to complete the requirements of the Agreement at the expense of the owner and the expense so incurred may be recovered from securities posted for the works, or, where such securities are insufficient to cover the works, in like manner as municipal taxes.

10. Rights of Entry

- (a) Unless prohibited by law, the Owner signing each Site Plan Agreement shall be requested to agree to a provision whereby the Manager of Building and Planning, the Chief Building Official or other person to whom the Manager of Building and 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.
- (b) The right of entry described in paragraph (a) above is in addition to any statutory rights or entry the Township may otherwise specifically have.

11. Site Plan Requirements/Complete Application

All site plans shall be completed in accordance with the requirements detailed in Schedules "B" and "C" attached hereto. If the necessary information is not completed or supplied to the Township, the application will be deemed incomplete and will not be processed until satisfactory information is received.

The Township has prepared site plan control guidelines which provide additional guidance with respect to process as well as design standards for which the applicant must have regard.

12. Consultation

As provided in Section 41(3.1) of the Planning Act, applicants are encouraged to consult with Township staff before submitting plans and drawings for approval.

13. Definitions

For the purposes of this By-law,

"development" shall have the same meaning as set out in Section 41(1) of the *Planning Act, RSO 1990, Ch P.13*, as amended.

"flood fringe" means the outer portion of the flood plain between the floodway and the limit of the regulatory flood. Flood depths and velocities are generally less severe in the flood fringe than those experienced in the floodway.

"flood plain" means the area, usually low lands, adjoining a navigable waterway which has been, or may be covered by flood water.

"floodway" means the channel of a navigable waterway and that inner portion of the flood plain where flood depths and velocities are generally

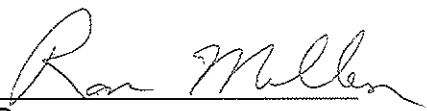
higher than those experienced in the flood fringe. The floodway represents that area required for the safe passage of flood flow or that area where flood depths or velocities are considered to be such that they pose a potential threat to life or property damage.

"floor area, gross" means total floor area of all storeys exclusive of any part of the building or structure below finished grade which is used for heating equipment, the storage or parking of motor vehicles, breezeways, porches, verandahs, decks, locker storage and laundry facilities, children's play areas and other accessory uses, or used as living quarters by the caretaker, watchman or other supervisor of the building or structure; and enclosed malls when used as a common area between stores.

14. Schedules "A", "B", and "C" attached hereto are hereby made part of this By-law.
15. By-laws "1998-23" and "91-49" of the Corporation of the Township of Smith-Ennismore and the Village of Lakefield and all amendments thereto, are repealed.

THIS By-law shall come into force and take effect on the day it is finally passed.

Read a first, second and third time and finally passed this 25th day of May A.D., 2010.


Reeve
Ron Millen


Clerk
Angela Chittick

Corporate Seal

SCHEDULE "A" TO BY-LAW 2010-035

Specific properties subject to site plan control as provided in Section 2.a (vi)

1. McCloskey Subdivision Concession 17 Part Lot 25 (File No. 15T 06-003)

SCHEDULE "B" TO BY-LAW 2010-035

Site Plan Drawing Requirements

In addition to the requirements of Section 41(4), the following shall be included as part of the site plan drawing(s):

- (1) For site plan drawings for two or less dwelling units (as defined in Section 2 a):
 - All drawings shall be prepared by a certified professional in the relevant field;
 - Location of and type of ground treatment for parking areas, driveways and entranceways;
 - Location of watercourses and extent of floodplain including flood elevations where applicable;
 - Existing and proposed drainage patterns, including any storm water management facilities;
 - Location of existing trees and forested areas, including shrubs (or groupings of shrubs);
 - Location, extent and type of proposed plantings and landscaping;
 - Location and extent of the Shoreline Vegetation Buffer, including a label/requirement stating "all vegetation between the dwelling and the high water mark shall remain in its natural state, except as qualified herein";
 - Location, including setbacks, of area for septic system and well, where applicable;
 - Construction mitigation measures to be employed on the site;
 - Road widening (where required);
 - Location and height of exterior lighting, including orientation. All lighting must be Dark Sky Compliant.
- (2) For Shoreline Vegetation Buffer Site Plan Drawing Requirements
 - All drawings shall be prepared by a certified professional in the relevant field;
 - Location, size, species and condition of existing trees and shrubs, and whether they are to be preserved or removed;
 - Location, size and species of proposed trees, shrubs and groundcovers;
 - Proposed landscape areas and general treatment of those areas, including walkways, open grassed areas, etc.;
 - Plant list stating common name, height, caliper and quantity of proposed planting;
 - Typical planting detail;
 - Specification of all proposed retaining walls;
 - Detail of any proposed tree protection measures;
 - The minimum plant sizes (at installation) – Deciduous Trees 50 mm (2 inches) Caliper; coniferous trees 1.8 metres (6 feet) in height.
- (3) For Site Plan drawings for all other uses:
 - All requirements as noted in item (1) above,
 - Location of existing and proposed rights-of-way or easements;
 - Existing and proposed elevation where there will be a significant alteration to the existing grade (as determined by the Township);
 - Storm Water Management Plan showing post-development flows not exceeding pre-development flows;
 - Proposed snow storage areas;
 - Garbage storage location and type;
 - Elevation drawings of proposed buildings showing height, building openings, massing and conceptual design;
 - Location of and detailed drawing for any signage on and off buildings;
 - Barrier free path of travel and other accessibility criteria.

SCHEDULE "C" TO BY-LAW 2010-035
Site Plan Submission Requirements

Unless otherwise stipulated by the Township staff at the time of consultation prior to submission of the application for site plan approval, the following submission requirements shall be followed:

- All plans and signatures shall be in black ink and drawn in metric scale;
- A minimum of ten (10) copies of each drawing shall be submitted;
- Where colour drawings are provided, a black and white copy shall be provided;
- Title, legal description, address and name of owner and, where applicable, applicant/occupant on a legend to the drawing(s);
- A north arrow and scale (at a scale of 1:500 or larger);
- While original drawings may vary in size, one copy of the drawings shall be provided on 11 x 17 inches paper, with all notations and legends clearly legible;
- A Site Plan similar to a Surveyors Real Property Report (prepared by an Ontario Land Surveyor) which identifies the requirements as specified in Schedule "C" herein as determined by the Township

Applications for site plan approval shall include:

- the dated signature of all owners and shall be witnessed;
- A copy of the transfer of deed of land (first page of deed) or accurate registerable legal description of the property;
- An indication on how the plan complies with the requirements of this By-law and any site plan guidelines in effect in the Township.

Prior to executing a site plan agreement, the Township shall be in receipt of:

- Agreements signed by the owner, applicant/occupant (if different from the owner) and mortgagee;
- Securities in the form of a letter of credit from a chartered bank or a certified cheque to cover the cost of all items of a public interest, including, any works on public lands; and for any landscaping works or vegetation buffer works on private lands;