

The Corporation of The Township of Adjala-Tosorontio

By-law No. 20-09

A By-law to ESTABLISH SITE PLAN CONTROL AREAS WITHIN THE LIMITS OF THE TOWNSHIP OF ADJALA-TOSORONTIO

Whereas it is considered desirable to control development within the Township of Adjala-Tosorontio in accordance with the Official Plan and in accordance with the provisions of Section 41 of the Planning Act, RSO 1990, c.P 13, as amended.

Now Therefore the Council of The Corporation of The Township of Adjala-Tosorontio enacts as follows:

1. Title

This By-law shall be known as the "Township of Adjala-Tosorontio Site Plan Control By-law", also referred herein as the "Site Plan Control By-law".

2. Definitions

For the purposes of this By-law,

- a) "Council" means the municipal Council of the Corporation of the Township of Adjala-Tosorontio;
- b) "Township" means the Corporation of the Township of Adjala-Tosorontio;
- c) "Owner" means the persons appearing as the registered owner according to records of the proper land registry office;
- d) "Development" means development as defined in Section 41 of the Planning Act, RSO 1990, c.P 13, as amended, and include:

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; the laying out and establishment of a commercial parking lot; the laying out or establishment of sites for the location of three or more trailers, or three or more mobile homes; or the laying out or establishment of sites for the construction, erection, or location of three or more land lease community homes. This definition 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.

References to zones in this Site Plan Control By-law are references to zones or classes of zones established under the Township of Adjala-Tosorontio Zoning By-law as amended from time to time.

3. Purpose of the Site Plan Control By-law

In accordance with Section 41 of the Planning Act, RSO 1990, c. P 13, as amended, this Site Plan Control By-law establishes site plan control regulations, provisions, and requirements, and it sets out the areas in which site plan control applies. It is intended that this By-law implement the policies contained in the Township of Adjala-Tosorontio Official Plan, which was adopted by Council, and approved by the County of Simcoe, and has been, and will be amended from time to time. This By-law conforms to the Provincial Policy Statement, the Oak Ridges Moraine Conservation Plan, and the Growth Plan for the Greater Golden Horseshoe.

4. Applicability

All lands within the Township of Adjala-Tosorontio shall be subject to site plan control.

5. Township Discretion in Application of Site Plan Control

Despite the provisions related to implementation of site plan control, the Township shall retain the discretion as to when site plan approval or an agreement are required, and may, at its sole discretion, vary the requirements for site plan control submissions.

Notwithstanding anything to the contrary in this By-law, the expansion of a non-conforming use, unless it is a use which specifically exempt from site plan control, shall be subject to site plan control.

6. Site Plan Control Area

Requirements for and applicability for site plan control in this By-law are further established as set out below.

Where a use is subject to site plan control, any accessory use to that use is also subject to site plan control.

Where expansion of a use occurs, which was not previously subject to site plan control, and that use is now subject to site plan control, site plan control shall extend to the entire development.

Renovations or additions that result in changes to existing site plans will also require a site plan amendment.

Agricultural Zones & Uses (A Zones)

The following uses in association with development are subject to site plan control:

- a veterinary clinic or office;
- a kennel;
- agricultural repair facilities;
- a home industry;
- a temporary dwelling or trailer for farm help accommodation;
- agriculturally related and on-farm diversified uses which are open to the public; and
- a farm produce retail sales outlet greater than 10 square metres on gross floor area.

A site plan agreement shall be required to be registered on title to the lands for all development.

Rural Zones & Uses (R Zones)

The following uses in association with development are subject to site plan control:

- a veterinary clinic or office;
- a kennel;
- agricultural repair facilities;
- a home industry;
- a temporary dwelling or trailer for farm help accommodation;
- a boarding or rooming house;
- agriculturally related and on-farm diversified uses which are open to the public; and
- a farm produce retail sales outlet greater than 10 square metres on gross floor area.

A site plan agreement shall be required to be registered on title to the lands for all development.

Residential Zones & Uses (RR, ER, HR1 and HR2 Zones)

The following uses in association with development are subject to site plan control:

- a multi-residential use; and,
- a walk-in animal shelter.

For the purposes of this By-law, an accessory apartment to a permitted dwelling (up to two accessory apartments per dwelling) is not considered a multi-residential use.

A site plan agreement shall be required to be registered on title to the lands for all development.

Industrial Zones & Uses (M1, M2, and M4 Zones)

The following uses in association with development are subject to site plan control:

- all industrial development, including an accessory dwelling.

A site plan agreement shall be required to be registered on title to the lands for all development.

Commercial Zones & Uses (C1, C2, and C3 Zones)

The following uses in association with development are subject to site plan control:

- all commercial development, including an accessory dwelling and accessory commercial use.

A site plan agreement shall be required to be registered on title to the lands for all development.

Institutional Zones & Uses (I Zones)

The following uses in association with development are subject to site plan control:

- all institutional development, including an accessory dwelling and an accessory commercial use, which is not undertaken by the Township.

A site plan agreement shall be required to be registered on title to the lands for all development.

Parks & Recreation Zones & Uses (OSR Zone)

The following uses in association with development are subject to site plan control:

- all recreational and open space development, including an accessory dwelling, which is not undertaken by the Township.

A site plan agreement shall be required to be registered on title to the lands for all development.

Oak Ridges Moraine Zones & Uses

The following uses in association with development are subject to site plan control:

- an animal hospital, veterinary clinic or office;

- a kennel;
- agricultural repair facilities;
- a home industry;
- a temporary dwelling or trailer for farm help accommodation;
- agriculturally related and on-farm diversified uses which are open to the public;
- a farm produce retail sales outlet greater than 10 square metres on gross floor area;
- small-scale institutional development which is not undertaken by the Township;
- a retirement or nursing home;
- a daycare centre;
- a major recreational use; and
- a small-scale commercial or industrial use.

A site plan agreement shall be required to be registered on title to the lands for all development.

7. Site Plan Review & Exemptions

For clarification, the following uses of land within the Township of Adjala-Tosorontio shall be exempt from the requirement for site plan control:

- any use not listed as being subject to site plan control in Section 6 of this By-law;
- single detached residential uses as a primary use as well as accessory apartments associated with such a use;
- extractive industrial and waste disposal uses where governed by a provincially approved site plan, permit or licence;
- buildings or structures for normal farming practices and agricultural uses, not including agriculture-related uses and on-farm diversified uses to which the public will have access; and
- conservation uses not requiring the construction of a building.

8. Site Plan Approval Required for Development

No person shall undertake any development in an area designated as a site plan control area in this By-law unless the owner or applicant has consulted with the Township before submitting plans or drawings for approval and the Township has approved one or both, as the Township may determine, of the following:

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 8 and Section 9, including facilities to have regard for accessibility for persons with disabilities.
2. Drawings showing the plan, elevation, and cross-section views for each building to be erected which drawings are sufficient to display:

- a) the massing and conceptual design of the proposed building;
- b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
- c) the provision of interior walkways, stairs, elevators and escalators, and ramps, to which members of the public have access from streets, open spaces, and interior walkways in adjacent buildings;
- d) 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;
- e) the sustainable design elements of any adjoining highway under the Township's jurisdiction, including, without limitation, trees, shrubs, hedges, plantings and other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle parking facilities; and
- f) facilities designed to have regard for accessibility for persons with disabilities.

Notwithstanding these requirements, the following matters relating to buildings are not subject to site plan control:

- Interior design;
- The layout of interior areas, excluding exterior walkways, stairs, elevators and escalators, and ramps referred to in the above clauses; and
- The manner of construction and standards for building construction.

9. Municipal Conditions of Approval

As a condition of approval of the plans and drawings, the Township may require the owner of the land to:

- a) provide to the satisfaction of, and at no expense to the Township, any of the following:
 - i. widenings of highways that abut the land;
 - ii. facilities to provide access to and from the land such as access ramps, curbing, and traffic direction signs;
 - iii. 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;
 - iv. walkways and walkway ramps including the surfacing thereof, and all other means of pedestrian access;
 - v. facilities designed to have regard for persons with disabilities;

vi. facilities for the lighting, including floodlighting, of the land or any buildings or structures thereon;

vii. walls, fences, hedges, trees, shrubs, or other groundcover or facilities for the landscaping of the lands or the protection of the adjoining lands;

viii. vaults, central storage, collection areas, and other facilities and enclosures for storage of garbage and other waste material;

ix. easements conveyed to the Township for the construction, maintenance, or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities, and other public utilities of the Township or local board thereof on the lands; or,

x. grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface, and wastewater from the land and any buildings or structures thereon.

b) maintain to the satisfaction of the Township and at the sole risk and expense for the owner any or all of the facilities and works mentioned in paragraphs ii), iii), iv), v), vi), vii), and ix) of Clause a), including the removal of snow from access ramps and driveways, parking and loading areas, and walkways;

c) enter into one or more agreements with the Township dealing with and ensuring the provision of any or all of the facilities or works and the maintenance thereof or with the provision and approval of the plans and drawings;

d) enter into one or more agreements with the Township ensuring that development proceeds in accordance with the plans and drawings approved by the Township; and

e) convey part of the land to the Township to the satisfaction of, and at no expense to, the Township for a public transit right-of-way

10. County Conditions of Approval

Plans and drawings in respect of any development proposed to be undertaken on lands abutting a County of Simcoe road, property, or waste disposal site shall not be approved until the County of Simcoe has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to:

a) provide to the satisfaction of, and at no expense to the County of Simcoe, any or all of the following:

i. widening of highways that are under the jurisdiction of the County of Simcoe and that abut it on the land;

ii. facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;

iii. where the land abuts a highway under the jurisdiction of the County of Simcoe, 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; or

iv. where land abuts a highway under the jurisdiction of the County of Simcoe, 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.

b) enter into one or more agreements with the County of Simcoe dealing with and ensuring the provisions of any or all of the facilities, works, or matters to be provided to the satisfaction of County of Simcoe and the maintenance thereof at the sole risk and expense of the owner, including removal of snow from access ramps and driveways and parking and loading areas; and

c) convey part of the land to the County of Simcoe to the satisfaction of, at no expense to, the County of Simcoe, for a public transit right-of-way.

11. Site Plan Application Guidelines

Site Plan Application Guidelines, as amended and published by the Township from time to time, shall provide the requirements for site plan applications.

12. Site Design Standards

To provide guidance in reviewing site plans in accordance with the Accessibility for Ontarians with Disabilities Act, 2005 (AODA), and Section 41 of the Planning Act, RSO 1990 c.P 13 which addresses accessibility needs of persons with disabilities, the *Township of Adjala-Tosorontio Accessibility Advisory Committee Site Plan Review Guidelines* may be used in the evaluation of site plans of new and existing municipal building renovations and site plans and drawings of other developments that the committee selects under Section 41 of the Planning Act.

The following standards shall be utilized by the Township as a guideline in reviewing all site plans. They are supplemented by municipal engineering standards and other guidelines, amended by the Township from time to time, which shall also apply to the review and approval of site plan applications.

These standards are intended to provide a frame of reference for the owner or applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements and are not intended to discourage creativity, invention, and innovation, nor are they exclusive of any other requirements of the Township or any other review agency:

a) the landscape shall be preserved in its natural state, insofar as practical, by minimizing tree and soil removal and any grade changes shall be in keeping with the general

appearance of neighbouring developed areas, and minimizing alterations to drainage and infiltration.

b) proposed structures shall be related harmoniously to the terrain and to existing buildings in the vicinity that have a visual relationship to the proposed building(s)

c) with respect to vehicular and pedestrian circulation including walkways, interior drives, and parking, special attention shall be given to the location and number of access points to the public streets, width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, and arrangement of parking areas that are safe and convenient, and insofar as practical, do not detract from the design of proposed buildings and structures and the neighbouring properties.

d) Special attention shall be given to proper site surface drainage so that the removal of surface water will not adversely affect neighbouring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies, paved areas, and other impervious surfaces and carried away in an efficient and approved manner. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas. Drainage and storm water management shall also be designed as to avoid or mitigate any harmful impact to surface or groundwater quality or quantity.

e) the site shall be designed and maintained so as to be aesthetically appropriate in appearance, to provide for orderly development, and to be compatible with the surroundings.

f) electronic and telephone lines shall be underground where practical. Any utility installations remaining above ground shall be located so as to have a harmonious relationship to neighbouring properties and the site.

g) the size, locations, lighting, and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of the proposed buildings and structures and the surrounding properties.

h) the standards of review outlined above shall also apply to all accessory buildings, structures, free-standing signs, and other site features however related to the major buildings and structures.

At the time of development plan application, landscape plans shall be submitted that clearly demonstrate conformance with all applicable sections of this By-law, the Zoning By-law, and any further Township guidelines approved by Council for establishing landscaping requirements as may be issued or amended from time to time.

Landscape plans, at a minimum, shall include:

a) a planting plan showing location, quantity, and type of proposed plantings;

- b) planting schedule listing all plant materials by botanical name, common name, quantity, and size at installation;
- c) all horizontal landscape construction such as walls, drives, decks, terraces, etc. shall be labelled according to material and finish with spot elevations;
- d) all vertical landscape construction such as walls, fences, raised decks, shelters, light standards, signs, flagpoles, trellises, seats, mailboxes, etc. shall be labelled sufficiently to indicate size, materials, and general appearance; and
- e) for any proposed irrigation, an outline of performance specifications and the extent of coverage.

In an effort to conserve water, landscape plans which utilize existing vegetation, native plants, and drought-tolerant ornamental plants are encouraged.

The landscape plans for the proposed development shall provide visually harmonious and compatible settings for structures on the same lot and on adjoining or nearby lots and shall blend with the surrounding natural landscape.

Outside built-up areas, natural-appearing landscape forms are strongly encouraged and should constitute the majority of the landscaped area. Plant material and structural elements required for use as screens or buffers shall be designed and maintained in a staggered or undulating manner to create a natural-appearing buffer.

Landscaping shall be required between building and sidewalks, parking lots, and driveways. The scale of the proposed landscaping shall be in proportion to the building.

All lighting fixtures designed or placed so as to illuminate any portion of a site shall be so designed, installed, and maintained so as to:

- a) direct light only downwards towards the parking areas, aisle, or walkway;
- b) not allow light to cross any adjacent property line; and
- c) not cause a disturbance or annoyance as a result of intensity, flickering, or any other effect or emission to any use of an adjacent property.

13. Agreements

The Township may, in accordance with the Municipal Act, also enter into other agreements with the owner of the lands subject to site plan control to further implement requirements of the Official Plan, the Zoning By-law, this Site Plan Control By-law, or other legislative, policy, or regulatory requirements. Such agreements may be concurrent with a site plan agreement or may be consolidated with such an agreement;

The Mayor and Clerk are hereby authorized and directed to execute under corporate seal, as necessary from time to time, site plan agreements within the Oak Ridges Moraine;

14. Administration and Enforcement

The provisions of this By-law shall be administered and enforced by the Zoning Administrator. The Zoning Administrator shall include, singly or collectively: the Director of Planning, a Planner so designated by the Director of Planning, the Clerk, the Township solicitor, the Township By-law Enforcement Officer, the Chief Building Official, a Building Inspector so designated by the Chief Building Official, and, any other person designated from time to time by the Council of the Township;

Administration, enforcement, and associated processes, procedures, and penalties shall be established, determined, and carried out in accordance with relevant legislation and law;

15. Repeal

By-law No. 01-17 entitled "A By-law to Establish Site Plan Control Areas within the Limits of the Township of Adjala-Tosorontio" passed by Council on April 12, 2001, and all amendments, are hereby repealed.

16. Enactment & Effective Date

This By-law shall take effect from the date of passage by Council;

Notwithstanding anything contrary to the rules of procedure, this By-law be introduced and read a first and second time, and be considered to be read a third time and finally passed this 12th day of February, 2020.

Floyd Pinto, Mayor

Kathryn A. Pearl, Clerk