



THE CORPORATION OF THE TOWN OF GODERICH

BY-LAW NO. 27 OF 2009

**BEING A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA
PURSUANT TO SECTION 41 OF THE PLANNING ACT, R.S.O. 1990**

WHEREAS the Council of the Corporation of the Town of Goderich deems it desirable to designate a Site Plan Control Area;

AND WHEREAS pursuant to the provisions of Section 41 of the Planning Act, R.S.O. 1990, by-laws may be passed by Councils of municipalities to designate to whole or any part of a municipality as a site plan control area.

NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF GODERICH HEREBY ENACTS AS FOLLOWS:

1. Designation of Site Plan Control Areas

All lands within the boundaries of the Corporation of the Town of Goderich are hereby designated as a Site Plan Control Area pursuant to Section 41 (2) of the Planning Act, R.S.O. 1990.

Note: see Section 7 for exemptions to approvals of plans and/or drawings.

2. Approval of Plans or Drawings

No person shall undertake any development in an area designated under Section 1 herein unless the Council of the Town or, where a referral has been made under Section 6 herein, the Ontario Municipal Board, has approved – as the Council may determine – one or both of the following:

- (a) 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 3 (a) herein.
- (b) Drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing four or more dwelling units to be erected which are sufficient to display:
 - (i) the massing and conceptual design of the proposed building;
 - (ii) the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access; and
 - (iii) 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 layout of interior areas, other than the interior walkways, stairs and escalators referred to in 2(b) (iii), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

3. Conditions to Approval of Plans/Drawings

As a condition to the approval of the plans and drawings referred to in Section 2 herein, the Town may require the Owner of the land to:

- (a) provide to the satisfaction of and at no expense to the Town any or all of the following:
 - (i) Widening of highways that abut on the land;
 - (ii) Subject to the Public Transportation and Highway Improvement Act and/or the Town of Goderich Development Standards Policy, facilities to provide access to and from the land such as access ramps and 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, including the surfacing thereof, and all other means of pedestrian access;
 - (v) Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - (vi) Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - (vii) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - (viii) Easements conveyed to the Town for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities and other public utilities of the local board thereof on the land;
 - (ix) 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.
- (b) maintain to the satisfaction of the Town and at the sole risk of the Owner any or all of the facilities or works mentioned in paragraphs ii, iii, iv, v, vi, vii, viii and ix of Section 3(a) herein, 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 Town dealing with any or all of the facilities, works or matters mentioned in Clause 3(a) or with the provision and approval of the plans and drawings referred to in Section 2 herein.

4. Registration of Agreements

After the required application fee is paid to the Town, any agreement entered into under Section 3 (c) herein may be registered against the land to which it applies and the Town is entitled to enforce the provisions thereof 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.

5. Recourse to Default

Section 431 of the Municipal Act, 2001 applies to any requirements made under Section 3(a) and 3 (b) herein and to any requirements made under an agreement entered into under Section 3(c) herein.

6. Appeal to the Ontario Municipal Board

Where the Town fails to approve the plans or drawings referred to in Section 2 herein within thirty days after they are submitted to the Town for approval or where the Owner of the land is not satisfied with any of the requirements made by the Town under Section 3 herein or with any part thereof, including the terms of any agreement required, the Owner of the land may require the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, as the case may be, to be referred to the Ontario municipal Board by written notice to the Secretary of the Board and to the Clerk of the Town, and the Board shall then hear and determine the matter in issue and settle and determine the details of the plans or drawings and approve the same and settle and determine the requirements, including the provisions of any agreement required, and the decision of the Board is final.

7. Exemptions to Approval of Plans/Drawings

The following defined class or classes of development may be undertaken without the approval of plans and drawings otherwise required under Section 2 herein:

- (a) All residential buildings and structures containing no more than two separate dwelling units (i.e. single-detached dwellings; semi-detached dwellings; duplex dwellings; and converted dwellings);
- (b) All buildings and structures accessory to residential buildings and structures as noted in clause (a) above;
- (c) All temporary buildings and structure, including temporary buildings and structures, incidental to and necessary for construction work being carried on. This exemption is only for said buildings and structures which are necessary for the construction work in progress which has neither been finished nor abandoned; and
- (d) Any addition to an existing building provided such addition does not increase gross floor area of the building to which the addition is proposed by more than 25% and which in the opinion of the Town's Chief Building Official does not materially affect an existing Sit Plan registered against that property.

8. Definition of Development

In this By-law, "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 a trailer camp as defined in Section 164(4) of The Municipal Act, 2001, or of sites for the location of two or more mobile homes as defined in Subsection 46 of the Planning Act (R.S.O. 1990).

9. Other Applicable Laws

This by-law does not supercede the laws of Canada, the laws of the Province of Ontario, nor any other laws of the Town, and in the event of a conflict between this by-law and the aforesaid laws, said laws shall apply.

10. Enactment

This by-law shall come into effect upon the date of passing by the Council of the Corporation of the Town of Goderich and hereby repeals all previous Site Plan Control B-Laws that have been adopted by the Council of the Corporation of the Town of Goderich.

The application fee for a Site Plan Agreement is established by the Town of Goderich.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS NINTH DAY OF FEBRUARY, 2009.

MAYOR

CLERK