

THE CORPORATION OF THE TOWN OF SMITHS FALLS

BY-LAW NO. 10362-2022

A BY-LAW TO IMPLEMENT SITE PLAN CONTROL

WHEREAS Section 41 of the *Planning Act*, authorizes the Council of a Municipality to pass a Site Plan Control By-law where an Official Plan is in effect;

AND WHEREAS the Town of Smiths Falls (“the Town”) has adopted an Official Plan, which has come into full force and effect;

AND WHEREAS Section 41(4.0.1) of the *Planning Act, RSO 1990, Ch. P.13*, as amended directs the Council of a municipality to delegate to an appointed officer of the municipality Council’s power or authority to approve site plans under Section 41;

AND WHEREAS the Town may require the approval of certain plans and drawings as a condition of development in the Town, and may require the owner to enter a Site Plan Agreement with the Town, in accordance with Section 41 of the *Planning Act*:

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF SMITHS FALLS ENACTS AS FOLLOWS:

1. Site Plan Control Area

All land within the limits of the Corporation of the Town of Smiths Falls is hereby designated as a Site Plan Control Area.

2. Definitions

In this, by-law,

“**Council**” shall mean the Council of the Corporation of the Town of Smiths Falls;

“**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* or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of the *Planning 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 the *Planning Act*.

“**Owner**” means an owner of land whose interest in the land is defined and whose name is specified in an instrument in the property Land

Registry or Land Titles Office and includes a corporate owner or partnership;

“Planning Act” means the *Planning Act, R.S.O. 1990, c. P. 13*, as amended.

“Redline Revision” means alterations to an approved site plan that, at the sole discretion of the Town Clerk,

- does not substantively impact the visual appearance of a development; and
- does not impact the operational requirements of any Town or applicable regulatory agency.

“Subject Lands” means lands affected by an approval given pursuant to this By-law.

“Town” means the Corporation of the Town of Smiths Falls;

Other terms not specifically defined in this By-law may be defined in the Town’s Zoning By-law currently in effect, which definitions are hereby incorporated by reference into this By-law.

3. Requirement for Site Plan Control Approval

- a) Unless otherwise exempted by Section 4, no person shall undertake development within the Town unless the Owner obtains site plan approval from the Town in accordance with this By-law and Section 41 of the *Planning Act*.
- b) As a condition of site plan approval referred to in Section 3(a), the Town may require the owner of the land to:
 - i. Provide any or all of the items provided for in Sections 41(4)(1) and (2) of the *Planning Act*;
 - ii. Maintain to the satisfaction of the Town and at the sole risk and expense of the owner any or all of the applicable facilities or works mentioned in subsection 41(7)(a)(2-9) of the *Planning Act*, including without limitation the removal of snow from access ramps and driveways, parking and loading areas and walkways;
 - iii. Enter into one or more agreements with the Town dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in subsection 41(7)(a)(2-9) of the *Planning Act* and the maintenance thereof and ensuring that development proceeds in accordance with the approved drawings and plans;
 - iv. Convey part of the owner’s land as highway widening.
- c) In addition to the provisions of subsections (a) and (b), the Site Plan Application and Submission Checklist in Schedule “A”, attached hereto and forming part of this By-law, shall be addressed, to the extent they are applicable to a specific application, when filing a Site Plan Control Application with the Town. Council recognizes that Schedule “A” of this bylaw may be modified from time to time at the discretion of the Senior Planner without coming forward as an amending bylaw.

4. Classes of Development Excluded

The following classes of Development are hereby exempted from Site Plan control and may be undertaken without the approval of plans and drawings otherwise required under Section 3 hereof:

- a) Any residential development containing two (2) new dwelling units or less, and structures accessory thereto, unless the following circumstances apply, in which case Site Plan approval would be required:
 - i. The subject property abuts the Rideau Canal or any lock station or other lands associated thereof;
 - ii. The development is in an area identified as a natural hazard as per the Provincial Policy Statement;
 - iii. The development is within 30 metres of a waterbody or watercourse; or within 120 metres of a Provincially Significant Wetland, unless previously accommodated through an approval under Section 50 of the *Planning Act*.
- b) Minor renovations and extensions to existing buildings in a residential development. For the purposes of this By-law, a minor extension means:
 - i. Additions to, or reconstruction of, a single-detached, duplex or triplex dwelling which adds the lesser of sixty (60) square metres or thirty percent (30%) to the total building footprint;
 - ii. Construction of accessory buildings or construction of an addition to an existing accessory building having the lesser of 60 square metres, or a total cumulative size of not more than ten (10%) of the lot area; or
 - iii. Redevelopment that results in an increase in the number of dwelling units on a lot whereon no additional parking area or servicing connections are required.
- c) Minor renovations and extensions to existing buildings or structures in a non-residential development. For the purposes of this By-law, a minor extension means:
 - i. Development that increases the gross leasable floor area of that building by a total of less than fifty (50) square metres, increases the total number of parking spaces required by fewer than five (5) and the lot on which said building is located is less than 0.4 hectares in size; or
 - ii. Development that increases the gross leasable floor area of that building by a total of less than one hundred (100) square metres, increases the total number of parking spaces required by fewer

than twenty (20) and the lot on which the building is located is 0.4 hectares in size or greater.

- d) Any development, buildings or structures erected on lands owned by the Corporation of the Town of Smiths Falls.
- e) Any development that is on lands in which a by-law passed under Section 70.2 of the *Planning Act* applies.

5. Classes of Site Plan Agreements

- a) For purposes of the Town's Fee Schedule as amended from time to time, Minor Site Plan means:
 - i. Residential development containing four (4) new dwelling units or less, except that a townhouse development containing six dwelling units or less within a subdivision block and planned for such purpose will also be considered a Minor Site Plan;
 - ii. New non-residential development resulting in an increase in the gross leasable floor area of a building that is less than two hundred (200) square metres or 20%;
 - iii. any temporary building or development in place for a period of 12 months or less;
 - iv. any change to the land use that requires the erection of a new building or building addition that requires less than 5 additional on-site parking spaces inclusive of loading and barrier-free spaces;
 - v. any change of land use to a site not involving the erection of a new building or building addition that requires additional on-site parking and loading facilities; and
 - vi. Amendments to previous site plan approvals that meet the foregoing definition.

6. Delegation of Site Plan Approval

The powers and authority given to the Town under Section 41 of the *Planning Act* are hereby delegated to the Senior Planner.

7. Authorization

To give effect to a site plan approval given under subsection 6, the Mayor and the Clerk are hereby authorized to sign any agreements and ancillary documents which may be required to implement conditions of such approval.

8. Redline Revisions

- a) Notwithstanding any provisions of this By-law to the contrary, the Clerk is hereby authorized to approve redline revisions to approved site plans.
- b) Section 7 of this By-law shall apply to Redline Revisions authorized by the Clerk.
- c) Section 13 of this By-law shall not apply to redline revisions.

9. Securities and Completion of Works at Owners' Expense

- a) Where a Site Plan agreement has been entered into, the Town may require that the Owner provide financial security to ensure the satisfactory completion of facilities, works or other matters as provided for in Section 41(7)(a) of the *Planning Act*. The securities are assessed at 50% of the estimated costs for such works on the subject property and full value (100%) on Town owned land.
- b) Securities shall be presented to the Town as an irrevocable letter of credit, cash or certified cheque to the satisfaction of the Town.
- c) Where an owner is required to complete development in accordance with a Site Plan Agreement and is in default of the Agreement, the Town 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, or by action.

10. Rights of Entry

Unless prohibited by law, any site plan approval shall contain a provision whereby any applicable Town official may enter land subject to the agreement to inspect same for compliance with the Agreement. Nothing in this provision authorizes the entry of any room actually being used as a dwelling.

The right of entry described above is in addition to any statutory right of entry the Town may otherwise have.

11. Pre-Consultation

As provided in Section 41(3.1) of the *Planning Act*, applicants shall consult with Town staff prior to the submission of plans and drawing for approval. This consultation shall be considered part of a complete application submission.

12. Previous Site Plan Agreements

All site plan approvals previously given pursuant to Section 41 of the *Planning Act* will continue to be in full force and effect.

13. Registration on Title

Any site plan approval, or amendment thereto made in accordance with the provisions of this By-law, shall be registered on title to 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.

14. Lapsing of Approval

A site plan approval lapses,

- (a) where a building permit is required for the development:
 - i. at the expiration of one year from the date of approval if, within the one-year period, no building permit is issued for the development;
 - ii. where the owner has not started construction within one year of date of issuance of the building permit or the construction of the development has not been completed within two years of the date of issuance of the building permit; or
 - iii. upon the revocation at any time of any building permit issued for the development; or
- (b) where no building permit is required but the owner has not started development within one year of date of site plan approval or the construction of the development has not been completed within two years of the date of site plan approval; or,
- (c) where the Town has granted approval to the plans and drawings and a Site Plan Agreement is necessary to implement the development, but no Site Plan Agreement has been executed and Registered on Title within one year of the said approval; or
- (d) where no agreement has been registered, upon the date of giving written notice by the Town to the owner by registered mail and/or posting notice on site, revoking the approval; or
- (e) where an agreement has been registered, upon the registration of a notice that the approval is revoked and the agreement is terminated;

The owner may apply to the Town at any time prior to the expiry of the approval for an extension of the lapsing provision. The Town may agree in writing to an extension at its sole discretion.

15. By-laws 7730-03, 8084-2007 and 10222-2021 of the Corporation of the Town of Smiths Falls are hereby 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 11th day of July, 2022.



Mayor



Clerk