

THE CORPORATION OF THE TOWNSHIP OF RYERSON

BY-LAW NO. 12 -12

BEING A BY-LAW TO ESTABLISH SITE PLAN
CONTROLS WITHIN THE TOWNSHIP.

WHEREAS The Municipality has authority under Section 41 of the Planning Act and it's Official Plan to designate a Site Plan Control Area and enact provisions for the establishment of Site Plan Controls within such area(s).

NOW THEREFORE The Corporation of the Township of Ryerson enacts as follows:

1. CITATION AND SCHEDULES: This By-law shall be cited as the "Ryerson Site Plan Control By-law". Schedules A and A1, form part of this by-law.
2. DEFINITIONS: In this by-law, the following words and phrases have the meanings defined in this section:
 - (a) "Adjacent to PSW" means those lands contiguous to PSW (defined below), where it is likely that development or site alteration would have a negative impact on the PSW. The adjacent land shall normally extend 30 meters from the PSW boundary; but Council may establish a greater or lesser area based upon expert advice in a particular situation.
 - (b) "Development" means the creation of a new lot or a change in land use requiring approval under the Planning Act or 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 requiring a building permit issued under the Building Code Act.
 - (c) "Floodplain" means the area designated as such in Schedules A and A1 or either of them attached to and forming part of this By-law.
 - (d) "Grandfather Date" means:
 - (i) where the Municipality has aerial photographs, other photographs or further evidence of the state of a given property as it existed in June of 2010, filed in a file established under Section 8 of this By-law below, the date such photographs or other evidence were created for that property; and
 - (ii) where such evidence does not exist, the Grandfather Date shall be the date this By-law comes into force.
 - (e) "PSW" means Provincially Significant Wetland as defined in Schedules A and A1.
3. DESIGNATION OF SITE PLAN CONTROL AREA: All lands within the Township of Ryerson are hereby designated to be a Site Plan Control Area.
4. PRESUMPTION OF WHEN SITE PLAN CONTROLS ARE REQUIRED OR NOT REQUIRED: While all properties within the Township are potentially subject to site plan controls, Council will not impose such controls on every Development on every property. Persons proposing Development and Township officials will use the following criteria to determine whether the question of site plan controls needs to be addressed in a specific Development proposal:
 - (a) There is a presumption that Site Plan Controls are required on a property in any of the following cases:
 - (i) All or part of the subject property is located within any area designated as PSW or Floodplain on Schedule A or A1 or either of them or on lands Adjacent to PSW; or
 - (ii) The approval, rezoning, minor variance or Building Permit relates to change of use to a non-residential use or the expansion of a non-residential use anywhere within the Township of Ryerson.
 - (iii) The Council of the Corporation of the Township of Ryerson has passed a Resolution indicating that Site Plan Controls will be required for future development of a property. A copy of such Resolution shall be placed in

the property file for the lands in question and communicated to the Chief Building Official for the Township.

- (b) There is a presumption that no Site Plan Controls will be required in any other case.
5. **CONTROLS IMPOSED:** No Building Permit shall be issued by the Chief Building Official until the question of whether or not site plan controls should be imposed has been addressed. Council shall not pass any site specific zoning by-law; no minor variance shall be approved; and no recommendation in favour of a severance shall be made to the Planning Board until the question of whether or not site plan controls should be imposed has been addressed. The question of Site Plan Controls shall be deemed to have been addressed when any of the following have occurred:
- (a) The proposed development is one which falls within paragraph 4(b) immediately above and is therefore presumed not to require Site Plan Controls.
 - (b) The application is for a Building Permit involving only work on an existing building that does not change its size, footprint or use.
 - (c) Council has passed a resolution waiving Site Plan Controls for that specific property and Development.
 - (d) A Site Plan Agreement has been executed and registered on title to the lands.
 - (e) A Development Agreement requiring a future Site Plan Agreement has been registered against the subject property OR Council has recommended to the Planning Board in connection with a severance or subdivision application that the registration of such a Development Agreement be a condition of its approval.
6. **POLICY CRITERIA:** In making decisions regarding Site Plan Controls to be put in place on a given property, the Township will have regard to the following criteria:
- (a) The preservation of the rural character of the Township, bearing in mind that the land area of this Township has always provided places for people to work and earn a living as well as to reside and engage in recreational and other activities.
 - (b) The protection of the natural environment and features including, but not limited to, those identified in the Township's Official Plan and including PSW and lands Adjacent to PSW.
 - (c) The desirability of providing a buffer between activities on one property which may impact the use of adjoining lands.
 - (d) The protection of life and property from the damage of flooding by requiring measures including minimum building opening elevations.
 - (e) The protection of properties located in the Floodplain by minimizing the adverse effects which may occur as a result of filling and site alteration on other properties.
 - (f) Where filling or site alteration has taken place without a permit issued by the Township of Ryerson after the Grandfather Date for that property, the Site Plan Agreement may include provisions requiring remediation measures to ameliorate or reverse such changes.
 - (g) **APPLICATION PROCESS:** Where, under paragraph 4(a) above, there is a presumption that site plan controls will be required, the Applicant proposing any Development shall submit satisfactory plans for such Development to the Township Clerk together with such monetary fee or deposit as may be required by the Township's Fees By-law.
 - (h) Where the proposed Development is a severance, subdivision or site-specific zoning change and it is not yet possible to submit 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 in Subsection (b) below, Council may require that the owner and the Municipality enter into a Development Agreement to be registered on title prior to approval. Such agreement shall prohibit filling and site alteration as well as the issue of any Building Permits until such time as a Site Plan Agreement has been entered into and registered on title. The Applicant shall bear the legal costs of the Township in preparing and registering such agreement.
 - (i) In all other cases, the plans submitted by the Applicant shall show the proposed location of all buildings and structures to be erected and the location of all facilities and works to be provided in conjunction therewith including:

- (i) The location and size of the footprint for all proposed buildings: dimension of the land; and relative locations and distances for the buildings and natural features.
 - (ii) Plans or drawings sufficient to satisfy the requirements of the Building Code Act for each building.
 - (iii) Off street vehicular parking facilities, either covered or uncovered, access driveways and the proposed surfacing of such areas and driveways.
 - (iv) Walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands.
 - (v) 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, location of any well and/or septic system and the distance between them.
 - (vi) Temporary and permanent barriers to prevent erosion and run-off which may otherwise carry soil or chemical substances into PSW.
- (j) Township Officials shall meet with and discuss proposed Site Plan Controls with the Applicant and his expert advisors. Where such meetings involve outside professionals retained by the Township, the Applicant may be required to pay the cost to the Township of its experts. Where technical advice is required, Council may require the preparation of reports by qualified experts at the expense of the Applicant as a condition of proceeding.
- (k) Council may require that the owner and the Municipality enter into a Site Plan Agreement to be registered on title to the subject property prior to the issue of any Building Permit, Permit to Fill/Alter Land or any other Development. The Applicant shall bear the legal costs of the Township in preparing and registering such agreement.
- (l) Registered Site Plan Agreements may include any specifications mentioned in (c) (b) above and shall also contain provisions binding the present and subsequent owners to:
- (i) Maintain to the satisfaction of the Municipality and at the sole risk and expense of the owner, any or all facilities or works mentioned in the previous subparagraph.
 - (ii) Requiring the construction or completion of all facilities shown in the plans within a reasonable time.
 - (iii) Ensuring that development proceeds in accordance with the plans and drawings approved by the Municipality.

7. RECORDS CONCERNING GRANDFATHER DATES FOR PROPERTY: Where the Municipality possesses photographic or other evidence as to the state of a property June of 2010 for the purposes of establishing a "Grandfather Date" for a property, such evidence shall be kept by the Clerk in a file which is open to public inspection and either a copy of that information or a notation that such information exists shall be placed in the property file for the property in question.

8. ENFORCEMENT:

- (a) OFFENCES: Any person who Develops land where there is a presumption that Site Plan Controls will be required without Municipal approval is guilty of an offence. Upon conviction of any offence under the Provincial Offences Act or any successor thereto, every person including a corporation shall be liable to pay a fine of not less than \$500 and not more than \$100,000. Every occurrence of an action prohibited by this section shall be a separate offence.
- (b) In addition to any prosecution under Subsection (a) immediately above, Council may take action in the Civil Courts to enforce by injunction or otherwise the provisions of this By-law.
- (c) In addition to prosecution or Civil Action, the Municipality may refuse any application for approval under the Planning Act or any application for a Building Permit on the property until it is satisfied that the provisions of this By-law have been or will be complied with.
- (d) Where any Building Permit or Permit to Fill/Alter Land has been issued and work is proceeding which is not in compliance with this By-law or any agreement made thereunder or conditions set out in such permit, then such Building Permit or Permit to Fill/Alter Land may be revoked.

READ A FIRST, SECOND, THIRD TIME AND FINALLY PASSED THIS 3 DAY
OF APRIL ,2012

(SEAL)

Original signed by Glenn Miller

REEVE

Original signed by Judy Kosowan

CLERK