

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 22-107

Being a by-law to designate areas as Site Plan Control Areas and repeal By-Law 00-53.

WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, authorizes the Council of a municipality to designate the whole or any part of the municipality as a site plan control area provided the municipality has first identified the proposed site plan control area in the Official Plan;

AND WHEREAS Section 8.12 of the City of Elliot Lake Official Plan authorizes the Council to pass a by-law to designate areas as Site Plan Control Areas;

AND WHEREAS Section 41 of the Planning Act provides that no person shall undertake any development in an area designated under a by-law passed under Section 41 without first having received site plan approval from the municipality;

AND WHEREAS Section 41 of the *Planning Act* defines development to mean 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*.

AND WHEREAS Section 41 of the *Planning Act* provides that the Council of a municipality may define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required;

AND WHEREAS it is deemed desirable to designate Site Plan Control Areas in the City of Elliot Lake;

NOW THEREFORE the Council of the Corporation of the City of Elliot Lake enacts the following as a by-law:

1. All existing Site Plan Control By-laws are hereby repealed and replaced by this By-law;
2. That the Site Plan Control By-law, attached hereto as "Schedule A" and forming part of this by-law, be hereby approved;
3. That the passing of this by-law shall be subject to the provisions of the *Planning Act*;
4. That the Clerk of the Municipality of Elliot Lake is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Dan Marchisella, Mayor

Natalie Bray, Clerk

SCHEDULE A

SITE PLAN CONTROL POLICIES

1.0 Designated Areas and Types of Development

1. The entire area within the City of Elliot Lake is hereby designated as a Site Plan Control Area for the purposes of Section 41 of the *Planning Act*.
2. The following areas, uses, and zones as defined in the City of Elliot Lake Zoning By-law No. 18-36, as may be amended, are hereby designated as Site Plan Control Areas.
 - i. Residential Multiple Dwelling (R2)
 - ii. Residential Multiple Dwelling-M (R2M)
 - iii. Tourist Highway Commercial (C2)
 - iv. Neighbourhood Commercial (C3)
 - v. Shopping Centre Commercial (C4)
 - vi. Industrial (M)
 - vii. Clean Industrial (CM)
 - viii. Institutional (I)
 - ix. Shoreline Residential (SR)
3. Site Plan Control shall be applicable in the following situations:
 - i. All development, conversions, and redevelopment within any of the categories listed in Section 1.2;
 - ii. Commercial and Industrial uses in Rural A and Rural B (RA and RB) zone;
 - iii. Lands determined to be of high to extreme risk for wildland fire;
 - iv. Suspected or known contaminated lands;
 - v. Multiple residential development and/or parking areas in the Central Commercial (C1) Zone;
 - vi. Recreational and Athletic facilities in Open Space (OS) Zones;
 - vii. Implementation of buffering provisions to ensure land use compatibility;
 - viii. On-farm diversified uses;
 - ix. Waterfront residential development; and
 - x. Where Council determines that site plan control is required during the development application approval process.

2.0 Exempt Classes of Development

1. The following classes of development may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or (5) of the Planning Act, and this by-law does not apply to such classes:
 - i. Any new single-detached or seasonal dwelling, accessory building or structure or an addition or expansion to existing residential development,

- unless otherwise required by this by-law, for example in the Shoreline Residential (SR) Zone or abutting a shoreline;
- ii. Any residential development approved through a Plan of Subdivision;
 - iii. Residential buildings containing fewer than six units, unless:
 - a. The property is located within a registered plan of subdivision that is subject to a subdivision agreement wherein site plan control is requirement for development;
 - b. Site plan control is required as a condition of approval of an application under the Planning Act;
 - iv. Agricultural and farm-related buildings, building additions, building alterations or structures that are utilized in farming operations;
 - v. Billboard signs and temporary construction buildings;
 - vi. Any temporary building or structure if it is:
 - a. Part of a special event or construction purposes on the lot;
 - a. Used as an office for the sale of residential lots or dwelling units and does not exceed a gross floor area of 100 square metres (1,076 square feet).
 - vii. Interior building alterations which do not involve a change in major occupancy as defined by the Ontario Building Code.
 - viii. Any building or structure used for the purpose of public service by the Corporation of the City of Elliot Lake or any department or agent of the Government of Ontario or Canada.

3.0 Replace or Rebuild

Despite Section 2 of this By-law, any development subject to site plan control that is damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that is existed before the damages occurred, the use remains the same and no new dwelling or rooming units are added.

4.0 Pre-Consultation

Prior to submitting an application, the applicant is required to meet with the City to discuss the requirements of the Site Plan Control process and to provide a preliminary review of a proposed Site Plan Control Application.

5.0 Complete Application

The Application shall include:

- i. A completed application form;
- ii. The application fee;
- iii. All necessary plans/drawings outlining details such as layout, setbacks and massing of buildings, parking, shipping and receiving, off-site traffic improvements,

outdoor storage, waste disposal systems, signage, parking areas, elevations and grades, landscaping and buffering, lighting, entrance and exits, road widening and services (water supply and sewage disposal services);

- iv. Costs estimates for on-site and off-site works; and,
- v. Any additional studies and/or plans identified by the City.

6.0 Delegated Approval

Approval of site plans shall be delegated to the Clerk.

7.0 Conditions of Approval

As a condition to the approval of any plans or drawings referred to in Section 5, the City may require that the owner provide, at no cost to the City, any or all of the facilities, works or matters established in Section 41 (7) (b) of the *Planning Act*, R.S.O. 1990, Chapter c.P.13, as amended, and may require that the owner enter into an agreement with the Municipality pursuant to Section 41 (7) (c) of the *Planning Act*, dealing with the provision of any of those facilities, works or matters.

7.0 Registration of Agreement

1. Any Site Plan Control Agreement entered into pursuant to Section 41 of the *Planning Act* shall be registered against the title of the land to which it applies.
2. A building Permit shall not be issued until the Site Plan Control Agreement has been approved by the City and financial assurance has been deposited with the City.
3. The Mayor and Clerk of the City of Elliot Lake is authorized to execute any agreement required to this by-law and affix the corporate seal.

9.0 Site Plan Securities

- i. To ensure development proceeds as per the approved plans and drawings the applicant is required to submit Site Plan Securities ("securities") to the City.
- ii. Site plan securities shall be provided in the form of an irrevocable standby letter of credit, certified cheque, or cash.
- iii. An irrevocable standby letter of credit must be arranged such that draws can be made by the City if necessary, in accordance with the terms and conditions of the site plan agreement.
- iv. Site plan securities must be submitted to the City prior to the issuance of a building permit for the approved development.
- v. If the applicant fails to meet the obligations set out in the executed site plan agreement the City is authorized to complete any required works utilizing the securities deposited with the City. If the securities are not sufficient to cover the cost of the required works, the outstanding balance will be added to the tax roll of the property and will be collected in the same manner as taxes.

10.0 Enforcement and Penalty

- i. Site plan control agreements are registered on title and remain in effect for as long as the development is in place;
- ii. Every person or corporation who contravenes any part of this bylaw or the site plan control agreement is guilty of an offence and on conviction is liable to the penalties set out in the *Planning Act*, and,
- iii. That this by-law shall come into force and take effect immediately upon the final passing thereof.

11.0 Validity

If any section, clause or provision of this By-law, is for any reason, declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that the remaining sections, clauses and provision of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provision hereof shall have been declared to be invalid.