

**THE CORPORATION OF THE
TOWNSHIP OF LANARK HIGHLANDS**

BY-LAW NO. 2023-1842

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 Township of Lanark Highlands “the Township” has adopted an Official Plan which has come into full force and effect;

AND WHEREAS Section 41(3) of the Planning Act RSO 1990, Ch. P13, as amended, directs the Council of a Municipality to delegate to an appointed officer of the municipality any of Council’s power or authority under Section 41;

AND WHEREAS the Township may require the approval of certain plans and drawings as a condition of development within the Township and may further require the owner to enter into a Site Plan Agreement with the Township in accordance with Section 41 of the Planning Act.

NOW THEREFORE BE IT RESOLVED THAT, the Council of the Corporation of the Township of Lanark Highlands enacts as follows:

1. Site Plan Control Area

All lands within the limits of the Corporation of the Township of Lanark Highlands are hereby designated as a Site Plan Control Area.

2. Definitions

In this by-law:

Council shall mean the Council of the Corporation of the Township of Lanark Highlands;

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.

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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;

Redline Revision means alterations to an approved site plan that, at the sole discretion of the Manager of Planning and Building Services:

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

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

Township means the Corporation of the Township of Lanark Highlands.

Other terms not specifically defined in this By-law may be defined in the Township's Zoning By-law.

3. Requirement for Site Plan Control Approval

- a) Unless otherwise exempted by Section 4, no person shall undertake development within the Township unless the Owner obtains site plan approval from the Township in accordance with this By-law and Section 41 of the Planning Act.
- b) For clarity, the following development is subject to site plan control:
 - i) Any commercial, institutional, industrial development, including a stand-alone parking lot
 - ii) Any multiple residential use consisting of 10 or more dwelling units
- c) As a condition of site plan approval referred to in Section 3(a), the Township 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 Township, 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, but not limited to, the removal of snow from access ramps and driveways, parking and loading areas and walkways;
 - iii) Enter into one or more agreements with the Township 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;

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- iv) Convey part of the owner's land to the Township as road widening.

- d) In addition to the provisions in 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 Township. Council recognizes that Schedule "A" of this by-law may be modified from time to time at the discretion of the Manager of Planning and Building Services without coming forward as an amending by-law. Additionally, compliance with "complete application" as outlined in the Township Official Plan must be adhered to.

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 development, building or structures erected on lands owned by the Township.
- b) All renovations, retrofitting or repair of buildings that provide for accessibility and do not increase the external footprint of the usability
- c) All residential development with less than 10 units.

5. Delegation of Site Plan Approval

The powers and authority given to Council under Section 41 of the Planning Act, and through Bill 109, are hereby delegated to the CAO / Deputy Clerk. In the absence of the CAO/Deputy Clerk, the Clerk of the Corporation is the delegate.

6. Authorization

To give effect to a Site Plan approval under subsection 5, the Reeve and CAO / Deputy Clerk, or the Clerk in the absence, are hereby authorized to sign any agreements and ancillary documents which may be required to implement the conditions of approval.

7. Securities and Completion of Works at Owners' Expense

Pursuant to By-law 2022-1749, being a By-Law to Establish a Site Plan Securities Policy, where an owner is required to complete development in accordance with a Site Plan Agreement, the Township 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 works, or, where such securities are insufficient, in like manner as municipal taxes, or by action.

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8. Rights of Entry

Unless prohibited by law, any site plan approval shall contain a provision whereby any applicable Township official may enter land subject to the agreement to inspect the same for compliance with the agreement. Nothing in this provision authorizes 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 Township may otherwise have.

9. Registration on Title

Any site plan approval, or amendment hereto made in accordance with the provisions of this by-law, shall be registered on title by the Corporation of the Township of Lanark Highlands solicitor 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.

10. Lapsing of Approval

A site plan approval lapses:

- a) Where a building permit is required for development:
 - i) At the expiration of one year from the date of approval if, within the one-year period, no building permit has been issued for the development;
 - ii) Where the owner has not started construction within one year, or the 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 as laid out in the phasing clauses of the site plan agreement
- b) Where no building permit is required but the owner has not started development within one year of the date of site plan approval or construction of the development has not been completed within two years of the date of site plan approval;
- c) Where the Township 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;
- d) Where no agreement has been registered, upon the date of giving notice by the Township to the owner by registered mail and or posting notice on site, revoking the approval;
- 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 Township at any time prior to the expiry of the approval for an extension of the lapsing provision. The Township may agree in writing to an extension at its sole discretion.

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11. Contravention


Any person who contravenes this by-law shall be guilty of an offence and, upon conviction, liable to a fine as prescribed under the Planning Act.

Where an owner is required to complete development in accordance with a Site Plan Agreement and is in default of the Agreement, the Township may complete the requirements of the agreement at the expense of the owner and the expense so incurred may be recovered from the securities posted for the work, or, where such securities are insufficient to cover the works, in like manner as municipal taxes.

12. By-Laws Repealed

By-law 2022-1768 is hereby repealed.

ENACTED AND PASSED this 25th day of April 2023.



Peter McLaren, Reeve



Amanda Noël, Clerk



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SCHEDULE "A"

1. Every person shall file an application in writing by completing a site plan application form.
2. As provided for in Section 41 (3.1) of the Planning Act, applicants are required to consult with municipal staff before submitting plans and drawings for approval.
3. Every site plan application shall be accompanied by the required fee, as set out in the related by-law.
4. Every application shall be submitted to the municipalities Manager of Planning and Building, or designate, and contain the following information:
 - a) Plans showing the location of all buildings and structures, existing and proposed, as well as all related facilities and works to be undertaken;
 - b) Plans showing the massing and conceptual design of each building;
 - c) Plans showing the relationship of each proposed building to adjacent existing buildings, streets, and exterior public areas;
 - d) Plans showing the provisions of interior walkways, stairs, elevators, and escalators to which members of the public will have access;
 - e) Vehicle access facilities including driveways, ramps, parking spaces and related facilities;
 - f) Pedestrian access facilities including walkways, ramps, and related facilities;
 - g) Facilities designed to have regard for accessibility for persons with disabilities;
 - h) Location, size, and height of any existing and proposed signage on the subject property;
 - i) Exterior lighting facilities;
 - j) Site landscaping features, including measures for protection of adjacent lands;
 - k) Garbage storage and collection facilities;
 - l) Site grading and provisions for the disposal of storm, surface and wastewater, buildings, and other structures within the proposed development;
 - m) Easements for the construction, maintenance or improvement of services and utilities related to the proposed development;
 - n) Sustainable design elements such as energy efficiency, vegetation materials, street furniture, waste and recycling opportunities and bicycle parking where appropriate;
 - o) The appearance of the elements, facility and works on the land or any adjoining highway where the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.
 - p) And other matters which may be considered as part of the Site Plan Approval process by the municipality in accordance with section 41 of the Planning Act or under the Lanark Highlands Official Plan.

Incomplete applications will not be processed until satisfactory information, documentation and the full application fee are received, at the discretion of the Manager of Planning and Building.