

**THE CORPORATION OF THE
TOWNSHIP OF EDWARDSBURGH CARDINAL
BYLAW NO. 2023-47**

**“A BYLAW TO ESTABLISH A SITE PLAN CONTROL AREA WITHIN THE
TOWNSHIP OF EDWARDSBURGH CARDINAL”**

WHEREAS the *Planning Act*, R.S.O. 1990, c P.13, by Section 41(2), as amended, permits a municipality, where there is an Official Plan in effect, to designate the whole or any part of the area covered by the Official Plan as a Site Plan Control Area;

AND WHEREAS the Council of the Corporation of the Township of Edwardsburgh Cardinal considers it to be advisable to pass a Bylaw under the provisions of Section 41 of the *Planning Act*, R.S.O. 1990, as amended, to designate certain areas of the Township as a Site Plan Control Area;

AND WHEREAS the matters herein set out are in conformity with the Official Plan of the Township of Edwardsburgh Cardinal, approved and in force at this time;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of Edwardsburgh Cardinal enacts as follows:

1. Definitions

- 1.1 "Council" means the Council of the Corporation of the Township of Edwardsburgh Cardinal.
- 1.2 "Commercial Parking Lot" means a lot or lots or portions thereof required in accordance with the provisions of the Township's Zoning Bylaw 2022-37, as amended, for the temporary parking of motor vehicles and includes any related aisles, parking spaces, entrance and exit lanes, but does not include any part of a public street.
- 1.3 "Development", for the purposes of this bylaw, 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*, 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*.

- 1.4 "Person" means a person, firm, organization, agency, association, corporations, or partnership used in the normal context of the word.
- 1.5 "Railway Line", for the purposes of this bylaw, means the running portion of a railway to which the *Canada Transportation Act* applies, except where operations have been discontinued under section 146 of that Act.
- 1.6 "Township" means the Corporation of the Township of Edwardsburgh Cardinal.

2. The Site Plan Control Area

- 2.1 The entire geographical area of Edwardsburgh Cardinal shall be designated as a Site Plan Control Area pursuant to the provisions of Section 41(2) of the *Planning Act*.

3. Classes of Development That May Be Exempt from Site Plan Control

- 3.1 The following classes of development may be undertaken without site plan control approval:
- a) Agriculture, forestry or conservation buildings or structures, including buildings and structures accessory thereto;
 - b) Public infrastructure uses including pipelines, telecommunications, electricity generation facilities and transmission and distribution systems, transportation corridors and facilities;
 - c) Temporary buildings or structures used during the construction of a permanent building or structure or used during special events;
 - d) Buildings or structures used solely for residential purposes if the parcel of land will contain no more than 10 residential units, including buildings or structures accessory thereto, home-based businesses and bed and breakfast establishments;
 - e) The placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007;
 - f) Minor additions to existing non-residential development where the floor area expansion is 10% or less than the existing floor area and where the addition does not result in changes to existing parking areas; and
 - g) An accessory building or structure not otherwise exempted in the foregoing, where such accessory building is less than 30 m² in floor area and where the addition does not result in changes to existing parking areas.

- 3.2** Notwithstanding 3.1(d) above, any residential development within 300m of a railway line or within 120m of a wetland, water body or watercourse may be subject to site plan control, regardless of the number of units.

4. Application Requirements

- 4.1** No person shall undertake any development within the Site Plan Control Area unless the Chief Administrative Officer has approved the following:
- a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works as required in accordance with section 5.1 of this by-law.
 - b) As required, drawings showing the plan, elevation and cross-section views for each building to be erected and for each residential building containing twenty-five (25) 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;
 - iii) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings; and
 - iv) facilities designed to have regard for accessibility for persons with disabilities.
- 4.2** In addition to the information and materials required pursuant to the Planning Act and associated Ontario Regulations, and any other legislation, the Township may require development proponents to provide additional information to accompany applications as part of a complete application, in accordance with the Township's Official Plan.
- 4.3** The Township may require any part of an application submission to be peer-reviewed at the sole expense of the proponent, in accordance with the Township of Edwardsburgh Cardinal Tariff of Planning Fees Bylaw.
- 4.4** The Township encourages development proponents to consult with the Township prior to submitting an application. Failure to do so may result in the application being deemed incomplete in accordance with the Planning Act.

5. Additional Requirements

- 5.1** In accordance with the provisions of Section 41(7) of the Planning Act, the Township may require the owner(s) of land to provide to the satisfaction of and at no expense to the Township, any or all of the following:
- a) Widenings of highways that abut the land;

- b) Access to and from the land;
- c) Off-street vehicular loading and parking facilities;
- d) Pedestrian and/or bicycle pathways or access;
- e) Lighting facilities;
- f) Landscaping and other facilities for the protection of adjoining lands;
- g) Facilities and enclosures for the storage of garbage and other waste material;
- h) Required municipal easements;
- i) Grading of lands and disposal of stormwater;
- j) Emergency and secondary accesses.

6. Conformity with Relevant Policies

- 6.1** It is the intent of this bylaw to encourage the use of site plan control to enhance the quality of new development or redevelopment in conjunction with other controls. Applications and plans must be in conformity with the Township's Official Plan, Zoning Bylaw, and all other relevant documents and policies, which may include but is not restricted to the Ontario Building Code and Public Works Standards.
- 6.2** Approval of any item required under Section 4 shall not be deemed to exempt any person from the requirement to obtain permits or approvals under any other legislation nor exempt any person from complying with any requirement set out in the Township's Zoning Bylaw.

7. Consultation and Circulation

- 7.1** As part of the application review process, the Township may circulate the application to public bodies and/or qualified professionals for their comments prior to the approval of any site plan or site plan agreement. The Township will have regard to the requirements of the Township and the United Counties of Leeds and Grenville's Public Works Departments as well as the Ministry of Transportation, as applicable, with respect to road widenings, safe access, and the provision of storm drainage facilities.

8. Registration of Agreements

- 8.1** Proponents may be required to enter into one or more agreements with the Township ensuring that development proceeds in accordance with the plans and drawings required under Section 4 and dealing with and ensuring the provision of any or all of the facilities, works or matters described in Section 5 and the maintenance thereof.

- 8.2** Any agreement entered into as per the above may be registered against the land to which it applies and the Township 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, in accordance with Section 41 (10) of the *Planning Act*.

9. Site Plan Amendments

- 9.1** An application to amend a site plan control agreement will be subject to the provisions of this bylaw.
- 9.2** Despite section 9.1, deviations from an approved site plan may occur without further approvals if written permission is provided by the Chief Administrative Officer and, in the opinion of the Chief Administrative Officer, are deemed to be minor.

10. Payment

- 10.1** Fees shall be paid as per the Township of Edwardsburgh Cardinal Tariff of Planning Fees Bylaw, as amended from time to time. The required Processing Fee must ~~be~~ received by the Township of Edwardsburgh Cardinal before the application is deemed complete.

11. Validity and Severability

- 11.1** If any section, subsection, clause, paragraph or provision of this bylaw or parts thereof are declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or beyond the powers of Municipal Council to enact, such section, subsection, clause, paragraph, provision or parts thereof shall be deemed to be severable and shall not effect the validity or enforceability of any other provisions of the bylaw as a whole or part thereof and all other sections of the bylaw shall be deemed to be separate and independent there from and enacted as such.
- 11.2** Whenever any reference is made under this bylaw to a statute or regulation of the Province of Ontario, such reference shall be deemed to include all subsequent amendments to such statute or regulation and all successor legislation to such legislation.

12. General

12.1 That bylaw 2002-31 and all other bylaw previously passed that are inconsistent with the provisions of this bylaw are hereby repealed in its entirety.


12.2 This bylaw shall come into force and effect on the day of passage thereof.

Read a first and second time in open Council this 25 day of September, 2023.

Read a third and final time, passed, signed and sealed in open Council this 25 day of September, 2023.


Tory Deschamps (Oct 4, 2023 01:49 EDT)

Mayor



Clerk