

# MUNICIPAL CORPORATION OF THE TOWNSHIP OF ARMOUR

## BY-LAW No. 44 - 2009

Being a By-law to establish Site Plan Control in the Township of Armour.

**WHEREAS** pursuant to the provisions of the Planning Act, R.S.O., 1990 chapter P.13 as amended, municipal Councils are authorized to enact Site Plan Control under Section 41 for lands within their corporate limits;

**AND WHEREAS** the Council of the Corporation of the Township of Armour deems it desirable and expedient to enact such By-law;

**NOW, THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF ARMOUR ENACTS AS FOLLOWS:**

1. Definition:

In this section, "development":

- (a) Means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to an existing building or structure that has the effect of increasing the square footage of the floor area of such building or structure by a factor of 100% or more; or
- (b) Means the disposition of a shoreline road allowance; or
- (c) Means the laying out and establishment of a commercial parking lot; or
- (d) Means the laying out and establishment of sites for the location of three or more trailers, as defined in Subsection 168(5) of the Municipal Act 2001; or
- (e) Means the laying out and establishment of sites for the location of three or more mobile homes, as defined in Subsection 46(1) of the Planning Act, R.S.O., 1990 Chapter P.13 as amended; but
- (f) Does not include the development or construction of accessory uses, buildings or structures. exclusively devoted to a principle use or building located on the same lot therewith.

2. Defined Area:

All lands within the limits of certain zones in Zoning By-law No. 27-95, and described in Schedule "A", attached hereto, are hereby designated as a Site Plan Control area.

3. Conditions of Development:

No person shall undertake any development in an area designated as a Site

Plan Control area unless Council or, where a referral has been made pursuant to Section 41, Subsection 12 of the Planning Act, the Ontario Municipal Board has approved the following:

- (a) Plans showing the location of all buildings and structures to be erected or altered and showing the location of all facilities and works to be provided in conjunction therewith and of all matters required under Section 41 of the Planning Act, R.S.O., 1990 Chapter P.13 as amended.

4. Conditions of Approval:

As a condition to the approval of the plans referred to in Section 3, the Township may require the owner of the land to:

- (a) Provide, to the satisfaction of and at no expense to the Township, any or all of the following:
  - (i) Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;
  - (ii) Off-street vehicular parking and loading areas and access driveways, including driveways for emergency agencies, and the surfacing of such areas and driveways;
  - (iii) Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
  - (iv) Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
  - (v) Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
  - (vi) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
  - (vii) Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and other public utilities of the Township or local board thereof on the land; and
  - (viii) 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.
- (b) Maintain, to the satisfaction of the Township, and at the sole risk and

expense of the owner, any or all of the facilities or works mentioned in Paragraphs i) to viii), inclusive of Subsection 4(a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways.

- (c) 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 a) and the maintenance thereof, as mentioned in Subsection 4(b) or with the provision and approval of the plans referred to in Section 3.

5. Design Control:

In accordance with Section 41(4) of the Planning Act, areas zoned Commercial (C), Recreational Commercial (RC), Public (P) and Institutional (I) in the Armour Township Comprehensive Zoning By-law, no person shall undertake any development in the areas so zoned unless Armour Township Council has approved plans, drawings, and any necessary elevations, cross-sections, shadow studies, conservation studies or other technical aspects as reasonably required for Council's approval, and they have entered into one or more agreements with the Township of Armour to address among other matters:

- (a) External building design details, including but not limited to, sustainable design, character, scale, finish, colours and appearance; and
- (b) Sustainable and accessible design elements within any adjoining municipal right-of-way, including without limitations, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- (c) Facilities designed to have regard to accessibility for persons with disabilities.

- 6. Any agreement entered into under Subsection 4(c) 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.
- 7. Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to the provisions of any Site Plan Agreement made pursuant to the provisions of this By-Law, or who causes or permits such a violation, shall be guilty of an offence, and upon conviction thereof, shall forfeit and pay a penalty pursuant to Section 67 of the Planning Act, R.S. O., 1990 Chapter P.13 as amended.
- 8. The Reeve and Clerk of the Corporation of the Township of Armour are hereby authorized to execute all Site Plan Agreements made pursuant to this By-law and to affix the corporate seal of the Township of Armour thereto.

9. Schedule "A", attached hereto, is hereby declared to form part of this By-Law.
10. By-law No.'s 8-2007 and 29-2008 are hereby repealed. This By-law shall come into force and take effect upon final passing by the Council of the Township of Armour.

Read a **FIRST TIME** this \_\_\_\_ day of \_\_\_\_\_, 2009.

Read a **SECOND TIME** this \_\_\_\_ day of \_\_\_\_\_, 2009.

Read a **THIRD TIME** and **FINALLY PASSED** this 27th day of October 2009.

**CORPORATION OF THE TOWNSHIP OF ARMOUR**

\_\_\_\_\_  
Reeve

\_\_\_\_\_  
Clerk - Administrator

## SCHEDULE "A"

TO BY-LAW NO. 44 - 2009

### DESCRIPTION OF SITE PLAN CONTROL AREA

Those lands lying within the limits of the following zones as contained in Zoning By-law No. 27-95:

Rural	Ru	-	Any mobile home park
		-	Any major recreational development involving trailers and/or tents
		-	Any development by Plan of Condominium
		-	Waste disposal of any kind including salvage yards
Residential Settlement	RS	-	Any major residential intensification or multi-family development containing three (3) or more dwelling units
		-	Any retirement home
		-	Any development by Plan of Condominium
Lakeshore Residential	LR	-	All development
Seasonal Residential	SR	-	All development
Commercial	C	-	All development
Recreational Commercial	RC	-	All development
Public	P	-	All development
Institutional	I	-	All development
Flood Plain	FP	-	All development