

**THE CORPORATION OF THE
TOWN OF WASAGA BEACH**

BY-LAW NO. 2010-115

**A BY-LAW TO DESIGNATE SITE PLAN CONTROL AREAS WITHIN
THE TOWN OF WASAGA BEACH AND TO DELEGATE COUNCIL'S
POWER OF APPROVAL OF SITE PLAN AGREEMENTS**

WHEREAS Section 41(2) of the *Planning Act*, R.S.O. 1990, Chapter c.P. 13, provides that where an Official Plan is in effect in a municipality, the Council of the Municipality may by by-law designate the whole or any part of the area covered by the Official Plan as a site plan control area;

AND WHEREAS there is an Official Plan in effect in the Town of Wasaga Beach and the Official Plan identifies the total area of the Town of Wasaga Beach as a site plan control area;

AND WHEREAS Section 41(13) of the *Planning Act*, R.S.O. 1990, Chapter c.P. 13, provides that a Council may by by-law delegate any of the Council's power of authority under this section to an appointed officer of the municipality;

AND WHEREAS Sections 41(7) and 41(8) and 41(10) of the *Planning Act*, R.S.O. 1990, Chapter c.P. 13 provides for agreements to be entered into and registered against the land to which it applies;

AND WHEREAS Section 67 of the *Planning Act*, R.S.O. 1990, Chapter c.P. 13 provides for penalties to any person or corporation who contravenes Section 41 of that Act;

AND WHEREAS the Council of the Corporation of the Town of Wasaga Beach deems it advisable to designate the whole of the Town of Wasaga Beach as a Site Plan Control Area and to delegate Council's power of authority to regulate site plan approval;

NOW THEREFORE the Council of the Corporation of the Town of Wasaga Beach HEREBY ENACTS as follows:

PART I - INTERPRETATION

1. In this by-law:

- a) “Council” means the Council of The Corporation of the Town of Wasaga Beach.
- b) “Development” means development as defined within Section 41 of the *Planning Act*.
- c) “Manager” means the Manager of Planning and Development of The Corporation of the Town of Wasaga Beach.
- d) “minor alteration” means new development on a property which supports existing development, where a site plan control agreement has not been registered on the property, where such new development does not affect the footprint of existing buildings or structures, or does not significantly affect traffic entrances, vehicular and traffic movements, parking lot layouts, landscaping, storm water management or servicing and grading plans.
- e) *Planning Act* means the Ontario Planning Act, R.S.O. 1990, c.P.13, as amended from time to time.
- f) “Senior Planner” means the Senior Planner of The Corporation of the Town of Wasaga Beach.
- g) “Site plan application” means an application for approval of plans and drawings for a development under Section 41 of the *Planning Act*.
- h) “Site plan application – Major Campground” means development of any mixture of three or more of modular home, mobile home, motor home, rental cabin, house trailer, park model trailer, tent trailer, tent or, campsites, on lands zoned for commercial use.
- i) “Site plan application - Major” means new development of vacant lands, or any development not defined as being ‘Minor’, ‘Revision’ or ‘Minor Revision’ site plan applications.

- j) “Site Plan application – Major Residential” means new development consisting of multiple residential units which may include but is not limited to:
- i. Development in the form of 3 or more multi-unit residential dwellings such as townhouse and apartment dwellings;
 - ii. Development of 3 or more of modular home, mobile home, house trailer, park model trailer, single detached dwelling, semi-detached or, townhouse dwellings; and,
 - iii. Development in the form of vacant land condominium.
- k) “Site plan application - Minor” means development which is small in scale on a serviced lot and will generally have a minor impact on the environment, infrastructure, traffic patterns or, nearby uses. Such development may include:
- i. Is anticipated to have minimal additional traffic, noise, or drainage impacts;
 - ii. Proposes only a change in use to, or within, an existing building;
 - iii. Proposes a building addition or an accessory structure with a increase in gross floor area which is generally less than 25% of the existing gross floor area of the main permitted building(s);
 - iv. Is zoned the Floodplain Hazard (FH) zone;
 - v. Proposes a sales pavilion for the purpose of marketing a development proposal;
 - vi. Does not require a planning approval from the County of Simcoe or any Provincial Ministry or the Nottawasaga Valley Conservation Authority;
 - vii. Does not require significant new off-site infrastructure; or,
 - viii. Residential infill greater than 2 dwelling units and not within a registered plan of subdivision.
- l) “Site plan application - Revision” means a change to approved site plans or a significant change to site plans nearing site plan approval. A significant change on site plans which are nearing site plan approval may include, but is not limited to, the addition of

new buildings or uses, or a change to the design and layout of the development which would require the plans and drawings to be subject to a renewed level of review and scrutiny by the Town.

- m) “Site plan application - Minor Revision” means a change to approved site plans which does not affect the footprint of buildings or structures, or does not significantly affect traffic entrances, vehicular and traffic movements, parking lot layouts, landscaping, storm water management or servicing and grading plans.
- n) “Draft Approval” means a stage of site plan approval where the plans and drawings submitted in support of any “Site Plan Application” are deemed by the Manager, or the Senior Planner, as the case may be, to be acceptable for Building Permit review.
- o) “Town” means The Corporation of the Town of Wasaga Beach.

PART II - DESIGNATION OF A SITE PLAN CONTROL AREA

- 2. THAT the whole of the Town of Wasaga Beach is hereby designated as a Site Plan Control Area pursuant to Section 41 of the *Planning Act*.
- 3. THAT all Land Uses described within any Town of Wasaga Beach By-Law passed under Section 34 of the *Planning Act* are subject to Site Plan Approval;
- 4. THAT notwithstanding Sections 2 and 3 of this By-law, site plan approval shall not be required for:
 - a) Development of buildings and structures used for agricultural purposes;
 - b) Development in the form of a temporary structure used as a construction trailer or model home provided the temporary structure is located on the lands associated with the temporary use;
 - c) Development of single detached dwellings on existing lots of record or on lots created by Sections 51 or 52 of the *Planning Act*;
 - d) Development of semi-detached dwellings on lots created under Sections 51 or 52 of the *Planning Act*;

- e) Development of lands which enjoy exemption to Part Lot Control pursuant to Section 50 of the Planning Act, at the discretion of the Manager of Planning.
- f) The placement of a portable classroom on a school site of a district school board if the school was in existence on January 1, 2007;
- g) Minor alterations to existing development where a site plan agreement has not been registered on the property; or,
- h) Where Council of the Town of Wasaga Beach, through a motion, has determined that a development proposal is exempt from site plan approval.

PART III - DELEGATION OF POWER OF AUTHORITY

- 5. THAT Council's powers of authority for approval of site plan applications under Section 41 of the *Planning Act* are hereby delegated to the Manager for all site plan applications as defined within Part 1.
- 6. Notwithstanding item 1.k) within Part 1 above, where development is proposed on lands which are zoned Floodplain Hazard (FH), the Manager has the discretion to either waive the requirement for Site Plan Application or require the proposal be subject to a "Major" application for site plan.
- 7. THAT Council's powers of authority for approval of Minor, Revision and Minor Revision site plan applications are hereby delegated to the Senior Planner.
- 8. THAT, notwithstanding Part III, Sections 5, 6 and 7, nothing in this By-law shall restrict the authority of Council to approve site plan applications.

PART IV - ADMINISTRATION

- 9. THAT in the event that works described within an approved site plan have not commenced within a period of three (3) years from the date of issuance of draft site plan approval, the Manager, after having formally notified the owner by mail, may deem the approved site plan to have expired.
- 10. THAT where an application for site plan approval is not approved after a period of three (3) years from the date of receipt of a complete application, the Manager may deem the application to be closed.

11. THAT where the Town holds securities as a condition of site plan approval, the Manager shall, upon request from the owner or agent for the owner, be authorized to grant partial releases of security amounts from the securities being held against the works stated within the site plan approval, provided the works have been completed to the satisfaction of the Town.
12. THAT the Manager may, at his or her discretion, grant “Draft Approval” of a site plan application.
13. THAT the Chief Building Official for the Town of Wasaga Beach, or his or her designate, shall have regard for the owner’s compliance with the terms of any Site Plan Control Agreement or Development Agreement entered into between an owner and the Town of Wasaga Beach, pursuant to this By-Law.

PART V – SITE PLAN CONTROL AGREEMENTS

14. That the Standard Form of Site Plan Control Agreement attached hereto as Schedule “A” is approved as the Town of Wasaga Beach Standard Form of Site Plan Control Agreement.
15. That this Standard Form of Site Plan Control Agreement shall be used as the basis for all future Site Plan Control Agreements from the date of passage of this by-law.
16. That the Manager, at his or her discretion, is hereby authorized to make such minor alterations as necessary to the Standard Form of Site Plan Control Agreement attached hereto as Schedule “A.”
17. That Development Committee is hereby delegated the authority of Council to make any major alteration as necessary to the Standard Form of Site Plan Control Agreement attached hereto as Schedule “A.”

PART VI – CONDITIONS OF APPROVAL

18. That the list of standard conditions of approval attached hereto as Schedule “B” shall be approved as the standard conditions of approval which may be appended as a schedule for any site plan control agreement pursuant to Section 41 (7) of the *Planning Act*, R.S.O. 1990, Chapter c.P. 13.

19. That the Manager, at his or her discretion, is hereby authorized to make such minor alterations, as necessary, to the Standard List of Conditions of Approval, attached hereto as Schedule "B."
20. That Development Committee is hereby delegated the authority of Council to make any major alterations to the Standard List of Conditions of Approval attached hereto as Schedule "B."
21. The applicant shall have the right to refer any requirement, including the terms of any agreement to the Development Committee of the Town of Wasaga Beach for resolution. Nothing in this paragraph shall affect the rights of the applicant to appeal to the Ontario Municipal Board pursuant to Section 41 (12) of the *Planning Act*, R.S.O. 1990, Chapter c.P.13.

PART VII – FEES AND SECURITIES

22. That any application for site plan approval submitted to the Town will be subject to a Standard Fees that may be associated with the development proposal as per the approved composite list of fees and charges approved by Council from time to time.
23. That any application for site plan approval approved by the Town will be subject to charges and securities as outlined within Schedule "C" attached hereto.
24. That Development Committee is hereby delegated the authority of Council to make such alterations as necessary to the List of Standard Charges and Securities attached hereto as Schedule "C."
25. The applicant shall have the right to refer any financial condition proposed to be inserted into a site plan control agreement to the Development Committee of the Town of Wasaga Beach for resolution. Nothing in this paragraph shall affect the rights of the applicant to appeal to the Ontario Municipal Board pursuant to Section 41(12) of the *Planning Act*, R.S.O. 1990, Chapter c.P.13.

PART VIII - PENALTIES

26. Any person or corporation convicted of a breach of any provisions of this By-Law shall be liable to a penalty pursuant to the authority and conditions of the *Planning Act*, R.S.O. 1990, Chapter c.P. 13, as amended.

THAT By-Law No. 83-31 of the Corporation of the Town of Wasaga Beach is hereby repealed.

THAT this By-Law shall come into force and take effect on the date of its final passing.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 21st DAY OF DECEMBER, 2010.

Cal Patterson, Mayor

Twyla Nicholson, Clerk

**Schedule “A”
To
Town of Wasaga Beach By-Law No. 2010-115**

“Standard Form of Site Plan Control Agreement”

**Schedule “B”
To
Town of Wasaga Beach By-Law No. 2010-115**

“Standard List of Conditions of Approval”

**Schedule “C”
To
Town of Wasaga Beach By-Law No. 2010-115**

“List of Charges and Required Securities”

1. **Securities required to be posted against the work described within the approved plans:** 100% of the value of off-site works and 25% of the value of on-site works.
2. **Special Area Rate** - \$1,637.00 per residential unit and/or in accordance with the pertinent area rate By-Law for the development area.
3. **Local Improvement Charges** – payable to the Town upon the execution of the Site Plan Control Agreement, varies per the geographic area of the Town of Wasaga Beach.
4. **Capital Contributions** – payable to the Town upon the execution of the Site Plan Control Agreement, varies per the geographic area of the Town of Wasaga Beach.
5. **Parkland Contributions** – payable to the Town upon execution of the Site Plan Control Agreement at a rate of 5% of the value of the land for residential developments and 2% of the value of the land for commercial developments.
6. **Professional Consultant Review Deposits** – the deposit amount is to be estimated by the Professional Consultant after the pre-consultation meeting and prior to each stage of development review.

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