# THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

## BY-LAW NO. 26/2008

Being a By-Law to Designate the Municipality of Port Hope as a Site Plan Control Area

WHEREAS under the provisions of Section 41 of the *Planning Act*, R.S.O., 1990, as amended, authority is granted to Councils of Municipalities to designate a site plan control area, where an Official Plan is in effect; and

WHEREAS there is an Official Plan in effect in the Municipality of Port Hope and the Official Plan contains policies for the establishment of a site plan control area; and

WHEREAS the Municipality of Port Hope Official Plan designates that site plan control shall apply to the entire Municipality of Port Hope; and

WHEREAS the Municipality of Port Hope recognizes that the provisions and regulations set forth in this By-law shall not supersede those in effect in conjunction with a decision from the Ontario Municipal Board; and

WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, as amended, permits the Council of a Municipality, by by-law, to delegate to either a committee of the council or to an appointed officer of the Municipality identified in the By-law either by name or position occupied, any of Council's powers or authority under the said section, except the authority to define any class or classes of development as mentioned in clause 41 (13)(a) of the *Planning Act*; and

WHEREAS the Council of the Corporation of the Municipality of Port Hope considers it desirable to pass such a By-law.

NOW THEREFORE, the Council of the Corporation of the Municipality of Port Hope enacts as follows:

**1.0 <u>DEFINITIONS:</u>**

1.1 **"Corporation"** means the Corporation of the Municipality of Port Hope;

1.2 **"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 by the *Municipal Act* or of sites for the location of three or more land lease community homes as defined in the *Planning Act*;

1.2.1 Notwithstanding the definition of development noted above, on the Oak Ridges Moraine, "development" shall also include the creation of a new lot, a change in land use or the construction of buildings and structures, any of which require approval under the *Planning Act*, the Environmental Assessment Act, or the Drainage Act, but does not include:

1. the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in the Municipality of Port Hope Official Plan; or

2. for greater certainty:

a. the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or

b. the carrying out of agricultural practices of land that was being used for agricultural uses on November 15, 2001.

1.2.2 Notwithstanding the definition of development noted above, "development" does not include 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;

1.3 **"Infill development"** shall mean development, on municipal services, of a single detached, semi-detached or duplex residential dwelling on a vacant lot for which the Municipality does not have a associated Registered Subdivision Agreement; and,

1.4 **"Owner"** means an owner of land whose interest in the land is defined and whose name is specified in the property Registry of Land Titles Office.

## 2.0 APPLICATION:

The provisions of this By-law shall apply to all lands within the limits of the Corporation of the Municipality of Port Hope, including:

2.1 all development;

2.2 all development within areas of steep slope as defined by the Official Plan;

2.3 expansions to existing single family dwellings that would have the effect of increasing the total floor area of the building or structure by more than 50%;

2.4 new development or expansions to existing commercial, industrial and institutional buildings or structures that would have the effect of increasing the total floor area of the building or structure by more than 1,000 square metres (or by more than 50% of the existing total floor area, whichever is less);

2.5 buildings and structures used for intensive livestock operations, the sale of agricultural goods or agricultural related goods and services which are made available to the general public at the site; and,

2.6 all development located on the Oak Ridges Moraine, inclusive of agricultural buildings and accessory buildings.

And, for greater certainty, this By-law does not apply to:

2.7 rural or rural residential buildings;

2.8 single detached, semi-detached or duplex residential development which is NOT considered "infill" development, as defined by this By-law; nor,

2.9 buildings and structures accessory to and incidental to the above mentioned rural or rural residential buildings;

unless otherwise required by this By-law.

## 3.0 APPROVAL PROCESS:

3.1 Approval of site plans and elevation drawings for new and/or expanding residential development not exempt from this By-law under Sections 2.2, 2.3, 2.5 and/or 2.6 is hereby delegated to the Director of Planning Services for the Corporation of the Municipality of Port Hope.

3.2 Development of new or expanding commercial, industrial and institutional buildings under Section 2.4 shall be approved by the Council of the Municipality of Port Hope.

## 4.0 REQUIREMENTS FOR APPROVAL:

As a condition to the approval of the plans and drawings required for approval as required in Section 3.0, the Municipality of Port Hope may require the owner to:

4.1 provide to the satisfaction of and at no expense to the Municipality any or all of the following:

4.1.1 widenings of highways that abut on the land;

4.1.2 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;

4.1.3 off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways;

4.1.4 walkways, including the surfacing thereof, and all other means of pedestrian access;

4.1.5 facilities designed to have regard for accessibility for persons with disabilities;

4.1.6 facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;

4.1.7 walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;

4.1.8 vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials;

4.1.9 easements conveyed to the Municipality for the construction, maintenance of improvements of watercourses, ditches, land drainage works, and sanitary sewerage facilities on the land;

4.1.10 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 building or structure thereon;

4.1.11 underground utility services for electricity and telephone; and

4.1.12 reports and/or studies demonstrating conformity with the policies of the Municipality's Official Plan and regulations of the Municipality's Zoning By-law, as amended.

4.2 maintain to the satisfaction of the Municipality and at the sole risk and expense of the owner any or all of the facilities or work mentioned in subsections 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.1.8, 4.1.9 and 4.1.10 of Section 4.1, including the removal of snow from access ramps and driveways, parking and loading areas and walkways; and,

4.3 enter into one or more agreements with the Municipality dealing with any or all of the facilities, works or matters mentioned in Section 4.1 or with the provision and approval of the plans and drawings referred to in Section 3.

## 5.0 ADMINISTRATION AND ENFORCEMENT:

5.1 No buildings permit shall be issued within the Site Plan Control Area unless the plans and drawings for such development have been approved by the Council of the Corporation of the Municipality of Port Hope or the Director of Planning Services as provided for in this By-law.

5.2 Any agreement entered into under Section 4.3 may be registered against the land to which it applies and the Corporation 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.

5.3 Section 326 of the *Municipal Act*, 1990 applies to any requirements made under Section 4.1 and Section 4.2 and to any requirements made under an agreement entered into under Section 4.3.

5.4 This By-law may be referred to as the "Site Plan Control By-law".

5.5 By-law No. 52/2002 (former Township of Hope) and By-law No. 81/85, as amended (former Town of Port Hope) are hereby repealed.

5.6 This By-law comes into force and effect on the date it is enacted by Council.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 11th day of March, 2008.

Linda Thompson, Mayor

S.C. Dawe, Municipal Clerk