

THE CORPORATION OF THE TOWN OF HAWKESBURY

BY-LAW N° 60-2018

Being a "Site Plan Control By-Law"

WHEREAS subsection 41(2) of the Planning Act (R.S.O. 1990, c.P.13), stipulates that, where in an official plan, an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a "site plan control area";

AND WHEREAS subsection 41(3) of the Planning Act (R.S.O. 1990, c. P. 13), as amended, stipulates that, where a zoning by-law is in effect, the municipality may designate a "site plan control area" by reference to one or more land uses;

AND WHEREAS the Council judge it is desirable and timely to designate some parts of the municipality as a "site plan control area";

NOW THEREFORE, the Council of the Corporation of the Town of Hawkesbury enacts as follows:

Section 1

This by-law is entitled "Site Plan By-Law".

Section 2

The following are not subject to the site plan procedure:

- 2.1 Residential structures such as single detached, semi-detached and duplex with a secondary dwelling;
- 2.2 Accessory buildings smaller than ten (10) square meters;
- 2.3 An addition not exceeding 10% of the area of the main building;
- 2.4 Alterations within an existing building;
- 2.5 A home occupation;
- 2.6 A bed and breakfast with two (2) rooms or less for rent;
- 2.7 A parking area where six (6) parking spaces are being added.

Section 3

The provisions of this by-law cover and apply to any land located within the geographic boundaries of the Town of Hawkesbury, and which is located within the following zoning areas:

Residential Zone 1	R1
Residential Zone 2	R2
Residential Zone 3	R3
Residential Zone 4	R4
Future Development	D
Waterfront District	W
Trade and Industry Zone 1	E1
Trade and Industry Zone 2	E2
Community Core Commercial	CC
Regional Commercial	CR
Highway Commercial	CH
Local Commercial	CL
Open Space	OS
Floodplain Hazard	H
Institutional	I

Section 4

The land identified in Section 3 of this by-law is included in the site plan control area pursuant to subsection 41(3) of the Planning Act (R.S.O. 1990, c. P. 13), as amended.

Section 5

No person shall undertake a development in a zone covered by Section 3, unless the Municipal Council, or where a referral pursuant to section 41(12) of the Planning Act has been made, the Local Planning Appeal Tribunal, have given approval, in accordance with Council's specifications.

Section 6

Any application for a construction permit within the zones listed in Section 3 of this by-law is subject to the site plan procedures in the following circumstances:

- 6.1 Any new construction of a main building;
- 6.2 Any expansion of a main building that exceeds 10% of the floor space of that building; and,
- 6.3 Any development that will have an impact on the stormwater management.

Section 7

Any person who is required to draft a site plan must duly complete the site plan application form, pay the fees relevant to this application and make arrangement with municipal staff for a pre-consultation.

ction 8

Any duly completed application for the approval of a site plan must include the respective fees and the following documents:

- 8.1 One (1) recent copy of the location plan or reference plan.
- 8.2 One (1) copy of the registration document.
- 8.3 Three (3) full-size folded 8 ½" X 14" paper copies of the preliminary version of the "general plan" depicting the proposed improvements (landscaping, parking, lighting and other), elevations, surface water drainage and municipal services hook-up. (Where the plan contains an excess of information, provide attachments to the "general plan").
- 8.4 One (1) 8 ½" x 14" copy of approved final plan and three (3) copies (full-size) of the final plan. (These plans and copies should not be submitted before the Town reviews and approves the preliminary plans). A PDF electronic copy of all submitted documents.
- 8.5 Three (3) copies of stormwater management calculation report.
- 8.6 A letter of credit or certified cheque, representing 50% of the costs of the work on private property and a 100% deposit is required for work on Town's property. This letter or cheque is required prior to signing the agreement.
- 8.7 One (1) copy of the mortgage registration document (where applicable).
- 8.8 The applicable fees required for a site plan application under the by-law.
- 8.9 Consent of the mortgage lender.
- 8.10 An electronic copy of preliminary and as built plans.

Section 9

The plans submitted for review and approval must be prepared by a qualified surveyor, engineer or architect whichever is required for the project, and they must contain the following information:

- 9.1 The dimensions and area of the land and the legal description or civic address;
- 9.2 Location of existing and proposed easements;
- 9.3 Location of road boundaries, their private or public status, and their dimensions;
- 9.4 Location, dimensions and area of building, and relation between lot occupation area and total area of land at issue;
- 9.5 Distance between each building and lot boundaries;
- 9.6 Location, number and dimension of parking areas and access lanes;
- 9.7 Location and identification of any existing or projected building(s);
- 9.8 Location of a stream, ditch or river on the land or of a substantial difference in level.
- 9.9 Additional information for residential developments:
 - a) Occupation load calculated on the basis of the number of rooms per unit;

- b) Percentage of green space and its location;
 - c) Number of parking spaces reserved for visitors, for persons with disabilities as well as for bicycles;
 - d) Location and details of fence, retaining walls, if applicable;
 - e) Storm water management report.
- 9.10 Additional information for commercial and industrial developments:
- a) Location and dimensions of loading and unloading zones;
 - b) Total number of employees;
 - c) Storm water management report;
 - d) Traffic study, if applicable.

Section 10

In addition to the provisions of the zoning by-law currently in effect, the Town of Hawkesbury may require that additional conditions are fulfilled, as stipulated in the Planning Act, subsections 41(7) and 41(8).

Section 11

Within the zones identified in Section 3 of this by-law, any new site plan project must comply with the following policies:

- 11.1 The owner is required to pave the parking areas and access lanes in accordance with the standards set out by the municipality;
- 11.2 The owner must install monolithic concrete curbing that are compliant with the standards set out by the municipality;
- 11.3 Compliance with the provisions of the zoning by-law is mandatory;
- 11.4 The owner is responsible for providing a sufficient volume of water for each of the buildings for firefighting purposes, in accordance with the standards set out by the Fire Department;
- 11.5 The owner may be responsible for building or extending a sidewalk located on a public property or public right-of-way (for example, provide a pedestrian walkway from or to the site), as required by the municipality. This sidewalk or pedestrian walkway must be built in accordance with the town's standards and approved by the municipality;
- 11.6 The owner must rebuild any infrastructure damaged by the new development at his own cost and to the satisfaction of the municipality;
- 11.7 The municipality may require walls, fences, hedges, trees, shrubs or other groundcover for the landscaping of the lands or the protection of adjoining lands;
- 11.8 The municipality may require easements conveyed to the municipality for the construction, maintenance, or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality;
- 11.9 Finally, the municipality may require other site-specific developments.

Section 12

Within the zones identified in Section 3 of this by-law, the signing of a site plan agreement is mandatory, prior to the issuance of a construction permit.

Section 13

Where the affected land is subject to a site plan agreement, the site plan agreement must be registered on the title of the property prior to the issuance of a construction permit. The Town administration will be responsible to have the said agreement registered on title.

Section 14

Prior to the signing of a site plan agreement between the two parties, the municipality must have in its possession the documents listed at Section 9 of this by-law.

Section 15

Where a subject land is affected by a site plan agreement, the municipality will allow one amendment to the original agreement. All other construction project will be subject to a new site plan agreement.

Section 16

Once the work has been executed, the owner must make a written request for the release of securities with a detailed report from the engineer that supervised the said work. The request shall be addressed to the municipality. A minimum period of one month is required to obtain the amount corresponding to the release.

Section 17

Any person who contravenes a provision of this by-law is guilty of an offence and will be required, upon conviction, to pay a fine, as set out in the Planning Act Under Section 67

(1) of the Planning Act R.S.O. 1990, c. P.13,

Every person who contravenes section 41, section 46, subsection 49 (4) or section 52 or who contravenes a by-law passed under section 34 or 38 or an order made under section 47 and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,

(a) on a first conviction to a fine of not more than \$25,000; and

(b) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted. 1994, c. 2, s. 48.

Corporation or association

(2) Where a corporation or association is convicted under subsection (1), the maximum penalty that may be imposed is,

(a) on a first conviction a fine of not more than \$50,000; and

(b) on a subsequent conviction a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted, and not as provided in subsection (1).

Order of prohibition

(3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted. R.S.O. 1990, c. P.13, s. 67 (2), (3).

Section 18

In addition to a fine, a court that has jurisdiction and authority may, where a person is found guilty of contravening this by-law, issue a prohibition order or rescinding order with respect to the work performed by the party charged.

Section 19

The delegated authority to approve all Site Plan Agreement under Section 41 (13)(b) of the Planning Act shall be the Town's Chief Administrative Officer.


Section 20

This by-law shall come into force and effect on the date on which its adoption becomes complete.

This by-law repeals The Site Plan Control By-law N° 22-2013.

This by-law repeals by-law no. 6-2008 delegating Council to approve the Site Plan Agreement.

**READ A FIRST, SECOND AND THIRD TIME AN OFFICIALLY PASSED THIS
24th DAY OF SEPTEMBER, 2018.**



Jeanne Charlebois, Mayor



Christine Groulx, Clerk