

**THE CORPORATION OF THE TOWNSHIP OF RAMARA**

**BYLAW NO. 2024.56**

**A BYLAW TO DESIGNATE A "SITE PLAN CONTROL AREA" FOR THE TOWNSHIP OF RAMARA**

**WHEREAS** the Planning Act, R.S.O. 1990, c.P. 13, as amended, pursuant to Section 41, provides for the adoption of a By-law to establish the whole or any part of the municipality as a Site Plan Control Area;

**AND WHEREAS** the Planning Act, R.S.O. 1990, c.P. 13, as amended, pursuant to Section 41 states that the Council of a Municipality shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4);

**AND WHEREAS** this By-law conforms to the policies related to Site Plan Control in the Official Plan of the Township of Ramara and it is desirable that the stated policies of the Official Plan be applied to the entire Township of Ramara by an implementing By-law;

**AND WHEREAS** Township Council deems it necessary and advisable, as hereinafter provided, that an owner of land enter into a Site Plan Agreement with the municipality with respect to any or all of the items listed in Sections 41(7) and (8) of the Planning Act, R.S.O. 1990, c.P. 13, as amended;

**AND WHEREAS** pursuant to the said Section 41(10) of the Planning Act, R.S.O. 1990, c.P. 13, as amended, the Site Plan Agreement may be registered against the land to which it applies;

**AND WHEREAS** the Municipal Act, R.S.O. 2001, Section 446, provides that in the event of default of any of the provisions of the Site Plan Agreement by the owner of land, the municipality may complete the matter or thing at the expense of the owner of the land, or complete the work itself and recover the expenses, with interest, in a like manner as municipal taxes;

**AND WHEREAS** the Council of the Township of Ramara desires to appoint an officer and Council Delegate to act in place of Council with respect to site plan applications on lots within the site plan control areas as established by By-law;

**NOW THEREFORE, the Council of the Corporation of the Township of Ramara hereby enacts as follows:**

1. Definitions

For the purpose of this By-law, unless a contrary intention appears:

- 1.1. "Act" means the *Planning Act, R.S.O. 1990, c.P. 13*, as amended
- 1.2. "Addition" means a physical expansion of an existing building or structure which does not have the effect of changing the use.
- 1.3. "Alteration" means a change of use of an existing building or structure, or a substantial change to the scale of the existing use.
- 1.4. "Council" means the Council of the Township of Ramara.
- 1.5. "Development" shall mean development as defined by Section 41 of the *Planning Act, R.S.O. 1990, c.P. 13*, as amended and any amendments thereto which includes:

- 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.
- The laying out of 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, 2001*, or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the *Planning Act*.
- This definition does not include 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. Further the definition does it include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units, unless within a prescribed area (O.Reg 254/23), and any amendments thereto.
  - For the purposes of this By-law, a prescribed area includes but is not limited to an area that is within:
    - 300 metres of a railway line.
    - 120 metres of a wetland, inland lake or river or stream valley that has depressional features associated with a river or stream, whether or not it contains a water course.

For the purposes of this By-law, "Development" includes "Redevelopment".

- 1.6. "Redevelopment" means the Development of a previously developed site.
- 1.7. "Township" means the Corporation of the Township of Ramara.

## 2. Site Plan Control Area

- 2.1. All of the lands within the corporate limits of the Township of Ramara are hereby declared to be a Site Plan Control Area.
- 2.2. The approval of plans and drawings in accordance with subsection 41(4) of the Act, as amended is required before development is undertaken in the area described in subsection 2.1, unless otherwise exempt from approval as set out in this By-law.
- 2.3. Any development that would have been subject to full site plan review prior to the enactment of this section will continue to be subject to such review in accordance with existing practice and fees, as such may be amended.
- 2.4. The requirement for site plan control approval pursuant to this section may be waived by the Director of Building and Planning, or their designate.
- 2.5. Despite the provisions of Section 2 above, any development subject to site plan control that is damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that existed before the damages occurred, the use remains the same and no new dwelling and rooming units are added.

### 3. Delegation of Site Plan Approval

The powers and authority given to Council under Section 41 of the Act, are hereby delegated to the Director of Building and Planning (or their designate) for all site plan applications.

### 4. Pre-Consultation and Complete Application

All applicants are strongly encouraged to undertake a pre-consultation meeting with the Township of Ramara in accordance with the "Pre-Consultation and Complete Application By-law" prior to submitting an application for Site Plan Control.

### 5. Exemptions from Site Plan Control

- 5.1. Despite the provisions of Section 2, the following are exempt from Site Plan Control:
  - 5.1.1. Any residential development containing ten (10) dwelling units or less (including buildings and structures accessory to such residential development) within a residential zone outside of the prescribed area, except where the residential development:
    - 5.1.1.1. Includes an existing or proposed home occupation or industry.
    - 5.1.1.2. Includes an existing or proposed Bed and Breakfast operation.

- 5.1.2. Buildings associated with normal agricultural operations that are in accordance with the Zoning By-law in effect;
- 5.1.3. Any lands, buildings or structures owned and operated by the Federal, Provincial and County governments;
- 5.1.4. Any works undertaken by the Township or any local board of the Township
- 5.1.5. Any land building or structure owned and operated by a public utility and or railway; and
- 5.1.6. Any other development not deemed appropriate for Site Plan Control by the Director of Building and Planning.

Notwithstanding the above noted exemptions, or any other provisions of this By-law:

- 5.2. Where Site Plan Control is required by a Subdivision, Condominium, Consent or any other Agreement registered on title, the development shall not be exempt from Site Plan Control.
  - 5.3. Site Plan Control may be imposed as a condition of a Decision of the Committee of Adjustment.
  - 5.4. Enlargements of existing facilities with an executed Site Plan Agreement may, at the discretion of the Township, require the approval and execution of a Site Plan Amending Agreement.
  - 5.5. Site Plan Control may be imposed at the sole discretion of the Director of Building and Planning where a site is being graded or surfaced (or regraded or resurfaced), in order to ensure that stormwater is properly managed.
6. Approval of Plans and Requirements to enter into an Agreement
- 6.1. No person shall undertake any development in an area designated under Section 2 of this By-law unless the Council or any person with delegated authority to do so by Council or the Ontario Land Tribunal has approved plans or drawings and imposed conditions in accordance with Section 41 of the Planning Act.
  - 6.2. All Site Plans shall be completed in accordance with subsection 41(4) of the Act, together with the complete application requirements determined during PreConsultation as set out in the Township of Ramara Official Plan. If the necessary information is not completed or supplied as required by the Township, the application will be deemed incomplete and will not be processed until satisfactory information is received.

6.3. As a condition of approval of the plans and drawings referred to in Section 6.1 above, the Township of Ramara may require the owner to enter into a Site Plan Agreement with the Township of Ramara imposing any conditions permitted in Section 41(7) and (8) of the Act.

6.4. Any Site Plan Agreement entered into in accordance with the provisions of this

By-law may be registered against the title of land to which it applies, and the Township of Ramara is entitled to enforce the provisions of such Agreement against the owner and, subject to the provisions of the Registry Act and the Land Title Act, against any and all subsequent owners of the lands. The Township of Ramara may, at its sole discretion, require postponement of any encumbrances registered on title in favour of the Site Plan Agreement.

6.5. The Township of Ramara may, at its sole discretion, establish an expiration date for Site Plan Approval, which shall be included in the Site Plan Agreement. If a Building Permit has not been issued or if works have not commenced to the Township of Ramara's satisfaction prior to the expiration date, the owner may be required to reapply.

#### 7. Minor Deviations

Minor deviations of a development which has received site plan control approval may take place without further approval where written permission is provided by the Director of Building and Planning or designate.

8. That By-law 2023.04 is hereby repealed.

That this By-law come into full force and take effect on the date of passing.

**BYLAW READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED  
THIS DAY OF JULY 22, 2024 .**

The Corporation of the  
Township of Ramara

Original Signed By

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BASIL CLARKE, MAYOR

Original Signed By

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JENNIFER CONNOR, CLERK

Status: Passed