

THE CORPORATION OF THE TOWNSHIP OF SOUTH STORMONT

BY-LAW NO. 2022-047

BEING

a by-law to repeal By-law No. 2009-11 and to establish a site plan control area, to exempt certain classes of development from approval of plans and drawings and to require the conveyance of land for park and / or highway purposes.

WHEREAS

the *Municipal Act, 2001*, c. 25, s. 5 (1) provides that the powers of a municipal corporation are to be exercised by its council;

AND WHEREAS

the *Municipal Act, 2001*, c. 25, s. 5 (3) provides that the powers of every council are to be exercised by by-law;

AND WHEREAS

when required, by-laws passed by Council of the Township of South Stormont shall be repealed by by-law;

AND WHEREAS

section 41 of the Planning Act permits the council of a municipality, where in an approved official plan, an area is shown or described as a proposed site plan control area, to designate by by-law such area as a site plan control area;

AND WHEREAS

such by-law may also define any class or classes of development that may be undertaken without the approval plans and drawings otherwise required;

AND WHEREAS

Council deems it desirable to designate the following United Counties of Stormont, Dundas and Glengarry Official Plan land use designations located within the Township of South Stormont as a site plan control area and exempt from approval the classes of development as provided herein:

- a) Any industrial, commercial or institutional use.
- b) Any multiple residential use, home occupation or bed and breakfast establishment.
- c) Any lands abutting a water body, natural or human-made hazard or natural heritage feature.
- d) All conversions and redevelopment within any of the above categories.
- e) All communications tower or public utility installation.
- f) A group home.
- g) A home based business.
- h) A wellhead protection area or high aquifer vulnerability area;

AND WHEREAS

Section 41 of the Planning Act permits the council of a municipality, by by-law, to

require the conveyance of land for park purposes as a condition of development or redevelopment of land.

NOW THEREFORE

Council of the Corporation of the Township of South Stormont enacts as follows:

1. This by-law be cited as the "South Stormont Site Plan Control Area By-law".
2. For the purposes of this by-law, "development" shall be defined pursuant to Section 41(1) of the Planning Act.
3. Lands located within the following United Counties of Stormont, Dundas and Glengarry Official Plan land use designations located within the Township of South Stormont are hereby designated as a "Site Plan Control Area" pursuant to Section 41 of the Planning Act:
 - a) Any industrial, commercial or institutional use.
 - b) Any multiple residential use, home occupation or bed and breakfast establishment.
 - c) Any lands abutting a water body, natural or human-made hazard or natural heritage feature.
 - d) All conversions and redevelopment within any of the above categories.
 - e) All communications tower or public utility installation.
 - f) A group home.
 - g) A home based business.
 - h) A wellhead protection area or high aquifer vulnerability area.
4. The municipality shall require that no person shall undertake any development in the area designated as a site plan control area by this by-law unless the Director of Planning and Building or Delegate of the Township of South Stormont, or where a referral has been made to the Ontario Land Tribunal (OLT), and the Ontario Land Tribunal (OLT) has approved the plans and drawings for such development in accordance with Section 41 of the Planning Act and the Official Plan of the United Counties of Stormont, Dundas and Glengarry and in addition as may be required, has entered into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters and the maintenance thereof,

required as a condition of the approval of the plans and drawings.

5. Development may be undertaken without the approval of the aforementioned plans and drawings and the entering into of agreements for the following classes of development as defined in by-laws of the Township passed under Section 34 of the Planning Act:
 - a) Single family dwelling, where there are less than three (3) lots involved with the development;
 - b) Semi-detached dwelling or duplex dwelling, where there are less than three (3) lots involved with the development;
 - c) Agricultural use, including farm buildings and green houses;
 - d) Temporary building for construction purposes; and
 - e) Any building or structure on land owned or leased by the municipality.
6. Notwithstanding Paragraph 5 hereof, no development may be undertaken without the approval of plans and drawings required under subsection (4) or (5) of Section 41 of the Planning Act, where:
 - a) Site Plan Control is imposed as a condition of a zoning amendment by Council;
 - b) Site Plan Control is imposed as a condition of approval by the Committee of Adjustment; or
 - c) Site Plan Control is imposed by the Ontario Land Tribunal (OLT).
7.
 - a) As a condition of approval of the plans and drawings for the development or redevelopment of land, the Township may require the dedication of land for park or other recreational purposes, or the payment of money in lieu of land in an amount not exceeding the following requirements:
 - i. commercial or industrial development: two percent (2%).
 - ii. all other development: five percent (5%).

b) As a condition of approval of the plans and drawings for the development or redevelopment of land, the Township may require the dedication of land for the widening of any street, road or intersection.

8. That By-law No. 2017-073 is hereby repealed.

READ AND PASSED in open Council, signed and sealed this 22nd day of June, 2022.

Mayor

Clerk