

**CORPORATION OF THE TOWN OF PARRY SOUND**

**PASSING OF BY-LAW NO: 2017 – 6723**

**21<sup>st</sup> Day of March 2017**

**MOVED BY COUNCILLOR**

  
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**SECONDED BY COUNCILLOR**


  
\_\_\_\_\_

**THAT BY-LAW NO: 2017 – 6723**

**Being a By-law to designate a Site Plan Control Area for The Corporation of the Town of Parry Sound and repeal By-law 2015-6545,**

**be considered as read a first time.**

**- CARRIED -**

  
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**Are all members in favour of having the second and third readings?**

**MOVED BY COUNCILLOR**


  
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**SECONDED BY COUNCILLOR**

  
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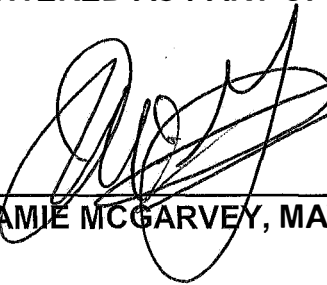
**THAT THE BY-LAW ABOVE MENTIONED BE CONSIDERED AS READ A SECOND, AND THIRD TIME, PASSED, SIGNED AND SEALED.**


**- CARRIED -**

  
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**ENTERED AS PART OF THE MINUTES OF MEETING HELD THIS:**

**21<sup>st</sup> Day of March 2017**

  
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**JAMIE MCGARVEY, MAYOR**

  
\_\_\_\_\_  
**JACKIE JOHNSTON BOGGS, CLERK**

- Postponed to: \_\_\_\_\_
- Amends By-law: \_\_\_\_\_
- Repeals By-law: \_\_\_\_\_
- By-law Amended: \_\_\_\_\_
- By-law Repealed: \_\_\_\_\_

**The Corporation of the Town of Parry Sound**

**By-law 2017 - 6723**

**Being a By-law to designate a Site Plan Control Area for The Corporation of the Town of Parry Sound and repeal By-law 2015-6545.**

**Whereas** Section 41(2) of the Planning Act, RSO 1990, Ch. P.13, as amended, provides that where an area is described in the Town's Official Plan as a proposed Site Plan Control Area, Council may by By-law designate such areas as being subject to Site Plan Control;

**Whereas** the Town of Parry Sound Official Plan designates all lands and all of the Town as a Site Plan Control Area;

**Whereas** the Town of Parry Sound Official Plan may exempt by by-law dwellings of three units or less, minor renovations to existing buildings and public uses from Site Plan Control;

**Whereas** the Town may require the approval of certain plans and drawings as a condition of development in the Town, and may require that an owner enter into a Development Agreement with the Town in accordance with Section 41 of the Planning Act; and

**Now Therefore** the Council of the Corporation of the Town of Parry Sound enacts as follows:

**1 - Definitions**

**Council** - The Council of The Corporation of the Town of Parry Sound.

**Developer** - the person who applies and/or will execute a development agreement.

**Development** - shall have the same meaning as that described in Section 41(1) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

## **The Corporation of the Town of Parry Sound**

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**Development Agreement** - shall have the same meaning as a Development agreement in accordance with Section 41(7)(c)(c.1) of the Planning Act, R.S.O. 1990, Chapter P.13, as amended.

**Official Plan** - shall mean the Town of Parry Sound Official Plan, as amended.

**Planning Act** - shall mean the Planning Act, RSO 1990, Ch. P.13.

**The Town** - All lands within the municipal boundary of The Corporation of the Town of Parry Sound.

**Zoning By-law** - shall mean the Town of Parry Sound Comprehensive Zoning By-law 2004-4653, as amended.

Any term which is undefined in this By-law, but is defined in the Zoning By-law, shall be interpreted as defined in the Zoning By-law.

## **2 - Area Designated for Site Plan Control**

All land within the municipal boundaries of the Town of Parry Sound is hereby designated as a Site Plan Control Area.

## **3 - Development agreements**

No person shall undertake any development unless the Council of the Town of Parry Sound has approved plans, reports and a Development Agreement in accordance with the Planning Act and this by-law.

## **4 - Types of Development, Structures and Land uses Exempt from Site Plan Control**

Despite Sections 2 and 3, the following land uses and types of development are exempt from Site Plan Control and the provisions of this By-law:

## **The Corporation of the Town of Parry Sound**

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- a) All residential development of three dwelling units and less. This would include all renovations, additions, accessory structures, accessory uses and home based businesses accessory to residential development of three dwelling units and less.
- b) A one-time addition or renovation to a residential building with four or more dwelling units, or as a result of such addition or renovation results in four dwelling units or more, which is less than 50 square metres of additional ground floor area.
- c) A one-time addition, renovation or new development for commercial, industrial or institutional uses which is less than 50 square metres of additional ground floor area.
- d) Commercial parking lots with less than 30% lot coverage, but not containing more than 10 parking spaces.
- e) Farming and agricultural buildings and uses.
- f) Town of Parry Sound buildings.
- g) Permitted temporary uses.

#### **4.1 - Planning Approval Requirement**

Notwithstanding the exemptions in Section 4, Council, the Committee of Adjustment and the Planning Board may require that, where applicable, any development subject to a site specific Planning Act application be subject to Site Plan Control and the provisions of this By-law.

#### **4.2 - Delegation of Site Plan Approval**

The powers and authority given to Council under Section 41 of the Planning Act and Section 3 of this By-law are hereby delegated to the Chief Administrative Officer or designate for the following types of development:

4.2.1 - any construction or addition greater than 50 square metres but less than 200 square metres of ground floor area;

4.2.2 - any residential development less than seven dwelling units; and

## **The Corporation of the Town of Parry Sound**

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4.2.3 - any reductions or removal of structures from a site plan that do not substantially impact what was originally approved.

Any delegated approval that is subject to disagreement between the Chief Administrative Officer or designate and the Developer shall be referred to Council for approval.

### **5 - Pre-Consultation Prior to Application**

Developers are required to pre-consult with staff members prior to submitting a development agreement application.

### **6 - Site Plan Requirements/Complete Application**

All site plans and site plan applications shall be completed and submitted in accordance with the provisions and requirements as identified but not limited to in Schedules "I" and "II" to this by-law. If the necessary information is not submitted, the application will not be considered complete and will be returned to the Developer. An application will not be processed unless it is completed in accordance with the provisions of this By-law.

### **7 - Authorization of Development Agreements**

After the approval of a site plan control application, the Mayor and Clerk are authorized to execute on behalf of the Town a development agreement, an amendment to a development agreement and any documents which may be required to implement the conditions of approval of a development agreement, in the form substantially approved by Council or staff.

### **8 - Registration of Development agreements**

Development agreements and amendments to existing development agreements may be registered on title against the lands as per Section 41(10) of the Planning Act. The cost of the registration shall be borne by the person undertaking the development or

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their affiliate. All matters as noted in the development agreement must be addressed prior to registering an agreement on title.

### **9 - Deposits, Securities and Completion of Development at Owner's Expense**

The Town may require securities to be deposited for any facilities and works on public lands, site grading and stormwater works on public and/or private lands, vegetation or any other matters mentioned in Section 41(7) of the Planning Act which are in the public interest. Securities shall generally be in the amount as identified on Schedule "II" to this by-law.

Unless stated otherwise in a development agreement, all costs as it relates to finalizing a development in accordance with a development agreement shall be at the expense of the Developer.

If the person undertaking the development defaults on the terms of a development agreement, the Town is authorized to complete any required works, and realize upon any securities and deposits to recoup any costs. If there are insufficient securities to cover the Town's costs, the outstanding balance may be added to the tax roll of the property, and will be collected in the same manner as taxes.

### **10 - Rights of Entry**

Unless prohibited by law, the owner signing the development agreement shall be requested to agree to permit the Town's Principal Planner or Chief Building Official to enter the lands. This right of entry is in addition to any statutory rights of entry the Town may otherwise specifically have. The agreement will not authorize the entry into an occupied dwelling unit.

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**11 - Council Powers**

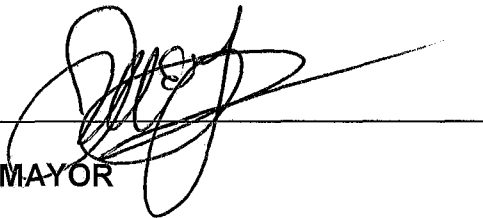
Council, at their sole discretion, may choose to omit any development from any or all requirements of this By-law by a Resolution of Council.

12 - Schedules "I" and "II" attached are hereby made a part of this By-law.

13 - By-law 2015-6545 of the Town is hereby repealed.

This By-law shall come into force and take effect on the day it is finally passed.

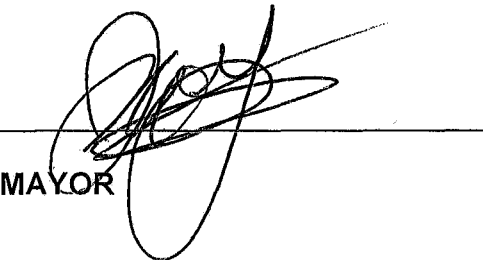
**READ a FIRST time this 21 day of March, 2017**

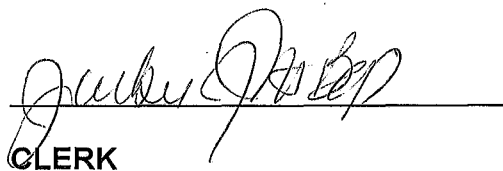
  
MAYOR

  
CLERK

**READ a SECOND and THIRD time, PASSED, SIGNED and SEALED**

this 21 day of March, 2017.

  
MAYOR

  
CLERK

## **The Corporation of the Town of Parry Sound**

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#### **Schedule "I" - By-law 2017 - 6723**

##### **1 - All development agreement applications shall require plans which contain the following information:**

- a) Location of existing and proposed buildings and structures on the property.
- b) The boundaries and measurements of the lot in metric.
- c) Setback of any buildings from the lot lines.
- d) On and offsite facilities to provide access to and from the land such as access ramps, driveways, sidewalks, bike paths and curbing and traffic direction signs.
- e) Boundary of lands, and any abutting roads/railways.
- f) Neighbouring property uses.
- g) Any proposed and existing development with setbacks. For existing development, note what is to be removed.
- h) Any proposed and existing drainage courses and natural features.
- i) Any existing and proposed easements and rights-of-way.
- j) All existing and proposed walkways, fences, driveways, parking areas and spaces, the type of parking surface, loading spaces, stormwater management features, site servicing utilities and any other pertinent information.
- k) Any facilities and works designed to have regard for the accessibility of persons with disabilities.
- l) Garbage collection facilities and type of enclosure.
- m) Name of the individual or firm who prepared the drawing.

##### **2- All development agreement applications for Commercial / Institutional / or Residential development in excess 25 dwelling units shall require the following information:**

In addition to the information required in the Section 1 above, the following is required:

- a) Architectural/conceptual drawings which identify the proposed development, building openings, massing, character and conceptual design.



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- b) Snow storage location, or an explanation of how snow will be removed.
- c) The location and type of existing and proposed vegetation, landscaping and planting features.
- d) Any streetscape features, such as street furniture and bicycle parking facilities.

#### **3 - All submissions shall require:**

- a) A completed application, the application fee and deposit.
- b) All plans, drawings and reports as noted in Sections 1, and Section 2 if applicable, of this By-law.
- c) Three copies of a stormwater management report and construction mitigation report, completed by a professional. For delegated approvals, upon agreement by the Principal Planner and the Director of Public Works, a scoped stormwater management report may be considered acceptable.
- d) An engineering site servicing report completed by a professional which contains detailed information regarding private and municipal infrastructure (ex. sidewalks, roads and water, sewer and wastewater mains).
- e) An explanation of the ownership and maintenance of facilities designed for stormwater management, water and sewer, and garbage.
- f) Survey / Reference Plan.
- g) Details in regards to offsite improvements, and any necessary road widening information, if required.
- h) Copy of title abstract.

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**Schedule "II" - By-law 2017 - 6723**

**1 - Unless agreed by Council, securities shall be required in the following amounts:**

- a) Municipal services on municipal property - 100%
- b) Municipal services on private property - 100%
- c) Private services on municipal property - 100%
- d) Private services on private property - 50%
- e) Returnable deposit to cover legal and stormwater review costs - value is dependent upon scale of project

Securities shall be in the form of either a certified cheque, letter of credit valid for one year or a guaranteed investment certificate.