

BY-LAW NUMBER 2006-34

Being a By-law to enable the Township of Madawaska Valley to utilize the provisions of Section 41 of the Planning Act – Site Plan Control, regarding lands located within the municipality.

WHEREAS Section 41 of the Planning Act permits the Council of a municipality by By-law, where in an Official Plan an area is shown or described as a proposed site plan control area, to designate the whole or any part thereof as a site plan control area;

AND WHEREAS there is an Official Plan in effect for the County of Renfrew of which the Corporation of the Township of Madawaska Valley is a part of;

AND WHEREAS it is considered desirable by Council that a By-law should be enacted pursuant to Section 41(2) with respect to the lands hereafter referred to;

NOW THEREFORE the Council of the Corporation of the Township of Madawaska Valley enacts as follows:

SECTION 1 - TITLE, INTERPRETATION AND APPLICATION

1.1 **Title of By-law**

This by-law may be cited as the “Site Plan Control By-law” of the Corporation of The Township of Madawaska Valley;

1.2 **Interpretation**

For the purposes of this By-law, words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular number; the word “shall” is mandatory; the word “used” shall also mean “designed to be used”; words shall be read with such changes to gender as the context may require.

1.3 **Application of By-law**

The provisions of this By-law shall apply to all development within all zones defined by the Zoning By-law Number 2006-26 of The Corporation of the Township of Madawaska Valley passed on May 1st, 2006, pursuant to Section 34 of the Planning Act, with the exception of the following as may be defined in said Zoning By-law:

- 1) residential uses containing fewer than four dwelling units, unless the associated lands exhibit physical constraints to development or are considered environmentally sensitive;
- 2) public use operated by a public authority;
- 3) buildings and structures for flood control and conservation purposes;
- 4) private garage or carport;
- 5) farms;
- 6) private park;
- 7) wayside pits;
- 8) radio beacons and transmitters;
- 9) forestry;
- 10) roadside stand; and
- 11) accessory uses to the foregoing.

The provisions of this By-law shall also apply to lands within the Township of Madawaska Valley, which exhibit physical constraints to development and lands which are environmentally sensitive to development (including waterfront lands).

SECTION 2 - DEFINITIONS

For the purpose of this By-law the following words and phrase shall have the meanings given below;

- 2.1 **Council** shall mean the Council of the Corporation of the Township of Madawaska Valley.
- 2.2 **Development** shall mean 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 in clause (a) of paragraph 101 of section 210 of the *Municipal Act* or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the *Planning Act* or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of the *Plan Act*.
- 2.3 **Development Agreement** shall mean any agreement entered into by an owner of land and the Municipality, pursuant to Section 41 of the *Planning Act*, as amended.
- 2.4 **Erect** shall mean to build, construct, reconstruct or relocate and shall include any preliminary physical operations such as cutting, grading, excavating, filling or draining or any altering of an existing building by an addition, extension or other structural change for the doing of any work for which a building permit is required under the *Building By-law* for the Municipality. The words “erected” and “erection” shall have a corresponding meaning.
- 2.5 **Municipality** shall mean the Municipality of the Corporation of the Township of Madawaska Valley.

SECTION 3 - DEVELOPMENT AGREEMENT

The owner of any land designated under this By-law shall be required as a condition of any development to enter into one or more agreement with the Municipality dealing with any or all of the facilities, works or matters referred to in SECTION 4, as deemed necessary by Council, and the issuance of a building permit shall be prohibited until Council has approved one or both, as the Council may determine, of the following:

- a) Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith, and of all facilities and works required under Section 4.
- b) Drawings showing plans, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display;
 - (i) the massing and conceptual design of the proposed building;
 - (ii) The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
 - (iii) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,

but which exclude the layout of interior areas, other than the interior walkways, stairs, elevators and escalators referred to in clause (iii), the colour, texture and type of materials, window details, construction details, architectural detail and interior design.

- c) Despite the exception provided in paragraph b), the council of the municipality may require the drawings mentioned therein for a building be used for residential purposes containing less than twenty-five dwelling units if the proposed building is to be located in an area specifically designated in the Official Plan as an area wherein such drawings may be required.

SECTION 4 - CONDITIONS TO APPROVAL

As a condition to the approval of the plans and drawings referred to in Section 3, the municipality may require the owner of the land to:

- (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:
 - i) subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the lands such as access ramps, curbing and traffic directional signs;
 - ii) 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;
 - iii) walkways, including the surfacing thereof, and all other means of pedestrian access;
 - iv) facilities for the lighting, including the floodlighting, of the lands or of any buildings or structures thereon;
 - v) walls, fences, hedges, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - vi) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - vii) easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities on the land; and
 - viii) 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 structures thereon;
- (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in items i) to viii) of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways; and
- (c) enter into one or more agreements with the municipality dealing with any or all of the facilities, works or matters mentioned in clause (a) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in Section 3.

SECTION 5 - REGISTRATION OF AGREEMENT

The Council shall require that any development agreement be registered against the lands to which it applies. The Council shall enforce the provisions of the development agreement or agreements against the owner of the said lands and, subject to the provisions of The Registry Act, and The Land Titles Act, any and all subsequent owners of the said lands.

SECTION 6 - RISK, EXPENSE AND DEFAULT

The facilities and matters required in a development agreement shall be provided and maintained by the owner of the said lands, at the sole risk and expense of the owner and to the satisfaction of Council. Should there be any default in fulfilling the requirements of the development agreement, the provisions of Section 434 of The Municipal Act, 2001 c. 25, as amended, shall apply.

SECTION 7 - VALIDITY

If any provision of this by-law is for any reason held to be invalid, it is hereby declared to be the intention that all the remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

SECTION 8 - ADMINISTRATION

This By-law shall be administered by the Municipality.

SECTION 9 - VIOLATIONS AND PENALTIES

Every person who contravenes this By-law is guilty of an offence and, in addition to the penalties provided in Section 6 on conviction, is liable to the penalties provided under Section 67 of the Planning Act, as amended, in the following manner:

- (a) Every person is liable
 - i) on a first conviction to a fine or not more than \$25,000.00, and
 - ii) on a subsequent conviction to a fine of not more than \$10,000.00 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted; and
- (b) Every corporation is liable
 - i) on a first conviction to a fine or not more than \$25,000.00 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

SECTION 10 - REPEAL OF PREVIOUS SITE PLAN CONTROL BY-LAW

All prior Site Plan Control By-laws of the former Village of Barry's Bay, the Township of Sherwood, Jones and Burns and By-Law Number 2002-50 are hereby repealed.

SECTION 11 - EFFECTIVE DATE

This By-law shall come into effect upon third and final reading thereof.

READ A FIRST AND SECOND TIME THIS 6th DAY OF June, 2006.

READ A THIRD TIME AND PASSED THIS 6th DAY OF June, 2006.

REEVE – John Hildebrandt

CAO/CLERK, Pat Pilgrim