

THE CORPORATION OF TAY VALLEY TOWNSHIP

BY-LAW NO. 09-031

Being a by-law to designate the whole of Tay Valley Township as a site plan control area and to delegate approval authority for site plan control agreements to the Planner.

WHEREAS Section 41 of the *Planning Act*, R.S.O., 1990, Chapter P.13, as amended, provides that where an area is shown or described as a proposed site plan control area within an Official Plan, the Council may, by by-law, designate the whole or any part of such area as a site plan control area;

AND WHEREAS the Official Plan of Tay Valley Township identifies those areas and land uses which may be subject to Site Plan Control within the Municipality;

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

1. In this by-law, "development" means 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 layout and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in the *Municipal Act* or of sites for the location of three or more mobile homes as defined in the *Planning Act* or of sites for the construction, erection or location of three or more land lease community homes as defined in the *Planning Act*.
2. The entirety of lands within the geographic limits of Tay Valley Township is hereby designated as a site plan control area pursuant to Section 41(2) of the *Planning Act*, as amended.
3. The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Section 41(4) of the *Planning Act*, as amended.
 - a) One and two-unit dwellings and accessory building and structures thereto, on lands where no development is proposed within 100 metres of a waterbody;
 - b) Any temporary building or structure used during construction of a permanent building or structure;
 - c) A public use, as defined in the applicable Comprehensive Zoning By-law, where Council has by resolution specifically exempted such use, or where such use is situated greater than 30 metres from a waterbody;


- d) Agriculture, forestry or conservation buildings or structures, including buildings and structures accessory thereto that are situated greater than 30 metres from a waterbody;
 - e) An addition to an existing building or structure, combined with any other additions constructed during the previous 24 months, provided that the addition:
 - i. is situated greater than 30 metres from a waterbody and is less than 30m² in floor area; or
 - ii. is situated between 15 metres and 30 metres from a waterbody and is less than 14m² in floor area.
 - f) An accessory building or structure, combined with any other accessory buildings or structures constructed during the previous 24 months, provided that the accessory building or structure:
 - i. is situated greater than 30 metres from a waterbody and is less than 30m² in floor area; or
 - ii. is situated between 15 metres and 30 metres from a waterbody and is less than 14m² in floor area.
 - g) A new or replacement septic system, provided that the septic system is situated greater than 30 metres from a waterbody.
4. Notwithstanding the exemptions permitted in Section 3 above, any development which requires relief from the Zoning By-law, either by way of Minor Variance or Zoning By-law Amendment, may be subject to Site Plan Control at the sole discretion of the Committee of Adjustment or Council respectively, particularly if the approval of such relief involves mitigative measures to be implemented on site.
5. Unless one of the exemptions above applies and such exemption has not been overridden pursuant to Section 4 above, no person shall undertake any development in the site plan control area designated under Section 2 hereof unless the Corporation of Tay Valley Township or the Ontario Municipal Board has approved plans, drawings, agreements and other matters referred to in Section 41(4) of the *Planning Act*, as amended.
6. Pursuant to Section 41(5) of the *Planning Act*, as amended, the Corporation of Tay Valley Township may require the submission of all plans and drawings required pursuant to Section 4 above for any development, including a residential building containing less than twenty-five dwelling units.
7. The Council of the Corporation of Tay Valley Township hereby delegates to the

Planner, or the Chief Administrative Officer in Planner's absence or inability to act, the authority to approve site plan control agreements including associated plans or drawings that are in compliance with the Zoning By-law as amended.


8. Any deviation from any dimension shown on plans prepared pursuant to this By-law to a maximum of one metre shall be permitted provided such deviation does not result in a violation of any provision of any other by-law of the Township.
9. Any person who contravenes this By-law shall be guilty of an offence and upon conviction therefore shall be liable to a fine pursuant to the *Municipal Act*, R.S.O., 1990, as amended.
10. By-law 06-104 and any amendment thereto is hereby repealed.
11. This By-law shall come into force and effect on the 15th day of June, 2009.

Read a first and second reading on the 9th day of June, 2009.

Read a third time, passed, signed and sealed on the 9th day of June, 2009



Reeve



Clerk *Derry*