

THE CORPORATION OF THE TOWNSHIP OF PUSLINCH

BY-LAW NO. 2019-029

Being a By-law to establish a Site Plan Control Area, to define classes of development and to delegate Council Authority pursuant to Section 41 of the *Planning Act*, R.S.O. 1990 c.P13, as amended, and to repeal By-law 16/08.

WHEREAS Subsection 41(2) of the Planning Act provides that the Council of a local municipality may, by By-law, designate a Site Plan Control Area;

AND WHEREAS the Official Plan identifies the whole of the County of Wellington as a proposed Site Plan Control Area;

AND WHEREAS Section 41(13)(a) of the Planning Act provides that the Council of a municipality may, by By-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under Subsection 41(4) or 41(5);

AND WHEREAS Subsection 41(11) of the Planning Act provides that Section 446 of the Municipal Act, 2001 applies to any requirements made under clauses (7)(a) and (b) and to any requirements made under an agreement entered into under clause (7)(c) or (c.1);

AND WHEREAS the Council of the Corporation of the Township of Puslinch is desirous of repealing By-law 16/08;

NOW THEREFORE the Council of The Corporation of the Township of Puslinch HEREBY ENACTS AS FOLLOWS:

1. All Lands within the corporate limits of the Township of Puslinch (hereinafter the "Township") are hereby designated as a Site Plan Control Area.
2. No person shall undertake development in the Site Plan Control Area without the approval of the required plans and drawings in accordance with the requirements of Section 41 of the Planning Act.
3. Notwithstanding Section 2 and pursuant to Section 41(13)(a) the following types of development are exempt from Site Plan Control without the approval of plans and drawings:
 - (a) Single detached dwellings, semi-detached dwellings, duplex dwellings and triplex dwellings;
 - (b) Any building or structure deemed accessory to a single detached dwelling, semi-detached dwelling, duplex dwelling, triplex dwelling or townhouse dwelling;
 - (c) Agricultural and farm related buildings or structures, except for those associated with a commercial, industrial or farm related tourism use that serves the public;
 - (d) Aesthetic or use alteration of an existing building or structure, unless such alteration of the building or structure has the effect of substantially increasing its size and/or impact, such as the alteration of a residential building to introduce a commercial use, as determined by the Chief Building Official and/or Development & Legislative Coordinator;
 - (e) Commercial and Institutional structures and/or additions not exceeding 93 square metres, or other minor applications, provided it can be demonstrated to the Chief Building Official and/or Development & Legislative Coordinator, the addition will not have a negative impact on the Township's Urban Design Guidelines, site servicing and grading, stormwater management, parking and loading or site access.
 - (f) Industrial structures and/or additions not exceeding 186 square metres, or other minor applications, provided it can be demonstrated to the Chief Building Official and/or Development & Legislative Coordinator the addition will not have a negative impact on the

Township's Urban Design Guidelines, site servicing and grading, stormwater management, parking and loading or site access.

- (g) Building and structures for flood control or conservation purposes;
 - (h) Pits and quarries licensed or permitted under the Aggregate Resources Act, R.S.O. 1990, c.A.8, as amended; and,
 - (i) Expansions or modifications to existing sewage and water treatment facilities that are operated under the approval of the Ministry of Environment, Conservation and Parks.
4. Council's powers and authority under section 41 of the Planning Act, except the authority under Section 41(13)(a) to define classes of development that may be undertaken without the approval of plans and drawings, are hereby delegated to the Chief Administrative Officer/Clerk.
 5. The Mayor and the Clerk of the Corporation of the Township are hereby authorized to execute all agreements (generally referred to as Site Plan Agreements) required by the municipality under subsection 41(7)(c) of the Planning Act and to affix the seal of the corporation thereto.
 6. Notwithstanding Sections 4 and 5, the CAO/Clerk of the Township may request that certain proposals be presented to Council prior to final approval.
 7. The Chief Building Official and/or Development & Legislative Coordinator are hereby authorized to approve minor changes to any approved site plan, in writing, without an amendment to the Site Plan Agreement.
 8. Every person who contravenes the site plan provisions of Section 41 of the Planning Act is guilty of an offence and is liable to a fine as set out in Section 67 of the Planning Act.
 9. In accordance with Section 446 of the Municipal Act the Township may direct or require a person to do a matter or thing as required as part of Site Plan Approval or the Site Plan Agreement, and in default of it being done by the person directed or required to do it, the matter of the thing shall be done at the person's expense.
 10. For the purposes of Section 8, the Township may enter upon the land at any reasonable time.
 11. The Township may recover the costs of doing a matter or thing from the person directed or required to do it by adding the costs to the tax roll and collecting them in the same matter as property taxes.
 12. By-law 16/08 is hereby repealed.

READ THREE TIMES AND FINALLY PASSED IN OPEN COUNCIL THIS 15th DAY OF MAY 2019.

James Seeley, Mayor

Karen Landry, Clerk