



THE CORPORATION OF THE TOWNSHIP OF NORWICH

BY-LAW NUMBER 15-2012

SITE PLAN CONTROL BY-LAW

WHEREAS Section 41 of the Planning Act, R.S.O. 1990, as amended, provides in part that, where in an *Official Plan* an area is shown or described as a proposed site plan control area, the Council of the local municipality in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a site plan control area and may delegate to either a Committee of the Council or to an appointed officer of the municipality any of the Council's powers or authority under that Section;

AND WHEREAS in the Oxford County *Official Plan*, the whole of the Township of Norwich is described as a site plan control area and the Council of the Township of Norwich considers it appropriate to designate the whole of the Township of Norwich as a site plan control area;

AND WHEREAS the Township of Norwich requires applications for building construction permits to be accompanied by plans and drawings referred to under Subsection 41(4) of the Planning Act, R.S.O. 1990, and by one or more agreements with the Corporation that deal with or ensure the provision and maintenance of any facilities, works or matters to be provided in conjunction with all buildings and structures to be erected and any facilities, works or matters mentioned in Subsection 41(7) of that Act.

THEREFORE, the Council of the Corporation of the Township of Norwich enacts as follows:

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## **DEFINITIONS**

### 1.0 DEFINITIONS

In this By-law, unless a contrary intention appears, or the term is defined in the Zoning By-law:

1.1 "*Act*" means the Planning Act, R.S.O. 1990, c.P.13, as amended;

1.2 "*Approval Authority*" means the Township Council or the person appointed by By-law to exercise all or any of Council's Authority under Section 41 of the *Act*;

1.3 "*Corporation*" means the Corporation of the Township of Norwich;

1.4 "*Council*" means the Municipal Council of the Corporation;

1.5 "*Development*" means:

1.5.1 the construction, erection or placing of one or more buildings or structures on the land; or

1.5.2 an interior or exterior addition or alteration to a building or structure on a property that has the effect of increasing the *usability* of the property; or

1.5.3 an addition or alteration to a building or structure on a property that has the effect of increasing the size of the building or structure in all zones; or

1.5.4 The making or construction or, or addition to, a commercial or industrial parking lot resulting in five or more parking spaces; or

1.5.5 the laying out and establishment of sites for the location of three (3) or more trailers as defined in the Municipal Act or of the sites for the location of three or more mobile homes as defined in subsection 46(1) of the Act or, of sites for the construction, erection or location of three (3) or more land lease community homes as defined in subsection 46(1) of the Act; or

1.5.6 an amendment to an existing site plan, elevation plan, landscape plan, and/or servicing plan or an amendment to an existing site plan agreement with the Township on property which has been designated as a site plan control area in the Site Plan Control By-law which has been adopted by the Township.

1.6 "*Facilities*" means site works and works abutting the site as defined in

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subsection 41 (7) (a) of the Act.

- 1.7 "*Official Plan*" means the County of Oxford Official Plan as amended from time to time;
- 1.8 "*Site Plan Design Guidelines*" means Schedule "A" to this by-law;
- 1.9 "*Usability*" means a change in the use of a property which would:
  - 1.9.1 result in a change in the amount of noise, lighting, odour and/or vibration which is generated on the property;
  - 1.9.2 alter the ingress/egress of the property;
  - 1.9.3 alter the traffic flow on or around the subject property, including the installation of a drive-through;
  - 1.9.4 alter the parking requirements;
  - 1.9.5 alter the hours of operation.
- 1.10 Other terms and definitions relevant to this By-law are set forth in the Township of Norwich Zoning By-law No. 07-2003-Z.

## **DEVELOPMENT SUBJECT TO SITE PLAN CONTROL**

### 2.0 SITE PLAN CONTROL AREA

The whole of the Township of Norwich as constituted from time to time is hereby designated as a site plan control area. *Development* in the following zones is subject to Site Plan Control: Agri-Business (AB), Residential Type 3 (R3), Village (V), Central Commercial (CC), Highway Commercial (HC), Restricted Industrial (MR), General Industrial (MG), Institutional (I) or Recreational (REC). Site Plan Control also applies to development in special zones where the zone symbols are followed by a dash and a number.

### 2.1 EXEMPT CLASSES OF DEVELOPMENT

The following classes of *development* may be undertaken without the approval of plans and drawings otherwise required under subsections 41(4) or 41(5) of the *Act*, and this By-law does not apply to such classes:

- 2.1.1 Dwellings: Single detached dwelling, semi-detached dwelling, duplex dwelling, and converted dwelling containing a maximum of two (2) dwelling units.
- 2.1.2 Uses, buildings or structures accessory to the uses listed above.

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- 2.1.3 Buildings or structures used for an agricultural use, but not including agricultural-commercial or agricultural-industrial operations such as farm equipment sales and service establishments, farm supply outlets and other uses set out in the Agri-Business Zone (AB) of the Township of Norwich Zoning By-law 07-2003-Z.
  - 2.1.4 Placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.

### **APPROVAL OF PLANS AND DRAWINGS**

#### 3.0 APPLICATION FOR APPROVAL

Every application for site plan approval shall be accompanied by the following plans, specifications, documents and information:

- 3.1 the plans referred to in Paragraph 1 of subsection 41(4) of the *Act*, 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 with the building or structure and all the facilities, works and matters referred to in clause 41(7)(a) of the *Act* in accordance with the *Site Plan Design Guidelines*;
- 3.2 the drawings referred to in Paragraph 2 of subsection 41(4) of the *Act* in accordance with the *Site Plan Design Guidelines*;
- 3.3 a complete application form duly authorized and all required drawings and supporting reports or documents referred to in Section 3.1, 3.2 and 3.3;
- 3.4 the fees, securities and deposits as outlined in the Township User Fee By-law.

#### 4.0 DEVELOPMENT AGREEMENT

The application for site plan shall result in the following:

- 4.1 a condition to the approval of the plans and drawings referred to in subsection 41(4) of the *Act*, the owner of the land is hereby required to:
  - 4.1.1 provide in accordance with the *Site Plan Design Guidelines* and at no expense to the *Corporation* the facilities, works or matters mentioned in subsection 41(7)(a) of the *Act* approved in accordance with Section 41 of the *Act* and shown on the plans

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- and drawings; and
- 4.1.2 maintain in accordance with the *Site Plan Design Guidelines* and at the sole risk and expense of the owner the facilities or works mentioned in subsection 41(7)(b) of the *Act* and shown on the plans and drawings, approved in accordance with Section 41 of the *Act*, including the removal of snow from access ramps and driveways, parking and loading areas and walkways.
- 4.2 pursuant to Section 41(7)(c) of the *Act*, a requirement to enter into one or more agreements with the *Corporation* in the form in Schedule "B" to this by-law dealing with the provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in subsection 41(7) of the *Act* in accordance with the plans and drawings approved pursuant to the *Act* and this By-law and in accordance with the *Site Plan Design Guidelines*;
- 4.3 where required under an agreement referred to in Section 3.4, security, in the form of a letter of credit, to protect the *Corporation* in respect of its liability for holdback and costs under subsection 17(4) of the Construction Lien Act, R.S.O. 1990, c. C.30. as amended, and to assure satisfactory provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in subsection 41(7) of the *Act* in accordance with the plans and drawings approved pursuant to the *Act* and this by-law and in accordance with the *Site Plan Design Guidelines*. The security will be equal to the greater of \$2,000 or the dollar value of 50 percent of the costs of all site work of the *development*, including but not limited to, asphalt, curbing, servicing and landscaping. In addition, the security shall be equal to the dollar value of 100 percent of the costs of works affecting the municipal road allowance or works within or on municipal easements;
- 4.4 if necessary, conveyance of part of the subject land to the *County of Oxford* or the *Corporation* for municipal purposes under subsections 41(8) and 41(9) of the *Act*;

## **DELEGATION OF COUNCIL'S POWERS**

### 5.0 DELEGATION TO TOWNSHIP OF NORWICH CHIEF ADMINISTRATIVE OFFICER

Whereas subsection 41(13) of the *Act* permits the delegation of any of the Council's powers or authority of the site plan control function to either a Committee of Council or an

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appointed officer of the municipality, the authority to approve plans and drawings required for any site plan control area in the *Corporation* and to impose necessary conditions of approval are hereby delegated to the Township of Norwich Chief Administrative Officer (the *Approval Authority*), or his or her designate in accordance with the following:

- 5.1 The Corporation shall consult with and circulate copies of all site plans and drawings, to the appropriate departments and agencies to ensure compliance of plans and drawings and other facilities and works proposed with the requirements of the by-laws and/or statutes administered by such departments and agencies;
- 5.2 The *Approval Authority* shall report on all site plan applications received and all decisions rendered to the Council of the Township of Norwich;
- 5.3 The *Approval Authority* shall determine the conditions of approval to the site plan in accordance with the municipal policies of the Township of Norwich;
- 5.4 In the event of a dispute between the *Approval Authority* and an applicant regarding the site plans, drawings or conditions of approval, the applicant may request in writing the matter disputed be referred to Council for Council's consideration. A referral to Council is advised before appealing the decision of the *Approval Authority* to the Ontario Municipal Board;
- 5.5 The Council of the Township of Norwich may, by resolution, require that the Chief Administrative Officer not approve plans or drawings of a proposed development and shall refer such plans or drawings directly to Council;
- 5.6 The *Approval Authority* is authorized to make changes to the content of the Schedules and Appendices, as necessary, without amending this By-law.

## **EXERCISE OF COUNCIL'S POWERS**

### 6.0 EXERCISE OF POWER

The exercise of the powers under Section 41 of the *Act* is subject to the following:

- 6.1 The *Approval Authority* shall approve the plans and drawings referred to in subsection 41(4) of the *Act* except where,
  - 6.1.1 the proposed facilities, works or matters shown on the plans and drawings do not comply with any applicable zoning by-law or are not

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- substantially in accordance with the *Site Plan Design Guidelines* attached as Schedule "A" to this by-law, or
- 6.1.2 the application submitted as required in Section 3.0 of this by-law is incomplete.
- 6.2 As a condition to the approval of plans and drawings referred to in subsection 41(4) of the *Act*, the *Approval Authority* may require that the owner of the land enter into one or more agreements referred to in Section 3.3 of this by-law, unless otherwise exempted by duly adopted resolution of Council.
- 6.3 The powers or authority under Sections 41(7)(b) and (c) of the *Act* with respect to any of the facilities, works or matters mentioned in Section 41(7)(a) of the *Act* shall be exercised by the *Approval Authority*.
- 6.4 The provisions of the *Site Plan Design Guidelines* be applied in each circumstance as it arises with such variations or modifications as the circumstances may require so long as each applicable provision is given effect according to its true intent and purpose.
- 6.5 The form or wording of the agreement in Schedule "B" shall be used with such variations or modifications as circumstances may require so long as the substance is not changed or affected and any variance from Schedule "B", not being in manner of substance, does not affect the regularity of any agreement. Additional clauses and provisions shall be included in the said agreement, as needed, to address any unique circumstances associated with the *development*.

## **LAPSING OF APPROVAL**

### 7.0 LAPSING OF APPROVAL

An approval of plans and drawings referred to in subsection 41(4) of the *Act* lapses,

- 7.1 Where a building permit is required for the *development*:
- 7.1.1 at the expiration of one (1) year from the date of approval if, within the one year period, no building permit is issued for the *development*; and,
- 7.1.2 a building permit is issued for the *development* but the owner has not started construction within one year of date of issuance of the building permit or the construction of the *development* has not been completed within two (2) years of the date of issuance of the building permit; or
- 7.1.3 upon the revocation at any time of any building permit issued for the

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*development;*

- 7.2 Where no building permit is required for the *development* but the owner has not started construction within one (1) year of date of site plan approval or the construction of the *development* has not been completed within two (2) years of the date of site plan approval; or,
- 7.3 Where the *Approval Authority* has granted approval to the plans and drawings and a Development Agreement is necessary to implement the *development*, but no Development Agreement has been executed and Registered on Title, within one (1) year of the said approval.,
- 7.4 The lapse of an approval is effective upon the date of giving written notice by the *Approval Authority* to the owner by registered mail and posting notice on site, revoking the approval; or, where an agreement has been registered, upon the registration of a notice that the approval is revoked and the agreement is terminated.

**FAILURE TO ACT / REFERRAL**

8.0 FAILURE TO ACT / REFERRAL TO COUNCIL

Where the *Approval Authority* does not approve the plans and drawings referred to in subsection 41(4) of the *Act* within thirty days after they are submitted to the Municipality for approval or where the owner of the land is not satisfied with any of the requirements made by the Municipality under subsection 41(7) of the *Act* or with any part thereof, including the terms of any agreement required, the owner of the land may, by written notice to the Township of Norwich Chief Administrative Officer and submission of the fee as set out in Section 3.4 to this By-law, request that the plans or drawings or the unsatisfactory requirements or parts thereof of the agreement, be referred to Council, and;

- 8.1 Council shall hear the owner or afford the owner and opportunity to be heard as soon as practicable after the decision of the *Approval Authority*, and
  - 8.2 shall consider the report and recommendations of the *Approval Authority* and determine the matter at issue, settle and determine the details of the plans or drawings and approve the same, settle and determine the requirements, including the provisions of any agreement.
- or
- 8.3 The owner of the land may, by written notice to the Township of Norwich Clerk-Administrator and to the Ontario Municipal Board, request that the



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plans or drawings or the unsatisfactory requirements or parts thereof the agreement, be referred to the Ontario Municipal Board. The Ontario Municipal Board shall hear and determine the matter at issue.

### **APPROVAL BY TOWNSHIP COUNCIL**

#### 9.0 COUNCIL APPROVAL AT TIME OF REZONING

In respect of any specific development, at the time Council recommends the approval of any zoning or rezoning by-law for the *development*, Council may on its own initiation:

- 9.1 take over the powers of the *Approval Authority* to approve the plans and drawings and impose requirements pertaining to the development, and thereafter the *Approval Authority* shall not approve such plans and drawings or impose requirements pertaining to the development, except as provided by this clause;
- 9.2 hold one or more public meetings, at which time the owner shall be afforded an opportunity to be heard, for the purpose of considering the plans and drawings and requirements pertaining to the development, and as soon as practicable thereafter, make a recommendation concerning the approval of the plans and drawings pertaining to the *development* and any requirements under subsection 41 (7) of the *Act*, including the provision of any agreement required.

### **EXECUTIVE ACTS AUTHORIZED**

#### 10.0 EXECUTIVE ACTS AUTHORIZED

The Mayor and Township Chief Administrative Officer are hereby authorized to execute on behalf and under the seal of the *Corporation* any document necessary to give further effect to the provisions of this by-law.

### **ENFORCEMENT**

#### 11.0 DEVELOPMENT WITHOUT APPROVED PLANS

Every person who, without having plans or drawings approved in accordance with Section 41 of the *Act*, undertakes any *development* in the site plan control area designated by this by-law is pursuant to Section 67 of the *Act*, upon conviction in a court of law is guilty of

contravening Section 41 of the *Act*.

#### 12.0 FAILURE TO PROVIDE OR MAINTAIN FACILITIES, ETC.

Every person who undertakes any *development* in the site plan control area designated by this by-law without providing or maintaining any of the facilities, works or matters that are mentioned in clause 41(7)(a) of the *Act* and that are required by the Corporation under that clause as a condition to the approval of plans or drawings in accordance with Section 41 of the *Act* is, pursuant to Section 67 of the *Act*, upon conviction in a court of law, guilty of contravening Section 41 of the *Act*.

#### 13.0 FAILURE TO ENTER INTO AGREEMENT

Every person who undertakes any *development* in the site plan control area designated by this by-law without entering into one or more agreements with the *Corporation* that deal with or ensure the provision or maintenance of any of the facilities, works or matters and that the person is required by the *Corporation* to enter into under that subsection as a condition to the approval of plans and drawings in accordance with Section 41 of the *Act* is, pursuant to Section 67 of the *Act*, upon conviction in a court of law, guilty of contravening Section 41 of the *Act*.

#### 14.0 PENALTY UPON CONVICTION

Every person who contravenes any provision of this by-law, upon conviction, is guilty of an offence and is liable to any penalty as provided in the *Act*.

#### 15.0 FACILITIES, ETC. PROVIDED BY THE TOWNSHIP

Where the owner fails to provide or maintain any of the facilities, works or matters that are to be provided in conjunction with all buildings and structures to be erected or that are mentioned in subsection 41(7)(a) of the *Act* and that are required by the Corporation as a condition to the approval of plans or drawing referred to in subsection 41(4) of the *Act*, the Council may by by-law direct that such facilities, works or matters shall be provided or maintained by or on behalf of the Corporation at the expense of the owner and the expense incurred in doing so shall be recovered:

- 15.1 by use of any deposits or securities furnished to the *Corporation* under Section 3.4 of this by-law;
- 15.2 by action;
- 15.3 in a like manner as municipal taxes;

15.4 in annual instalments payable by the owner, not exceeding ten years, with interest.

AND FURTHER that By-law 14-2006 be repealed.

READ a first and second time this 27<sup>th</sup> day of March, 2012.

READ a third time and finally passed this 27<sup>th</sup> day of March, 2012.

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MAYOR  
DONALD DOAN

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CAO/CLERK  
MICHAEL GRAVES