

BEING A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA FOR THE CORPORATION OF THE TOWN OF COBOURG.

WHEREAS Section 41(2) of the *Planning Act, RSO 1990, Ch. P.13*, as amended, provides that where an area is shown in the Town’s Official Plan as a Site Plan Control Area, Council may, by By-law, designate such area as a Site Plan Control Area; and

WHEREAS Section 4.0.1 of the *Planning Act RSO 1990, Ch. P. 13*, as amended, a Council that passes a by-law under subsection (2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4) of the Planning Act; and

WHEREAS Section 9.6 of the Town of Cobourg Official Plan designates all areas in the Town as a Site Plan Control Area;

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 Site Plan Agreement with the Town, in accordance with Section 41 of the Planning Act;

NOW THEREFORE the Council of the Corporation of the Town of Cobourg enacts as follows:

1. DEFINITIONS

1.1 “Approved Plans and Drawings” means any drawings described as architectural, engineering, landscaping, and lighting drawings, inclusive of any plan or study prepared in support of the site plan application and bearing the approval stamp of the Directors.

1.2 “Commercial Parking Lot” means an open area, including any related aisles, parking spaces, ingress and egress lanes, other than a public street or public lane or parking structure, used for the temporary parking of five or more motor vehicles and available for the public and/or private use, whether or not for compensation or as an accommodation for tenants, employees, clients or customers, other than parking areas which are accessory to a permitted use on the same lot. A Commercial Parking lot shall have its principal access to a public street or public laneway and shall constitute the main use of the lot.

1.3 “Development” means development as defined in Section 41 of the Planning Act and includes:

- i. the construction, erection or placing of one or more buildings or structures on land;
- ii. the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;
- iii. the laying out and establishment of:

- (1) a commercial parking lot;
- (2) sites for the location of three (3) or more trailers as defined in clause (a) of subsection 168(5) of the *Municipal Act, 2001, S.O. 2001, c. 25* as amended;

- (3) sites for the location of three or more mobile homes as defined in clause 46(1) of the *Planning Act*; or
- (4) sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of the *Planning Act*.

1.4 “Directors” shall mean the Director of Planning and Development and the Director of Public Works.

1.5 “Floor Area” shall be calculated relying upon the definitions of the Town of Cobourg Zoning By-law 85-2003, as amended, including any successors thereto.

1.6 “Multi-Unit Residential Use” means a building or structure of any kind whatsoever used, designed or intended to be used as a residential use and includes townhouses, stacked townhouses, fourplexes, multiple dwellings, boarding or rooming houses, apartment buildings, residential units fronting onto a private lane or condominium road, or any similar use as determined by the Director of Planning and Development, regardless of tenure, but does not include a mixed-use building.

1.7 “Non-Residential Use” means a building or structure of any kind whatsoever used, designed or intended to be used for other than a residential use and includes building or structures used for recreational, institutional, commercial, shopping centre, industrial, employment or mixed-uses or any similar use as determined by the Director of Planning and Development.

1.8 “Planning Act” means the Planning Act, R.S.O. 1990, c. P.13 as amended from time to time.

2. DEVELOPMENT SUBJECT TO SITE PLAN CONTROL

2.1 Site Plan Control Area

The Town of Cobourg is hereby designated as a site plan control area.

2.2 Every person who undertakes development within a Site Plan Control Area without approved plans and drawings required by this by-law or other than in accordance with the approved plans and drawings and any conditions of approval is guilty of an offence under section 67 of the *Planning Act*, and if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention is guilty of an offence.

2.3 Lands subject to Site Plan Control:

2.3.1 Lands subject to site plan control include development proposals for the following:

- 2.3.1.1 Non-residential Uses;
- 2.3.1.2 Multi-unit Residential Uses;
- 2.3.1.3 Electric power facilities including wind turbines and solar panels;
- 2.3.1.4 agricultural and farm related buildings or structures which are utilized in farming operations;
- 2.3.1.5 All lands to be developed for the purpose of a building or structure associated with a public use or utility.

- 2.3.2 Lands subject to Site Plan Control shall be determined based on the proposed use of the building and/or structure and not the applicable zoning of the subject lands.

2.4 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 Bylaw does not apply to such classes:

- 2.4.1 A residential building which is constructed, erected or placed solely for the purpose of a single detached, semi-detached, duplex, or converted dwelling containing a maximum of four (4) dwelling units, including any secondary units as permitted by the Zoning By-law;
- 2.4.2 An addition to a building requiring approval under Section 2.3 and having an area of the greater of 150 square metres or 10% of the existing gross floor area;
- 2.4.3 Notwithstanding 2.4.2, Site Plan Approval is not required if the addition has the effect of reducing the landscape open space by less than 10%; and/or proposes an increase in height without otherwise impacting the development of the subject lands; and in both instances continues to comply with the Zoning By-law.
- 2.4.4 Street Townhouse units being freehold townhouse units having frontage on a public right-of-way.
- 2.4.5 The 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.

3. SITE PLAN DRAWINGS AND SUPPORTING MATERIAL

3.1 Pre-consultation

In accordance the Town of Cobourg Official Plan and the Town of Cobourg mandatory pre-consultation by-law, a site plan application shall not be deemed complete until all items have been submitted in accordance with the Record of Pre-consultation and to the satisfaction of the Director of Planning and Development or their designate.

- 3.2 A complete Site Plan application shall include Plans and Drawings to illustrate the following:

- 3.2.1 All building, structures and works related to the development, including any works within the public right-of-way;
- 3.2.2 Massing, design, character, and scale of building;
- 3.2.3 Relationship of the proposed development to other adjacent buildings, streets, and publicly accessible areas;
- 3.2.4 Sustainable design elements within the development and within the adjoining right-of-way; and
- 3.2.5 Facilities designed to have regard to accessible design.

- 3.3 In accordance with Section 41(7) of the Planning Act the Town of Cobourg may require the following conditions be satisfied and shall be noted on the approved drawings and/or included the Site Plan Agreement:

- 3.3.1 Road widenings and other facilities related to access;
- 3.3.2 Suitable parking and loading facilities including emergency access;
- 3.3.3 Pedestrian connections, including accessible walkways;

- 3.3.4 Lighting including ensuring appropriate light coverage for private lanes and walkways, without negatively impacting abutting properties and/or roadways;
- 3.3.5 Landscaping features including walls, fences, hedges, and trees;
- 3.3.6 Garbage and waste facilities;
- 3.3.7 Easements for servicing; and
- 3.3.8 Grading and servicing of lands to suitably dispose of storm, surface, and wastewater.

4. DELEGATION OF SITE PLAN APPROVAL

4.1 The Council of the Corporation of the Town of Cobourg under Section 41 of the *Planning, RSO 1990, Ch. P.13*, shall appoint an officer, employee or agent of the municipality as authorized persons:

4.1.1 The Directors are hereby jointly appointed as the authorized persons.

4.2 Notwithstanding the delegation of authority to approve site plans, the Directors may present site plans to Council at any time prior to final approval and shall do so if requested by Town Council.

4.3 Stamped Approved Plans and Drawings shall not absolve or release the Owner or the Owner's Engineer, Architect or any other professional consultant from liability for any errors or omissions in relation to the Approved Plans and Drawings or from any other obligation under the Site Plan Agreement.

5. SITE PLAN AGREEMENTS

5.1 No Development is permitted within the Town unless the Owner enters into a Site Plan Agreement, except where exempted from Site Plan Control by Section 2 of this By-law. Any Agreement or Amendment to an existing Site Plan Agreement made in accordance with the provisions of this By-law shall be registered against the lands affected by the Agreement or Amendment, and the cost of such registration shall be borne by the Owner or person undertaking the Development.

5.2 Council may delegate, by By-law, the Mayor and Clerk to sign site plan agreements, amending agreements and any documents which may be required to implement the conditions of approval, upon approval of drawings and plans by the Directors.

6. PREVIOUS SITE PLAN AGREEMENTS

6.1 All site plans and agreements entered into pursuant to the provisions of Bylaw 22-80 and By-law 104-86 being previous Site Plan Control By-laws continue to be in full force and effect.

7. CONTRAVENTIONS AND PENALTIES

7.1 Any person who contravenes any of the provision of this by-law is guilty of an offence and on conviction is liable.

7.1.1 On a first conviction to a fine of not more than \$20,000.00; and

- 7.1.2 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 he was first convicted,

And every corporation on conviction is liable,

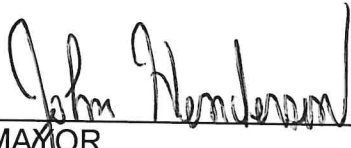
- 7.1.3 a. On a first conviction to a fine of not more than \$50,000.00; and

- 7.1.4 b. On subsequent conviction to a fine of 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.

8. REPEAL OF PRIOR BY-LAWS

- 8.1 That By-law Number 104-86 is hereby repealed.

Read and passed in Open Council on this 12th day of September, 2022.


MAYOR


MUNICIPAL CLERK