

THE MUNICIPALITY OF DYSART ET AL

BY-LAW 2022-63

BEING A BY-LAW TO DESIGNATE A SITE PLAN CONTROL AREA WITHIN THE LIMITS OF THE  
MUNICIPALITY OF DYSART ET AL,  
AND TO DELEGATE SITE PLAN CONTROL POWERS AND AUTHORITY

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**WHEREAS** Section 41(2) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, provides that where an area is described in the Municipality's Official Plan as a proposed Site Plan Control Area, Council may, by By-law, designate such area as a Site Plan Control Area;

**AND WHEREAS** Section 41(4.01) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, provides that a Council that passes a by-law under subsection 41(2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4);

**AND WHEREAS** the Dysart et al Official Plan designates all lands in the Municipality of United Townships of Dysart et al outside Algonquin Park as a proposed Site Plan Control Area;

**AND WHEREAS** the Municipality may require the approval of certain plans and drawings as a condition of development in the Municipality, and may require that an owner enter into a Site Plan Agreement with the Municipality, in accordance with Section 41 of the *Planning Act*, R.S.O. c. P. 13, as amended.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE UNITED TOWNSHIPS OF DYSART ET AL ENACTS AS FOLLOWS:**

1. Site Plan Control Area

All Lands within the corporate limits of the Municipality of the United Townships of Dysart et al (the "Municipality") which are outside Algonquin Provincial Park, are hereby designated as a Site Plan Control Area.

2. Definitions

For the purposes of the By-law, the following definitions shall apply:

- a) *Act* means the *Planning Act*, R.S.O. c. P. 13, as amended.
- b) *Municipality* means the Corporation of the United Townships of Dysart et al.
- c) *Development* shall have the same meaning as that which is set out in Section 41 of the *Act*, as amended.
- d) Other definitions are as identified in *Dysart et al Zoning By-law 2005-120*, as amended.

3. Classes of Development Excluded

The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Sections 41 (4) and (5) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended:

- a) Residential development containing two (2) dwelling units or less (including buildings and structures accessory to such residential development) except Part Lot 11, Concession 8, in the geographic Township of Dysart, in the Municipality of Dysart, RollNo.46-24-011-000-66700-00000 (OPA2);
- b) Non-residential development, including any accessory building, with a gross floor area of 10 square metres or less;
- c) Decks;
- d) Farm structures and accessory structures that are utilized in the active farm operation thereto except where the farm structures and accessory structures are located within 30 metres of the High Water Mark. Ancillary commercial or

industrial uses to the farm such as but not limited to, commercial nurseries and commercial greenhouses, are not exempt;

- e) Extractive industrial development, except the construction, erection, placing or extension of buildings or structures thereto unless otherwise exempt in this by-law;
- f) Industrial development, which consists of an expansion of an industrial building by up to 10% of the existing building floor area. All industrial development within 30 metres of the High Water Mark is subject to site plan control.
- g) Any development, buildings or structures used for public service provided by the *Municipality*, the County of Haliburton, the government of Ontario, the government of Canada, or any other public authority;
- h) Minor extensions to existing buildings or structures for non-residential development. For the purposes of this By-law, a minor extension means development that adds less than 50.0 square metres of area to the footprint of a building which complies with all the applicable zoning provisions of the Dysart et al Zoning By-law 2005-120, as amended.

#### 4. Site Plan Agreements

No development is permitted within the Site Plan Control Area unless the owner enters into a Site Plan Agreement, except where exempted from Site Plan Control by Sections 3 of this By-law, or where Council waives the requirement for an agreement.

Any Agreement or Amendment to an existing Site Plan Agreement made in accordance with the provisions of this By-law, or a predecessor 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.

When phased development is approved, the applicant or authorized agent, will provide a revised Site Plan Agreement and site plan addressing the development which is happening as each phase is developed which addresses how the remaining undeveloped lands are to be maintained in the interim.

#### 5. Site Plan Control

Notwithstanding the exemptions contained in Section 3, site plan control shall apply to any development in the Site Plan Control Area:

- a) Where site plan control is imposed as a condition of a zoning amendment by Council;
- b) Where site plan control is imposed as a condition of the approval of a Minor Variance by the Committee of Adjustment; or,
- c) Where a residential dwelling is converted and includes a non-residential use or is entirely a non-residential use.

#### 6. Delegation of Authority

Pursuant to Section 41(4.01) of the Act, Council appoints the Director of Planning and Land Information as the authorized person to approve all Site Plan Agreements.

#### 7. Pre-Consultation

Municipal By-law 2022-32, being a By-law to require mandatory pre-consultation for certain Planning Act Applications, requires applicants to pre-consult with the municipality before submitting plans and drawings for approval. Prior to the submission of site plan approval, the applicant and/or their authorized agent shall undertake pre-consultation with the Planning and Land Information Department.

## 8. Application for Approval

Every application for an approval pursuant to this By-law shall be accompanied by the following plans, drawings, documents and information:

- a) A complete application which is signed by the property owner and, where applicable, their authorized agent;
- b) The applicable administration fees and payments in accordance with the Municipality's By-law 2022-33, as amended;
- c) The plans and drawings as outlined in Section 41 (4) and 41 (5) of the *Act*, as applicable, showing all facilities and works to be provided in conjunction with the building, structures and facilities, works and matters referred to in Section 41(7) (a) of the *Act*.
- d) The plans and drawings must be signed and stamped by a qualified professional such as an engineer, Ontario Land Surveyor, architect, planner or landscape architect, as applicable.
- e) Where required, one or more agreements with the *Municipality* 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,
- f) Where required under an agreement referred to in Subsection (d) above, cash or one or more security bonds in a form acceptable to the Municipality in favour of the Municipality 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 4(17) of the *Act* in accordance with the plans and drawings approved pursuant to the *Act* and this By-law.

## 9. Authorization

After approval of an application by the Director of Planning and Land Information, the Mayor and the Clerk are hereby authorized to sign any site plan agreement and any documents which may be required to implement the conditions of approval.

## 10. Securities and Completion of Works at Owners' Expense

The *Municipality* may require securities to be posted for the provision of facilities, works or matters mentioned in Section 41 (7)(a) of the *Act*, that are in the public interest, including, but not limited to, any works on public lands, and any landscaping or site grading works or shoreline vegetation buffer work on private lands or shore road allowances:

Where an owner is required to complete development in accordance with a Site Plan Agreement and is in default of the Agreement, the *Municipality*, is hereby authorized to complete the requirements of the Agreement at the expense of the owner and the expense so incurred may be recovered from securities posted for the works, or, where such securities are insufficient to cover the works, in like manner as municipal taxes.

## 11. Rights of Entry

Unless prohibited by law, the owner signing each Site Plan Agreement shall be requested to agree to a provision whereby the Director of Planning and Land Information, the Chief Building Official or other persons to whom they delegate responsibility, may enter land subject to the agreement to inspect same for compliance with the Agreement. In the case of a required shoreline vegetation buffer, such right to enter on the buffer and inspect same for compliance continues so long as the buffer is required. Nothing in this provision authorizes the entry of any building.

## 12. Lapse of Approval

Unless so authorized, a development approval pursuant to Section 41 of the *Act* lapses at the expiration of three years from the date of approval if the development does not proceed within a three year period from the date of approval.

13. No Building Permit Unless Development Authorized

No building permit shall be issued for any development subject to this By-law until site plan approval has been obtained. In context of this By-law, in order to obtain site plan approval the final site plan, supporting plans and studies and the site plan agreement must be approved and signed by the Municipality and the applicant and/or his authorized agent.

14. Development without Approved Site Plan and Agreement

Every person who, without having plans or drawings approved in accordance with Section 41 of the *Act* and this By-law, undertakes any development in the Site Plan Control Area designated by this By-law is guilty of contravening Section 41 of the *Act* and Section 4 of this By-law.

15. Penalty upon Conviction

Every person who is convicted of an offence of contravening Section 41 of the *Act*, or this By-law is liable to the fine or penalty prescribed by Section 67 of the *Act*.

16. Effective Date and Repeal

- a) This By-law come into effect on the day it receives third reading.
- b) By-law 2019-46 is repealed, effective the date this By-law comes into effect.

READ a first, second and third time, signed and the Corporate Seal attached hereto this 24<sup>th</sup> day of May, 2022.

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Mayor: Andrea Roberts

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Clerk: Mallory Bishop