

## The Corporation of the Township of Douro-Dummer

### By-law Number 2025-09

#### Being a By-law to Designate the Township of Douro-Dummer as a Site Plan Control Area and Repeal By-law 2022-58

**Whereas** under the provisions of subsection 41 (2) of The Planning Act, R.S.O. 1990, as amended, authority is granted to Councils of Municipalities to designate a site plan control area, where an Official Plan is in effect;

**And Whereas** section 7.17.1 of the County of Peterborough Official Plan designates all lands in the Township as a Site Plan Control Area;

**And Whereas** subsection 41 (13) of The Planning Act, R.S.O., 1990, as amended, provides authority for the Council of a Municipality to pass a By-Law prescribing certain classes of development to be exempt from subsections 41 (4) and (5) of The Planning Act, 1990, as amended, and providing for the delegation of any of the Council's powers or authority as provided therein;

**And Whereas** subsection 41 (4.0.1) of The Planning Act, R.S.O., 1990, as amended requires Councils of Municipalities to appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection 41 (4) of The Planning Act, R.S.O. 1990, as amended;

**And Whereas** the whole of the area covered by the Official Plan is designated as a site plan control area which is all within the limits of the Corporation;

**Now Therefore** the Council of The Corporation of the Township of Douro-Dummer enacts as follows:

1. For the purposes of this by-law:

- 1.1. **"Authorized Person"** means an officer, employee or agent of the municipality for the purposes of subsection 41 (4) of The Planning Act, R.S.O. 1990, c.P.13, as amended;
- 1.2. **"Clerk"** means the person appointed by Council to carry out the duties of the clerk described in section 228 of The Municipal Act, 2001;
- 1.3. **"Complete Application"** means the completed Application for Site Plan Approval, together with the prescribed information including all applicable fees, plans and drawings and other information including technical reports and/or studies peer reviewed to the satisfaction of the Authorized Person(s);

- 1.4. **"Corporation"** means The Corporation of the Township of Douro-Dummer;
  - 1.5. **"Council"** means the Council of The Corporation of the Township of Douro-Dummer;
  - 1.6. **"Development"** has the same meaning as in subsection 41 (1) of The Planning Act, R.S.O. 1990, c.P.13, as amended;
  - 1.7. **"Gross Floor Area"** means the aggregate of the floor areas of all the storeys of a building including the floor area of any basement but not of a cellar or subcellar, which floor areas are measured between exterior faces of the exterior walls of the building at each floor level but excluding car parking areas within the building and, for the purpose of this paragraph the walls of an inner court and shall be deemed to be exterior walls;
  - 1.8. **"Land Lease Community Home"** means any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling;
  - 1.9. **"Owner"** means the owner of land whose interest in the land is defined and whose name is specified in the proper Registry of Land Titles Office;
  - 1.10. **"Person"** includes an Owner;
  - 1.11. **"Redevelopment"** means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon;
  - 1.12. **"Site Plan"** means those plans and/or drawings as contemplated by subsection 41 (4) of The Planning Act, R.S.O. 1990, c.P.13., as amended;
  - 1.13. **"The Planning Act"** means The Planning Act, R.S.O. 1990, c.P.13, as amended.
2. The whole of the area covered by the Official Plan for the Township of Douro-Dummer is designated as a site plan control area insofar as lands in all the zoning categories under the Township of Douro-Dummer Zoning By-law number 10-1996, as amended, save and except for those uses specifically exempted under section 4 of this By-law.
  3. Within the various commercial, industrial, institutional and rural Zones, projects of the following magnitude shall require site plan approval:
    - 3.1. Any new commercial or industrial building or building addition, greater than 100 square metres of gross floor area;
    - 3.2. Any other new non-residential building, or building addition greater than 100 square metres of gross floor area;
    - 3.3. Any project as determined by the Authorized Person within an aggregate resource area;

- 3.4. The approval process has been delegated to the Chief Building Official and the CAO or their designate, as the Authorized Persons. Agreements shall be signed by the Clerk and the Mayor as per changes enacted by Bill 109. The approval process begins upon the submission of a "complete application".
4. The following classes of development shall be exempt from site plan control:
  - 4.1. All development or redevelopment of land for residential purposes containing 10 residential units or less;
  - 4.2. Any building accessory to the uses described in paragraph 4.1 of this section;
  - 4.3. An inground or above ground swimming pool constructed in connection with the uses described in paragraph 4.1 of this section;
  - 4.4. Any new non-residential building including any accessory building less than 100 square metres of gross floor area;
  - 4.5. Any building addition less than 100 square metres of building area or floor area, whichever is greater;
  - 4.6. Any interior alteration to a building or change of use, but not a change of use to a group home;
  - 4.7. Any agricultural and farm related buildings or structures that are utilized in active farming operations;
  - 4.8. 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;
  - 4.9. Any project which the Council of the Corporation by resolution specifically exempts from the application of the within By-law.
5. Notwithstanding the aforementioned exemptions, site plan control shall apply to the following classes of development:
  - 5.1. Any project, as determined by the Chief Building Official and/or the CAO or their designate, which is the subject of a Planning Application;
  - 5.2. Any project where site plan control is imposed as a condition of an application to the County Land Division Committee;
  - 5.3. All residential development or redevelopment for the purposes of land lease community homes;
  - 5.4. All development or redevelopment where a residential building is converted to a non-residential use;
  - 5.5. Any project that is within 300 metres of a railway line as set out in Ontario Regulation 254/23 unless a building permit was issued on or before August 9, 2023;

5.6. Any project that is within 120 metres of:

- i) a wetland,
- ii) an inland lake, or
- iii) a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse unless a building permit was issued on or before August 9, 2023.

6. Notwithstanding any of the provisions of any By-law which may be inconsistent with the By-law, no person shall undertake any development or redevelopment in the site plan control area unless the Corporation has approved the following:

6.1. All plans, drawings, elevations and cross sections and other materials submitted in support of an application for site plan approval;

6.2. All plans, drawings and other materials submitted in support of an application for site plan approval shall be required to address matters in accordance with section 41 of The Planning Act, including but not limited to:

- 6.2.1. The massing and conceptual design of the proposed building;
- 6.2.2. The relationship of the proposed building adjacent buildings, streets, and exterior areas to which members of the public have access;
- 6.2.3. The provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
- 6.2.4. Matters relating to building construction required under a by-law referred to in section 97.1 of The Municipal Act, 2001;
- 6.2.5. The sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
- 6.2.6. Facilities designed to have regard for accessibility for persons with disabilities.

6.3. The following matters related to buildings described in this By-law are not subject to site plan control:

- 6.3.1. Interior design.
- 6.3.2. Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph

2 (d) of subsection 41 (4) of The Planning Act or subsection 6.1.3 of this By-law.

6.3.3. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2 (c) of subsection 41 (4) of The Planning Act or subsection 6.1.3 of this By-law.

6.3.4. The manner of construction and standards for construction

7. As a condition to the approval of the plans and drawings referred to in section 6 of this By-law, the Corporation may require the owner to:

7.1. Provide to the satisfaction of and at no expense to the municipality any or all of the following:

7.1.1. Widening of highways that abut on the land;

7.1.2. Subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs;

7.1.3. Off street vehicular loading and parking facilities, either covered or uncovered access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways;

7.1.4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;

7.1.5. Facilities designed to have regard for accessibility for persons with disabilities;

7.1.6. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;

7.1.7. Walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands;

7.1.8. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;

7.1.9. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities and other public utilities of the municipality or local board thereof on the land;

7.1.10. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;

7.2. Maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or work mentioned in paragraph 7.1.2,

7.1.3, 7.1.4, 7.1.5, 7.1.6, 7.1.7, 7.1.8, and 7.1.9 of clause 7.1 of this By-law, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

7.3. Enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clauses 7.1 and 7.2 and the maintenance thereof, or with the provision and approval of the plans and drawings referred to in section 6 of this By-law;

7.4. Enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved under section 6 of this By-law.

8. Any agreement entered into clause 7.3 of section 7 of this By-law may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of The Registry Act and The Land Title Act, any and all subsequent owners of the land.

9. Section 326 of The Municipal Act R.S.O., 1990, as amended, applies to any requirements made under clauses 7.1 and 7.2 of section 7 and to any requirements made under an agreement entered into under clause 7.3 of section 7 of this By-law.

10. Lands Abutting County Property:

10.1. Plans and drawings in respect of any development proposed to be undertaken in the area shall not be approved until the upper-tier municipality has been advised of the proposed development and afforded a reasonable opportunity to require the owner of the land to:

10.1.1. Provide to the satisfaction of and at no expense to the upper-tier municipality any or all of the following:

10.1.1.1. Widenings of highways that are under the jurisdiction of the upper-tier municipality and that abut on the land,

10.1.1.2. Subject to the Public Transportation and Highway Improvement Act, where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs,

10.1.1.3. Where the land abuts a highway under the jurisdiction of the upper-tier municipality, offstreet vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways,

- 10.1.1.4. Where the land abuts a highway under the jurisdiction of the upper-tier municipality, grading or alteration in elevation or contour of the land in relation to the elevation of the highway and provision for the disposal of storm and surface water from the land,
- 10.1.1.5. Where the land abuts a highway under the jurisdiction of the upper-tier municipality, facilities designed to have regard for accessibility for persons with disabilities;
- 10.1.1.6. Enter into one or more agreements with the upper-tier municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause 10.1.1 or 10.1.1.7 of this By-law and the maintenance thereof at the sole risk and expense of the owner, including the removal of snow from access ramps and driveways and parking and loading areas;
- 10.1.1.7. Convey part of the land to the upper-tier municipality to the satisfaction of and at no expense to the municipality for a public transit right of way.

#### 11. Lapsing of Approval:

11.1. When deemed necessary by the Authorized Person, a lapsing provision may be imposed on site plan approval in accordance with subsection 41 (7.1) and 41 (7.2) of The Planning Act.

#### 11.2. Notice of lapsed approval

11.2.1. Written notice of lapsed approval shall be given by the Township to the owner within 30 days of the approval lapsing; and where an agreement has been executed or registered, the agreement shall be terminated.

#### 11.3. Extension to lapsing approval date

11.3.1. Written request from the Owner to the Township shall be provided 30 days prior to the approval lapsing date. The Owner shall provide a rationale for the extension request.

11.3.2. The Authorized Person shall review the extension request and advise the Owner if the extension request is granted or refused.

#### 12. Default:

12.1. Where the owner is directed or required by the By-law that any matter or things be done and such person defaults in doing such matter or thing, it may be done by the Corporation at its expense and the Corporation may recover

the expense in doing it by action or the same may be recovered in like manner as municipal taxes.

12.2. Where the owner is in default in doing any matter or thing which the owner is directed or required to do by this By-law the owner is to be given written notice by prepaid registered mail to the owner's usual place of business or place of residence advising of the default and affording the owner not less than thirty (30) days to remedy the default.

12.3. Where the owner has been given notice of default by prepaid registered mail and the owner has failed to remedy the default within the time prescribed in the notice the owner is entitled to appear before a meeting of the Council in respect of such default before the Corporation proceeds under subsection 12.1 of this section.

13. No building permit or permits are to be issued until:

13.1. The plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the By-law are filed by the owner with the Corporation and approved by the Corporation/Authorized Person, and;

13.2. The perspective plans and drawings showing buildings, elevations and cross sections of industrial and commercial buildings and institutional buildings are filed by the owner with the Corporation and approved by the Corporation/Authorized Person, and;

13.3. The owner conveys to the Corporation lands for the widening of highways required by the Corporation, free of charge and with a title free of encumbrance, and;

13.4. The owner conveys to the Corporation, free of charge and with a title free of encumbrance, lands for a walkway where required by the Corporation, and;

13.5. The owner conveys to the Corporation, free of charge and with a title free of encumbrance, any easements required by the Corporation for its purposes, and;

13.6. The owner files with the Corporation, for its approval, a lot grading plan showing all grading and changes in elevation or contour of land and disposal of storm, surface and waste water from the lands or any buildings or structures to be erected thereon;

13.7. The owner has entered into any agreements required under section 7.3 of this By-law.

14. No person shall:

- 14.1. Block or impede access to land at the point of ingress or egress shown on the plans and drawings filed with the Corporation, and;
  - 14.2. Park a vehicle on private property other than on the parking and loading access shown on the plans filed with the Corporation, and;
  - 14.3. Block or impede the use of walkways shown on the plans filed with the Corporation, and;
  - 14.4. Interfere with snow or ice removal directly or indirectly and without limiting the generality of the foregoing, no vehicle shall be parked so as to obstruct the removal of ice or snow from access ramps, driveways, parking areas and walkways shown on the plans filed with the Corporation, and;
  - 14.5. Change the grading or contour or elevation of land from that shown on the plans filed with the Corporation and approved by the Engineer of the Corporation without the consent in writing of the Engineer of the Corporation, and;
  - 14.6. Block or interfere with the disposal of or alter the normal drainage course for storm surface and waste water from land or buildings or structures unless alternative drainage is provided to the written satisfaction of the Engineer for the Corporation, and;
  - 14.7. Block or interfere with watercourse, watermains, ditches, land drainage works or sanitary sewerage facilities of the Corporation or of the County of Peterborough, whichever is the case, and;
  - 14.8. Permit floodlights from his land to illuminate neighbouring buildings where such illumination disturbs the sleep or privacy of the occupants of the buildings so illuminated, and;
  - 14.9. Fail to maintain walls, fences, hedges, trees, shrubs or other suitable groundcover shown on the plans filed with the Corporation, and;
  - 14.10. Fail to keep in good repair or uncovered all vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials as shown on the plans filed with the Corporation.
15. Notwithstanding the foregoing, no approval of site plans and elevation drawings for development or redevelopment in a site plan control area shall be approved unless or until proper drawings have been prepared, either by a qualified draftsman, surveyor, engineer or architect. Such drawings must be signed by the party preparing same. Such drawings must be legible. Extra copies of such drawings must also be provided in legal size and still be legible in case it is determined that a site plan agreement must be registered against the title to the owner(s) land.

## 16. Violations and Penalties

16.1. Any persons who violates any provision of the By-law or causes or permits a violation shall be guilty of an offence and, upon conviction therefore, shall be liable for the penalties set out in Section 67 of The Planning Act, R.S.O., 1990. Each day of violation shall constitute as offence.

## 17. Remedies

17.1. In case any building or structure is to be erected or altered or any part thereof is to be used, or any lot is to be used in contravention of any requirement of this By-law, such contravention may be retained by action in the instance of any ratepayer or of the Corporation pursuant to the provisions of The Planning Act or The Municipal Act in that behalf.

## 18. Validity

18.1. If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall no affect the validity of the By-law as a whole or any part hereof, other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that all the remaining sections, clauses and provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions hereof shall have been declared to be invalid.

19. That this By-law shall come into effect on the date it is passed by the Council of Corporation of the Township of Douro-Dummer, subject to the applicable provisions of The Planning Act, R.S.O., 1990, as amended.

20. That By-law No. 2022-58 of the Township of Douro-Dummer is hereby repealed.

Enacted and passed this \_\_\_\_\_ day of \_\_\_\_\_, 2025 .

\_\_\_\_\_  
Mayor, Heather Watson

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Clerk, Martina Chait-Hartwig