



THE CORPORATION OF THE TOWN OF INNISFIL

BY-LAW NO. 135-17

A By-law of The Corporation of the Town of Innisfil to designate certain lands within the corporate limits of the Town of Innisfil as site plan control areas, to delegate authority for approval, and to repeal By-law No. 072-17.

WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, provides that where an area is shown or described as a proposed site plan control area in an official plan, council may, by By-law, designate the whole or any part of the area as a site plan control area; and,

WHEREAS Section 41 of the Act provides for the entering into of agreements between the municipality and those persons undertaking developments as defined therein, for the purpose of controlling certain matters specifically set out in the statute; and,

WHEREAS Section 41 of the Act provides that council may require applicants to consult with the municipality prior to application submission; and,

WHEREAS Section 41 of the Act provides for the delegation of the powers of the council in exercising its authority over said agreements, to such official of the municipality as council may deem proper; and,

WHEREAS the Official Plan for The Corporation of the Town of Innisfil ("Town") identifies all lands within the corporate limits of the Town as a site plan control area, save and except single detached, semi-detached, duplex and street townhouse dwelling units, and agricultural buildings and structures associated with a typical farming operation;

WHEREAS schedule A of this By-law identifies land subject to site plan control, any Tree Removal and/or vegetation, shall not be permitted prior to a written agreement and satisfaction of the Town; and

WHEREAS the Official Plan states that any expansions of buildings subject to site plan control shall be subject to the site plan control provisions of the Official Plan;

NOW THEREFORE the council ("Council") of The Corporation of the Town of Innisfil enacts the following:

1.0 DEFINITIONS

"Act" shall mean the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or successor legislation

"Agricultural Uses" shall mean agricultural uses as defined in the Official Plan.

"Application, Formal Site Plan" shall mean an application for Development or Re-development that requires site plan approval under this By-law, as amended, on a property or within the corporate limits of the Town without an existing site plan agreement registered

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on title, which will significantly alter the current use of the property or waterway on Lake Simcoe, or affect off-site uses, or impact municipal facilities or works, or significantly alter site imperviousness or stormwater runoff potential, including Tree Removal.

“Application, Pre-consultation Site Plan” shall mean an application prior to a Formal Site Plan Application for Development or Re-development that requires site plan approval under this By-law, as amended, on a property or within the corporate limits of the Town without an existing site plan agreement registered on title, which will significantly alter the current use of the property or waterway on Lake Simcoe, or affect off-site uses, or impact municipal facilities or works, or significantly alter site imperviousness or stormwater runoff potential, including Tree Removal.

“Application, Site Plan Amendment” shall mean an application for Development or Re-development that requires site plan approval under this By-law, as amended, on a property that has an existing site plan agreement registered on title.

“Community Planning Permit System By-law” shall mean the Town’s Community Planning Permit System By-law 062-17, as amended, or successor by-laws regulating properties abutting Lake Simcoe and extend to the corporate limits on Lake Simcoe or any other applicable community planning permit by-law.

“Corporate limits” shall mean any lands or waters within the limits of the Town of Innisfil’s corporate boundary including to the centreline of Lake Simcoe.

“Development or Re-development” shall mean site preparation and Tree Removal, the construction, erection or placing of one or more buildings or structures on property within the corporate limits of the Town or the making of an addition or alteration to a building, structure or landscaping that has the effect of substantially increasing/decreasing the size or usability thereof, or the laying out and establishment of a commercial/industrial parking lot or of sites for the location of three or more trailers as defined in subsection 164 (4) of the *Municipal Act, 2001*, or of 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 or more land lease community homes as defined in subsection 46 (1) of the Act.

“Dwelling, Duplex” shall mean a building that is divided horizontally into two dwelling units, each of which has an independent entrance either directly or through a common vestibule.

“Dwelling, Semi-detached” shall mean a building that is divided vertically into two dwelling units, each of which has independent entrances to the front and rear or side yard either directly or through a common vestibule.

“Dwelling, Single Detached” shall mean a separate building designed and intended to be occupied as a single dwelling unit for one household.

“Dwelling, Townhouse” shall mean a residential dwelling unit attached above and below grade to other units by a common sidewall that is at least 80% of the wall length of the abutting unit, where the number of attached units is no less than three and no greater than eight, or any other types of townhouse dwellings defined in the Town’s Zoning By-law, including block/cluster townhouse dwellings and stacked townhouse dwellings..

“Dwelling, Street Townhouse” shall mean a residential dwelling unit attached above and below grade to other units by a common sidewall that is at least 80% of the wall length of the abutting unit, where the number of attached units is no less than three and no greater than eight, and front on a municipal street as defined in the Town’s Zoning By-law.

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“Official Plan” shall mean the Official Plan of The Corporation of the Town of Innisfil, as amended.

“Owner” shall mean the lawful owner, in addition to any other meaning, include:

- (a) The registered owner of the land, premises or property;
- (b) Any person residing on or in land, premises or property;
- (c) The person entitled to the possession of land, premises or property if there is no person residing on or in the land, premises or property; and
- (d) A leaseholder;

And shall include an authorized agent or applicant of any such person.

“Town Official” shall mean the Manager of Land Use Planning, or his or her designate.

“Tree Removal” shall mean the felling and removing of any trees and or vegetation, including tree trunks, branches, removal of stumps, grubbing and topsoil stripping.

“Zoning By-law” shall mean the Town’s Comprehensive Zoning By-law 080-13, as amended, or successor by-laws.

2.0 LANDS AFFECTED

- 2.1** That all lands or property within the corporate limits of the Town within the land use zones including any site specific exceptions or land regulated by the Community Planning Permit System By-law, as listed on Schedule ‘A’ which shall form part of this by-law are hereby designated as site plan control areas (“Lands”).
- 2.2** Lands subject to a Community Planning Permit By-law may amend an approved site plan subject to the applicable provisions of the applicable Community Planning Permit By-law.
- 2.3** Notwithstanding the areas designated under Section 1 of this By-law, site plan control areas may be designated as deemed necessary by the Council in accordance with the provisions of the Official Plan.

3.0 APPROVAL AUTHORITY

- 3.1** The authority to review, approve and exempt an Application for site plan control approval is hereby delegated to the Town Official.

4.0 PRE-CONSULTATION APPLICATION

- 4.1** All applicants shall consult with the Town Official prior to the submission of any Application for site plan control approval to ensure that submission requirements are identified and to determine whether the Application shall be considered.

5.0 APPLICATION

- 5.1** During pre-consultation with the applicant the Town Official will determine the submission requirements for an Application for site plan control, including but not limited to the requirements for plans, drawings, studies and reports. The Town Official will prepare a record of the submission requirements identified during pre-consultation that will be provided to the applicant and will be valid for one (1) year from the date of issuance.

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5.2 Upon review of the submission of an Application for site plan control by the Town Official, the applicant will be advised in writing that a complete submission has been received. A complete submission of an Application for site plan control Approval for the purposes of Section 41(12) of the Act, may include

but is not limited to the following:

- (a)** a completed Application form;
- (b)** a copy of the record of submission requirements provided during pre-consultation;
- (c)** payment to the Town of all fees, and deposits;
- (d)** the provision of plans as follows:
 - (i)** plans 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 therewith and of all facilities and works required, including facilities designed to have regard for accessibility for persons with disabilities;
- (e)** The provision of drawings, as may be required in consultation with the Town Official, including but not limited to drawings showing plan, elevation and cross-section views for each building to be erected, which drawings are sufficient to display:
 - (i)** the massing, and conceptual design of the proposed building;
 - (ii)** the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
 - (iii)** 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;
 - (iv)** matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings (architectural control and urban design), and their sustainable design, but only to the extent that it is a matter of exterior design;
 - (v)** the sustainable design elements of any adjoining highway under the Town'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;
 - (vi)** facilities designed to have regard for accessibility for persons with disabilities;
- (f)** The provision of studies, and reports, as may be required in consultation with the Town Official, including but not limited to the following:
 - (i)** Functional Servicing Report;

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- (ii) Geotechnical Report, including identification of low impact development opportunities;
 - (iii) Stormwater Management Report, including the maximization of low impact development;
 - (iv) Traffic Impact Study;
 - (v) Salt Management Plan;
 - (vi) Tree Inventory and Preservation Plan;
 - (vii) Noise and Vibration Study;
 - (viii) Hydrogeological Assessment, with seasonally high groundwater data;
 - (ix) Environmental Impact Study;
 - (x) Urban Design Brief;
 - (xi) Overshadowing Assessment;
 - (xii) Radio transmission impacts for emergency services;
 - (xiii) Ministry of the Environment Guideline D-4 – Land Use On or Near Landfills and Dumps;
 - (xiv) Design options for bird friendly window glazing (to reduce bird air strikes into new buildings and structures);
 - (xv) In the case of a Brownfield Development, a Brownfields Phase 1 Site Plan Condition Report;
 - (xvi) In the case the Development is subject to Section 59 of the *Clean Water Act*, a Notice from the Risk Management Official; and
 - (xvii) Any studies or reports required under the Community Planning Permit System;
- (g) A legal survey and transfer certificate showing ownership.

6.0 CIRCULATION AND CONSULTATION

- 6.1 The applicant shall be required to post an on-site notice of the Application for site plan control approval once they have been advised in writing that a complete submission has been received. Such notice shall be removed once site plan approval has been granted.
- 6.2 The Application shall be circulated to Council, any applicable external commenting agencies, and any appropriate Town staff and committees for review and commenting.
- 6.3 Any Application for site plan control approval may be subject to public consultation, at the discretion of the Town Official, or his or her designate.

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7.0 LAPSED APPLICATIONS

7.1 An Application for site plan control shall lapse and be closed if the applicant has not responded to comments issued under Section 6.2 of this By-law within one (1) year from the date the Application is deemed complete. If an Application lapses, then the applicant may be required to submit a new Application for site plan control, at the discretion of the Town Official.

8.0 CONDITIONS OF APPROVAL

8.1 Authority to impose conditions under Section 41 of the Act is hereby delegated to the Town Official.

8.2 As a condition to the approval of the plans and drawings referred to in Section 5.2(d) and 5.2(e) of this By-law, the Town may require the Owner of the land to:

- (a) provide to the satisfaction of and at no expense to the municipality, any or all of the following:
 - (i) widenings of highways that abut on the land, if the highway to be widened is shown on or described in the Official Plan or Town Transportation Master Plan, as amended, as a highway to be widened and the extent of the proposed widening is likewise shown or described;
 - (ii) subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs;
 - (iii) 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;
 - (iv) trails, walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
 - (v) facilities designed to have regard for accessibility for persons with disabilities;
 - (vi) facilities for emergency services including sprinkler systems and radio transmission equipment;
 - (vii) facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - (viii) charging facilities and/or provision thereof for electric vehicles;
 - (ix) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - (x) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - (xi) easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage

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works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land;

(xii) 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; and

(xiii) facilitation of public art installation.

(b) maintain to the satisfaction of the Town and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) of Section 8.2(a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

(c) enter into one or more agreements with the Town dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Section 8.2(a) or 8.2(f) of this By-law, and the maintenance thereof as mentioned in Section 8.2(b) or with the provision and approval of the plans and drawings referred to in Section 5.2(d) and 5.2(e) of this By-law;

(d) enter into one or more agreements with the Town ensuring that Development proceeds in accordance with the approved plans and drawings referred to in Section 5.2(d) and 5.2(e) of this By-law;

(e) enter into one or more agreements with the Town for the collection of cash-in-lieu of parking;

(f) enter into one or more agreements with the Town for the collection of parkland dedication;

(g) convey part of the land to the Town to the satisfaction of and at no expense to the Town for a public transit right of way, if it the public transit right of way to be provided is shown on or described in the Official Plan; and

(h) enter into one or more agreements with the Town for the collection of cash-in-lieu for tree removal compensation.

8.3 For lands that are subject to site plan control pursuant to items (xxviii) to (xlii) inclusive in Schedule 'A' of this By-law, site plan approval shall be required on a block-by-block basis in conjunction with a plan of condominium, where appropriate.

9.0 EXECUTION OF AGREEMENTS

9.1 The authority to execute agreements authorized under Section 41 of the Act is hereby delegated to the Town Official.

10.0 ENFORCEMENT

Development Without Approved Plans

10.1 Every Owner who, without having plans or drawings approved in accordance with Section 41 of the Act, undertakes any development in the site plan control area

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designated by this by-law is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

Failure To Provide or Maintain Facilities, etc.

- 10.2** Every Owner 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) 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 is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

Failure To Enter Into Agreement

- 10.3** Every Owner 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 is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

Failure To Develop in Accordance with Approved Plans

- 10.4** Every Owner who undertakes any development that is in contravention of approved plans in accordance with a Site Plan agreement established under Section 41 of the Act is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

Penalty Upon Conviction

- 10.5** Every Owner who contravenes any portion of this by-law is guilty of an offence and is liable to fine or penalty prescribed by Section 67 of the Act.

11.0 EXEMPTIONS FROM SITE PLAN CONTROL APPROVAL

11.1 Exemptions to this By-law may be granted under the following circumstances:

- (a)** Development or Re-development of single detached, semi-detached, duplex and street townhouse dwellings within approved developments, where architectural control guidelines are in place, unless otherwise indicated in Schedule 'A' of this By-law;
- (b)** on-farm buildings and structures associated with agricultural uses;
- (c)** by the Town Official as an exemption from site plan control to any property within the site plan control area proposing alterations to an existing Development, provided that:
 - (i)** it is a minor change to the nature of the use, size of building, structures and parking areas, and site imperviousness/stormwater runoff;

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- (ii) it is consistent with, and complies with the Town's Zoning By-law or the Town's Community Planning Permit System, the more restrictive of the two;
 - (iii) it does not require any alterations to external works, roads or drainage infrastructure; and
 - (iv) the property has an existing site plan control agreement with the Town that has been executed and registered on title or complies with and subject to the Town's Community Planning Permit System By-Law.
- (d) by resolution of Council where circumstances warrant an exemption due to the nature of the proposed Development; and
- (e) municipal projects.

11.2 Exemptions from site plan control granted under Section 11.1(c) of this By-law may be made in writing without an amendment to the existing site plan control agreement registered on title.

12.0 EXISTING AGREEMENTS IN FORMER MUNICIPALITIES

12.1 Every agreement entered into by the former municipalities of the Township of Innisfil, Village of Cookstown, Township of West Gwillimbury, Township of Essa or the Township of Tecumseth, shall be deemed to continue to have force and effect as if entered into under this by-law.

13.0 REPEAL OF PREVIOUS BY-LAW


13.1 That By-law No. 098-14, as amended, is hereby repealed.

14.0 DATE OF EFFECT

14.1 This By-law shall come into force and take effect on and from the date of it passing by the Council.

PASSED THIS 13TH DAY OF DECEMBER, 2017.


Gord Wauchope Mayor


Lee Parkin Clerk

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SCHEDULE 'A'

The following land use zones, including the corporate limits of the Town and any site specific exceptions are designated as site plan control areas:

- (i) Residential Apartment (RA) Zone;
- (ii) Residential Special Community (RSC) Zone;
- (iii) Commercial Neighbourhood (CN) Zone;
- (iv) Commercial Village (CV) Zone;
- (v) Commercial Highway (CH) Zone;
- (vi) Commercial Tourist (CT) Zone;
- (vii) Commercial Business Park (CBP) Zone;
- (viii) Community Service (CS) Zone;
- (ix) Mixed Use 1 (MU1) Zone;
- (x) Mixed Use 2 (MU2) Zone;
- (xi) Mixed Use 3 (MU3) Zone;
- (xii) Mixed Use 4 (MU4) Zone;
- (xiii) Mixed Use 5 (MU5) Zone;
- (xiv) Open Space (OS) Zone;
- (xv) Environmental Protection (EP) Zone;
- (xvi) Industrial General (IG) Zone;
- (xvii) Industrial Business Park (IBP) Zone;
- (xviii) Industrial Extractive (IE) Zone;
- (xix) Agricultural General (AG) Zone, save and except for on-farm buildings and structures associated with agricultural uses;
- (xx) Agricultural Speciality Crop (ASC) Zone, save and except for on-farm buildings and structures associated with agricultural uses;
- (xxi) Agricultural Rural (AR) Zone, save and except for on-farm buildings and structures associated with agricultural uses;
- (xxii) Future Development (FD) Zone;
- (xxiii) Each residential lot on lands zoned Residential 1 Exception (R1-2), (R1-2a) and Residential 1 Exception Waterfront (R1-2-W) and Environmental Protection Exception (EP-8) referred to as South Shore Woods Development, and located on Registered Plan 51M-788 (specifically Plans of Subdivision 43T-89051, and 43T-94009);
- (xxiv) Land in Part of Lot 18, Concession 8, Town of Innisfil zoned as Residential Rural (RR) Exception (RR-9) (municipally known as 1792 Innisfil Beach Road);
- (xxv) All lots with a Home Occupation or Home Industry when a Building Permit is required or additional parking or landscaping is required, regardless of the zone;

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- (xxvi) All lots with a commercial water taking permit or agreement, regardless of the zone;
- (xxvii) All lots with a medical marihuana production facility, regardless of the zone;
- (xxviii) Medium Density Resort Residential 1 (MDRR1) Zone;
- (xxix) Medium Density Resort Residential 2 (MDRR2) Zone;
- (xxx) Medium Density Resort Residential 3 (MDRR3) Zone;
- (xxxi) High Density Resort Residential 1 (HDRR1) Zone;
- (xxxii) High Density Resort Residential 2 (HDRR2) Zone;
- (xxxiii) High Density Resort Residential 3 (HDRR3) Zone;
- (xxxiv) Resort Recreational Commercial (RRC) Zone;
- (xxxv) Resort Recreational Hotel Commercial (RRHC) Zone;
- (xxxvi) Resort Commercial (RC) Zone;
- (xxxvii) Resort Service (RS) Zone;
- (xxxviii) Resort Recreational Civic (RRCV) Zone;
- (xxxix) Urban Open Space (UOS) Zone;
 - (xl) Rural Open Space (ROS) Zone;
 - (xli) Environmental Protection Area (EPA);
 - (xlii) General Open Space (GOS) Zone;
 - (xliii) Residential 1 Exception (R1-25) Zone. Located on Registered Plan 369 as Lot 6 (municipally known as 2 John Drive);
 - (xliv) Rural Residential Exception (RR-12) Zone. Located on north part Lot 14, Concession 7. (municipally known as 2403 Innisfil Beach Road);
 - (xlv) Agricultural General Exception (AG-23) Zone. Located on Reference Plan 51R-30083, as Part 3 and Reference Plan 51R-37741, as Parts 6, 11 and 12. (municipally known as 2539 14th Line).
- (xlvi) Residential 1 – Waterfront (R1-W) Zone.