

Schedule "A"  
to  
By-Law No. 1946

**Township of Hornepayne**  
**Site Plan Control Requirements**

**1. Definitions**

- 1.1 "Council" means the Council of Corporation of the Township of Hornepayne.
- 1.2 "Development" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial 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 *Planning 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 *Planning Act*, as amended.
- 1.3 "Person" means an individual, firm, partnership, incorporated company, trust, association, or any other legal entity or representative of a person to whom the same can apply in law.
- 1.4 "Municipality" means the Corporation of the Township of Hornepayne and may also be referred to as the "Township".
- 1.5 "Zoning By-Law" means the Township of Hornepayne Comprehensive Zoning By-Law 1897, as amended.
- 1.6 "Planning Act Approval" means an approval of a planning or land use matter made pursuant to authorities granted in accordance with the *Planning Act*.
- 1.7 "Chief Administrative Officer" means the individual appointed by Council as the Township's Chief Administrative Officer in accordance with the Section 229 of the *Municipal Act* and who is hereby appointed as the Township's authorized person for the purposes of approving plans and drawings in accordance with Section 41 of the *Planning Act*, as amended.

**2. Lands Subject to Site Plan Control**

All lands within the incorporated geographic limits of the Township are subject to Site Plan Control.

### **3. Exempt Classes**

The following uses are not generally subject to Site Plan Control:

- a) Where constructed individually in conformity with the Township's Zoning By-Law and the *Ontario Building Code Act*, single detached, semi-detached or duplex residential dwellings;
- b) Minor adjustments to an existing site for which there is an existing site plan approval that do not alter existing or add new buildings, reduce the number of parking spaces, change or reduce driving isles or entrances, alter approved servicing, alter or reduce approved grading or landscaping and provided that, in the opinion of the Chief Administrative Officer an amended Site Plan approval is not warranted due to the minor nature of the adjustments;
- c) Buildings or structures accessory to single detached, semi-detached or duplex residential dwellings;
- d) A temporary building or structure used during construction of a permanent building or structure; and,
- e) Where a proposed change of use is deemed not to meet the definition of "development" in this By-law.

### **4. Exception – Subdivision and Condominium Developments**

Notwithstanding exemptions from Site Plan Control listed in Section 3 above, the Township, as a condition of draft plan approval of any plan of subdivision or plan of condominium, reserves the right to require that Site Plan approval shall apply to any class of development to be included in the plan of subdivision or plan of condominium.

### **5. Agreement**

The Township shall require lands subject to approval to also be subject to entering into the Township's Site Plan Control Agreement.

### **6. Approval and Agreement Required to Proceed**

No person shall undertake any development or change the use of land in an area designated under Section 2 of this By-Law unless the Township has approved its Site Plan, including all required plans, reports and studies, and the parties have executed a Site Plan Control Agreement.

### **7. Waiver of Agreement**

The Chief Administrative Officer may waive the requirement for a Site Plan Control Agreement if, in the opinion of the Chief Administrative Officer, the development is minor and does not warrant a Site Plan Control Agreement.

## **8. Fees, Securities and Other Information**

Every person who is required to enter into a Site Plan Control Agreement pursuant to this By-Law shall pay all required fees, post all required securities in a form acceptable to the Township's solicitor to guaranty satisfactory completion of the work, and provide such information as prescribed in Section 41 of the *Planning Act*, the Township's Official Plan or any other approved submission requirements as amended.

## **9. Building Permits**

No building permits shall be issued for any development subject to this By-Law until a Site Plan Control Agreement has been executed or the Chief Administrative Officer has waived a requirement for a Site Plan Control Agreement.

## **10. Agreements Registered on Title**

Any Site Plan Control Agreement entered into under this By-Law shall be registered against the land to which it applies, and the Township is entitled to enforce the provisions thereof against the owner and all subsequent owners of the land, subject to the provisions of the *Registry Act*, *Land Titles Act*, or any other applicable Act or Regulation.

## **11. Offences**

Any person who contravenes any provision of this By-Law is guilty of an offence and on conviction is liable to a fine up to the maximum allowable amounts prescribed in Section 67 of the *Planning Act* as amended.

## **12. Interpretation**

The Chief Administrative Officer is authorized to resolve any conflict or ambiguity regarding the interpretation or applicability of this By-Law.

## **13. Severability**

Should a court or tribunal of competent jurisdiction declare a part or whole of any provisions of this By-Law to be invalid, or of no force and effect, the provision or part is deemed severable from this By-Law. It is the intention of Council that the remainder survives and be applied and enforced in accordance with its terms to the extent possible under the law.

## **14. Validity Conflicts**

Where a provision of this By-Law conflicts with the provisions of another By-Law, Act or Regulation in force within the Township, the provisions that establish the higher standards shall prevail.