

**THE CORPORATION OF THE TOWNSHIP OF MONTAGUE**  
**BY-LAW NO. 4023-2023**

**BEING** a by-law to designate Montague Township as a Site Plan Control Area

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**WHEREAS** Section 41(2) of the Planning Act, R.S.O. 1990, as amended, authorizes the Council of a Municipality to designate the whole or any part of the Municipality as a Site Plan Control Area, provided same is established in the Township's Official Plan;

**AND WHEREAS** the Township of Montague has adopted an Official Plan, which has come into full force and effect;

**AND WHEREAS** said Official Plan contains policies related to the use of Site Plan Control;

**NOW THEREFORE**, the Council of the Corporation of the Township of Montague enacts as follows:

**1. Short Title**

1.1 This By-law may be cited as the Site Plan Control By-law.

**2. Definitions**

2.1 In this By-law,

- a) "Council" shall mean the Council of the Corporation of the Township of Montague.
- b) "Development" shall mean 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 of such buildings or structures, or the laying out and establishment of a commercial parking lot.
- c) "Municipality" means the Corporation of the Township of Montague.
- d) "Owner" means an owner of land whose interest in the land is defined and whose name is specified in an instrument registered in the Land Registry or Land Titles Office and includes a corporate owner or partnership.
- e) "Planning Act" means the Planning Act, R.S.O. 1990, as amended.

### **3. Site Plan Control Area**

3.1 The lands which are affected by this by-law, and which are hereby designated as a Site Plan Control Area, includes all lands located within the entire geographic limits of the Township of Montague.

### **4. Application of By-law**

4.1 No person shall undertake any development unless in conformity with this By-law.

4.2 Every person must enter into a Site Plan Agreement with the Municipality prior to undertaking any of the following classes of development:

- a) All non-residential development, multiple residential development consisting of eleven (11) or more units and mobile home park development;
- b) Any industrial, commercial, or institutional land use;
- c) All conversions and redevelopments within any of the above categories;
- d) Any development within 300 metres of a railway line, excluding light rail, decommissioned or abandoned railway lines;
- e) Any development within 120 metres of a wetland, lake, or river (including streams and creeks).

4.3 Pursuant to Section 41(4.0.1) of the Planning Act, Council hereby delegates to the Planner and Clerk Administrator the power and authority to approve Site Plan Control applications.

### **5. Classes of Development Excluded**

5.1 Notwithstanding Section 4, the following classes of development may be undertaken without the approval of plans and drawings otherwise required under Section 41 of the Planning Act:

- a) Any agricultural and farm related buildings that are utilized in active farm operations or additions or alterations to any buildings or structures accessory thereto;
- b) All additions to commercial, industrial, and institutional buildings under 10m<sup>2</sup> (108 ft<sup>2</sup>) if the lot on which it is situated is equal to or less than 0.4 hectares (1 acre) in size and all additions to commercial, industrial, or institutional buildings under 50m<sup>2</sup> (538 ft<sup>2</sup>) on all other lots;

- c) All renovations, retrofitting or repair of buildings that provide for accessibility, does not increase the external footprint or the usability, or is otherwise exempt under Section 5 of this By-law;
  - d) Development undertaken by the Municipality.
- 5.2 All residential development or structures accessory thereto in zones which permit residential uses as a principle use unless otherwise provided for in Section 4.

## **6. Site Plan Agreement**

- 6.1 Unless exempted by Section 5, no person shall undertake any development in the area or areas designated as a Site Plan Control Area by this By-law, unless delegated staff, or where referral has been made, the Ontario Land Tribunal, has approved the plans and drawings for such development in accordance with Section 41 of the Planning Act and the Official Plan of the Municipality.
- 6.2 Where required by the Municipality, the Owner shall, as a condition to the approval of the plans and drawings, be required to enter into one or more agreements with the Municipality dealing with and ensuring the provision of any or all facilities, works or matters and the maintenance thereof and that the development proceeds as approved.
- 6.3 The agreement shall be registered against the lands to which it applies in accordance with Section 41 of the Planning Act.

## **7. Application Requirements**

- 7.1 Every person shall file an application in writing by completing a Site Plan Application form, available from the Municipality.
- 7.2 As provided for in Section 41(3.1) of the Planning Act, applicants are required to consult with municipal staff before submitting plans and drawings for approval.
- 7.3 Every site plan application shall be accompanied by the required fee, as set by the Municipality's User Fees and Charges By-law.
- 7.4 Every application shall be submitted to the Municipality's Planner (or designate) and contain the following information:
- a) Plans showing the location of all buildings and structures existing and to be erected, as well as all related facilities and works to be undertaken;
  - b) Plans showing the massing and conceptual design of each building;
  - c) Plans showing the relationship of each proposed building to adjacent existing buildings, streets, and exterior public areas;

- d) Plans showing the provision of interior walkways, stairs, elevators, and escalators to which members of the public will have access;
- e) Vehicle access facilities including walkways, ramps, parking spaces and related facilities;
- f) Pedestrian access facilities including walkways, ramps, and related facilities;
- g) Facilities designed to have regard for accessibility for persons with disabilities;
- h) Location, size, and height of any existing and proposed signage on the subject property;
- i) Exterior lighting facilities;
- j) Site landscaping features, including measures for protection of adjacent lands;
- k) Garbage storage and collection facilities;
- l) Site grading and provisions for the disposal of storm, surface and wastewater for all land, buildings, and other structures within the proposed development;
- m) Easements for the construction, maintenance or improvement of services and utilities related to the proposed development;
- n) Sustainable design elements such as energy efficiency, vegetation materials, street furniture, waste and recycling opportunities and bicycle parking where appropriate.
- o) And other matters which may be considered as part of the Site Plan Approval process by the Municipality in accordance with Section 41 of the Planning Act.

7.5 Incomplete applications will not be processed until satisfactory information, documentation and full application fee are received.

## **8. Contravention**

8.1 Any person who contravenes this By-law shall be guilty of an offence and, upon conviction, liable to a fine as prescribed under the Planning Act.

8.2 Where an owner is required to complete development in accordance with a Site Plan Agreement and is in default of the Agreement, the Municipality may 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 work,

or, where such securities are insufficient to cover the works, in like manner as municipal taxes.

**9. Repeal**

9.1 Where any by-law passed prior to this by-law conflicts with the terms of this by-law, this by-law shall prevail.

9.2 That By-laws 3412-2014 and 3926-2022 be repealed in their entirety.

**10. Previous Site Plan Agreements**

10.1 All site plans and agreements entered into pursuant to the provisions of any previous by-law passed under Section 41 of the Planning Act (or predecessor thereto) or any Zoning By-law amendment or Committee of Adjustment decision, continue to be in full force and effect.

**11. Ultra Vires**

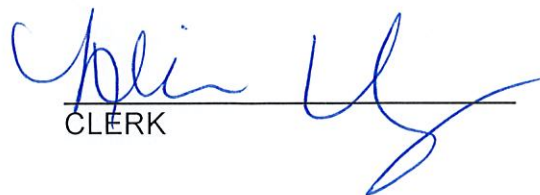
11.1 Should any sections of this By-law be declared by a court of competent jurisdiction to be ultra vires, the remaining sections shall nevertheless remain valid and binding.

**12. Effective Date**

12.1 This By-law shall come into force and take effect on the date of passing.

**READ A FIRST, SECOND & THIRD TIME & PASSED, SIGNED & SEALED THIS 7<sup>TH</sup> DAY OF NOVEMBER, 2023.**

  
REEVE

  
CLERK

