

THE CORPORATION OF THE MUNICIPALITY OF POWASSAN

BY-LAW NO. 2020-08

Being a By-law to Designate Areas of the Municipality as Site Plan Control Areas

WHEREAS Section 10.2 of the Official Plan of the Corporation of the Municipality of Powassan designates the entire municipality as a site plan control area;

AND WHEREAS Section 41(2) and 41(3) of The Planning Act, R.S.O 1990 c. P. 13, as amended provides that where in an Official Plan an area is shown or described as a proposed Site Plan Control area, the Council of the local Municipality may designate the whole or any part of such area as a Site Plan Control area and further that Site Plan Control areas may be designated on the basis of their zone category and/or use as defined in the Municipality's Comprehensive Zoning By-law;

AND WHEREAS Council deems it advisable to update its site plan control by-law to provide for the orderly development of certain uses within the Municipality;

NOW THEREFORE the Council for the Corporation of the Municipality of Powassan hereby enacts as follows:

1. Repeal of By-law 2002-31

1.1 By-law 2002-31 is hereby repealed.

2. Definitions

2.1 "Council" means the Council for the Corporation of the Municipality of Powassan.

2.2 "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 of sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Planning Act, R.S.O 1990 c. P. 13 or of the laying out of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the Planning Act, R.S.O 1990 c. P. 13, s. 41 (1) 1994, c.4, s. 14.

2.3 "Person" means an individual, association, firm, partnership, corporation, trust, incorporated company, or other legal representatives of a person to whom the same can apply according to law.

2.4 "Municipality" means the Corporation of the Municipality of Powassan.

2.5 "Zoning By-law" means the comprehensive Zoning By-law 2003-38 as amended.

2.6 "Planning Act Approval" means an approval on a planning or land use matter made under the authority of the Planning Act, R.S.O 1990 c. P. 13.

3. Lands Subject to Site Plan Control

3.1 All lands located in and zoned according to Schedule B (Powassan) and C (Trout Creek) to Zoning By-law 2003-38 shall be subject to site plan control.

3.2 The following Zones are exempt from Site Plan Control:

- (a) Village Residential One (RV1) Zone;
- (b) Village Residential Two (RV2) Zone;
- (c) Open Space (OS) Zone; and,
- (d) Environmental Protection (EP) Zone.

3.3 Notwithstanding, Sections 3.1 and 3.2, where lands in the Municipality are the subject of a Planning Act approval the approval authority may require lands subject to the Planning Act approval to be the subject of a site plan agreement.

4. No person shall undertake any development or change the use of land in an area designated under Section 3 of this by-law unless Council has approved its Site Plan and authorized the execution of a Site Plan Control agreement.

5. Council may waive the requirement for a Site Plan Control Agreement, when, in Council's opinion, the extent and/or nature of the development does not warrant a site plan agreement.

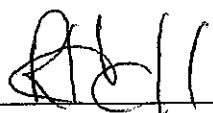
6. Every person who is required to enter into a Site Plan Control Agreement under this by-law shall pay requisite fees and provide information on the development as authorized by Section 41 of The Planning Act and contained on a "Site Plan Control Application" form as may be approved by Council from time to time.

7. No building permit shall be issued for any development in the area designated under Section 3 of this by-law until such time as an agreement has been approved or Council has waived the requirement for a Site Plan pursuant to Section 5 of this bylaw.

8. Any agreement executed in accordance with this By-law shall be registered on title at the expense of the landowner or proponent pursuant to Section 41 (10) of the Planning Act.

9. Every person who contravenes this By-law is guilty of an offence and on conviction is liable to a fine in accordance with the provisions of the Planning Act.

READ a FIRST and SECOND time, and considered READ a THIRD and FINAL time and passed as such in open Council this the 3rd day of March 2020.



Deputy Mayor



CAO/Clerk