



**THE CORPORATION OF THE TOWNSHIP OF CHAPPLE  
BYLAW NO 1812**

**BEING** a by-law pursuant to section 41 of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended (the “Act”), to designate the whole of the Municipality as a site plan control area (with certain exemptions), and as to certain requirements and procedures with respect thereto.

**WHEREAS** section 41 (2) of the *Act* provides that where in an Official Plan an area is shown or described as a proposed site plan control area, the Council of a local municipality in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a site plan control area;

**AND WHEREAS** the Official Plan for the Municipality describes the whole of the area affected by the Official Plan, with certain exceptions, as a site plan control area.

**NOW THEREFORE** the Council of the Municipality (“Council”) **HEREBY ENACTS AS FOLLOWS:**

1. That, subject to paragraph 3 hereof (exemptions), all lands within the Municipality affected by the Official Plan:
  - a. Shall be and are hereby designated as a site plan control area; and
  - b. Shall be subject to the provisions of this By-law, and, without limitation, section 41 of the *Act*.

**REPEALS:** By-law 1517 is repealed.

## **2. GENERAL PROVISIONS**

Without in any way limiting the generality of paragraph 1 of this By-law, but subject to paragraph 3 hereof (exemptions), the following residential, commercial, industrial, institutional, and/or other developments and/or otherwise shall be subject to site plan control:

- a. New non-residential developments and/or additions to existing non-residential developments;
- b. Any residential development containing ten (10) or more dwelling units;
- c. Any development of property designated under the *Ontario Heritage Act* where the addition or alteration has the effect of adding one or more dwelling units, adding more than 100 square meters of building area or altering site grading; and any development of new buildings or additions more than 100 square meters on lands abutting a property designated under the *Ontario Heritage Act*; and
- d. Any revisions to an existing site plan and/or site plan agreement.

## **3. EXEMPTIONS**

The following classifications of development are exempt from site plan control:

- a. Developments which, upon preliminary review by the Clerk of the Municipality, are determined to be in compliance with the Municipality’s By-laws and are beyond the intent of this By-law and/or the scope of section 41 of the *Act*;
- b. Single-detached dwellings [as “Single-detached dwelling” is defined in the Municipality’s zoning by-law no. 1455 adopted October 8, 2013 (the “Zoning By-law”)];
- c. Semi-detached dwellings (as “Semi-detached dwelling” is defined in the Zoning By-law); and
- d. Agricultural operations.

## **4. AGREEMENTS**

- 4.1** The Clerk of the Municipality shall be and is hereby delegated Council’s powers and authority under the *Act* to require an owner to enter into an agreement(s) and/or amendment(s) thereto with the Municipality pursuant to sections 41(7)(c) and/or 41(7)(c.1) of the *Act* and/or as may be otherwise required pursuant to the provisions of the *Act* and/or this By-law (in this By-law such agreement(s) and/or amendment(s)

thereto are individually and/or collectively referred to as an “Agreement”), and to finalize the form of any such Agreement for submission for approval to Council and/or otherwise.

**4.2** The Reeve and Clerk or Deputy Clerk of the Municipality shall be are hereby authorized to execute on behalf of the Municipality:

- a. Any such Agreement and/or as may be otherwise required pursuant to the Act and/or this By-law; and
- b. Any and all other and/or further documents necessary and/or desirable to give effect thereto.

**4.3** Any Agreement shall, unless otherwise determined by the Municipality, be registered against the land to which it applies, and the Municipality shall be entitled to enforce the provisions thereof.

**4.4** Section 446 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended (the “Municipal Act”) shall apply to any requirements made under section 41(7)(a) and 41(7)(b) of the Act and to any requirements made under an Agreement entered into under section 41(7)(c) and/or 41(7)(c.1) of the Act, so that:

- a. In default of any matter or thing (herein referred to as a “Matter or Thing”) being done pursuant to those sections and/or an Agreement by the person directed or required to do it, such Matter or Thing may be done and/or caused to be done by the Municipality at the person’s expense; and
- b. The Municipality shall be entitled, without in any way limiting any other rights or remedies it may have in law or equity, to recover, by action or by adding the costs (set out following) to the tax roll and collecting them in the same manner as property taxes from the person directed or required to do it:
  - i. The costs expended by the Municipality in doing, or having done, any Matter or Thing, including, without limitation, legal, planning, engineering, contractor, and/or any other costs;
  - ii. Interest (“Interest”) on such costs as provided for in section 446 of the *Municipal Act*, and the costs shall be deemed to include such Interest; and
  - iii. Further, an administrative fee (“Administrative Fee”) of ten percent of the amount of such costs, and the costs shall be deemed to include such Administrative Fee.

The certificate of the Clerk of the Municipality as to the amount of the costs shall be admissible in evidence as prima facie proof of the costs expended by the Municipality of doing, or having done, any Matter or Thing.

**4.5** Further, the Municipality shall have a lien on the land for total amount of costs set out in paragraph 4.4 of this By-law, and, again, such total amount shall be deemed to be municipal real property taxes, may be added to the collector's roll of property taxes, and may, without in any way limiting any other rights or remedies the Municipality may have in law or equity, be collected in the same manner as property taxes.

## **5. PROHIBITION**

Subject to paragraphs 3 and 6 of this By-law, no person shall undertake or cause to be undertaken any development within the Municipality until Council, or where a referral has been made under section 41(12) of the *Act*, the Ontario Municipal Board, has approved of the plans and drawings and any required Agreements have been entered into respecting matters provided for in section 41 and otherwise of the *Act*.

## **6. LETTER OF UNDERTAKING**

**6.1** In the case of a residential development, the Municipality may permit a letter of undertaking (a “Letter of Undertaking”) to be provided as an alternative to an Agreement where:

- a. Easements or conveyances are not required to be made to the Municipality after issuance of a building permit;
- b. Special measures for the protection of existing private trees are not required;
- c. The owner is not required to enter into other related development or other agreements with the Municipality after the issuance of a building permit; and

- d. Special conditions have not been imposed that require an agreement for purposes of enforcement and/or notification of subsequent owners of the conditions and/or otherwise.

**6.2** In the case of non-residential development, the Municipality may permit a Letter of Undertaking to be provided as an alternative to an Agreement where:

- a. Easements or conveyances are not required to be made to the Municipality after issuance of a building permit;
- b. The owner is not required to enter into other related development or other agreements with the Municipality after the issuance of a building permit;
- c. Special conditions have not been imposed that require an Agreement for purposes of enforcement and/or notification of subsequent owners of the conditions and/or otherwise; and
- d. The total amount of Security (as "Security" is defined in paragraph 7.3 of this By-law) to be provided to the Municipality does not exceed \$5,000.

## **7. ADMINISTRATION / OTHER**

**7.1** No permit may be issued pursuant to section 8(1) of the Building Code Act, 1992, S.O. 1992, c. 23, as amended (the "Building Code Act") for or with respect or relation to any development:

- a. Except in accordance with, and subject to compliance with, the *Building Code Act* and the building code (as "building code" is defined in the *Building Code Act*);
- b. Except in accordance with, and subject to compliance with, this or any other by-law or requirement of the Municipality in respect thereto; and
- c. Unless Council otherwise permits, until the Agreement and/or all plans, drawings and other documents and things required by the Municipality for a development have been approved by Council, its delegate, or where a referral has been made, the Ontario Municipal Board, or so ordered by a Court of competent jurisdiction.

**7.2** Nothing in this By-law shall prevent development where such development is proceeding in accordance with a valid permit issued by the Municipality prior to the passing of this By-law.

**7.3** No person shall deviate from the plans, drawings, and/or an Agreement approved pursuant to this By-law.

**7.4** Every person who contravenes any of the provisions of section 41 of the *Act* or any provisions of this By-law, is (without in any way limiting any other rights or remedies the Municipality may have in law or equity), guilty of an offence and on conviction is liable to the penalties provided for in section 67 of the *Act*.

**7.5** Where an Agreement or Letter of Undertaking is required by the Municipality pursuant to this By-law and/or otherwise, the Municipality may, without limitation, require the provision to and/or for the benefit of the Municipality of financial and/or other security (collectively, "Security") to ensure the satisfactory provision, completion, and/or maintenance of any or all of the facilities, works, and matters required by the Agreement or Letter of Undertaking and approved plans and/or drawings listed therein. The amount, form, type, extent, and/or otherwise of any such Security shall be as required by the Municipality.

**7.6** If any provision or part thereof of this By-law is, for any reason whatever, declared by a Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity of this By-law as a whole or any part of it other than the provision or part thereof so declared to be invalid or unenforceable. It is hereby declared to be the intention that the remaining provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions or part thereof shall have been declared to be invalid or unenforceable.

**7.7** In this By-law:

- a. Words used in the present tense also include the future;
- b. Words in the singular also include the plural and words in the plural include the singular number;

- c. Words in the neuter gender include the masculine and the feminine;
- d. The word “shall” is mandatory; and
- e. Any reference to any statute and/or provision thereof includes that statute and/or provision as amended or any successor thereto.
  - i. Headings used in this By-law are for convenience only, are not to be considered part of this By-law, and do not in any way limit or amplify the provisions of this By-law.
  - ii. A word or term that is not defined in this By-law has, unless the context otherwise requires, the same meaning as defined under section 2 (definitions) of the Zoning By-law.
- f. In this By-law, unless the context requires otherwise, the following definitions and interpretations shall apply:

“**building permit**” or “**permit**” means a permit issued pursuant to section 8(1) of the *Building Code Act*;

“**development**” means the creation of a new lot, a change in land use, and/or the construction and/or erection of buildings and/or structures, requiring approval under the *Act*;

“**land**” includes, land, real property, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and lands covered with water and any right or easement affecting them; and

“**person**” includes an individual, association, partnership, syndicate, firm, organization, foundation, trust, estate, governmental authority, corporation, trustee, and/or agent, and the heirs, administrators, executors, assigns and other legal representatives of any such person to whom the context may apply according to law.

**7.8** Payment of all fees and costs associated with, without limitation, an Agreement and/or Letter of Undertaking, and/or the provision, completion, and/or maintenance of any or all of the facilities, works, or matters required by an Agreement and/or Letter of Undertaking, and approved plans and/or drawings listed therein shall be the responsibility of, and be paid by, the property owner and other persons party to the Agreement and/or Letter of Undertaking.

**8. RETROACTIVITY**

This By-law shall be and be deemed to be effective and in full force and effect (retroactive to) as of September 17, 2013, notwithstanding its date of passage or anything in this By-law or otherwise to the contrary.

**9. SHORT TITLE**

This By-law may be referred to as the “Site Plan Control By-law 2023”.

**10. ENACTED**

READ A FIRST, SECOND AND THIRD TIME  
AND FINALLY PASSED THIS 14<sup>th</sup> DAY OF  
FEBRUARY 2023

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JAMES GIBSON, REEVE

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TARA ALLAIRE, CAO/CLERK TREASURER