

**THE CORPORATION OF  
THE TOWNSHIP OF BONFIELD**

**BY-LAW NO. 2024-18**

**BEING A BY-LAW DESIGNATING SITE PLAN CONTROL AREAS**

**WHEREAS** s. 41(2). of the *Planning Act*, R.S.O. 1990, e.P.13, 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 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 of the Corporation of the Township of Bonfield identifies those areas which may be subject to Site Plan Control within the Municipality;

**AND WHEREAS** by the provisions of s. 41(3) of the *Planning Act*, a by-law passed under s.41(2) may designate a Site Plan Control area by reference to one or more land use designations contained in a by-law passed under s. 34 of the said Act;

**AND WHEREAS** the *Planning Act* provides that no person shall undertake any development in the Site Plan Control area designated under a by-law passed under that section without first having received approval;

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

1. THAT this by-law shall be known and cited as the “Site Plan Control By-Law”.

**Definitions**

2. In this by-law:
  - a. **“Council”** means the Council of the Corporation of the Township of Bonfield.
  - b. **“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 the *Municipal Act*, or of sites for the location of three or more mobile homes as defined in the *Planning Act* or of sites for the construction, erection or location of three or more land lease community homes as defined in the *Planning Act*, but does not include:
    - i. the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.
    - ii. the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units, unless the parcel of land includes any land in a prescribed area as defined in O. Reg. 254/23.

- c. **“Institutional use”** means building, structure or part thereof on land used by any organization, group or association for the promotion of charitable, education or benevolent objects and not for profit or gain.
- d. **“Place of Worship”** means a building dedicated to religious worship and may include such accessory uses as a day nursery, an assembly hall, a school of religious education, convent, monastery or parish hall.
- e. **“Public use”** means the use of any land or to the erection or use of any buildings or structures for the purpose of public service by the Township, any department of the Governments of Ontario or Canada, including Ontario Hydro, or any telephone, telecommunications or gas company, or any railway.
- f. **“Water Body”** means 30 meters or less from the approximate regulated area under the jurisdiction of the North Bay Mattawa Conservation Authority; and waterbodies included in the development constraint zones.

### **Designated Areas**

- 3. All properties that are zoned Local Commercial (C1), Highway and Service Commercial (C2), Resort Commercial (C3), General Industrial (M1), Heavy Industrial (M2), Restricted Industrial (M3), except extraction operations, and any Special Zone, at the discretion of Council is hereby designated as Site Plan Control Area pursuant to S. 41(2) of the *Planning Act*, as amended.
- 4. Council may pass additional by-laws designating Site Plan Control areas.

### **Approval of Plans and Drawings**

- 5. The approval of plans and drawings in accordance with S. 41(4) of the *Planning Act* is required before development is undertaken within the area described in S. 3(1), unless otherwise exempt from approval as set out in Section 12 and 13 of this by-law.

### **Authority of Site Plan Approval**

- 6. Pursuant to S. 41 (4.0.1) of the *Planning Act*, the Council of the Corporation of the Township of Bonfield hereby appoints the Chief Administrative Officer, or designate, as the authorized persons to approve Site Plan Control applications in accordance with S. 41 (4) of the *Planning Act*.
- 7. Notwithstanding Section 6 above, the Council of the Corporation of the Township of Bonfield may act as a decision-making body in instances where there is a dispute over proposed conditions prescribed by the authorized persons.

### **Requirements for Site Plan Agreements**

- 8. Pursuant to S. 41(4) of the *Planning Act*, no person shall undertake any development in an area designated in Section 3 or 4 of this By-law unless the Chief Administrative Officer, or designate, Council of the Corporation of the Township of Bonfield, or Ontario Land Tribunal (OLT) has approved the following:

- a. 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 under Section 41(7)(a) of the *Planning Act*;
9. In addition to Section 8 above, the Chief Administrative Officer, or designate may require:
- a. drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, 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 building construction required under a by-law referred to in section 97.1 of the *Municipal Act*, 2001;
    - v. matters relating to exterior access to each building that will contain affordable housing units or to any part of such building, but only to the extent that it is a matter of exterior design, if the municipal by-law passed under S. 41 (2) of the *Planning Act* and the Official Plan to which the by-law gives effect both include provisions relating to policies described in S.16 (4) and both include requirements or standards for exterior access to buildings that will contain affordable housing units;
    - vi. the sustainable design elements on any adjoining highway under a municipality'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, if an official plan and a by-law passed under S. 41 (2) that both contain provisions relating to such matters are in effect in the municipality; and
    - vii. facilities designed to have regard for accessibility for persons with disabilities.
  - b. should the Chief Administrative Officer, or designate, require those drawings as outlined in Section 9 of this by-law, no person shall undertake any development in an area designated in Section 3 or 4 of this By-law unless the Chief Administrative Officer, or designate, Council of the Corporation of the Township of Bonfield, or Ontario Land Tribunal (OLT) provides approval of said drawings.

## Conditions to Approval of Plans

10. As a condition to the approval of the plans and drawings referred to in Section 8 and 9, the municipality 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 (subject to the provisions of S. 41 (9) of the *Planning Act*).
  - ii. subject to the *Public Transportation and Highway Improvement Act*, R.S.O. 1990, c. P.50 facilities to provide access to and from the land such as access ramps and curbing 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. 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 the lighting, including floodlighting, of the land or of any buildings or structures thereon.
  - vii. walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
  - viii. vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
  - ix. easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
  - x. grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and wastewater from the land and from any buildings or structures thereon;
- b. maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs ii, iii, iv, vi, vii, viii, ix and x of clause (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 municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in Section 8 and 9;
- d. enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved under Section 8 or 9;
- e. subject to S. 41 (9.1) of the *Planning Act*, convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way.

### **Professional Plans Required**

11. The boundaries of all site plans submitted in accordance with this by-law must be established and based on a survey certified by an Ontario Land Surveyor. The site plan shall be prepared by either a registered professional architect, a professional planner, a professional engineer or, where appropriate, an Ontario Land Surveyor. The Corporation reserves the right to request that buildings be tied-in by an Ontario Land Surveyor. Elevation drawings shall be prepared as required in Section 2.3 of the Ontario Building Code.

### **Classes of Development Exempt**

12. The following classes of development may be undertaken without Site Plan approval:
- a. 31 meters or more from the approximate regulated area designated by the North Bay Mattawa Conservation Authority;
  - b. the redevelopment of any building or structure provided the repair, restoration or rebuild does not increase the height, size or volume of the existing building or structure;
  - c. a public use, institutional use, or place of worship where Council has by resolution specifically exempted such use;
  - d. agricultural, forestry or conservation buildings or structures including buildings and structures accessory thereto;
  - e. a temporary building or structure used during construction of a permanent building or structure;
  - f. an addition to an existing building or structure provided that the addition, combined with any additions during the previous 12 months, is less than 30m<sup>2</sup> in floor area;
  - g. an accessory building or structure not otherwise exempted in the foregoing where such accessory building or structure is less than 30m<sup>2</sup> in floor area.

### **Replace or Rebuild**

13. Any development subject to site plan control that is damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that existed before the damages occurred, the use remains the same and no new dwelling units are added.

### **Minor Deviations**

14. Any deviation from any dimension shown on plans prepared pursuant to this By-law to a maximum of one metre shall be permitted provided such deviation does not result in a violation of any provision of any other By-Law of the Township. Deviations greater than one metre that do not materially impact the form, scope or impact of development may be approved by the authorized persons via a “red-lined” amendment to the current approved site plan agreement.

### **Securities**

15. The Corporation reserves the right to request securities as a condition of site plan approval to ensure that site works comply with the approved plans and all obligations to the Township are fulfilled. It is the applicant’s responsibility to provide required evidence that the works have been completed in accordance with the approved site plan; this may come, but is not limited to stamped engineering, architectural or landscape architectural drawings, or an as-built survey completed by an Ontario Land Surveyor. Following this determination, securities will be released.

### **Registration of Agreements**

16. Site Plan Control agreements resulting from an approval under this by-law shall be registered on title pursuant to the *Planning Act*. The Township will register the agreement with the cost of the registration to be at the expense of the property owner.
17. Any person who contravenes this By-law shall be guilty of an offence and upon conviction therefore shall be liable to a fine pursuant to the *Municipal Act*, as amended.
18. This by-law shall come into force and have effect immediately upon the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND CONSIDERED PASSED THIS 9th DAY OF APRIL, 2024.**

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MAYOR

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CLERK