

**The Township of Cavan Monaghan**

**By-law No. 2023-36**

**Being a by-law to Designate the Township of Cavan Monaghan as a Site  
Plan Control Area**

**“Otherwise known as the Site Plan Control By-law”**

**Whereas** under the provisions of Section 41 of the Planning Act, R.S.O., 1990, as amended, authority is granted to Councils of Municipalities to designate a site plan control area, where an Official Plan is in effect; and

**Whereas** there is an Official Plan in effect in the Township of Cavan Monaghan and the Official Plan contains policies for the establishment of a site plan control area; and

**Whereas** the Township of Cavan Monaghan Official Plan designates that site plan control shall apply to the entire Township of Cavan Monaghan; and

**Whereas** Section 41 of the Planning Act, R.S.O. 1990, as amended, permits the Council of a Municipality, by by-law, to delegate to either a committee of the council or to an appointed officer of the Municipality identified in the By-law either by name or position occupied, any of Council's powers or authority under the said section, except the authority to define any class or classes of development as mentioned in clause 41 (13)(a) of the Planning Act; and

**Whereas** the Council of the Township of Cavan Monaghan considers it desirable to pass such a By-law.

**Now Therefore**, the Council of the Township of Cavan Monaghan enacts as follows:

1, In this By-law:

- (a) "Corporation" means the Corporation of the Township of Cavan Monaghan;
- (b) "Owner" means an owner of land whose interest in the land is defined and whose name is specified in the property Registry of Land Titles Office;
- (c) "Person" includes an Owner;
- (d) "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.

Notwithstanding the definition of development noted above, on the Oak Ridges Moraine, "development" shall also include the creation of a new lot, a change in land use or the construction of buildings and structures, any of which require approval under the Planning Act, the Environmental Assessment Act, or the Drainage Act, but does not include:

- i) the construction of facilities for transportation, infrastructure and utilities uses, by a public body, as described in Section 4.4 of the Township of Cavan Monaghan Official Plan; or
  - ii) for greater certainty:
    - a) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or
    - b) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.
- (e) "Site Alteration" with in the Oak Ridges Moraine means activities such as filling, grading and excavation that would change the landform and natural vegetative characteristics of land, but does not include;
- (a) the construction of facilities for transportation, infrastructure and utilities uses, as described in Section 41 of the Oak Ridges Moraine Conservation Plan, by a public body; or
  - (b) for greater certainty,
    - (i) the reconstruction, repair or maintenance of a drain approved under the Drainage Act and in existence on November 15, 2001, or
    - (ii) the carrying out of agricultural practices on land that was being used for agricultural uses on November 15, 2001.

2. The provisions of this By-law shall apply to all lands within the limits of the Corporation except for the following:

- (a) all farm buildings save and except for those buildings and structures used for intensive livestock operations, the sale of agricultural goods or agricultural related goods and services which are made available to the general public at the site, on-farm diversified uses, agri-tourism uses and agricultural buildings located on the Oak Ridges Moraine;
- (b) all buildings and structures accessory to and incidental to the above mentioned farm buildings, excepting accessory buildings and structures located on the Oak Ridges Moraine.

3. As a condition to the approval, the Township of Cavan Monaghan may require the owner 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;
- ii. subject to The Public Transportation and Highway Improvement Act, 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, including the surfacing thereof, and all other means of pedestrian access;
- v. facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
- vi. walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
- vii. vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials;
- viii. easements conveyed to the Municipality for the construction, maintenance of improvements of watercourses, ditches, land drainage works, and sanitary sewerage facilities on the land;
- ix. grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any building or structure thereon;
- x. underground utility services for electricity and telephone; and
- xi. reports and/or studies demonstrating conformity with the policies of the Township's Official Plan and regulations of the Township's Zoning By-law, as amended.

(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 work mentioned in paragraph ii, iii, iv, v, vi, vii, viii, and ix 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 any or all of the facilities, works or matters mentioned in clause (a).
4. No building permit shall be issued within the site plan control area unless the plans and drawings for such development have been approved by the Executive Director, Planning & Development and Chief Administrative Officer as provided for in this By-law.
  5. No person shall undertake any development in the site plan control area unless the Executive Director, Planning & Development or Chief Administrative Officer, as provided for in this By-law, have approved of the following:
    - (a) plans showing the true dimension of the lot to be built upon, excavated or otherwise to be used or occupied;
    - (b) plans showing the location, heights, floor area and dimensions of all existing and proposed buildings and structures to be developed on the subject lands;
    - (c) plans showing the relationship of all existing or proposed buildings or structures to adjacent buildings and streets and the location and dimensions of any yards, setbacks, landscaped open space, landscape features including retaining walls, outside storage, off-street parking and loading facilities;
    - (d) plans showing such contours, elevations and cross-sections as may be required to determine surface drainage patterns, flood line elevations and the elevation of the lands and proposed buildings and structures relative to a public street road or waterway; and
    - (e) the general location of all services such as water supply, sewage disposal, solid waste collection, energy supplies and communication utilities.
  7. The applicant may be required to enter into an agreement with the Municipality to provide and maintain those facilities required on the site plan. Such agreement may be registered against the land to which it applies. The agreement may address one or more of the following items:
    - (a) the provision of sufficient parking facilities, access, driveways and the surfacing of such areas;
    - (b) the construction of walkways, walking ramps and other pedestrian areas;
    - (c) the proper lighting of all lands and buildings;
    - (d) the provision of adequate landscaping and buffering in the form of trees, shrubs, walls and berms;
    - (e) the conveyance of appropriate easements to the Municipality for the construction, maintenance and improvement of all ditches, land drainage works, sanitary sewage facilities and other public utilities of the Municipality; and

- (f) adequate drainage and disposal of all storm, surface and waste water from the lands, buildings or structures.
8. Where an application for Site Plan Control Approval is made, the Municipality will review development proposals based on the provisions for Site Plan Control and will generally include the following criteria:
    - (a) compatibility with adjacent uses;
    - (b) standard of urban design and aesthetics;
    - (c) function and efficiency;
    - (d) safety and access;
    - (e) adequacy of servicing, grading and drainage; and
    - (f) adequacy of landscaping and lighting.
  9. (a) In the case of lands on the Oak Ridges Moraine, any proposed development within a Landform Conservation Area (Category 1), the net developable area of the site that is disturbed shall not exceed 25% of the total site area, and the net developable area of the site that has impervious surfaces shall not exceed 15% of the total site area.  
  
(b) In the case of lands on the Oak Ridges Moraine, any proposed development located within a Landform Conservation Area (Category 2), the net developable area of the site that is disturbed shall not exceed 50% of the total site area, and the net developable area of the site that has impervious surfaces shall not exceed 20% of the total site area.
  10. In the case of lands on the Oak Ridges Moraine, conditions requiring that natural self-sustaining vegetation be maintained or restored to ensure the long term protection of key natural heritage features and hydrologically sensitive features on the lot may be required.
  11. In the case of lands on the Oak Ridges Moraine, setbacks will be established on the site plan to address minimum yard dimensions for front yards, exterior side yards, interior side yards and rear yards. Consideration may also be given to the establishment of the maximum height of all buildings. The establishment of these setbacks will consider the protection of both human health and environmental features.
  12. Any agreement entered into under clause (c) of Section 4 may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner, and subject to the provisions of the Registry Act and the Land Titles Act, any and all subsequent owners of the land.
  13. Section 326 of the Municipal Act, 2001 applies to any requirements made under clauses (a) and (b) of Section 3 and to any requirements made under an agreement entered into under clause (c) of Section 3.

14. (a) Where the owner is directed or required by this By-law that any matter or thing be done and such person defaults in doing such matter or thing, it may be done by the Corporation at its expense and the Corporation may recover the expense in doing it by action or the same may be recovered in like manner as municipal taxes.
- (b) Where the owner is in default in doing any matter or thing which they are directed or required to do by this By-law, they are to be given written notice by prepaid registered mail to usual place of business or place of residence advising them of the default and affording them not less than thirty (30) days to remedy the default
- (c) Where the owner has been given notice of default by prepaid registered mail and they have failed to remedy the default within the time prescribed in the notice, they are entitled to appear before a meeting of the Council in respect of such default before the Corporation proceeds under subsection (a) of the section.
15. No building permit or permits are to be issued until:
- (a) the plans showing the location of all buildings and structure to be erected on the land and the location of the other facilities required by this By-law are filed by the owner with the Corporation and approved by the Corporation; and
- (b) the perspective plans and drawings showing building elevations and cross-sections of industrial and commercial buildings are filed by the owner with the Corporation and approved by the Corporation; and
- (c) the owner conveys to the appropriate Road Authority lands for the widening of highways required by the Corporation, free of charge and with a title free of encumbrance; and
- (d) the owner conveys to the Corporation, free of charge and with a title free of encumbrance, lands for a walkway where required by the Corporation; and
- (e) the owner conveys to the Corporation, free of charge and with a title free of encumbrance, any easements required by the Corporation for its purposes; and
- (f) the owner files with the Corporation, for its approval, a lot grading plan showing all grading and changes in elevation or contour of land and disposal of storm, surface and waste water from the land or any buildings or structures to be erected thereon.

16. No person shall:


- (a) block or impede access to land at the point of ingress or egress shown on the plans and drawings filed with the Corporation;
- (b) park a vehicle on private property other than on the parking and loading areas shown on the plans filed with the Corporation;
- (c) block or impede the use of walkways shown on the plans filed with the Corporation;
- (d) interfere with snow or ice removal directly or indirectly and without limiting the generality of the foregoing, no vehicle shall be parked so as to obstruct the removal of ice or snow from access ramps, driveways, parking areas and walkways shown on the plans filed with the Corporation;
- (e) change the grading or contour or elevation of land from that shown on the plans filed with the Corporation and approved by the Corporation without the consent in writing of the Corporation;
- (f) block or interfere with the disposal of or alter the normal drainage course for storm, surface and waste water from land or buildings or structures unless alternative drainage is provided to the written satisfaction of the Corporation or other agencies (e.g., County, Ministry of Transportation);
- (g) block or interfere with watercourses, water mains, ditches, land drainage works or sanitary sewerage facilities of the Corporation or of the County of Peterborough whichever is the case;
- (h) permit floodlights from their lands to illuminate neighbouring buildings where such illumination disturbs the sleep or privacy of the occupants of the buildings so illuminated;
- (i) fail to maintain walls, fences, hedges, trees, shrubs or other suitable ground cover shown on the plans filed with the Corporation; and
- (j) fail to keep in good repair or uncovered all vaults, central storage and collection areas and other facilities and enclosures for the storage of yardage and other waste materials as shown on the plans filed with the Corporation.

17. This By-law may be referred to as the "Site Plan Control By-law".

18. By-law No. 2007-20 is hereby repealed in its entirety.

19. This By-law comes into force and effect on the date it is enacted by Council.

Read a first, second and third time and passed this 5<sup>th</sup> day of June, 2023

  
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**Mathew Graham**  
Mayor

  
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**Cindy Page**  
Clerk