

THE CORPORATION OF THE TOWN OF GRAVENHURST

BY-LAW NUMBER 2013-33

Being a By-law to designate a Site Plan Control Area for the Corporation of the Town of Gravenhurst

WHEREAS Section 41(2) of the *Planning Act, RSO 1990, Ch. P.13*, as amended, provides that where an area is shown in the Town's Official Plan as a proposed Site Plan Control Area, Council may, by By-law, designate such area as a Site Plan Control Area;

AND WHEREAS the Town of Gravenhurst Official Plan designates all lands in the Town as a proposed Site Plan Control Area;

AND WHEREAS Section 41(13) of the *Planning Act, RSO 1990, Ch. P.13*, as amended, authorizes the Council of a municipality to delegate to an appointed officer of the municipality any of the Council's power or authority under Section 41;

AND WHEREAS the Town may require the approval of certain plans and drawings as a condition of development in the Town, and may require that an owner enter into a Site Plan Agreement with the Town, in accordance with Section 41 of the Planning Act;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GRAVENHURST ENACTS AS FOLLOWS:

1. Site Plan Control Area

All land within the corporate limits of the Corporation of the Town of Gravenhurst (The "Town") is hereby designated as a Site Plan Control Area.

2. Classes of Development Excluded

The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Sections 41(4) or 41(5) of the Planning Act, RSO 1990, Ch. P. 13, as amended:

- (a) Any residential development containing two (2) dwelling units or less (including buildings and structures accessory to such residential development) located greater than 60.0 metres from the Optimal Summer Water Level.

A Home Industry as defined in the Town's Comprehensive Zoning By-law shall not be exempt.

- (b) Farm structures and accessory structures thereto except where:

- i. Farm structures are located on lands within the *Waterfront Area* designation of the Town of Gravenhurst Official Plan;
- ii. Livestock operations which have 300 Nutrient Units (NU) or more, as defined in accordance with the regulations to The Nutrient Management Act and any other applicable legislation.

- (c) Any development, buildings or structures erected by the Corporation of the Town of Gravenhurst.

- (d) Minor extensions to existing buildings or structures in a residential zone. For the purposes of this By-law, a minor extension means:

- i. additions to, or reconstruction of, a single-detached dwelling or detached garage which adds less than 50 square metres to the total building footprint;
 - ii. Construction of accessory buildings with a footprint of less than 30 square metres, or additions to existing accessory buildings with a total building footprint of less than 30 square metres;
- (e) Minor extensions to existing buildings or structures in a non-residential development. For the purposes of this By-law, a minor extension means:
 - i. Development that adds less than 50.0 square metres of area to the footprint of a building.
- (f) Notwithstanding the above noted exemptions, or any other provisions of this of this By-law, site plan control may be imposed by Council or as a condition by the Committee of Adjustment.

3. Site Plan Agreements

No development is permitted within the Town unless the owner enters into a Site Plan Agreement, except where exempted from Site Plan Control by Paragraph 2 of this By-law, or where Council waives the requirement for an Agreement.

Any Agreement or Amendment to an existing Site Plan Agreement made in accordance with the provisions of this By-law or a predecessor of this By-law shall be registered against the lands affected by the Agreement or Amendment, and the cost of such registration shall be borne by the owner or person undertaking the development.

4. Classes of Site Plan Applications

(a) Residential (low density) Site Plan Application:

- residential development containing two (2) dwelling units or less;
- any temporary building; or
- any change to a site not involving the erection of a new building or building addition.

(b) Minor Commercial:

- Residential development greater than 2 dwelling units but less than 12 units; or
- Where construction or additions to buildings that would result in an increase in the building footprint greater than 50.0 square metres, but less than 200.0 square metres.

(c) Major Commercial:

- All development that is not considered Residential (low density) or Minor Commercial shall be considered a Major Commercial.

5. Delegation of Site Plan Approval

The powers and authority given to Council of the Corporation of the Town of Gravenhurst under Section 41 of the Planning, RSO 1990, Ch. P.13, are hereby delegated to The Director of Development Services, or designate, where they relate to a Residential or Minor Commercial/Multi-Residential Site Plan Application as defined in Paragraph 4 above.

The Director of Development Services, or designate, has the sole discretion to forward for approval to Council any Site Plan Application, which the Director deems necessary for further corporate review.

In the case where Council or the Committee of Adjustment has approved a development application (i.e. Zoning Amendment or Minor Variance), within 12 months of the date of that decision, the Director of Development Services is hereby delegated authority to approve major site plan applications and amendments thereto, unless otherwise directed by Council. In all other instances, Council is the approval authority for Site Plan Applications.

6. Authorization

After approval of an application by Council, the Director of Development Services or designate, the Mayor and Clerk are hereby authorized to sign any site plan agreement and any documents which may be required to implement the conditions of approval.

7. Securities and Completion of Works at Owners' Expense

The Town may require securities to be posted for the provision of facilities, works or matters mentioned in Section 41(7)(a) of the Planning Act, RSO 1990, Ch P.13 as amended, that are in the public interest, including, but not limited to, any works on public lands, and any landscaping or site grading works or shoreline vegetation buffer works on private lands;

Where an owner is required to complete development in accordance with a Site Plan Agreement and is in default of the Agreement, the Town is hereby authorized to 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 works, or, where such securities are insufficient to cover the works, in like manner as municipal taxes.

8. Rights of Entry

Unless prohibited by law, the Owner signing each Site Plan Agreement shall be requested to agree to a provision whereby the Director of Development Services, the Chief Building Official or other person to whom the Director of Development Services delegates the responsibility, may enter land subject to the agreement to inspect same for compliance with the Agreement. In the case of a shoreline vegetation buffer required by a by-law of the Town, such right to enter on the buffer and inspect same for compliance continues so long as the buffer is required. Nothing in this provision authorizes the entry of any building.

The right of entry described above is in addition to any statutory rights or entry the Town may otherwise specifically have.

9. Site Plan Requirements/Complete Application

All site plans shall be completed in accordance with the requirements detailed in Schedules "A" and "B" attached hereto. If the necessary information is not completed or supplied to the Town, the application will be deemed incomplete and will not be processed until satisfactory information is received.
The Town may prepare site plan submission guidelines.

10. Consultation

As provided in Section 41(3.1), applicants are encouraged to consult with Town staff before submitting plans and drawings for approval.

11. Definitions

For the purposes of this By-law, "development" has the same meaning as set out in Section 41(1) of the Planning Act, RSO 1990, Ch P.13, as amended.

For the purposes of this By-law, Commercial shall mean any non-residential development as well as any residential development greater than 2 units.

Other definitions are as identified in Zoning By-law 10-04, as amended.

12. Previous Site Plan Agreements

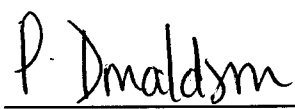
All site plans and agreement previously entered into pursuant to Section 41 of the Planning Act, RSO 1990 or any zoning by-law amendment or Committee of Adjustment decision will continue to be in full force and effect.

13. Schedules "A" and "B" attached hereto are hereby made part of this By-law.

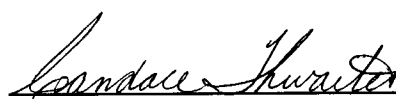
14. By-law 2011-038 of the Corporation of the Town of Gravenhurst is hereby repealed.

THIS By-law shall come into force and take effect on the day it is finally passed.

READ A FIRST, SECOND AND THIRD TIME and finally passed this 26th day
of March , 2013.



Mayor



Clerk

SCHEDULE “A”

Site Plan and Application Requirements

In addition to the requirements of Section 41(4) of the Planning Act RSO 1990, Ch. P.13, as amended, the following shall be required to be included as part of the accompanying site plan application and accompanying drawing(s):

(1) For all site plan drawings:

- North Arrow;
- Common metric scale (e.g. 1:250; 1:500; 1:1000)
- Boundaries and dimensions of the subject lands;
- Location, size and type of all existing and proposed buildings on the subject lands, indicating the distances from all lot lines and watercourses;
- The approximate location of all natural and artificial features on the subject lands and on the land that is adjacent to the subject lands that, may affect the application (i.e. railways, transmission lines, roads, watercourses, drainage ditches, wells and septic tanks);
- Location, width, and name of roads abutting or within the subject lands;
- The current and proposed use of the subject lands;
- The location and nature of any easements on the subject lands;
- Indication of Dark Sky (full cutoff) compliant lighting;
- Name of the individual or firm who prepared the drawing(s).

(2) For site plan drawings containing two or less dwelling units:

- Location of and type of ground treatment for parking areas, driveways and entranceways;
- Location of watercourses and extent of floodplain including flood elevations where applicable;
- Existing and proposed drainage patterns, including any storm water management facilities;
- Location of existing trees and forested areas, including shrubs (or groupings of shrubs);
- Location, extent and type of proposed plantings and landscaping;
- Location and extent of any required shoreline vegetation buffer, including a label/requirement stating “all vegetation within the shoreline buffer shall remain in its natural state, except as qualified herein”;
- Location of area for septic system and well, where applicable;
- Construction mitigation measures to be employed on the site;
- Road widening (where required);
- Location and height of exterior lighting, including orientation. All lighting must be Dark Sky (full cutoff) compliant.

(3) For site plan drawings for properties required to show a shoreline vegetation buffer (e.g. all waterfront development):

- Location, of existing trees and shrubs, and whether they are to be preserved or removed;
- Location, size and species of proposed trees, shrubs and groundcovers;
- Proposed landscape areas and general treatment of those areas, including walkways, open grassed areas, etc.;

- Plant list stating common name, height, caliper and quantity of proposed planting;
- Typical planting detail;
- Specification of all proposed retaining walls;
- Detail of any proposed tree protection measures;
- The minimum plant sizes (at installation) – Deciduous Trees 50 mm (2 inches) Caliper; coniferous trees 1.8 metres (6 feet) in height.

(4) For site plan drawings in all other cases:

- All requirements as noted in item (1) and (2) above,
- Location of existing and proposed rights-of-way or easements;
- Existing and proposed elevation where there will be a significant alteration to the existing grade (as determined by the Town);
- Proposed snow storage areas;
- Garbage storage location and type;
- Elevation drawings of proposed buildings showing height, building openings, massing and conceptual design;
- Location of and detailed drawing for any signage on and off buildings;
- Storm Water Management Plan showing post-development flows not exceeding pre-development flows;
- Landscape Plan, as determined by the Town (i.e. location, size, species, condition of vegetation);
- Lighting/photometric plan and details, as determined by the Town (All lighting must be Dark Sky compliant in accordance with by-law 2012-135);
- Site Servicing Plan, as determined by the Town;
- Site Grading Plan, as determined by the Town.

(5) Application form requirements

- The dated signature of all owners and shall be witnessed;
- A copy of the transfer of deed of land (first page of deed) or accurate registerable legal description of the property;
- An indication on how the plan complies with the requirements of this By-law and any site plan guidelines in effect in the Town;
- Submission of all required background studies and plans, including storm water management, landscape, site servicing and site grading;

(6) Prior to executing a site plan agreement, the Town shall be in receipt of:

- Agreements signed by the owner, applicant/occupant (if different from the owner) and mortgagee;
- Securities in the form of a letter of credit from a chartered bank or a certified cheque to cover the cost of all items of a public interest, including, any works on public lands; and for any landscaping works or shoreline vegetation buffer works on private lands;

SCHEDULE "B"

Muskoka Native Tree & Shrub Species¹

Trees

American Elm (*Ulmus americana*)
American Beech (*Fagus grandifolia*)
Balsam Fir (*Abies balsamea*)
Balsam Poplar (*Populus balsamifera*)
Basswood (*Tilia americana*)
Black Ash (*Fraxinus nigra*) *
Black Cherry (*Prunus serotina*)
Black Spruce (*Picea mariana*)
Eastern White Cedar (*Thuja occidentalis*)
Eastern Hemlock (*Tsuga canadensis*)
Eastern Red Cedar (*Juniperous virginiana*)
Jack Pine (*Pinus banksiana*)
Largetooth Aspen (*Populus grandidentata*)
Ironwood (*Ostrya virginiana*)
Pin Cherry (*Prunus pensylvanica*)
Red Maple (*Acer rubra*)
Red Oak (*Quercus rubra*)
Red Pine (*Pinus resinosa*)
Silver Maple (*Acer saccharinum*) *
Sugar Maple (*Acer saccharum*)
Tamarack (*Larix laricina*)
Trembling Aspen (*Populus tremuloides*)
White Ash (*Fraxinus americana*)
White Birch (*Betula papyrifera*)
White Oak (*Quercus alba*)
White Pine (*Pinus strobus*)
White Spruce (*Picea glauca*)
Yellow Birch (*Betula alleghaniensis*)

Shrubs

Alternate-leaved Dogwood (*Cornus alternifolia*)
American Mountain Ash (*Sorbus americana*)
Bebb's Willow (*Salix bebbiana*) *
Black Huckleberry (*Gaylussacia baccata*)
Beaked Hazelnut (*Corylus cornuta*)
Bush Honeysuckle (*Diervilla lonicera*)
Choke Cherry (*Prunus virginiana*)
Common Elderberry (*Sambucus canadensis*) *
Common Hobblebush (*Viburnum alnifolium*)
Common Juniper (*Juniperus communis*)
Downy Serviceberry (*Amelanchier arborea*)
Downy Arrow-wood (*Viburnum afinesquianum*)
Fly Honeysuckle (*Lonicera canadensis*)
Grey Dogwood (*Cornus foemina ssp. Racemosa*)
Hardhack (*Spirea tomentosa*) *
Low Sweet Blueberry (*Vaccinium angustifolium*)
Mountain Maple (*Acer spicatum*)
Narrow-leaved Meadowsweet (*Spirea alba*)
Nannyberry (*Viburnum lentago*)
Northern Wild Raisin (*Viburnum cassinoides*)
Prickly Gooseberry (*Ribes cynosbati*)
Pussy Willow (*Salix discolor*) *
Red-berried Elderberry (*Sambucus racemosa*)
Red-osier Dogwood (*Cornus stolonifera*)
Round-leaved Dogwood (*Cornus rugosa*)
Slender Willow (*Salix petiolaris*) *
Snowberry (*Symphoricarpos albus*)
Smooth Serviceberry (*Amelanchier laevis*)
Speckled Alder (*Alnus incana*) *
Staghorn Sumac (*Rhus typhina*)
Steeplebush (*Spirea tomentosa*)
Striped Maple (*Acer pensylvanicum*)
Sweet Gale (*Myrica gale*) *
Sweet Fern (*Comptonia peregrina*)
Winterberry Holly (*Ilex verticillata*) *

* Species requiring wet soils

Informational Reference: RiverStone Environmental Solutions Inc, 2013