

CORPORATION OF THE VILLAGE OF MERRICKVILLE - WOLFORD

BY-LAW NO. 11-2021

BEING A BY-LAW to designate certain lands within the Village of Merrickville-Wolford as a "Site Plan Control Area".

WHEREAS Section 41 of the *Planning Act R.S.O. 1990* provides that where an area is shown or described as a proposed site plan control area within an Official Plan, the Council 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 Village of Merrickville-Wolford identifies those areas and land uses which may be subject to Site Plan Control within the Village.

NOW THEREFOR the Council of the Corporation of the Village of Merrickville-Wolford does enact as follows that:

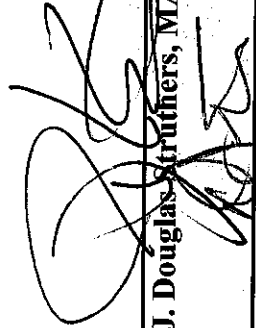
1. This by-law shall be known and cited as the "Site Plan Control By-law".
2. For the purposes of this By-Law the following definitions shall apply:
 - a. "Village" means the Corporation of the Village of Merrickville – Wolford.
 - b. "Development" means the construction, erection or placing of one or 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 the case may be, or of sites for the location of three or more mobile homes or of sites for the construction, erection or location of three or more land lease community homes.
 - c. The definition of "development" in subsection 1. b) does not include 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.
 - d. "Owner" means a person, corporation, firm or partnership whose interest in the land is defined and whose name(s) is specified in an instrument in the local Registry Office.
3. The entirety of lands within the geographic limits of the Corporation of the Village of Merrickville - Wolford are hereby designated as a Site Plan Control Area pursuant to Section 41(2), *Planning Act, R.S.O. 1990*.
4. Within the Site Plan Control Area, the approval of development by the Village shall be required within the following zone classifications of the Village's Zoning By-Law 23-08, as amended:
 - a. "Residential Type Two (R2)"
 - b. "Residential Type Three (R3)"
 - c. "Limited Services Residential (LSR)"
 - d. "Mobile Home Park (MHP)"
 - e. "General Commercial (C1)"
 - f. "Local Commercial (C2)"
 - g. "Highway Commercial (C3)"
 - h. "Tourist Commercial (C4)"
 - i. "Shopping Centre Commercial (C5)"
 - j. "Light Industrial (M1)"
 - k. "Rural Industrial (M2)"
 - l. "Salvage Yard (M3)"
 - m. "Waste Disposal (M4)"
 - n. "Institutional (I)"
 - o. "Hamlet (H)"
 - p. "Wetland (W)"
 - q. "Environmental Protection (EP)" including lands within the 60m and 120 m setbacks.
 - r. All Special Exception Zones (-x) where site plan control is noted in the special exception zone.

5. Notwithstanding Section (4) above, the following classes of development may be undertaken without site plan approval:
 - a. single-detached, semi-detached and duplex dwellings and buildings or structures accessory thereto in zones which permit residential uses as a principle use;
 - b. A "public use", as defined in the Village's Zoning By-Law, where Council has by resolution specifically exempted such use;
 - c. Agriculture, forestry or conservation buildings or structures, including buildings and structures accessory thereto;
 - d. A temporary building or structure used during construction of a permanent building or structure.
6. Notwithstanding anything to the contrary, the Village may require the submission of all plans and drawings required pursuant to Section (7) below, for any development, including a residential building containing less than twenty-five dwelling units, that is located within:
 - a. the Official Plan's Heritage Special Policy Area;
 - b. a mobile home park;
 - c. lands abutting a Village road which does not meet the minimum right-of-way width of 20 m in the rural area and 16 m in the urban area;
 - d. lands that abut the Rideau Canal; and,
 - e. lands subject to an Environmental Impact Statement as required in the Official Plan.
7. No person shall undertake any development or redevelopment within the Village unless and until the Village 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, including facilities designed to have regard for accessibility for persons with disabilities.
 - b. 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 exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design.
 - v. matters relating to exterior access to each building that will contain affordable housing units or to any part of such building;
 - vi. the sustainable design elements on any adjoining highway under a Village'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; and,
 - vii. facilities designed to have regard for accessibility for persons with disabilities.
8. The Owner is encouraged to consult with Village Staff prior to submitting a site plan application and the associated plans and drawings for approval under Section (7).
9. As a condition to the approval of the plans and drawings referred to in Section (7), the Village may require the Owner of the land to:
 - a. Provide to the satisfaction of and at no expense to the Village any or all of the following:
 - i. widening of highways that abut on the land.
 - ii. 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 or walkway ramps, including the surfacing thereof, and all 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 any other buildings or structures thereon.
 - vii. walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands.

- viii. vaults, central storage, collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- ix. easements conveyed to the Village for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Village 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 Village and at the sole risk and expense of the Owner any or all of the facilities or works mentioned in Section (9). a., removal of snow from access ramps and driveways, parking and loading areas and walkways;
- c. Enter into one or more agreements with the Village, dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Section (9). A. and the maintenance thereof as mentioned in Section (9)(b) or with the provision and approval of the plans and drawings referred to in Section (7).
10. Any deviation from any dimension shown on the plans provided pursuant to this By-Law to a maximum of one (1) metre may be permitted provided such deviation does not result in a violation of any provision of any By-Law of the Village or applicable law.
11. The following matters relating to buildings are not subject to site plan control:
- a. Interior design.
- b. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators.
- c. The manner of construction and standards for construction.
12. An Irrevocable Letters of Credit, in favour of the Village of Merrickville - Wolford, shall be provided by the Owner, for the full value of the proposed site works, as determined by the Village, for all approved site works. Such irrevocable Letters of Credit, in a form approved by the Village, shall be provided to the Village prior to the execution of the site plan agreement and/or the issuance of a building permit, as determined by the Village.
13. The Agreements referred to herein shall be in a form which is registerable in the local Land Registry Office and the said agreement or agreements shall be registered against the title of the lands at the Owner's expense.
14. 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 Section 67 of the *Planning Act*, R.S.O. 1990, as amended.
15. By-Law No. 22-98 of the Village of Merrickville-Wolford is hereby rescinded.
16. This By-Law shall come into force and effect on the day of passage thereof.

READ a first and second time this 22nd day of February, 2021.

READ a third and final time and passed this 22nd day of February, 2021.


J. Douglas Struthers, MAYOR
Doug Robertson, CAO/CLERK