

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN
BY-LAW NO. 2026-052**

***“Being a By-law to designate lands within the Township of Seguin
as site plan control areas and repeal its previous site plan control
By-law No. 2011-083”***

WHEREAS pursuant to Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, municipal councils are authorized to enact site plan controls for lands within their corporate limits;

AND WHEREAS the Township of Seguin Official Plan designates all lands in the Township as a Site Plan Control Area and provides for the establishment of a site plan control by-law;

AND WHEREAS the Council of The Corporation of the Township of Seguin deems it appropriate to repeal By-law No. 2011-083 and consolidate it with a new site plan control by-law for the Township of Seguin;

NOW THEREFORE, the Council of The Corporation of the Township of Seguin enacts as follows:

SECTION 1 – REPEALS

1. That By-law No. 2011-083 is hereby repealed.

SECTION 2 – DEFINITIONS

1. ‘Chief Administrative Officer’ shall mean the Chief Administrative Officer of The Corporation of the Township of Seguin.
2. ‘Chief Building Official’ shall mean the Chief Building Official of The Corporation of the Township of Seguin.
3. ‘Council’ shall mean the Council of The Corporation of the Township of Seguin.
4. ‘Development’ shall have the same meaning ascribed to it as in subsection 41 of the *Planning Act*, R.S.O. 1990, c. P.13.
5. ‘Director of Planning’ shall mean the Director of Planning of The Corporation of the Township of Seguin, or their equivalent.

6. 'Residential Development' shall mean development wherein only residential uses are proposed.
7. 'Site Plan Approval' means an approval granted under subsection 41 (4) of the Planning Act.
8. 'Township' shall mean the Council of The Corporation of the Township of Seguin or the appointed officer of the Council in accordance with this by-law.
9. In this By-law, all other terms shall be defined in accordance with the Township of Seguin Comprehensive Zoning By-law.

SECTION 3 – DESIGNATION OF SITE PLAN CONTROL AREAS

1. All land within the corporate limits of the Township of Seguin (the Township) is hereby designated as a Site Plan Control Area.

SECTION 4 - CLASSES OF DEVELOPMENT

1. No person shall undertake development in the Site Plan Control Area without obtaining Site Plan Approval unless such development is exempt as provided for herein.
2. The following classes of development are exempt from the requirement to obtain Site Plan Approval:
 - a) Any Residential Development containing ten (10) dwelling units or fewer (including buildings and structures accessory to such residential development), **except** where such residential development is located within a prescribed area set out in O. Reg. 254/23, **AND** one or more of the following applies:
 - (i.) Includes an existing or proposed Home Industry;
 - (ii.) the lands are subject to a Holding (H) Symbol passed by Council that identifies that development requires Site Plan Approval under this By-law;
 - (iii.) Site plan control is imposed as a condition of approval by the Committee of Adjustment;
 - (iv.) Site plan control is imposed as a condition of a subdivision, condominium, consent, or an agreement registered on the title of the lands; or

- (v.) the lands are subject to a site-specific zoning by-law passed by Council that identifies that development requires Site Plan Approval under this By-law.
- b) Any development occurring in or upon lands zoned 'AR' or 'AR1' Airport Zones, "MP" Aggregate Pit and "MQ" Aggregate Pit and Quarry in the Township of Seguin Comprehensive Zoning By-law, as amended;
- c) Agriculture structures and accessory structures thereto;
- d) Any development, buildings or structures erected by the Township of Seguin or a Board thereof;
- e) Any land, building or structure undergoing interior alterations or renovations that do not change the location, height, volume, gross floor area of the building or structure; and
- f) Any land, building or structure undergoing alterations, renovations, or an addition that does not increase the gross floor area of the building or structure by more than 10%. Only one exemption per building or structure shall be permitted pursuant to this exemption. Subsection f) does not apply to development or uses prescribed under subsections 1a) (ii) and 1a) (iii) above.

Commented [EV1]: Not sure what this means...ARA licensed pits and quarries have approved plans as part of license.

SECTION 5 – APPROVAL OF PLANS

1. As provided in Section 41 (3.1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, applicants are encouraged to consult with the Township before submitting plans and drawings for approval.
2. That the Director of Planning, or their designate, is the Authorized Person under Section 41(4.0.1) of the *Planning Act*, R.S.O. 1990, c.P.13.
3. All Site Plan Approvals shall be subject to a condition requiring the owner of the subject lands to enter into a Site Plan Agreement unless exempted from such a requirement.
4. The Director of Planning or their designate, upon reviewing a Site Plan Approval application, may:
 - a. exempt a minor extension, enlargement or redevelopment of a site from the requirement to obtain Site Plan Approval;
 - b. Exempt the Site Plan Approval from a condition imposing the

requirement to enter into a Site Plan Agreement (referenced in subsection (3)).

5. Where a Site Plan Approval has been previously granted, and a site plan agreement has been entered into, the Director of Planning, in the absence of a Site Plan Approval application, may approve minor changes to the previously approved site plan, in writing, with or without an amendment to the related Site Plan Agreement.

6. The Director of Planning, or their designate, is authorized to execute site plan agreements imposed as a condition of Site Plan Approval, subject to any conditions concerning the execution of such agreement contained in such approval. The foregoing authority applies equally to any similar condition imposed by the Ontario Land Tribunal (OLT) in connection with the issuance of a Site Plan Approval by the OLT.

SECTION 6 – FACILITIES, WORKS, MAINTENANCE, AGREEMENT

1. As a condition of the approval of the plans referred to in Section 5, the Township may require the owner of the lands to provide to the satisfaction of, and at no expense to, the Township any matters noted in Section 41 (7) of the Planning Act.

SECTION 7 – REGISTRATION, MUNICIPAL REMEDIAL ACTION AND ENFORCEMENT

1. Any Site Plan Agreement required under this By-law shall be registered against the land to which it applies, and the Township is entitled to enforce the provision of the agreement 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.

2. Where the owner is directed or required by this by-law or Site Plan Agreement that any matter or thing be done and such person defaults in doing such matter or thing, it may be done by the Township at the owner's expense and the Township may recover the expense of doing such matter or thing by drawing upon any securities provided by the owner or by adding the costs to the tax roll and collecting them in the same manner as taxes pursuant to Section 446 of the *Municipal Act*, S.O. 2001, Chapter 25, as amended.

3. The Township 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.

4. Where an owner is required to complete development in accordance with a Site Plan Approval and any Site Plan Agreement and the owner is in default thereof, the Township is hereby authorized to complete the requirements of the Site Plan Approval and/or Site Plan 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 a manner as municipal taxes. Securities shall generally be in the amount as identified in Schedule A to this By-law.

5. Any offence of the provisions of Section 41 of the *Planning Act* or any provisions of this by-law, as may be amended from time to time, may be prosecuted pursuant to the Provisions of Section 67 of the *Planning Act*.

6. Unless prohibited by law, the owner signing each Site Plan Agreement shall be requested to agree to a provision whereby the Director of Planning, the Chief Building Official, or other person to whom the Director of Planning delegates the responsibility, may enter on land subject to the Agreement to inspect the same for compliance with the Agreement. Nothing in this provision authorizes the entry of any building;

7. The right of entry described in paragraph (4) above is in addition to any statutory rights of entry the Township may otherwise specifically have.

SECTION 8 – SITE PLAN REQUIREMENTS/COMPLETE APPLICATION

1. All site plans shall be completed in accordance with the requirements of Section 41 of the Planning Act, and as detailed in Schedules “A” and “B” attached hereto. If the necessary information is not completed or supplied to the Township, the application will be deemed incomplete and may not be processed until satisfactory information is received. The Township may prepare site plan submission guidelines.

SECTION 9 – SEVERABILITY

1. Should any Section, subsection, clause or paragraph of this By-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part other than the Section, subsection, clause or paragraph declared to be invalid.

SECTION 10 – EFFECTIVE DATE

1. This By-law shall come into force and take effect upon and from the date

it is finally passed by the Council of The Corporation of the Township of Seguin.

BY-LAW READ a **FIRST, SECOND** and **THIRD** time and finally **PASSED** this 6th day of July.

Ann MacDiarmid
Mayor

Craig Jeffery
Clerk

By signing below, I, Mayor MacDiarmid, will not exercise the power to veto this by-law.

Date

Signature

Schedule A

Site Plan Control/Development Agreement Securities

Securities shall be required in the following amounts:

- a) Municipal services– 100%
- b) Private services on municipal property – 100%
- c) Private services on private property – 50%
- d) Deposit to cover legal and stormwater review costs – value is dependent upon the scale of the project

Securities shall be in the form of either a certified cheque, a letter of credit valid for one year or a Surety Bond that meets the requirements set out in O.Reg. 461/24.

For the purposes of this by-law, "Services" refers to all infrastructure and facilities related to a development as outlined in Section 41 (7) of the Planning Act, including vegetation, fire protection water supply systems, fire suppression infrastructure, or fixed fire protection, water supply systems, sanitary sewage systems, stormwater drainage systems, roadways, driveways, parking areas, sidewalks, curbing, waste management systems, electrical, telecommunications, gas utilities, street lighting, and signage.

Any revisions to the above are at the discretion of the Authorized Person.

Schedule B

Site Plan and Application Requirements

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

(1) For all site plan drawings:

- a. North Arrow;
- b. Common metric scale
- c. Boundaries and dimensions of the subject lands;
- d. Location, size and type of all existing and proposed buildings on the subject lands, indicating the distances from all lot lines and watercourses;
- e. 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);
- f. The location and nature of any easements on the subject lands;
- g. Indication of Dark Sky-compliant lighting;
- h. Name of the individual or firm who prepared the drawing(s), project numbers, and amendment dates;
- i. A Zoning Matrix, including all applicable provisions of the Township's Zoning By-law, including what is required to be maintained, and what is being proposed.
- j. The location, dimensions and amount of parking spaces.
- k. Access/egress as per Section 5 in Zoning By-law 2006-125.

(2) Additional information:

- a. Landscape Plan showing location, size and species of proposed and retained trees, shrubs and groundcovers;
- b. Plant list stating common name, height, calliper, and quantity of proposed plantings;
- c. Elevation drawings of proposed buildings
- d. Stormwater Management Plan
- e. Stormwater Management Report
- f. Site Grading Plan