

OFFICE CONSOLIDATION
THE CORPORATION OF THE
TOWNSHIP OF RIDEAU LAKES
BY-LAW NO. 2022-49

<u>By-Law/Resolution #</u>	<u>Date Approved</u>	<u>Amendment No.</u>	<u>Subject Matter</u>
<u>By-Law 2022-64</u>	<u>October 3, 2022</u>	<u>1</u>	<u>Section 4g, Section 13, Section 14</u>
<u>By-Law 2025-93</u>	<u>July 7, 2025</u>	<u>2</u>	<u>Section 4a, 4i. Section 6</u>

WHEREAS Section 41 of the *Planning Act*, R.S.O, 1990, Chapter P.13, as amended, 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 Township of Rideau Lakes identifies those areas and land uses which may be subject to Site Plan Control within the Municipality;

NOW THEREFORE the Council of the Corporation of the Township of Rideau Lakes enacts as follows:

This by-law shall be known and cited as the "Site Plan Control By-Law".

1. In this by-law, "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 layout and establishment of a commercial parking lot of more than 5 spaces 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*.
2. In this by-law, "waterbody" shall mean any bay, lake, river, watercourse or canal but excluding artificial drainage or irrigation channels. In this by-law, "watercourse" shall mean a natural drainage channel that contains water either permanently or intermittently, including creeks and streams, which is located within a Natural Heritage designation in the Township of Rideau Lakes Official Plan and which directly connects to a lake or river.
3. The entirety of lands within the geographic limits of the Township of Rideau Lakes is hereby designated as a Site Plan Control Area pursuant to Section 41(2) of the *Planning Act*, as amended.
4. The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Section 41(4) of the *Planning Act*, as amended.

- a) A residential building containing up to ten (10) units, including buildings and structures accessory thereto, on lands where no development is proposed within 100 m of a waterbody;
 - b) A one-unit dwelling, including buildings and structures accessory thereto, on lands where development is proposed within 100 m of a waterbody and where a publicly owned and maintained road is located between the subject property and the waterbody;
 - c) The redevelopment of any building or structure used for non-residential purposes where no development is located within 100m of a waterbody, provided the repair, restoration or rebuild does not increase the height, size or volume of the existing building or structure;
 - d) A public use, as defined in the applicable Comprehensive Zoning By-law, where Council has by resolution specifically exempted such use;
 - e) Agriculture, forestry or conservation buildings or structures, including buildings and structures accessory thereto;
 - f) A temporary building or structure used during construction of a permanent building or structure;
 - g) An addition to an existing building or structure provided that the addition, combined with any additions in the previous 12 months, is less than 30 m² in floor area. For further clarity, this provision shall apply per campsite for tourist campground uses.;
 - h) An accessory building or structure not otherwise exempted in the foregoing, where such accessory building or structure is less than 30 m² in floor area.
 - i) "Where an existing building or structure would otherwise be subject to site plan control, the height of the building or structure may be increased up to the maximum height permitted in the Comprehensive Zoning By-law. This exemption shall not apply to the redevelopment of the building or structure, or to any increase in floor area of the building or structure
5. Notwithstanding the above exemptions, where re-development occurs as a result of buildings or structures destroyed by a natural hazard or fire, that does not increase the height, size or volume of the existing building or structure, Site Plan Control shall apply.
6. No person shall undertake any development in the site plan control area designated under Section 2 hereof unless the authorized person of the Township of Rideau Lakes, or the Ontario Land Tribunal has approved plans, drawings, agreements and other matters referred to in Section 41 (4) of the *Planning Act*, as amended (hereinafter referred to as Site Plan Control Application).

7. Notwithstanding Section 7 above, the Planning Advisory Committee may act as a decision-making body in instances where there is a dispute over proposed conditions prescribed by the authorized persons.
8. Pursuant to Section 41 (5) of the *Planning Act*, as amended, the Planning Advisory Committee of the Council of the Corporation of the Township of Rideau Lakes may require the submission of all plans and drawings required pursuant to Section 4 above for any development, including a residential building containing less than twenty-five dwelling units.
9. Pursuant to Section 41(4.0.1) of the Planning Act, the Council of the Corporation of the Township of Rideau Lakes hereby appoints the Manager of Development Services and the Chief Administrative Officer as the authorized persons to approve Site Plan Control applications in accordance with Section 41 (4) of the Planning Act.
10. 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.
11. Site plan agreements resulting from an approval under this by-law, for development within 100m of waterbody, shall be registered on title pursuant to the Planning Act. Registration shall occur based on the following:
 - i) Registration shall be the responsibility of and at the expense of the property owner;
 - ii) The property owner is required to submit proof of registration within 60 days of the date of the signed agreement;
 - iii) Should the property owner fail to register the agreement the Township will register the agreement with the cost of the registration applied to the property’s tax roll and collected in the manner of taxes.
12. Tourist Campgrounds are required to include any changes that have occurred on the property that have not previously been subject to site plan control approval, when submitting an application for site plan control or to modify an existing site plan control agreement.
13. Performance and Maintenance Securities
 - 13.1. Calculation of Security Amount

Where the owner is required to enter into a Site Plan Control Agreement, and the Agreement requires the submission of financial security in order to guarantee compliance with the conditions of the Agreement, including satisfactory completion and/or maintenance of the facilities and works required by the Agreement and the approved plans and drawings listed therein, the owner shall file with the Township, in a form acceptable to the Township and in an amount as determined by the Township. The amount of the security shall be based on the estimated cost of the approved facilities and works and shall be calculated as follows:

- 13.1.1. The owner shall submit an estimated cost of the approved facilities and works for review and approval by the Township. The cost estimate shall be prepared by a professional engineer, landscape architect, architect or other qualified person as required by the Township. The amount of security shall be determined by the Township based on the submitted cost estimate. The approved cost estimate will be appended to the Site Plan Control Agreement;
- 13.1.2. The amount of security shall equal 50% of the estimated cost of the On-site Improvements to a maximum amount of \$50,000; and
- 13.1.3. For all facilities and works on Township-owned property, the amount of security shall equal 100% of the cost of the approved facilities and works.
- 13.2. **Submission of Security**
Security required in accordance with this By-law shall be submitted to the Township upon execution of the Site Plan Control Agreement.
- 13.3. **Acceptable Forms of Security**
The security shall be an irrevocable letter of credit in a form approved by the Township. The owner may deposit with the Township cash or bank draft or certified cheque in an amount equal to the letter of credit and such deposit shall be held by the Township as security in accordance with this By-law and the Site Plan Control Agreement, provided that no interest shall be payable on any such deposit.
- 13.4. **Security for Multi-Phase Developments**
Where a multi-phase development is proposed, the Township, in its sole discretion, may permit security to be submitted for the initial phase of the development. The security may be applied to subsequent phases of the development provided that:
- a) All phases of the development are being undertaken by the same owner and are located on contiguous lands;
 - b) The proposed phasing is reflected on the approved plans and drawings and in the approved cost estimates;
 - c) If a letter of credit is provided as security, the letter of credit applies to all phases of the development;
 - d) The amount of the security is calculated based on the estimated cost of the most expensive phase of development; and
 - e) Development of the phase to which the security applies must be substantially complete to the satisfaction of the Township before the security may be applied to any subsequent phase.

13.5. Security Reductions / Release / Holdbacks

13.5.1. Security Release

Requests for security release may be submitted to the Township once all required facilities and works on the approved plans and drawings have been completed and all conditions in the Site Plan Control Agreement have been satisfied. Securities may be released in accordance with the following:

- a) The owner shall submit: a written request for security release; a certificate from a qualified person confirming that all required facilities and works have been completed in accordance with the approved plans and the Site Plan Control Agreement; and the applicable fee in place at the time of the request;
- b) The Township may conduct a site inspection to confirm the satisfactory completion of facilities and works;
- c) The Township may release up to a maximum of 90% of the initial security amount;
- d) Where deficiencies are identified, the security release may be delayed or reduced until the deficiencies have been remedied; Where the total value of the security required under Clause 14.1 of this By-law is \$10,000 or less, the Township, in its sole discretion, may release up to 100% of the security, if the owner has provided a certificate of a qualified person and the site inspection by the Township confirms that all required facilities and works have been completed.

13.5.2. Security Reductions (Partial Release)

The Owner may request a partial release of security before all required facilities and works on the approved plans and drawings have been completed. Part of the security may be reduced in accordance with the following:

- a) The Owner shall submit: a written request for security release; a certificate from a qualified person confirming the cost and percentage of all required facilities and works completed in accordance with the approved plans and the Site Plan Control Agreement; an estimate of the cost of the remaining facilities and works prepared by a qualified person; and the applicable fee in place at the time of the request;
- b) The Township may conduct a site inspection to confirm the satisfactory completion of facilities and works;
- c) The Township may release part of the security, proportionate to the facilities and works which have been completed;
- d) The remaining security will be retained until all required facilities and works on the approved plans and drawings have been

completed and all conditions in the Site Plan Control Agreement have been satisfied;

- e) In addition to the security retained in subsection (d) above, the Township will retain 10% of the initial security amount.

13.5.3. Maintenance Security Holdback

The remaining 10% of the initial security amount will be held by the Township for a minimum of one (1) year as a maintenance security to ensure that all facilities and works on the site, including landscaping, are maintained and that any necessary repairs or replacements are completed. The remaining 10% security may be released in accordance with the following:

- a) The Owner shall submit: a written request for security release; a certificate from a qualified person confirming that all required facilities and works have been completed in accordance with the approved plans and the Site Plan Control Agreement; and the applicable fee in place at the time of the request;
- b) The Township may conduct a site inspection to confirm the satisfactory completion and/or maintenance of the facilities and works;
- c) Where deficiencies are identified, the security will not be released until the deficiencies have been remedied.;
- d) Notwithstanding the above, where there are only minor deficiencies to be remedied, as determined by the Manager of Development Services in their sole discretion, the Manager of Development Services may authorize the release of all or any portion of the maintenance security and may permit the submission of digital photographs to confirm completion of required works in lieu of a site inspection for minor work only;
- e) In the event that a written request for the release of maintenance security is submitted at a time when facilities and works are not clearly visible due to snow cover and/or the landscaping is in a dormant state, the security release may be delayed until such time as conditions permit a site inspection.

13.6. Draws on Financial Security to Remedy Default

- 13.6.1. Where the owner has entered into a Site Plan Control Agreement in accordance with the provisions of this By-law and has received notice from the Township of defaults with respect to any of the obligations, terms, covenants or conditions of such Agreement or the approved plans and drawings therein, then the Township may draw on the security to remedy said defaults;
- 13.6.2. The Township, at its sole discretion, may apply all or any portion of the financial securities submitted to the Township in

accordance with Sub-Clause 14.1 of this By-law towards the payment of the costs and expenses to remedy said defaults.

- 13.6.3. Where the Township exercises its discretion to draw on the financial securities to remedy any default related to the Agreement or the approved plans, the owner will be charged an administration fee equal to 20% of the costs to remedy said default. Where deemed appropriate by the Manager of Development Services in their sole discretion, the administration fee may be waived.

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 *Municipal Act*, as amended.
15. The existing Site Plan Control By-Law 2019-61, and all amendments thereto, are hereby repealed.
16. This By-law shall come into force and effect on the date of its passing.

Read a first and second time this 2nd day of August, 2022.

Read a third time and finally passed this 2nd day of August 2022.

Originals signed and on file with the Clerk's office.

Arie Hoogenboom
Mayor

Mary Ellen Truelove
Clerk