

The Corporation of the Township of Brock
By-law Number XX-2025

Being a by-law to designate a Site Plan Control Area within the Township of Brock and to adopt rules for the processing of site plan applications

Whereas Section 41(2) of the Planning Act, R.R.O. 1990 c. P. 13, as amended (the “Planning Act”) authorizes municipalities to designate the whole or any part of an area as a site plan control area subject to an enabling provision being contained in an approved Official Plan;

And Whereas the Township of Brock Official Plan designated all lands within the Township as a site plan control area;

And Whereas the Township requires the approval of certain plans and drawings as a condition of development in the Township, save and except for certain classes of development, and requires that the Owner of land enter into a site plan agreement with the Township, in accordance with Section 41 of the Planning Act;

And Whereas subsection 41(4.0.1) requires the Council to appoint an officer, employee or agency of the municipality as an authorized person for the purposes of subsection (4) of Section 41 of the Planning Act;

Now therefore, the Council of the Corporation of the Township of Brock hereby enacts as follows:

1. Existing Site Plan Control By-law 2109-2007-PL as amended by By-laws 2788-2018-PL and 3125-2022 be repealed in their entirety.
2. **Title**
That this By-law shall be known as the “Township of Brock Site Plan Control By-law” also referred to herein as the “Site Plan Control By-law” or “this By-law.”
3. **Site Plan Control Area**
 - 3.1 All lands within the corporate boundaries of the Township of Brock are hereby designated as a site plan control area.
 - 3.2 The approval of plans and drawings in accordance with subsection 41(1) of the Act, as amended, is required before development is undertaken in the area described in subsection 3.1, unless otherwise exempt from approval as set out in this By-law.
 - 3.3 Any development that would have been subject to full site plan review prior to the enactment of this section will continue to be subject to such review in accordance with existing practice and fees, as such may be amended.

- 3.4 The requirement for site plan control approval pursuant to this section may be waived by the Director of Development Services, or their designate.

4. **Delegation of Site Plan Approval**

Pursuant to subsection 41(4.0.1) of the Planning Act, the powers and authority of the Council of the Township, with respect to all applications under section 41 of the Planning Act, are hereby delegated to the Director of Development Services or their designate. The Mayor and Clerk are authorized to execute any agreements on behalf of the Township associated with such applications.

5. **Notice to Council**

All applications received under Section 41 of the Planning Act shall be circulated to Council for information purposes.

6. **Definitions**

For the purposes of this By-law:

- a) **Act** means the Planning Act, R.S.O. 1990, c. P. 13, as amended.
- b) **Addition** means a physical expansion of an existing building or structure which does not have the effect of changing the use.
- c) **Alteration** means a change of use of an existing building or structure, or a substantial change to the scale of the existing use.
- d) **Agricultural Use** means agricultural uses as defined in the Official Plan.
- e) **Agriculture-related use** means agriculture-related uses as defined in the Official Plan.
- f) **Authorized Person** means the Director of Development Services or their sub-delegate.
- g) **Council** means the Council of the Township of Brock.
- h) **Development** means:
 - i. The construction, erection or placing of one or more buildings or structures on land; or
 - ii. 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
 - iii. The laying out and establishment of a commercial parking area of any size, or the expansion of a commercial parking lot resulting in an additional five (5) or more spaces, excluding parking areas associated with home industry or home occupation uses, but including those associated with on-farm diversified uses and agriculture-related uses; or

- iv. The laying out and establishment of sites for the location of three (3) or more trailers as defined subsection 164(4) of the Municipal Act, 2001;
- v. The laying out and establishment of sites for the location of three (3) or more mobile homes as defined in subsection 46(1) of the Planning Act;
- vi. The laying out and establishment of sites for the construction, erection, or location of three (3) or more land lease community homes as defined in subsection 46(1) of the Planning Act;
- vii. The laying out and establishment of commercial outdoor recreational facilities and major recreational uses, including golf courses, driving ranges, sports fields and other similar facilities;
- viii. The laying out and establishment of outdoor patios associated with restaurants or cafes; or
- ix. The laying out and establishment of open storage and open product display areas associated with any commercial or industrial use.

For the purposes of this By-law, "Development" includes "Redevelopment". Further, "Development" does not include the placement of a portable classroom on a school site of a district school board.

- i) **On-farm diversified use** means on-farm diversified uses as defined in the Official Plan.
- j) **Redevelopment** means the Development of a previously developed site.
- k) **Region** means the Regional Municipality of Durham.
- l) **Township** means the Corporation of the Township of Brock.

7. **Site Plan Approval**

7.1 No person shall undertake any development in the site plan control area unless the delegate of Council of the Township, or their sub-delegate as specified in this By-law has approved the plans and drawings required pursuant to subsection 41(4) and 41(5) of the Act and the policies of the Township's Official Plan, including, but not limited to:

- 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 and of all facilities and works required under Section 41(7)(a) of the Act, 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, 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 related to exterior design, including without limitation, the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design;
 - v. matters relating to exterior access to each building that will contain affordable housing units or to any part of such building, but only to the extent that it is a matter of exterior design;
 - vi. the sustainable design elements on any adjoining highway under a municipality'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.

7.2 As a condition of approval of the plans and drawings referred to in Subsection 7.1 of this By-law, the Township may require the owner of the land to:

- a) Provide to the satisfaction of and at no expense to the Township 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 and walkway ramps, including the surfacing thereof, and all other 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 of any buildings or structures thereon;

- vii. Walls, fences hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - viii. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other wastes material;
 - ix. Easements conveyed to the Township and/or the Region for the construction, maintenance or improvement of watercourse, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township, Region 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;
 - xi. Fire hydrants on the subject property and/or the closest fire hydrant(s) to the subject property.
- b) Maintain to the satisfaction of the Township and at the sole risk and expense of the owner any or all of the facilities and works referred to in subsections 7.2(a)(ii) to (x), including the removal of snow and ice from access ramps, driveways, parking and loading areas and walkways;
 - c) Enter into one or more agreements with the Township dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in subsection 7.2(a) or (e) of this By-law and the maintenance thereof as mentioned in subsection 7.2(b) or with the provision and approval of the plans and drawings referred to in subsection 7.1 of this By-law;
 - d) Enter into one or more agreements with the Township ensuring that the development proceeds in accordance with the plans and drawings approved under Section 7.1 of this By-law;
 - e) Convey part of the land to the Township or Region to the satisfaction of and at no expense to the Township or Region for a public transit right-of-way.

8. Plans and Drawings Requirements

8.1 Plans and Drawings submitted in accordance with this By-law or under any Site Plan Agreement are subject to the following:

- a) Plans and Drawings may exclude the layout and design of interior areas, other than the interior walkways, stairs, elevators and,
- b) Plans and Drawings may exclude the manner of construction and standards for construction.

- 8.2 All Drawings and Plans shall be submitted in a manner and a scale to show with clarity and accuracy all buildings, structures, facilities and works described in requirements for Site Plan Approval.
- 8.3 The Township may require an Owner or Applicant to produce studies, plans and calculations that validate the location, dimensions and nature of the buildings, structures, facilities and works proposed in Site Plans or drawings, requiring the following:
- a) Such studies plans and calculations shall be completed by a qualified professional; and
 - b) The cost of any required studies plans, and calculations will be the responsibility of the Owner.

9 Classes of Development Requiring Site Plan Control

- 9.1 All the lands within the municipal boundaries of the Township are hereby designated as a Site Plan Control Area, and no person shall undertake development on these lands without Site Plan Approval.
- 9.2 For greater certainty and notwithstanding that a development would otherwise be exempt from the requirement for Site Plan Approval, the following development may not be undertaken without Site Plan Approval:
- a) commercial, industrial, or institutional development except where development of buildings or structures containing agricultural uses which comply with a by-law passed under Section 34 of the Planning Act are applicable to the property upon which such building or structure is located;
 - b) mixed use (residential/commercial) development;
 - c) medium or high density residential development proposing 10 units or more;
 - d) cannabis production facilities;
 - e) development undertaken by the Region in relation to buildings, structures, facilities or systems to be used, operated and maintained by the Region for the purpose of providing services that the Region has jurisdiction to provide to the public.

10 Exemptions and Non-Exemptions from Site Plan Approval

- 10.1 The following are exempt from Site Plan Control:
- a) Single detached dwellings, semi-detached dwelling, duplex dwellings, townhouse dwellings, accessory residential units;
 - b) Buildings, structures and uses accessory to residential development;

- c) Any residential development containing ten (10) dwelling units or less (including buildings and structures accessory to such residential development) unless the parcel of land includes any land in a Prescribed Area (O.Reg 254/23), so long as the Planning Act exempts it;
- d) Any expansion or enlargement of a building or structure that is less than 20 square metres or less than 10 percent of the existing total floor area of the building, whichever is less;
- e) Accessory buildings or structures not exceeding a total gross floor area of 50 square metres.
- f) Buildings or structures used for agricultural uses or normal farm practices in accordance with the Zoning By-law, except for a commercial mushroom farm, commercial greenhouse or cannabis production facility;
- g) Home occupation and home industry;
- h) A Bed and Breakfast operation;
- i) Tents and similar structures erected for a temporary period not exceeding 12 weeks;
- j) Portable classrooms on a school site of the Durham District School Board or Durham Catholic District School Board;
- k) Any buildings or structures damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that existed before the damages occurred, the use remains the same and no new dwelling and rooming units are added;
- l) Any structure for flood or erosion control;
- m) The layout out and establishment of outdoor patios associated with restaurants where another form of development agreement has been entered into with the Township that includes specific provisions to the outdoor patio;
- n) Any land building or structure owned and operated by a public utility;
- o) Any buildings or structures owned by the Township, including, but not limited to, community centres, arenas, libraries, operation centres, and municipal offices; and
- p) Any other development not deemed appropriate for Site Plan Control by the Authorized Person.

10.2 Where Site Plan Control is required by a Subdivision, Condominium, Consent or any other Agreement registered on title, the development shall not be exempt from Site Plan Control.

10.3 Site Plan Control may be imposed as a condition of a Decision of the Committee of Adjustment.

- 10.4 Enlargements of existing facilities with an executed Site Plan Agreement may, at the discretion of the Township, require the approval and execution of an Amending Site Plan Agreement.
- 10.5 Site Plan Control may be imposed at the sole discretion of the Authorized Person where a site is being graded or surfaced (or regraded or resurfaced) to ensure that stormwater is properly managed.

11 Pre-Consultation and Complete Application

All applicants are strongly encouraged to undertake pre-consultation with the Township prior to submitting a Site Plan application. The pre-consultation record provided will only be valid for a period of one (1) year after which another pre-consultation discussion may be required.

12 Site Plan Applications, Review and Approval

- 12.1 Any class of development not exempted from a site plan application under Section 10 of this By-Law shall be subject to the standard site plan control process as further described in this section.
- 12.2 The requirements, application, review, and approval process for a standard site plan application shall be as follows:
- a) Under the authority of subsection 41(3.1) of the Planning Act and as outlined in the policies of the Township Official Plan, the applicant is strongly recommended to undertake pre-consultation with the Township prior to the submission of any site plan application.
 - b) As per section 1.0.1 of the Planning Act, any information that is required to be provided to the Township shall be made available to the public.
 - c) Every site plan application shall be accompanied by the plans, specifications, documents, and information required by the policies of the Township Official Plan and as prescribed during pre-consultation. Once all the required information has been submitted, the applicant will then be permitted to pay any fees prescribed pursuant to Section 69 of the Act. Until such time as required information and fees have been provided, no site plan application shall be considered to have been made or received.
 - d) Within 30 days after the applicant pays any prescribed fees and submits the application, the Township will notify the applicant in writing with respect to the completeness of the application.
 - e) Where site plan design standards have been approved by Council, they may be included as a Schedule forming part of this By-Law.

- f) The site plan application will be reviewed by applicable Township staff, Indigenous nations, and any agencies with jurisdiction for the purposes of making required changes to the plans or drawings prior to submission, and for the purposes of determining appropriate conditions to impose and securities to be posted through the entering into one or more agreements, for the purposes of implementing the policies of the Official Plan and provisions in the Act including any associated regulations.

13 Exempt Site Plan Applications and Minor Site Plan Applications, Review and Approval for On-Farm Diversified Uses and Agriculture-Related Uses

- 13.1 Notwithstanding Section 12 of this By-law, any class of development specifically stated within this section of the By-law may be subject to a minor site plan application process for the purposes of applying a scoped evaluation of the various site elements and determining the appropriate design of a site. Such classes subject to a minor site plan application shall be inclusive of development of or related to the following:
 - a) Agriculture-related uses in combination with On-Farm Diversified uses
 - b) On-Farm Diversified uses
- 13.2 It is the intent for Minor Site Plans to apply in instances where the proposed use is compatible with the agricultural area and the modifications to the subject property are limited in size, location, and scale so as to limit the impact to the stormwater management, geotechnical engineering, grading, or traffic circulation and not to create nuisance that would impact surrounding properties. It shall be the responsibility of the applicant to demonstrate that such impacts and potential for nuisance are minimal or non-existent as a result of the proposed development. Such information shall be provided to the satisfaction of the Township at the time of the site plan application or through a pre-application process.
- 13.3 It may be determined by an Authorized Person at the time of the Pre-Application Meeting that the proposed agriculture-related use or on-farm diversified use is exempt from site plan control because the proposed use would result in negligible impacts, or a proposed agriculture-related use that satisfies the applicable policies of the Official Plan. Negligible impacts may include consideration for parking, expected traffic, available onsite servicing capacity, available municipal infrastructure such as roads, emergency services, and utilities, site context, location of the use on the site, operating hours, surrounding uses, and seasonality. However, the Authorized Person must be satisfied that all applicable requirements are satisfied to make this determination.

13.4 The requirements, application, review, and approval process for a minor site plan application shall be as follows:

- a) Under the authority of subsection 41(3.1) of the Act and as outlined in the policies of the Township Official Plan, a scoped pre-consultation meeting with the Township will be encouraged prior to the submission of any minor site plan application.
- b) As per section 1.0.1 of the Act, any information that is required to be provided to the Township under the authority of this By-law shall be made available to the public.
- c) Every minor site plan application shall be accompanied by the plans, specifications, documents, and information required by the policies of the Official Plan. The necessary information for the application submission may be determined as part of a prescribed pre-application consultation meeting or indicated by a standard list of requirements provided as part of the pre-application process. Once all the required information has been submitted, the applicant will be required to pay the fee prescribed pursuant to section 69 of the Act. Until such time as the required information and fees have been provided, no site plan application shall be considered to have been made.
- d) Within 30 days after the applicant pays any prescribed fee, the Township will notify the applicant in writing with respect to the completeness of the application.
- e) Where Site Plan Design Standards have been approved and included as a Schedule forming part of this By-Law, they shall apply to all classes of development subject to this section of the By-Law as may be further described in said Schedule.
- f) The minor site plan application will be reviewed by the applicable staff of the Township, Indigenous nations, and any agencies with jurisdiction for the purposes of making required changes to the plans or drawings prior to submission, and for the purposes of determining a final approved site plan drawing that abides by all applicable standards and implements the policies of the Official Plan.
- g) A Letter of Undertaking in lieu of a Site Plan Agreement may be required according to the complexity of the potential impacts of the proposed use, at the discretion of the Authorized Person.

14 **Amendments to Existing Site Plan Approvals and Site Plan Development**

Amendments made to an existing site plan approval or site plan development agreement, including to any of its associated plans and drawings, after the date of enactment of this By-law, are subject to the provisions of this By-law

including the collection of any prescribed fee(s) required to facilitate the review of the amendments.

15 Minor Deviations

Minor deviations of a development which has received site plan approval may take place without further approval where written permission is provided by the Authorized Person.

16 Fees

- 16.1 A fee for the review and approval of a Site Plan application is established by the Township through the User Fees By-law, and any successors thereto.
- 16.2 Additional fees may be collected by the Township as reimbursement for the Township's costs for additional professional assistance, legal or otherwise incurred during the review of the Site Plan Application as well as studies and engineering drawings. Owners and/or Applicants will provide acknowledgment of this reimbursement through declaration on the application form, which has been provided by the Township.
- 16.3 Fees referred to in this section are non-refundable.

17 Agreements

- 17.1 An agreement shall be considered a required condition of site plan approval for any standard site plan application. For any minor site plan application, a Letter of Undertaking may be required according to the complexity of the development.
- 17.2 Where an agreement as described in subsection 41(7) of the Act is deemed to be required as a condition of site plan approval, any Authorized Person may prepare such an agreement.
- 17.3 The Township Mayor and Clerk are authorized to execute any agreements on behalf of the Township once approved by the Authorized Person.
- 17.4 Prior to the registration of the final agreement that is required as a condition of site plan approval, and after the Site Plan is finalized, signed and the final agreement is executed, conditional approval of the application may be granted in writing by an Authorized Person. Such a conditional approval shall be limited to allow preliminary site works, such as servicing infrastructure, grading, and foundation construction, to begin before the final site plan approval is granted only where it has been determined by the Township that there would be no adverse effects of the preliminary site works on the site or neighbouring properties.

- 17.5 Any required development agreement(s) shall be registered on title against the land to which it applies subject to the provisions of the Registry Act and the Land Titles Act, and in accordance with Subsection 41(10) of the Planning Act.
- 17.6 With respect to a previously approved site plan application where site works or the terms of the agreement remain outstanding, minor amendments may be made through a scoped revision process (sometimes referred to as a redline revision) to the approved site plan control documents and/or an amending agreement, provided the amendments are prepared by an Authorized Person and registered on title. The determination of the scope of an appropriate minor amendment shall be at the sole discretion of the Authorized Person.
- 17.7 Unless further prescribed by the required development agreement, a development approval pursuant to Section 41 of the Act shall lapse upon the passing of three (3) years from the registration of the agreement if certain conditions for the development, as outlined in the applicable agreement, are not undertaken within the three (3) year period from the date of a registration.
- 17.8 Where a development agreement has been registered and the prescribed criteria cannot be met within the required timeline, any applicant may request an extension to be granted by an Authorized Person to extend the timeline for additional period(s) not exceeding one (1) year. Such a request shall be made in writing to the Authorized Person no later than thirty (30) calendar days before the prescribed date of the lapsing date of the agreement.

18 Administration and Enforcement

Administration, enforcement, and associated processes, procedures, and penalties shall be established, determined, and carried out in accordance with relevant legislation and law.

19 Revoking and Approval

The power to revoke any approval of plans and drawings is hereby delegated by Council to the Director of Development Services who may revoke such approval where:

- a) The approval has been granted on mistaken or false or incorrect information; or
- b) The approval has been granted in error; or
- c) The applicant for the approval has requested in writing that it be revoked; or
- d) Three (3) years after the approval has been granted, if the development has not been substantially commenced in the opinion of the Director of Development Services, acting reasonably, unless otherwise specified in the associated site plan agreement; or

- e) There is justification, in the reasonable opinion of the Director of Development Services.

20 **Severability**

In the event that a particular provision or part of this By-law is found to be invalid or unenforceable for any reason, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to this fullest extent permitted by law.

- 21 This By-law shall take effect on the date of passage.

Enacted and Passed this XX day of XX, 2025.

Mayor
Michael Jubb

Deputy CAO/Clerk
Fernando Lamanna

By signing this by-law on XX, 2025, Mayor Michael Jubb will not exercise the power to veto this by-law.