

SECTION 8.0 IMPLEMENTATION

8.3 SITE PLAN CONTROL

8.3.1 All of the Township of Wainfleet shall be considered a site plan control area pursuant, to Section 41 of the *Planning Act*, 1990. Land uses, which are exempt from these provisions, would be:

- a) Any one or two unit dwellings;
- b) A portable classroom on an existing District School Board school site;
- c) Agricultural uses, buildings and structures, with the exception of agri-tourism uses, commercial farm markets, greenhouses, grain dryers or farm related commercial or industrial uses.
- d) Mineral aggregate operations subject to a license under the Aggregate Resources Act.
- e) Any building or structure erected for the purpose of flood or erosion control by the Township or Niagara Peninsula Conservation Authority.
- f) Any building or structure exempted under the Planning Act.
- g) Council shall enact a site plan control by-law pursuant to Section 41 of the Planning Act to designate those lands that it considers desirable as site plan control areas.

~~a) Single family and two family dwellings; and~~
~~b) Agricultural uses, buildings and structures, but may be applied to greenhouses, grain dryers or farm related commercial or industrial uses.~~
~~c) Mineral aggregate operations.~~
~~Council shall enact a site plan control by-law pursuant to Section 41 of the Planning Act to designate those lands that it considers desirable as site plan control areas.~~

8.3.3. Notwithstanding Section 8.3.1, the following uses shall be subject to site plan control to regulate the location of the dwellings:

- a) Any lot containing more than one dwelling unit or a lot containing dwelling unit(s) combined with commercial, industrial or institutional uses.
- ~~ba)~~ Single family dwellings or mobile homes used for farm help houses;
- ~~cb)~~ Single and two family dwellings that are used as a group home;
- ~~de)~~ Expansion of dwellings to accommodate a bed and breakfast use;
- ~~ed)~~ Resort recreational uses; and
- ~~fe)~~ Institutional uses.

8.3.4 As provided under Section 41(5) of the Planning Act, 1990, in reviewing applications for the development or redevelopment of sites within Residential and Commercial designations which have been designated as site plan control areas, Council the Township may require the submission of drawings showing plan, elevation and cross section views for each residential or residential / commercial building to be erected, even where such buildings are proposed to contain less than twenty-five dwelling units.

8.3.6 Pursuant to Section 41(7) of the Planning Act, ~~Council the Township~~ may require the applicant to enter into one or more agreements with the Township to ensure that the facilities, works or matters under site plan control and their maintenance are provided.

8.3.8 The overall goals of the Township in exercising Site Plan Control are to:

- a) Enhance visual attractiveness by an appropriate use of landscaping; including walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands; lighting etc;
- b) Ensure proper grading and secure easements necessary to provide for public utilities, site drainage, and if applicable, servicing;
- c) Control the placement and provision of required services and facilities such as driveways, parking, loading facilities, sustainable private services, garbage and recyclable waste collection and snow storage or removal areas;
- d) Ensure the provision of bicycle parking facilities, and such facilities are secure, lighted, highly visible, sheltered, and in convenient locations;
- e) Ensure that the conceptual design of a proposed development is compatible with the character or the intended character of the area;
- f) Minimize land use incompatibility or conflict between new and existing uses;
- g) Minimize the impact of proposed development on the natural heritage features and functions;
- h) Control the character, scale, appearance and design features and sustainable design of the exterior buildings;
- i) Control the streetscape design within the municipal right-of-way including matters such as landscaping, paving materials, sidewalk features, street furniture, waste and recycling containers, bicycle parking facilities and other similar matters; ~~and~~
- j) Ensure appropriate access, egress and safe entry design; and
- k) Provide facilities for the lighting, including floodlighting, of the land or of any buildings or structures.

8.3.9 As a condition of the site plan approval process, ~~Council the Township~~ may require, where the existing road allowance abutting the subject property is less than the required right-of-way, a minimum dedication of one-half the additional width necessary to achieve the required right-of-way.

8.3.10 As a condition of the site plan approval process, ~~Council the Township~~ may also require at intersections, road widenings in addition to the required right-of-way to provide appropriate turning lanes as determined through a traffic impact study.

8.3.11 Approval of drawings and agreements within a site plan control area shall be delegated, by by-law, to the Manager of Community and Development Services, or their designate, in accordance with the requirements of the *Planning Act*.

8.3.12 The *Planning Act*, as amended from time to time, may alter these requirements. Such changes shall not require an amendment to this Plan.

8.7 PRE-SUBMISSION CONSULTATION

8.7.1 Pre-consultation between the applicant and the Township is required prior to the submission of an application for an official plan amendment, zoning by-law amendment, draft plan of subdivision, draft plan of condominium, consents to sever, minor variances or site plan control unless the Manager of Community and Development Services, or their designate determines pre-consultation is not necessary based on the scale of development or complexity of planning issues associated with the proposed application. Pre-consultation may involve two stages: 1) identifying the list of required plans, studies, information and material to be submitted with a complete application and 2) the Township's evaluation of reports to determine conformity to the Township's Official Plan, Terms of Reference, standards and guidelines to determine if an application can be submitted.

Pre-consultation will determine what is required to be submitted for a complete application and will provide the opportunity to discuss the nature of the application; development and planning issues; the need for additional information and/or reports to be submitted with the application; and the planning and approval process including the appropriateness of concurrent applications, where applicable.

8.7.3 At the pre-~~submission~~ consultation meeting:

- a) The list of required studies set out in Section 8.8.5 may be scoped depending on the nature of the application; and
- b) Additional studies may be determined necessary for submission with the application based on the nature of the application.

8.7.4 ~~A by-law shall be approved by Council requiring pre-consultation. Township Council may pass a By-law requiring mandatory pre-consultation with the municipality.~~

8.8 COMPLETE APPLICATION REQUIREMENTS

8.8.1. An application for an official plan amendment, zoning by-law amendment, consents to sever, minor variances, site plan approval, draft plans of subdivision, or draft plans of condominium, will not be deemed complete, or accepted, until the following has been submitted to the Township:

- a) A complete application form;
- b) Any information or materials prescribed by statute and regulation;
- c) A record of pre-~~submission~~ consultation;
- d) The prescribed application fee(s);
- e) A fees agreement to cover all required peer review costs as per Section 8.8.3 as well as all Ontario Municipal Board/Land Tribunal costs where the municipality is in favour of the application; and
- f) All studies and/or information that may be required, as determined through pre-consultation, including but not limited to the matters outlined in Section 8.8.5.

8.8.2 All of the matters set out in Section 8.8.1 must be completed to the satisfaction of the Township prior to the Township accepting the application as complete. The Manager of Planning-Community and Development Services or their designate shall be responsible for determining whether a planning application is complete.

8.8.5 Township of Wainfleet Council may require the following materials and studies to be submitted with a planning application:

- a) A planning rationale report which evaluates the proposal against the relevant goals, objectives, policies and general purpose and intent of this Plan, the Niagara Region Policy-Official Plan, the Provincial Policy Statement, and the Growth Plan for the Greater Golden Horseshore relevant Provincial Planning Policies, where applicable;
- b) A land use/market needs study;
- c) An environmental planning study or sub-watershed study for a proposed secondary plan or boundary expansion;
- d) An environmental Impact Study;
- e) A transportation impact study;
- f) A shadow study;
- g) Archaeological assessment;
- h) Heritage Impact Analysis;
- i) A municipal water and wastewater servicing study;
- j) A stormwater management plan and sediment and erosion control plan;
- k) A floodplain and hazard land study;
- l) A geotechnical engineering study including slope stability;
- m) A hydrogeology study and private servicing plans;
- n) A hydrology study;
- o) A settlement capability study;
- p) An agricultural impact assessment including a Minimum Distance Separation (MDS) analysis;
- q) Alternative sites for non-agricultural use assessments where a non-agricultural use is proposed in an Agricultural area to demonstrate there are no reasonable alternative locations in Hamlets or Rural Areas;
- r) An environmental site assessment and Record of Site Condition where this is known or potentially contaminated sites;
- s) Air quality study;
- t) A noise impact study;
- u) A vibration study;
- v) An illumination study;
- w) A trails plan;
- x) A parking study;
- y) A tree preservation plan;
- z) An urban design brief which assesses the compliance with the urban design policies of this Plan and any applicable urban design guidelines of the Region;
- aa) An extractive industrial site development plan and rehabilitation plan;

- bb) A mineral aggregate resources study where development or site alteration is proposed on lands within or adjacent to known mineral aggregate resources; and,
- cc) Other studies.

8.8.11 With respect to deeming an application subject to Site Plan Approval complete, the application must comply with the minimum requirements established in the Township's Site Plan Control By-law and the following information may be required by the Township prior to deeming an application complete:

- a) Comments from Federal and/or Provincial bodies such as Ministry of Transportation, Ministry of Natural Resources and Forestry, Ministry of the Environment, Conservation and Parks, Department of Fisheries and Oceans, Transport Canada and Ministry of Tourism, Culture and Sport.
- b) Comments from Hydro One or other Utility Providers.
- c) Environmental Compliance Approval or successor issued by the Ministry of the Environment, Conservation and Parks or successor.
- d) Record of Site Condition successfully filed with the Ministry of the Environment, Conservation and Parks or successor.
- e) Confirmed zoning compliance from the Township.
- f) Confirmed conformity with Ontario Building Code and Ontario Fire Code by the Township.

8.8.12 The Township may determine an application is incomplete pursuant to the Planning Act where:

- a) The application would require the extension or improvement of public infrastructure through an Official Plan Amendment application, a Zoning By-law Amendment application or Site Plan Approval application;
- b) In the case of a Zoning By-law Amendment application, a Draft Plan of Subdivision application and/or a Draft Plan of Condominium application is required and is not yet approved and in full force and effect;
- c) In the case of a Site Plan Application, an Official Plan Amendment application, a Zoning By-law Amendment application, a Minor Variance application, a Draft Plan of Subdivision application and/or a Draft Plan of Condominium application is required and is not yet approved and in full force and effect;
- d) In the case of an Official Plan Amendment application, a Zoning By-law Amendment application, a Draft Plan of Subdivision application and/or a Draft Plan of Vacant Land Condominium application has not completed its Public Consultation Strategy;
- e) Indigenous communities have not been consulted;
- f) All confirmations, clearances, permits, material and information required by the Township during the Pre-consultation has not been submitted to the Township's satisfaction.

g) All reports required by the Township during the Pre-consultation have not been prepared in accordance with the Township's Official Plan, Terms of Reference, standards, and/or guidelines to the Township's satisfaction.