

The Corporation of The Township of Scugog

By-law Number 01-26

Being a by-law to Designate a Site Plan Control Area within the limits of the Township of Scugog and to adopt rules for the processing of Site Plan Development Applications.

Passed pursuant to Section 41 of the Planning Act, R.S.O. 1990 c. P. 13, as amended.

Whereas section 41(2) of the Planning Act , R.S.O. 1990 c. P. 13, as amended (the "Planning Act") provides that where in an official plan an area is shown or described as a proposed site plan control area Council of the local municipality, may, by by-law, designate the whole or any part of such area as a site plan control area;

And Whereas the Township of Scugog Official Plan designates all lands within the Township of Scugog 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, and requires that an Owner enter into a site plan agreement with the Township, in accordance with Section 41 of the Planning Act;

And Whereas by the provisions of subsection 41(3) of the Planning Act, a by-law passed under subsection 41(2) may designate a site plan control area by reference to one or more land use designation contained in a by-law passed under section 34 of the said Act;

AND Whereas subsection 41 (4.0.1) requires the Council to appoint an officer, employee or agent of the municipality as an Authorized Person for the purposes of subsection (4) of Section 41 of The Planning Act;

And Whereas Section 41(3.2, 3.3 and 3.4) establishes pre-consultation requirements for site plan control areas;

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

1. Existing Site Plan Control By-laws

By-law 68-90 is repealed;

By-law 90-00 is repealed

By-law 20-01 is repealed;

By-law 59-01 is repealed;

By-law 111-04 is repealed; and

By-law 83-04 is repealed.

2. Title

This By-law shall be known as the "Township of Scugog 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

- a) All lands within the corporate limits of the Corporation of the Township of Scugog are hereby designated as a site plan control area.
- b) The approval of plans and drawings in accordance with subsection 41(4) of the Act, as amended is required before development is undertaken in the area described in subsection 3 a), unless otherwise exempt from approval as set out in this By-law.
- c) 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.
- d) The requirement for site plan control approval pursuant to this section may be waived by the Authorized Person.
- e) Despite the provisions of Section 3 above, any Development subject to site plan control that is 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.

4. Delegation of Site Plan Approval

- a) Pursuant to subsection 41(4.0.1.) of the Planning Act, the powers and authority of the Council of the Township of Scugog, with respect to all applications under section 41 of the Planning Act, are hereby delegated to the Authorized Person, including the authority to execute any agreement associated with such approval and the granting of the necessary servicing allocation to the applicable Site Plan Approval.
- b) The Authorized Person shall have the ability to sub-delegate any application as identified in Schedule A to this By-law.

5. Notice to Council

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

6. Definitions

For the purposes of this By-law, unless contrary intention appears:

- 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-related uses" means Agricultural-related uses as defined in the Official Plan.
- e) "Authorized Person" means the Director of Development Services or their sub-delegate.

- f) "Council" means the Council of the Township of Scugog.
- g) "Development" shall mean Development as defined by Section 41 of the Planning Act, R.S.O. 1990, c.P. 13, as amended and any amendments thereto:
- i. which includes:
1. 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;
 2. 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 agricultural-related uses;
 3. The laying out and establishment of sites for:
 - a. The location of three (3) or more trailers as defined in clause (a) of subsection 164(4) of the Municipal Act, 2001, S.O. 2001, c.25;
 - b. The location of three (3) or more mobile homes as defined in subsection 46(1) of the Planning Act;
 - c. The construction, erection, or location of three (3) or more land lease community homes as defined in subsection 46(1) of the Planning Act;
 4. 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;
 5. The laying out and establishment of outdoor patios associated with restaurants, cafes, or On-farm diversified uses or agricultural-related uses; or
 6. The laying out and establishment of open storage and open product display areas associated with any commercial or industrial use.
- ii. 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. And further, "Development" does not include the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units, unless within a Prescribed Area (O.Reg 254/23), and any amendments thereto.
- h) "On-farm diversified uses" means On-farm diversified uses as defined in the Official Plan.

- i) "Prescribed Area" means an area including, but is not limited to, an area that is within The Oak Ridges Moraine Plan Area, within 120 metres of a wetland, inland lake or river or stream valley that has depressional features associated with a river or stream, whether or not it contains a water course.
- j) "Redevelopment" means the Development of a previously developed site.
- k) "Township" means the Corporation of the Township of Scugog.

7. Site Plan Approval

No person shall undertake any Development in the site plan control area unless and until the delegate of Council of the Corporation of the Township of Scugog, 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, as amended from time to time, which at the time of passing this by-law are;
 - 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 for the construction, maintenance or improvement of watercourse, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township 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 (a)(ii) to (x), including the removal of snow and ice from access ramps, driveways, parking and loading areas and walkways;

c) The Township has been advised of the proposed Development and afforded a reasonable opportunity to require the Owner to provide to the satisfaction of and at no expense to the Township any or all of the following:

i. Widenings of highways and that abut 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. Grading or Alteration in elevation or contour of the land and provision for the disposal of storm, surface and wastewater from the land; and

v. Facilities designed to have regard for accessibility for persons with disabilities.

d) 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 10 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 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.
- e) A site plan agreement or agreements have been entered into with the Township pursuant to subsection 41(7) of the Planning Act.

8. Plans and Drawing Requirements

- a) Plans and Drawings submitted in accordance with this By-law or under any Site Plan Agreement are subject to the following:
 - i. Plans and Drawings may exclude the layout and design of interior areas, other than the interior walkways, stairs, elevators and,
 - ii. Plans and Drawings may exclude the manner of construction and standards for construction.
- b) 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.
- c) 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:
 - i. Such studies plans and calculations shall be completed by a qualified professional; and
 - ii. The cost of any required studies plans, and calculations will be the responsibility of the Owner.

9. Classes of Development Requiring Site Plan Control

- a) 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.
- b) 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:
 - i. commercial, industrial, or institutional Development except where Development of buildings or structures containing agricultural operations which comply with a by-law passed under Section 34 of the Planning Act applicable to the property upon which such building or structure is located;
 - ii. mixed use (residential/commercial) Development;
 - iii. medium or high density residential Development proposing 10 units or more;
 - iv. cannabis production facilities;
 - v. Development undertaken by the Regional Municipality of Durham in relation to buildings, structures, facilities or systems to be used, operated and maintained by the Township or the Region of Durham for the purpose of providing services that the Township or the Regional Municipal of Durham has jurisdiction to provide to the public.

10. Exemptions and Non-Exemptions from Site Plan Approval

- a) Despite the provisions of Site Plan Control Area, the following are exempt from Site Plan Control:
 - i. 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;
 - ii. An existing or proposed home occupation or home industry;
 - iii. An existing or proposed Bed and Breakfast operation;
 - iv. 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;
 - v. Accessory buildings or structures not exceeding a total gross floor area of 50 square metres.
 - vi. Buildings associated with normal agricultural operations that are in accordance with the Zoning By-law in effect, except for a cannabis production facility;
 - vii. Any land building or structure owned and operated by a public utility as defined by the Official Plan;
 - viii. 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 units are added;
 - ix. Any structure for flood or erosion control;
 - x. 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;
 - xi. Any buildings or structures owned by the Township, including, but not limited to, community centres, arenas, libraries, operation centres, and municipal offices; and
 - xii. Any other Development not deemed appropriate for Site Plan Control by the Authorized Person, notwithstanding the above noted exemptions, or any other provisions of this By-law.
- b) 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.
- c) Where Site Plan Control is required at the Provincial level, including lands within the MTO's Permit Controlled Area, the Development shall not be exempt from Site Plan Control.
- d) Site Plan Control may be imposed as a condition of a Decision of the Committee of Adjustment.
- e) Enlargements of existing facilities with an executed Site Plan Agreement may, at the discretion of the Township, require the approval and execution of

a Site Plan Amending Agreement.

- f) 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), in order to ensure that stormwater is properly managed.

11. Oak Ridges Moraine Area

a) Notwithstanding any other provision of this By-law, in the Oak Ridges Moraine Conservation Plan Area, the approval of plans and drawings is required in accordance with Section 41 of the Planning Act for the following:

- i. Any agricultural building or structure and accessory buildings or structures thereto;
- ii. Any residential building or structure, and accessory buildings or structures thereto within a Prescribed Area;
- iii. Any Additions and/or Alterations to any agricultural or residential building or structure, including accessory buildings and structures in accordance with Section 8 of this By-law;
- iv. Industrial buildings and structures;
- v. Commercial buildings and structures;
- vi. Institutional buildings and structures except structures that are accessory to a public park; or
- vii. Parking lots exceeding five parking spaces or 90 square metres.

b) Notwithstanding the Provisions of subsection 1 hereof to the contrary, the following classes of Development within the Oak Ridges Moraine Conservation Plan Area shall be exempt from requiring site plan approval:

- i. a dwelling that existed as of the date of passing of this By-law shall be permitted to expand by a maximum of an additional 93 square metres in gross floor area; and
- ii. all accessory buildings and structures up to a maximum gross floor area of 56 square metres; and
- iii. an industrial, commercial or institutional building that existed as of the date of passing of this By-law shall be permitted to expand by a maximum of 10 per cent of the gross floor area that existed as of the date of passing of this By-law.

12. Pre-Consultation and Complete Application

- a. All applicants are strongly encouraged to undertake a pre-consultation meeting with the Township of Scugog in accordance with the "Pre-Consultation and Complete Application By-law" prior to submitting an application for Site Plan Control.

13. General Site Plan Applications, Review and Approval

- a) Any class of Development not exempted from a site plan application under Section 9 of this By-Law shall be subject to the general site plan control process as further described in this section. The general site plan process shall be considered the standard site plan application process applied to all Development within the site plan control area.
- b) The requirements, application, review, and approval process for a general site plan application shall be as follows:
 - i. Under the authority of subsection 41(3.1) of the Planning Act and as outlined in the policies of the Township of Scugog Official Plan, the applicant is strongly recommended to undertake pre-application consultation with the corporation prior to the submission of any general site plan application. Such a pre-application consultation meeting shall only be valid for a period of one (1) year following the release of the minutes of the meeting. After that time, a new pre-consultation shall be required.
 - ii. As per section 1.0.1 of the Act, any information that is required to be provided to the corporation under the authority of this by-law shall be made available to the public.
 - iii. Every general site plan application shall be accompanied by the plans, specifications, documents, and information required by the policies of the Township of Scugog Official Plan and as prescribed during the pre-application consultation meeting. 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.
 - iv. Within 30 days after the applicant pays any prescribed fee and submits the application, the corporation will notify the applicant in writing with respect to the completeness of the application.
 - v. Where Site Plan Design Standards have been approved by Council, they may be included as a Schedule forming part of this By-Law, and they shall apply to all classes of Development subject to this section of the By-Law as may be further described in said Schedule.
 - vi. The site plan application will be reviewed by the applicable staff of the corporation, 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.

14. Exempt Site Plan Applications and Minor Site Plan Applications, Review, and Approval for On-farm Diversified Uses and Agricultural-Related Uses

- a) Notwithstanding Section 13 of this By-law, any class of Development specifically stated within this section of the By-law may be subject to the 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:

- i. Agricultural-related uses in combination with On-Farm Diversified uses; and,
 - ii. On-Farm Diversified uses.
- b) 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.
- c) It may be determined by an Authorized Person at the time of the Pre-Application Meeting that the proposed Agricultural-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.
- d) Notwithstanding any policy to the contrary, the minor site plan application process shall only apply to proposed Developments that have been evaluated by the Township through a pre-application process.
- e) The requirements, application, review, and approval process for a minor site plan application shall be as follows:
 - i. Under the authority of subsection 41(3.1) of the Act and as outlined in the policies of the Township of Scugog Official Plan, a scoped pre-consultation meeting with the Township may, at the sole discretion of an Authorized Person, be required prior to the submission of any minor site plan application. Such a pre-consultation meeting shall only be valid for a period of one (1) year following the release of the minutes of the meeting. After that time, a new meeting shall be required.
 - ii. 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.
 - iii. 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.
 - iv. Within 30 days after the applicant pays any prescribed fee, the corporation will notify the applicant in writing with respect to the completeness of the application.

- v. 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.
- vi. 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.
- vii. 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.

15. 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.

16. Minor Deviations

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

17. Fees

- a. 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.
- b. 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.
- c. Fees referred to in this section are non-refundable.

18. Agreements

- a) 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.
- b) 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.
- c) 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.

- d) 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.
- e) 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.
- f) Unless further prescribed by the required Development agreement, a Development approval pursuant to Section 41 of the Act shall lapse upon the passing of two (2) years from the registration of the agreement if certain conditions for the Development, as outlined in the applicable agreement, are not undertaken within two (2) year period from the date of a registration.
- g) 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.

19. 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.

20. Revoking and Approval

The power to revoke any approval of plans and drawings is hereby delegated by Council to the Authorized Person 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) Two (2) years after the approval has been granted, if the Development has not been substantially commenced in the opinion of the Authorized Person, acting reasonably, unless otherwise specified in the associated site plan agreement; or

e) There is justification, in the reasonable opinion of the Authorized Person.

21. 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.

This By-law Read and Passed by Council on the 26 day of January, 2026.



MAYOR, Wilma Wotten



CLERK, Blair Labelle

By signing this by-law on the 26 day of January, 2026, Mayor Wilma Wotten will not exercise the power to veto this by-law.