

THE CORPORATION OF THE TOWN OF GEORGINA  
IN THE  
REGIONAL MUNICIPALITY OF YORK

**BY-LAW NO. 2022-0057 (PL-3)**

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BEING A BY-LAW TO DESIGNATE THE TOWN OF GEORGINA AS A SITE PLAN CONTROL AREA, AND TO APPOINT AN AUTHORIZED PERSON TO APPROVE SITE PLANS, AND TO ADOPT CERTAIN PROCEDURES FOR THE PROCESSING OF SITE PLAN APPLICATIONS.

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**WHEREAS** subsection 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, the Council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area;

**AND WHEREAS** the Official Plan for The Corporation of the Town of Georgina (the "**Town**" or "**Georgina**"), designates all of the lands within the boundaries of the Town of Georgina as a site plan control area;

**AND WHEREAS** subsection 41(4.0.1) of the Planning Act provides that a Council that passes a by-law under subsection 41(2) of the Planning Act shall appoint an officer, employee or agent of the municipality as the authorized person for the purposes of subsection 41(4) of the Planning Act;

**AND WHEREAS** the Town requires the approval of certain plans and drawing as a condition of development in the Town and may require that an owner enter into a site plan agreement with the Town, in accordance with section 41 of the Planning Act;

**AND WHEREAS** the Town considers it appropriate to implement the site plan control policies of the Town's Official Plan.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF GEORGINA HEREBY ENACTS AS FOLLOWS:**

## 1. DEFINITIONS

- (a) “**Application**” means site plan application as described in section 11 of this By-law.
- (b) “**Authorized Person**” means the Director of Development Services or the Manager of Development Engineering.
- (c) “**Council**” means the Council of The Corporation of the Town of Georgina.
- (d) “**Development**” means the definition of development referred to in subsection 41(1) of the Planning Act.
- (e) “**Owner**” means any owner of land as identified in the records of the proper Land Registry Office or Land Titles Office.
- (f) “**Site Plan Control Area**” means the area as described in section 6 of this By-law.

## 2. SHORT TITLE

This By-law may be referred to as the “**Site Plan Control By-law**” or “**this By-law**”.

## 3. AUTHORIZED PERSON

The Director of Development Services, or, if the Director of Development Services is unable to act, the Manager of Development Engineering, are appointed to approve site plans and drawings pursuant to section 41(4) of the Planning Act.

## 4. TRANSITION

Applications submitted to the Town on or before June, 15 2022, that have not received approval shall be subject to the provisions of this By-law.

## 5. REPEAL OF EXISTING SITE PLAN CONTROL BY-LAWS

By-law No. 2020-0037 (PL-3) is hereby repealed.

## 6. SITE PLAN CONTROL AREA

All land located within the corporate boundaries of The Corporation of the Town of Georgina is hereby designated as a Site Plan Control Area.

#### 7. SITE PLAN CONTROL

No person shall undertake any development in the Site Plan Control Area, unless the Authorized Person has approved the plans and drawings required pursuant to the Planning Act and the Town's Official Plan Policies, including but not limited to:

- (a) matters relating to exterior building design details, including without limitation, the character scale, appearance and design features of buildings and their sustainable design;
- (b) sustainable and accessible design elements within, or adjacent to, an adjoining municipal right-of-way, including without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling container and bicycle parking facilities; and
- (c) facilities designed to have regard for accessibility for persons with disabilities.

#### 8. REQUIREMENTS FOR SITE PLAN AGREEMENT

No person shall undertake development prior to entering into a site plan agreement with the Town, as approved by the Authorized Person.

#### 9. AUTHORITY TO EXECUTE SITE PLAN AGREEMENT

The Mayor and Town Clerk shall be authorized to execute a site plan agreement on behalf of the Town for all Applications and amendments made to an existing site plan agreement, including any of its associated plans and drawings.

#### 10. REGISTRATION OF SITE PLAN AGREEMENT

In accordance with section 41(10) of the Planning Act, any agreement, or amendment thereto, entered into in accordance with this By-law, shall be registered against the title of the land to which it applies.

#### 11. SITE PLAN APPLICATION REQUIREMENTS

- 1. An Owner shall submit to the Town an Application containing, at minimum, all of the following:

- (a) a completed application form, as provided by the Town;
- (b) any information or materials prescribed by statute;
- (c) a pre-consultation letter from Town staff outlining the details of the pre-consultation meeting(s);
- (d) any supporting information and materials to be provided within the initial submission, as determined through the pre-consultation meeting(s); and
- (e) the prescribed, current application fee(s).

2. All documents, plans and drawings shall comply with the Town's development design criteria and an applicable regulations and standards.

3. Prior to submitting an Application for site plan approval, an applicant shall attend a pre-consultation meeting with Town Staff in accordance with Town of Georgina By-law No. 2009-0072.

4. Following the completion of the pre-consultation process, as set out in this By-law and By-law No. 2009-0072, applicants shall complete and submit an Application for site plan approval to the Town in accordance with the requirements detailed in the form approved by the Town and as set out in the Town of Georgina By-law No. 2009-0073.

## 12. EXEMPT APPLICATIONS

a. All classes of development are subject to site plan control unless expressly exempt in this By-law.

b. The following forms and classes of development and construction shall be exempt from site plan control in the Town of Georgina:

- Single detached dwellings, semi-detached or duplex;
- Residential accessory structures;
- Townhouses within a registered plan of subdivision or condominium or is included as part of a development agreement;
- Agricultural and farm-related buildings, including barns, sheds, farm produce stands and greenhouse buildings that are not commercial operations;
- Temporary Uses (including outdoor patios);
- Residential and Farm Fences;
- New or expansion of parking creating no more than 5 parking spaces;

- Town Projects;

c. Applications with a proposed addition Floor Area less than 100 m<sup>2</sup> or up to 20% of Floor Area (whichever is the lesser), shall be classified as 'Limited Site Plan Application', and shall be exempt from Site Plan Control but will require approval of the exterior building design and drawings by the Authorized Person.

### 13. PERFORMANCE AND MAINTENANCE SECURITIES

The following performance and maintenance securities shall be deposited to the Town together with the Application:

(a) an irrevocable standby letter-of-credit in favour of the Town of Georgina, or cash, in the amount of one-hundred percent (100%) of the estimated value of work, inclusive of engineering fees and contingency, including HST, for all works required by the Town that are within a Town road allowance or right-of-way or other Town property;

(b) a letter of credit in favour of the Town of Georgina, or cash, for the purpose of cleaning or removing any road fouling, maintenance of the construction site, and peer review fees in the amounts of \$10,000 for minor applications, \$15,000 for mid-range application and \$25,000 for major applications as defined by the Town's Planning Fee By-law 2018-0074 (PL-7)

(c) a letter of credit in favor of the Town of Georgina in an amount equal to one-hundred percent (100%) of the value of the trees/vegetation that are to be removed, based on the tree compensation value as determined by the Town's Tree Preservation and Compensation Policy, as amended; and

(d) insurance in the amount of five-million dollars (\$5,000,000), at minimum, naming the Town as co-insured.

### 14. REVOKING OF APPROVAL

The Authorized Person has the power to revoke any approval of plans and drawings previously provided by the Town and the Authorized Person may revoke such approval where:

(a) the approval has been granted on mistaken, false or incorrect information;

(b) the approval has been granted in error;

(c) the applicant for the approval has requested, in writing, that it be revoked;

(d) two (2) years after the approval has been granted, the development in respect of which the approval has been granted has not been substantially commenced, in the opinion of the Authorized Person, unless otherwise specified in the associated site plan agreement; or

(e) the Authorized Person is of the opinion that the approval must be revoked for any other or further reason.

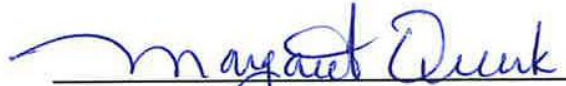
#### 15. SEVERABILITY


In the event that a particular provision or part of a provision of this By-law is found to be invalid or unenforceable by a Court of law, then the particular provision(s) or part of the provision(s) 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 the fullest extent permitted by law.

#### 16. EFFECTIVE DATE

This By-law shall come into force and take effect upon its passage.

READ and enacted this 15<sup>th</sup> day of June, 2022

  
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Margaret Quirk, Mayor

  
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Mamata Baykar, Deputy Clerk