

The Corporation of the City of Richmond Hill

By-law 76-23

A By-law to establish a Site Plan Control Area, to define classes of development that may be undertaken without the approval of plans and drawings and to delegate authority in relation to approvals pursuant to Section 41 of the *Planning Act* within the City of Richmond Hill

WHEREAS pursuant to subsection 41 (2) of the *Planning Act*, the Council of a municipality may designate the whole or any part of the lands within the municipality as a Site Plan Control Area, where in its Official Plan the area is shown or described as a proposed Site Plan Control Area;

AND WHEREAS the City has designated all the lands within the City as a proposed Site Plan Control Area in the City's Official Plan;

AND WHEREAS pursuant to subsection 41(13) of the *Planning Act*, where Council of the City has designated a Site Plan Control Area, Council may:

- (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required pursuant to subsections 41(4) and 41(5) of the *Planning Act*; and
- (b) delegate to an appointed officer any of Council's powers or authority under Section 41 of the *Planning Act*, except the authority to define any class or classes of development as described in (a) above.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF RICHMOND HILL ENACTS AS FOLLOWS:

PART 1- INTERPRETATION

1.1 Definitions

In this By-law:

- (a) "**Applicant**" means any Person who has submitted or who intends to submit a Site Plan Application;
- (b) "**Development**" means development as defined in Section 41 of the *Planning Act*;
- (c) "**Commissioner**" means the Commissioner of Planning and Infrastructure for the City, or any successor to that position, and his or her designate;
- (d) "**Council**" means the Council of the City;
- (e) "**Ontario Heritage Act**" means the *Ontario Heritage Act*, R.S.O. 1990, c. 0.18;
- (f) "**Person**" means any individual, association, proprietorship, partnership, syndicate, company, firm, business, authorized agent, trustee and their heirs, executors or other legal representatives, or any combination thereof;
- (g) "**Planning Act**" means the *Planning Act*, R.S.O. 1990, c.P.13;
- (h) "**Site Plan Agreement**" means an agreement setting out the conditions of a Site Plan Approval entered into between the City, if applicable, the Regional Municipality of York, and any Applicant who has received Site Plan Approval;
- (i) "**Site Plan Application**" means an application for approval by the City of plans and drawings for a development under Section 41 of the *Planning Act* or for an

amendment to a Site Plan Approval;

- (j) "**Site Plan Approval**" means approval of a Site Plan Application granted by the Commissioner pursuant to the provisions of this By-law;
- (k) "**Site Plan Control Area**" means an area designated pursuant to Section 41 of the *Planning Act*; and
- (l) "City" means the Corporation of the City of Richmond Hill.

1.2 Statutory- by-law references

Any reference to any act or statute of the Government of Canada or the Province of Ontario, or a by-law of this or any other municipality, shall include a reference to any regulations made thereunder, as well as to any act, statute or by-law that has the effect of amending or superseding such act, statute or by-law.

PART 2 - DEVELOPMENT SUBJECT TO SITE PLAN CONTROL

2.1 Designation of Site Plan Control Area

All the lands within the municipal boundaries of the City as depicted on Schedule "A" hereto are hereby designated as a Site Plan Control Area, and no person shall undertake development on these lands without Site Plan Approval.

2.2 Classes of Development Requiring Site Plan Approval

For greater certainty and notwithstanding that a development would otherwise be exempt from the requirement for Site Plan Approval pursuant to Section 2.2 of this By-law, 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 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;
- b) mixed use (residential/commercial) development;
- c) medium or high density residential development proposing 10 units or more;
- d) development undertaken by the City or the Regional Municipality of York in relation to buildings, structures, facilities or systems to be used, operated and maintained by the City or the Regional Municipality of York for the purpose of providing services that the City or the Regional Municipal of York has jurisdiction to provide to the public including, but not limited to, community centres, arenas, operations centres, libraries, civic centres and waste management or disposal facilities;
- e) all development on parcels of land abutting the railway as depicted on Schedule "B" to this By-law; and,
- f) all development located within 120 metres of a shoreline as depicted on Schedule "C" to this By-law.

PART 3 - ADMINISTRATION

3.1 Delegation to Commissioner

Subject to the limitations set out in this By-law, Council hereby delegates its powers under Section 41 of the *Planning Act* to the Commissioner, save and except the powers to define classes of development which may be undertaken without Site Plan Approval.

3.2 Pre-Application Requirements

No person shall submit a Site Plan Application prior to attending a pre-consultation meeting(s) as described in the City's By-law 123-08 with City staff as well as staff from any other government body, public authority, and/or external agency as deemed appropriate by the Commissioner. The Commissioner shall refuse to accept any Site Plan Application submitted prior to a pre-consultation meeting(s) referred to in this Section and as described in By-law 123-08.

3.3 Site Plan Application Requirements

Following the completion of the pre-consultation meeting(s) as set out in Section 3.2 of this By-law, an Applicant shall submit the following documentation to the Commissioner:

- (a) a completed application form as prescribed by the Commissioner;
- (b) plans and drawings pursuant to Section 41 of the *Planning Act* and the City's Official Plan in sufficient detail, as determined in the Commissioner's sole discretion, to enable the Commissioner to grant or refuse to grant Site Plan Approval; and
- (c) the requisite fees applicable to the development described in the Site Plan Application as set out Chapter 684, Tariff of Fees, of the City's Municipal Code.

3.4 Site Plan Approval- granted - refused

The Commissioner shall, upon receipt of all documentation and fees required pursuant to Section 3.3 of this By-law, review the Site Plan Application and grant or refuse to grant Site Plan Approval. For greater certainty, no person shall undertake any development where Site Plan Approval is required pursuant to this By-law, unless the Commissioner has granted Site Plan Approval or unless the Site Plan Application has been referred to the Ontario Land Tribunal and the Ontario Land Tribunal has made a determination that the development may proceed.

3.5 Site Plan Agreement

The Commissioner may require an Applicant to enter into a Site Plan Agreement with the City detailing the conditions of the Site Plan Approval, including the posting of securities in such amount as the Commissioner deems necessary to ensure the provision and maintenance of the works, services and facilities shown in the plans and drawings submitted in the Site Plan Application.

3.6 Expiry - Extension of Site Plan Approvals

Site Plan Approval shall expire one (1) year from the date of issuance by the Commissioner unless, prior to the expiration of one (1) year, a building permit has been issued by the City's Chief Building Official for the development described in the Site Plan Approval. The Commissioner may, in the Commissioner's sole discretion, upon receipt of a written request from an Applicant who has been granted Site Plan Approval, grant one (1) extension of a Site Plan Approval for a period of up to one (1) year, provided that such request for an extension of Site Plan Approval is received prior to the expiry of the original approval.

3.7 Mayor - Clerk- Agreement - Execution

The Mayor and Clerk shall execute any Site Plan Agreement, or any amendment or extension thereto, to be entered into on behalf of the City pursuant to this By-law upon the recommendation of the Commissioner.

PART 4 - MISCELLANEOUS

4.1 Severability

In the event that any particular provision or part of a provision of this By-law is found to

be invalid or unenforceable for any reason whatsoever, 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 the fullest extent permitted by law.

4.2 Attachments

Schedules "A", "B" and "C" attached hereto form part of this By-law.

4.3 Effective Date

This By-law comes into force and effect on July 12, 2023.

4.4 Repeal

By-law 137-09 and all amendments thereto are hereby repealed.

Passed this 12th day of July, 2023.

David West
Mayor

Stephen M.A. Huycke
City Clerk