



**TOWNSHIP OF SOUTH FRONTENAC**  
**Committee of the Whole Meeting Agenda**  
**Meeting #26**



TIME: 7:00 PM,  
DATE: Tuesday, June 14, 2022  
PLACE: Council Chambers/Electronic Participation.

1. Call to Order and Roll Call
  - (a) Resolution
  
2. Declaration of pecuniary interest and the general nature thereof
3. Approval of Agenda
  - (a) Resolution
4. Scheduled Closed Session - none
  
5. Public Meeting
  - (a) **Resolution to Open Public Meeting** 3 - 31
  
  - (b) **Public Meeting for Zoning By-law Amendment Application PL-ZBA-2022-0048, Judith Secker, Block A, Plan 544, Cedar Ridges Lane** 32 - 38
  
  - (c) **Public Meeting for Zoning By-law Amendment Application PL-ZBA-2022-0062, Automatx Inc., 4071 Hiawatha Lane** 39 - 47
  
  - (d) **Public Meeting for Zoning By-law Amendment Application PL-ZBA-2022-0066, Dieneen Lepp, 4989 Road 38** 48 - 57
  
  - (e) **Motion to Close Public Meeting**
6. Delegations - none
7. Reports Requiring Direction - none
8. Reports for Information
  - (a) **South Frontenac Site Plan Control By-law** 58 - 75
  
9. Rise & Report from Committees of Council
  - (a) **County Council**
  - (b) **Frontenac Community Arena Board**
  - (c) **Police Services Board**
  - (d) **South Frontenac Museum**
10. Information Items - none
11. Notice of Motions

12. Announcements/Statements by Councillors
  13. Question of Clarity (from the public on outcome of agenda items)
  14. Closed Session (if requested)
  15. Adjournment
- (a) Resolution

Natural, Vibrant and Growing - A Progressive Rural Leader



**SOUTH  
FRONTENAC**

# Public Meeting

under the Planning Act

Applications for Zoning By-law Amendment

PL-ZBA-2022-0048

PL-ZBA-2022-0062

PL-ZBA-2022-0066

Tuesday, June 14, 2022  
7:00 p.m. Virtual Council Meeting

# Public Meeting Statement

- The purpose of this public meeting is to hear comments on Zoning By-Law Amendment Applications PL-ZBA-2022-0048, PL-ZBA-2022-0062 and PL-ZBA-2022-0066.
- If a person or public body does not make oral or written submissions at this public meeting, or make written submissions to South Frontenac Township before any by-law is passed, the person or public body may not be added to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.
- If you wish to be notified of the decision of Council in respect to the application, you must submit a written request to the Clerk via email at [amaddocks@southfrontenac.net](mailto:amaddocks@southfrontenac.net). This will also entitle you to be advised of an Ontario Land Tribunal appeal.
- Anyone may appeal the decision to the Ontario Land Tribunal. The appeal must be filed with the Clerk within 20 days of the notice of decision. The notice of appeal must set out the reasons for the appeal and be accompanied by the fee required by the Tribunal.

# Agenda

- Planner reviews proposal and delivers report
- Questions from Council
- Comments from Applicant/Owner, Agent and the Public
- Comments/Questions from Council
- Close Public Meeting



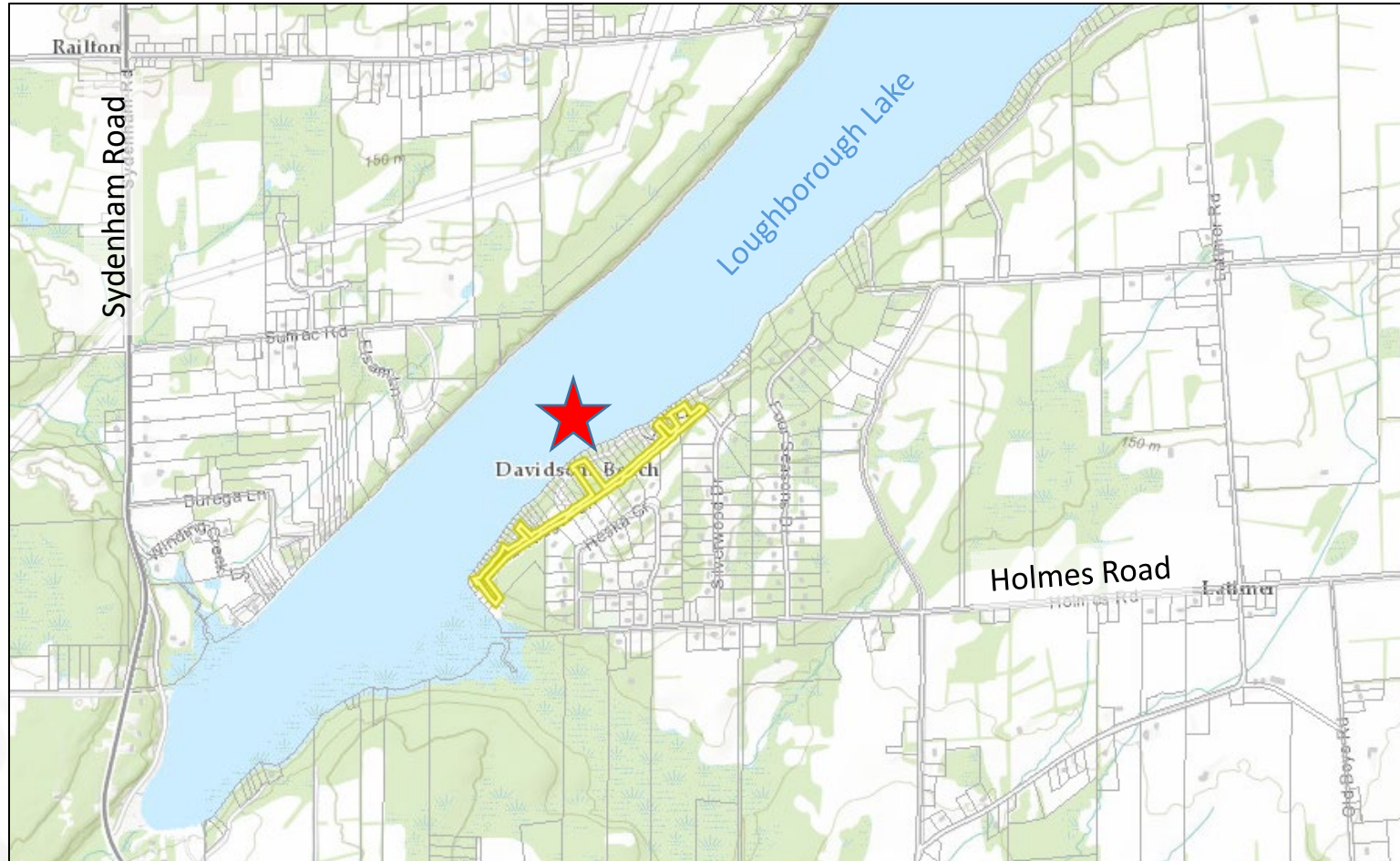
# PL-ZBA-2022-0048

Applicant: Judith Secker

Property: Block A, Plan 544, Cedar Ridges Lane



# Location



# Proposal

- Seven lot additions to residential properties approved February 2022
- Existing Zone – OS
- Proposed Zone – RLSW
- To permit the intended residential uses of the enlarged lots



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Examples of Topography of Subject Lands

# Department and Public Comments

- Building Services, Public Services, Cataraqui Conservation – application did not meet criteria for circulation
- Public comments – none received to date



# Policy Framework

Provincial Policy Statement



Frontenac County Official Plan



Township of South Frontenac  
Official Plan



Limited service residential  
development



# Next Steps

- South Frontenac Council should receive comments from the public
- A report with a recommendation will be brought to a future Council meeting



# Questions and Comments

- Questions from Council
- Comments from Applicant, Agent and the Public
- Comments/Questions from Council



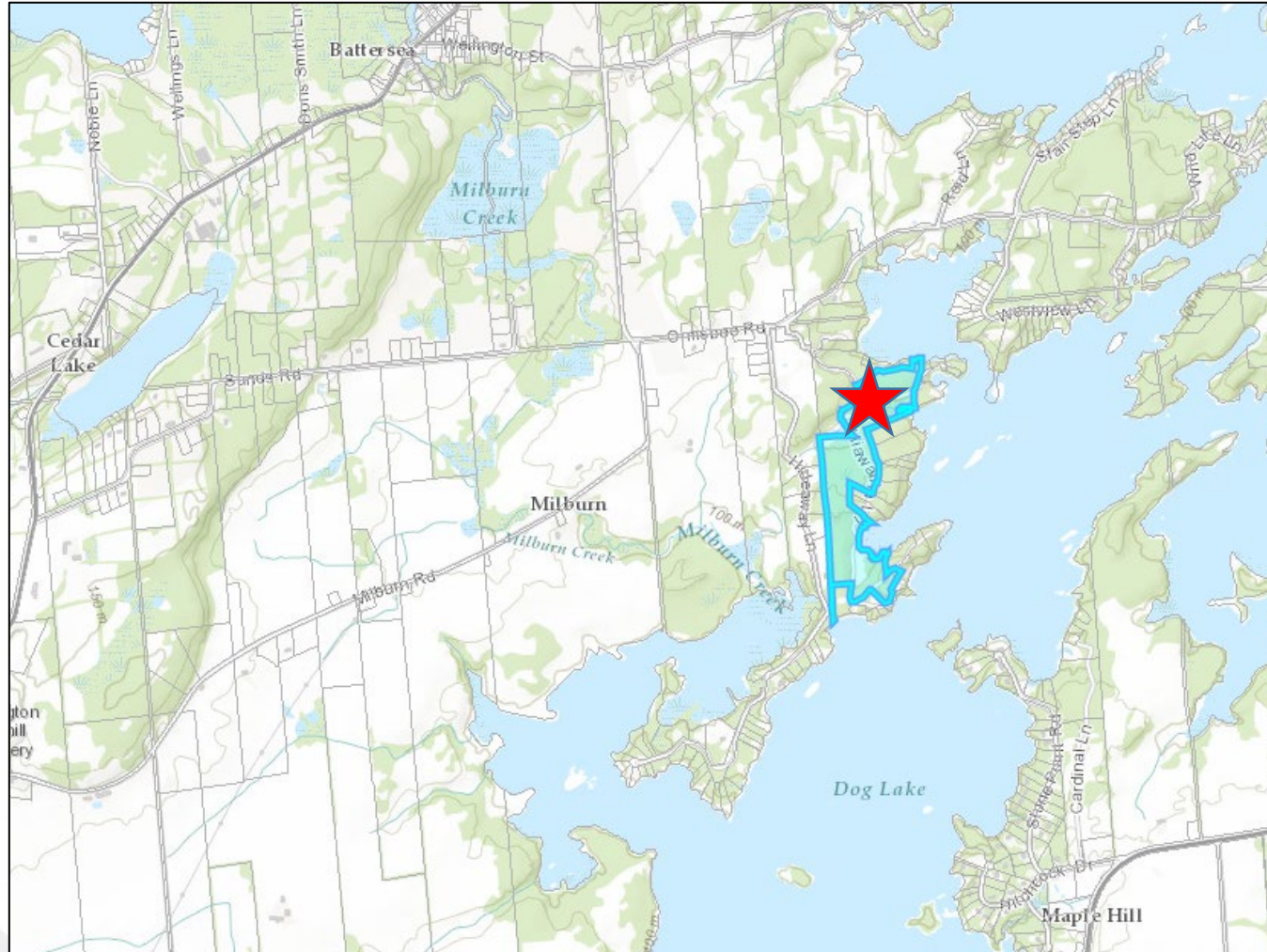
# PL-ZBA-2022-0062

Applicant: Automatx Inc.

Property: 4071 Hiawatha Lane

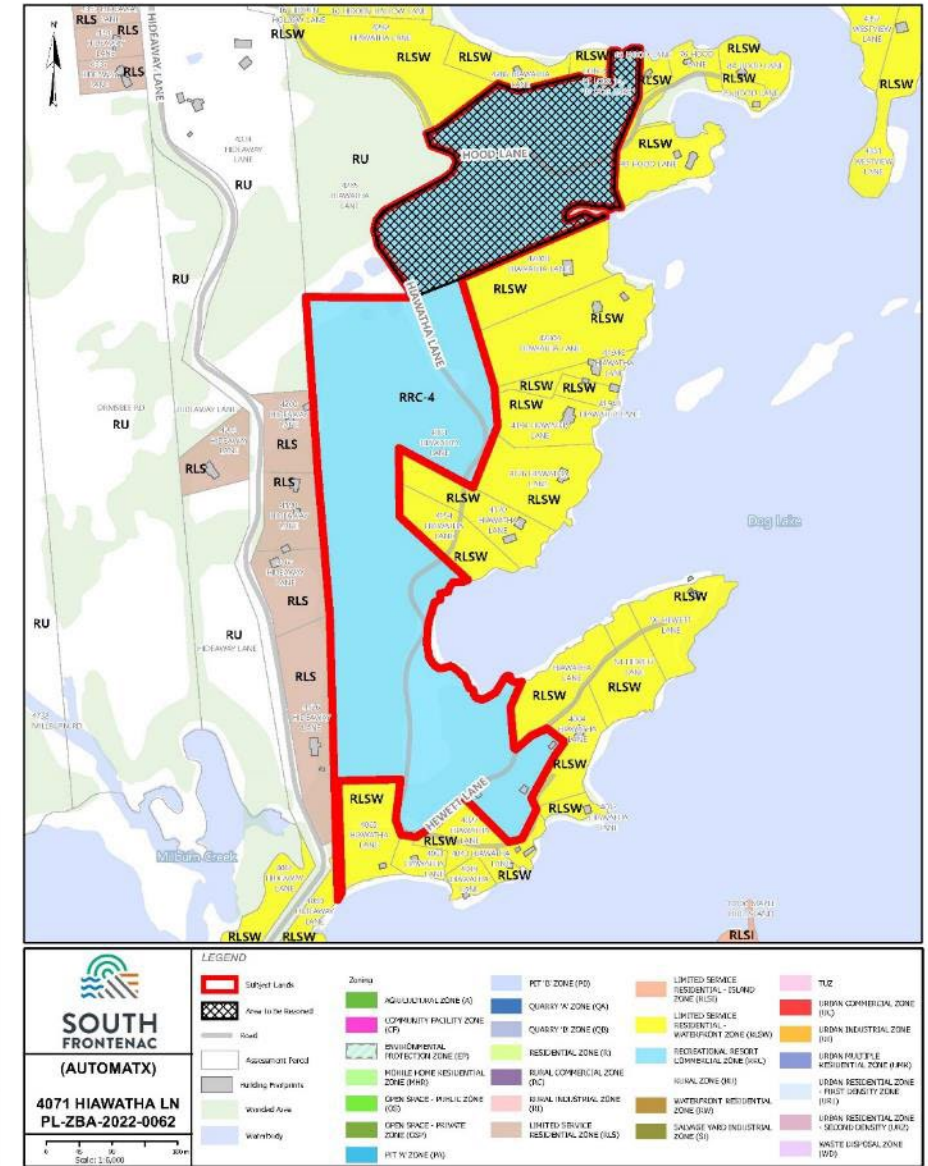


# Location



# Proposal

- New waterfront lot approved October 2021
- Existing Zone – RRC-4
- Proposed Zone – RLSW-XX
- To permit residential development on waterfront property accessed by a private lane
- To acknowledge the 24 metres and 40 metres of waterfrontages on Dog Lake
- To establish a minimum 40 metre setback from the highwater mark



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Examples of Shoreline and Topography

# Department and Public Comments

- Building Services had no objection to the consent application
- Rideau Waterway Development Review Team confirmed the rezoning implements their recommendation for the consent application
- Public comments – none received to date



# Policy Framework

Provincial Policy Statement



Frontenac County Official Plan



Township of South Frontenac  
Official Plan



- Limited service residential development
- Protecting water resources



# Next Steps

- South Frontenac Council should receive comments from the public
- A report with a recommendation will be brought to a future Council meeting



# Questions and Comments

- Questions from Council
- Comments from Applicant, Agent and the Public
- Comments/Questions from Council



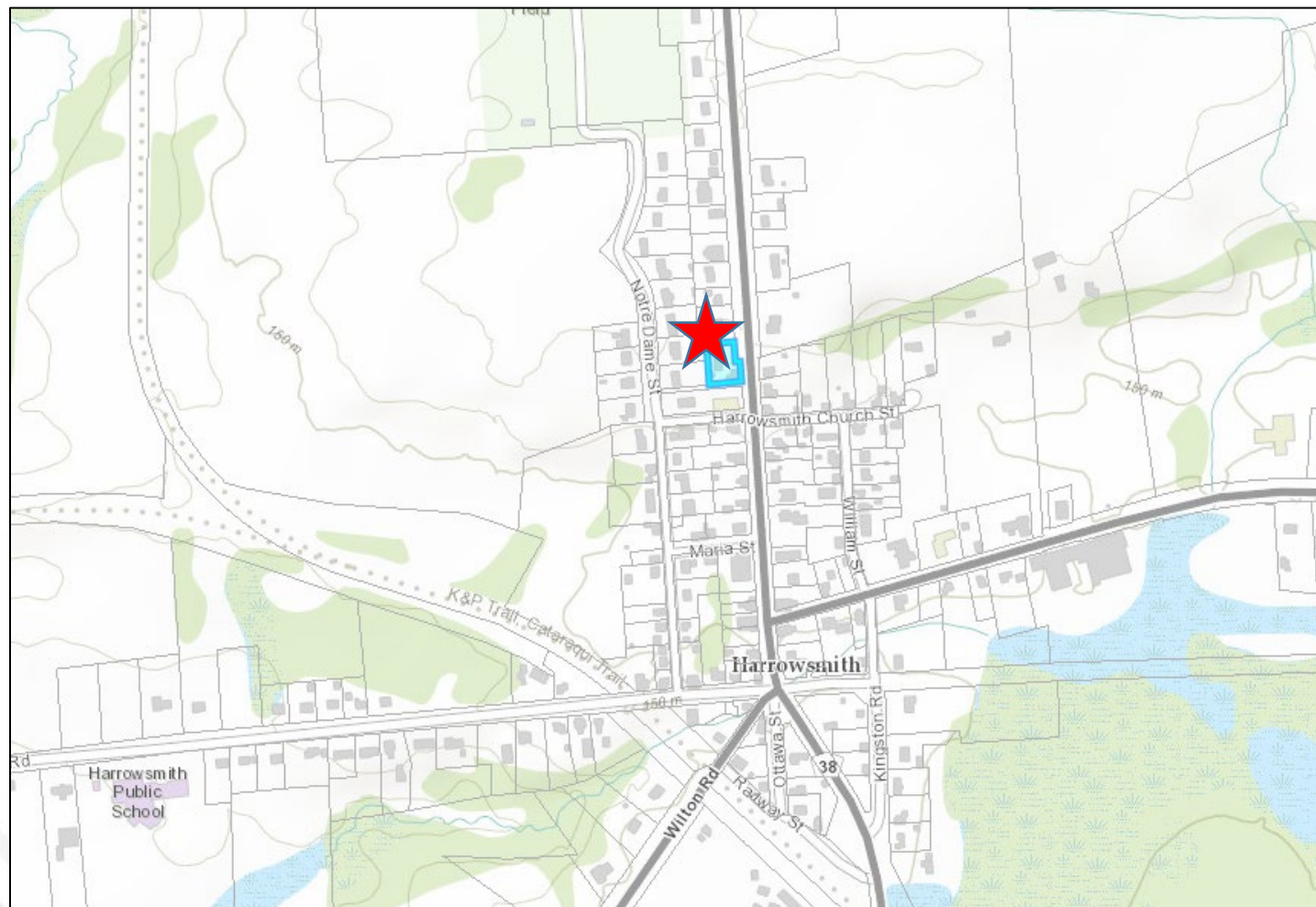
# PL-ZBA-2022-0066

Applicant: Dieneen Lepp

Property: 4989 Road 38



# Location



# Location



# Proposal

- Existing Zone – UR1
- Proposed Zone – UR1-XX
- Permit a secondary dwelling unit
- Convert 1300 square foot detached garage





View from northeast corner of property





View from end of driveway



Proposed amenity area behind proposed secondary dwelling unit

# Department and Public Comments

- Public Services – no objection
- Building Services
  - Dispersal bed is adequate but larger septic tank required
  - No objection
- Public comments
  - Owners of 3998 Harrowsmith Church Street oppose application. They are concerned with
    - Impact of second residence on existing septic system
    - Potential to contaminate the aquifer and their water supply



# Policy Framework

Provincial Policy Statement



Frontenac County Official Plan



Township of South Frontenac  
Official Plan



- Accommodate an appropriate range and mix of housing
- Water and sewage servicing



# Next Steps

- South Frontenac Council should receive comments from the public
- A report with a recommendation will be brought to a future Council meeting



# Questions and Comments

- Questions from Council
- Comments from Applicant, Agent and the Public
- Comments/Questions from Council



# Township of South Frontenac Staff Report

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**To:** Council

**Prepared by:** Development Services Department

**Date of Meeting:** June 14, 2022

**Public Meeting for Zoning By-law Amendment Application**  
**Subject:** PL-ZBA-2022-0048, Judith Secker, Block A, Plan 544, Cedar Ridges Lane

## Summary

This report provides Council with information about Zoning By-law Amendment Application PL-ZBA-2022-0048 for Block A, Plan 544 on Cedar Ridges Lane. If approved, the zone on the subject lands would be changed from Open Space – Public (OS) to Limited Service Residential – Waterfront (RLSW).

Consistent with Council's Procedural By-law, Council will receive comments from the public on the application. Staff will bring a more detailed report considering applicable policy and public comments, as well as providing a recommendation to Council on this application at a future meeting.

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## Recommendation

**This report is for information only.**

## Background

Block A on Plan 544 is located on Cedar Ridges Lane. Block A is owned by all the owners of the lots in this plan of subdivision. These owners are party to an agreement that entitles the owners of Lots 13 to 49 to apply to have a portion of the Block severed and added to their individual properties. The agreement requires the rights-of-way to be maintained and to be assigned to each property owner. A majority of the owners have taken advantage of this agreement.

The subject property is subject to consent applications S-41-21-S, S-42-21-S, S-43-21-S, S-46-21-S, S-47-21-S, S-49-21-S and S-53-21-S for lot additions to seven undersized limited service residential waterfront properties. The lot additions range in area from 396 square metres to 4,634 square metres. They are being added to 1006 Lark Lane, 1010 Lark Lane, 1018 Lark Lane, 1030 Lark Lane, 5044 Cedar Ridges Lane, 1053 Heron Lane and 1063 Heron Lane.

Township of South Frontenac

Staff Report - PL-ZBA-2022-0048, Judith Secker, Block A, Plan 544, Cedar Ridges Lane

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The consent applications will also convey a right-of-way over Heron Lane and Lark Lane in favour of those properties that require a right-of-way to ensure continued legal deeded access over the lanes.

Provisional approvals of the consent applications were granted subject to conditions by the Director of Development Services on February 14, 2022. One condition requires the lot addition lands to be rezoned.

The proposal is to change the zone on the lot addition lands from Open Space – Public (OS) to Limited Service Residential – Waterfront (RLSW) to permit residential uses to occur on the enlarged lots.

Under the Planning Act, a public meeting is required to be held to receive comments from the public on the proposed rezoning. The public meeting for this application will be a virtual public meeting using Zoom and telephone.

## **Discussion/Analysis**

### **Property Description**

The subject property consists of Block A on Plan 544. The property contains Cedar Lane, Ridges Lane, and portions of Sandpiper Lane, Lark Lane, Heron Lane, Lucas Lane and Mockingbird Lane. These lanes are used to access 49 limited service waterfront residential properties on the West Basin of Loughborough Lake. In addition to the lanes, the open space consists of forested areas and rock outcrops.

Attachment 1 to this report shows the location of the subject property relative to local landmarks.

### **Related Applications**

The subject lands are also subject to Deeming By-law Application PL-LC-2022-0049 under the Planning Act. Since the consents involve lots and a block in a plan of subdivision, deeming by-laws will need to be passed so that the lot additions can be legally merged with the benefitting lands.

### **Department, Agency and Public Comments**

The application was not reviewed by Public Services, Building Services nor Cataraqui Conservation due to the location of the lot additions and the nature of the proposed rezoning.

No comments have been received from members of the public to date.

## Preliminary Planning Analysis

The proposed rezoning needs to be assessed against the applicable policies of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

The Director of Development Services had consideration for these planning documents in the decision to grant provisional approval to the consent applications for lot additions.

The purpose of the lot additions is to enlarge each of the seven benefitting lands as envisioned by the private agreement registered on title, and to maintain the rights-of-way for other users of the private lanes that cross the lot addition lands. No development is proposed as part of these applications.

All seven of the benefitting lands are deficient by the lot area, lot frontage and waterfrontage standards of the Township of South Frontenac Official Plan and Zoning By-law No. 2003-75. The enlarged lots will continue to be deficient by these standards but would be closer to compliance with the minimum lot area requirements. In some circumstances, enlarging the benefitting lands may facilitate development or redevelopment of the lots.

The lot additions are zoned Open Space – Public (OS), while the benefitting lands are zoned Limited Service Residential – Waterfront (RLSW). The zone on the lot additions needs to be changed to RLSW to permit the intended residential uses of the enlarged lots.

The proposal to rezone the lands through this application is consistent with the 2020 PPS as well as the County and Township Official Plans and the Zoning By-law No. 2003-75.

Attachment 2 to this report is a draft by-law.

## Financial Implications

Not applicable.

## Relationship to Strategic Plans

- Not applicable to this report.
- This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.
  - Priority: Choose an item.

## Climate Considerations

- Not applicable to this report.

Township of South Frontenac

Staff Report - PL-ZBA-2022-0048, Judith Secker, Block A, Plan 544, Cedar Ridges Lane

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This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

## Notice/Consultation

Notice of the Statutory Public Meeting was given pursuant to the requirements of the Planning Act, 20 days in advance of the Public Meeting. This included notice given:

- by mail to every owner of land within 120 metres of the subject lands
- by posting notice signs on the subject lands
- by posting on the Township's Current Planning Application webpage
- by e-mail to prescribed persons and public bodies

## Attachments

1. Location Map
2. Draft By-law

## Approvals

### Report Prepared By:

Christine Woods, MCIP, RPP, Senior Planner

### Submitted By:



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Claire Dodds, MCIP, RPP

Director of Development Services

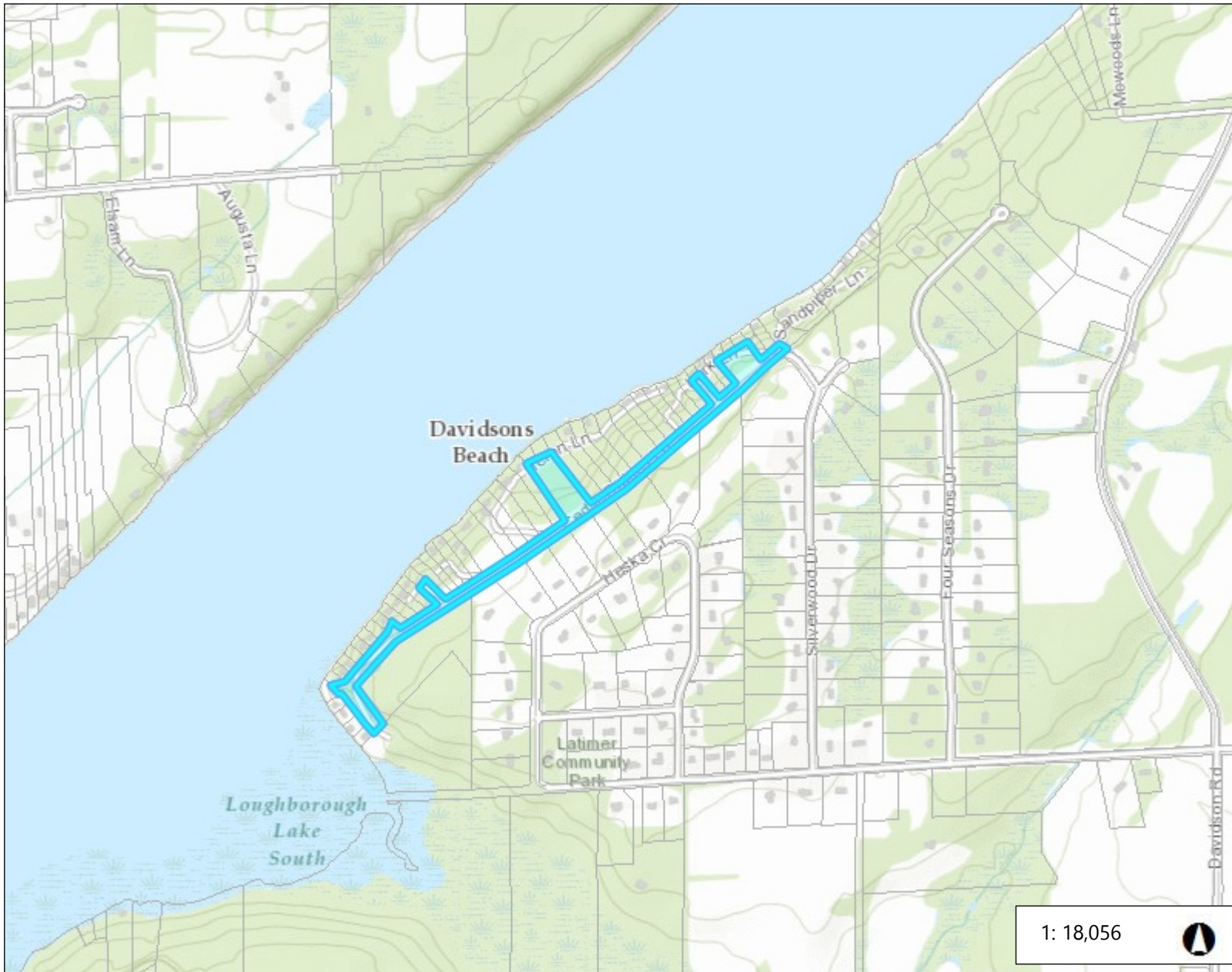
### Approved By:



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Louise Fragnito, CPA, CGA

Chief Administrative Officer



Legend

- Assessment Parcels
- Citations

1: 18,056



0.9 0 0.46 0.9 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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Notes

PL-ZBA-2022-0048

**TOWNSHIP OF SOUTH FRONTENAC  
BY-LAW 2022-##**

**BEING A BY-LAW TO AMEND BY-LAW 2003-75, AS AMENDED, TO REZONE LAND FROM OPEN SPACE – PUBLIC (OS) TO LIMITED SERVICE RESIDENTIAL – WATERFRONT (RLSW) ON LANDS DESCRIBED AS BLOCK A ON PLAN 544, PART OF LOTS 9, 10 AND 11, CONCESSION 1, DISTRICT OF STORRINGTON**

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**WHEREAS** pursuant to the provisions of Section 34 of the *Planning Act*, RSO 1990 as amended, the Council of a Municipality may enact by-laws regulating the use of land and the erection, location and use of buildings and structures thereon;

**AND WHEREAS** By-law 2003-75 being the Zoning By-law regulates the use of land and the erection, location and use of buildings and structures within the Township of South Frontenac;

**AND WHEREAS** the Council of the Corporation of the Township of South Frontenac considered all written and oral submissions received on this application, the effect of which helped Council make an informed decision;

**AND** that there be no further notice pursuant to Section 34 (17) of the *Planning Act*;

**NOW THEREFORE**, the Council of the Corporation of the Township of South Frontenac, hereby enacts as follows:

1. **THAT** Schedule “C”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Open Space – Public (OS) to Limited Service Residential – Waterfront (RLSW) for the lands shown on Schedule “1”.
2. THIS BY-LAW shall come into force in accordance with Section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said Section 34.

**Dated at the Township of South Frontenac this ##<sup>th</sup> day of MONTH, 2022.**

**Read a first and second time this ##<sup>th</sup> day of MONTH, 2022.**

**Read a third time and finally passed this ##<sup>th</sup> day of MONTH, 2022.**

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH FRONTENAC**

\_\_\_\_\_  
**Ron Vandewal, Mayor**

\_\_\_\_\_  
**Angela Maddocks, Clerk**

Schedule 1

This is Schedule "1" to By-law No. 2022- XX.



Passed this ##<sup>th</sup> day of MONTH, 2022

Ron Vandewal, Mayor

Angela Maddocks, Clerk

# Township of South Frontenac

## Staff Report

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**To:** Council

**Prepared by:** Development Services Department

**Date of Meeting:** June 14, 2022

**Subject:** **Public Meeting for Zoning By-law Amendment Application  
PL-ZBA-2022-0062, Automatx Inc., 4071 Hiawatha Lane**

### Summary

This report provides Council with information about Zoning By-law Amendment Application PL-ZBA-2022-0062 for 4071 Hiawatha Lane. If approved, the zone on a portion of the subject lands would be changed from Recreational Resort Commercial – Special Provision (RRC-4) to a property specific Limited Service Residential – Waterfront (RLSW-XX) zone.

Consistent with Council's Procedural By-law, Council will receive comments from the public on the application. Staff will bring a more detailed report considering applicable policy and public comments, as well as providing a recommendation to Council on this application at a future meeting.

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### Recommendation

**This report is for information only.**

### Background

The subject property is subject to consent application S-28-21-S for a new residential lot. Provisional approval of the consent application was granted subject to conditions by the Committee of Adjustment on October 14, 2021. One condition requires the severed parcel to be rezoned.

The proposal is to change the zone on the severed parcel from Recreational Resort Commercial – Special Provision (RRC-4) to a property specific Limited Service Residential – Waterfront (RLSW-XX) zone. This change would permit residential development on waterfront property accessed by a private lane, to acknowledge the 24 metres and 40 metres of waterfrontages on Dog Lake, and to establish a minimum 40 metre setback from the highwater mark.

Under the Planning Act, a public meeting is required to be held to receive comments from the public on the proposed rezoning. The public meeting for this application will be a virtual public meeting using Zoom and telephone.

## Discussion/Analysis

### Property Description

The subject property is located on Hiawatha Lane, which is off Ormsbee Road. Hiawatha Lane, Hood Lane and Hewett Lane cross the property. Several waterfront properties are accessed from these lanes.

The subject property is approximately 21 hectares in area, and has multiple separate frontages on Dog Lake. A tourist establishment, consisting of two cottages and two accessory buildings, is established on the subject property in compliance with the RRC-4 zone.

The severed parcel (the lands to be rezoned) consists of approximately 6.4 hectares of vacant land. It has approximately 551 metres of frontage on Hiawatha Lane. Hood Lane runs through the severed parcel. A wide bedrock ridge runs parallel to Dog Lake on the north side of Hood Lane. The severed parcel has approximately 40 metres of frontage on Dog Lake north of Hood Lane. The shoreline consists of an exposed bedrock outcrop. There are bedrock outcrops, as well as land with a gentler slope on the south side of Hood Lane. The severed parcel has approximately 24 metres of frontage on Dog Lake south of Hood Lane. This waterfrontage is located at the mouth of a small watercourse/wetland.

The retained parcel consists of the balance of the property. The tourist establishment, consisting of two cottages and two accessory buildings, remains on the retained parcel. These buildings are setback a minimum of 50 metres from the highwater mark of Dog Lake.

Attachment 1 to this report shows the location of the subject property relative to local landmarks.

### Department, Agency and Public Comments

Building Services and the Rideau Waterway Development Review Team (RWDRT) had no objection to the consent application. RWDRT confirmed that the rezoning application satisfies their recommendation that future development on the severed parcel be required to be setback a minimum 40 metres from the highwater mark of Dog Lake.

No comments have been received from members of the public to date.

### Preliminary Planning Analysis

The proposed rezoning needs to be assessed against the applicable policies of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

There are two main policy themes that apply to the proposal. These are limited service residential development and development near an environmentally sensitive area.

The Provincial Policy Statement (2020) allows growth and development to be directed to rural lands, including resource-based recreational uses, as well as residential lot creation and development that is compatible with the rural landscape (section 1.1.5). The County of Frontenac Official Plan and the Township of South Frontenac Official Plan also permit residential development in the Rural designation.

The Committee of Adjustment had consideration for these planning documents and policies in the decision to grant provisional approval to the consent application for a new residential lot.

The severed parcel is zoned Recreational Resort Commercial – Special Provision (RRC-4). The parcel needs to be rezoned to Limited Service Residential – Waterfront (RLSW) in order to recognize that the parcel would be a waterfront property accessed by a private lane, and to permit a residential use on the parcel, per Section 6.12 of the Township Official Plan and section 5.25 of Zoning By-law No. 2003-75.

The RLSW zone on the severed parcel must include special provisions to acknowledge the 24 metres and 40 metres of waterfrontages on Dog Lake, and to establish a minimum 40 metre setback from the highwater mark, as discussed below.

Section 5.7.7 of the Township Official Plan requires the frontage, size and shape of any lot created for limited service residential purposes through the severance approval process to be appropriate for the proposed use and to conform to the provisions of the zoning by-law. A minimum lot area of one hectare with a minimum of 91 metres of water frontage and 76 metres of frontage on a private road is established.

Section 5.7.7(ii)(a) indicates that the Township may consider reductions to the minimum lot size and frontage requirements provided the overall intent of the Official Plan is maintained. The severed parcel, with an area of 6.4 hectares exceeds the required minimum lot area. It also exceeds the minimum frontage required on a private lane. However, the severed parcel is deficient in waterfrontage as the waterfrontage would consist of remnant sections of shoreline from historical severances. There is no contiguous waterfrontage that meets the minimum 91 metre length required for the severed parcel.

Minimum waterfrontages are required in order to ensure safe boating and swimming conditions, to avoid an overdeveloped appearance, and to help ensure a reasonable separation between residential uses.

In their review of the consent application, the RWDRT recommended a minimum 40 metre setback from the highwater mark for future development on the severed parcel based on the Assessment of Municipal Site Evaluation Guidelines for Waterfront Development in Eastern Ontario's Lake Country (Hutchinson Environmental Ltd., 2014). These site evaluation guidelines can be used to implement section 5.2.7(b)(ii)(1) of the Official Plan, which intends that newly created lots which have a steep slope, minimal woody vegetation cover, thin soils and/or soils with poor phosphorus retention, may require a setback of 90 metres from the highwater mark. The site evaluation guidelines take into consideration site characteristics including soil texture and depth, slope and vegetation to determine an appropriate horizontal setback between development and the shoreline of lakes on the Precambrian Shield. Dog Lake is on the Precambrian Shield.

The subject property has limited development options in its current configuration due to the number and location of historical waterfront residential lots that were created and the resulting remnant lengths of shoreline. Given the topography and location of Hood Lane on the severed parcel, applying a minimum 40 metre setback from the highwater mark would result in future development being located towards the middle of the parcel away from either of the waterfrontages. This would help avoid an overdeveloped appearance of the shoreline and help ensure a reasonable separation between residential uses. The Parks Canada - Rideau Canal Office regulates in-water or shoreline works, and would have consideration for water depth (i.e. safe boating) and potential aquatic species at risk in approval any such works.

The severed parcel rationalizes the remnant lengths of shoreline, meeting the intent of the Official Plan regarding waterfrontage. It also represents good planning by addressing the overall development of the subject property in a way that is more viable over the long term.

The proposal to rezone the lands through this application is consistent with the 2020 PPS as well as the County and Township Official Plans and the Zoning By-law No. 2003-75.

Attachment 2 to this report is a draft by-law.

## **Financial Implications**

Not applicable.

## **Relationship to Strategic Plans**

- Not applicable to this report.
- This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.

## Climate Considerations

Not applicable to this report.

## Notice/Consultation

Notice of the Statutory Public Meeting was given pursuant to the requirements of the Planning Act, 20 days in advance of the Public Meeting. This included notice given:

- by mail to every owner of land within 120 metres of the subject lands
- by posting notice signs on the subject lands
- by posting on the Township's Current Planning Application webpage
- by e-mail to prescribed persons and public bodies

## Attachments

1. Location Map
2. Draft By-law

## Approvals

### Report Prepared By:

Christine Woods, MCIP, RPP, Senior Planner

### Submitted By:



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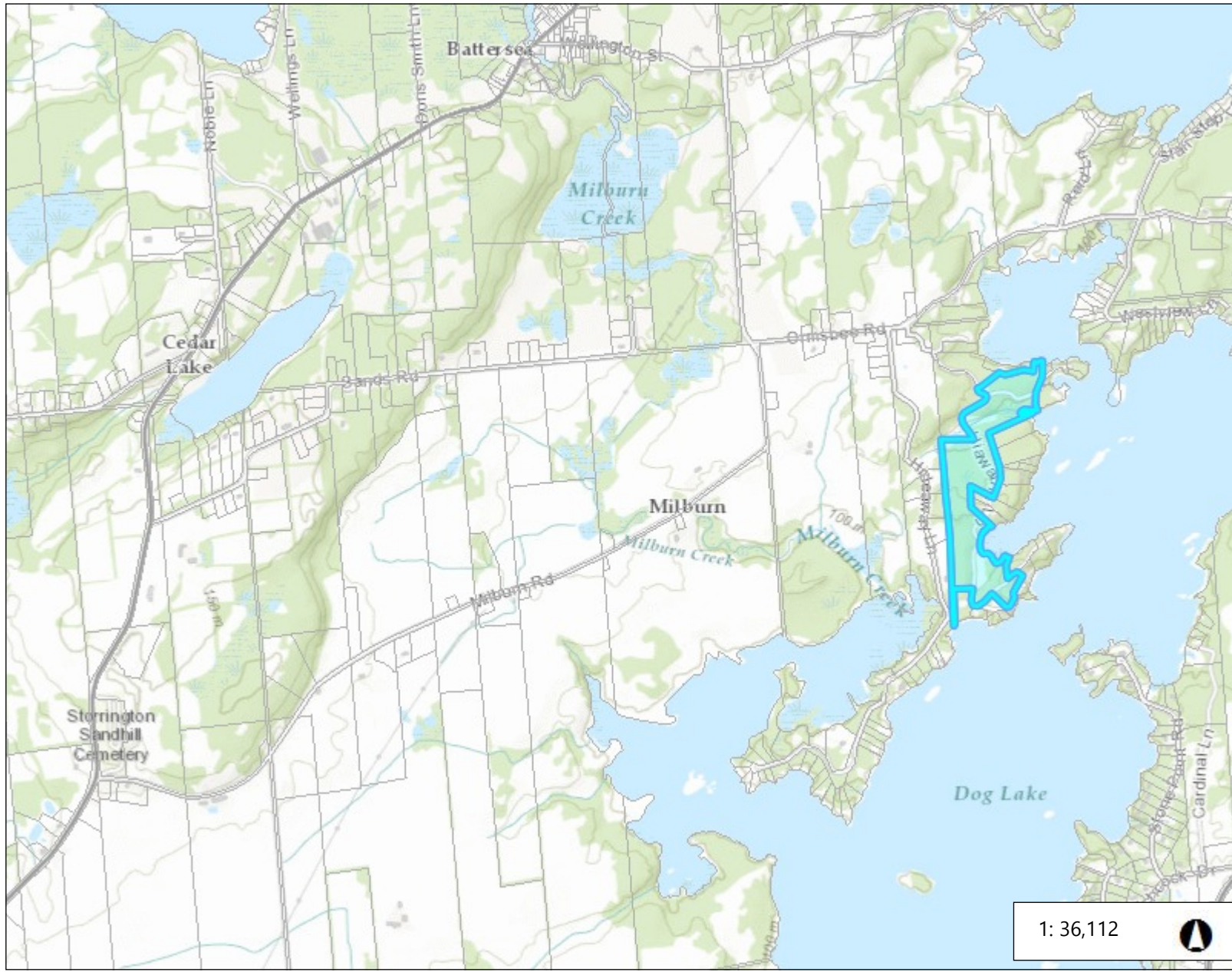
Claire Dodds, MCIP, RPP, Director of Development Services

### Approved By:



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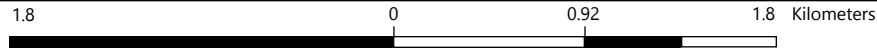
Louise Fragnito, CPA, CGA  
Chief Administrative Officer



**Legend**

- Assessment Parcels
- Citations

1: 36,112



WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
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**Notes**  
PL-ZBA-2022-0062

**TOWNSHIP OF SOUTH FRONTENAC  
BY-LAW 2022-##**

**BEING A BY-LAW TO AMEND BY-LAW 2003-75, AS AMENDED, TO REZONE LAND FROM RECREATIONAL RESORT COMMERCIAL – SPECIAL PROVISION (RRC-4) TO LIMITED SERVICE RESIDENTIAL – WATERFRONT – SPECIAL PROVISION (RLSW-XX) ON LANDS DESCRIBED AS 4071 HIAWATHA LANE, PART OF LOTS 15 AND 16, CONCESSION 8, DISTRICT OF STORRINGTON: AUTOMATX INC.**

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**WHEREAS** pursuant to the provisions of Section 34 of the *Planning Act*, RSO 1990 as amended, the Council of a Municipality may enact by-laws regulating the use of land and the erection, location and use of buildings and structures thereon;

**AND WHEREAS** By-law 2003-75 being the Zoning By-law regulates the use of land and the erection, location and use of buildings and structures within the Township of South Frontenac;

**AND WHEREAS** the Council of the Corporation of the Township of South Frontenac considered all written and oral submissions received on this application, the effect of which helped Council make an informed decision;

**AND** that there be no further notice pursuant to Section 34 (17) of the *Planning Act*;

**NOW THEREFORE**, the Council of the Corporation of the Township of South Frontenac, hereby enacts as follows:

1. **THAT** Schedule “C”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Recreational Resort Commercial – Special Provision (RRC-4) to Limited Service Residential – Waterfront – Special Provision (RLSW-XX) for the lands shown on Schedule “1”.
2. **THAT** Zoning By-law Number 2003-75 as amended is hereby further amended by adding a new section RLSW-XX (4071 Hiawatha Lane, Part of Lots 15 and 16, Concession 8, District of Storrington – Automatx Inc.) immediately after the last Limited Service Residential – Waterfront – Special Provision section to read as follows:

***RLSW-XX (4071 Hiawatha Lane, Part of Lots 15 and 16, Concession 8, District of Storrington – Automatx Inc.)***

*Notwithstanding the provisions of sections 10.3.1 and 10.3.2 or any other provision of this By-law to the contrary, on the lands zoned Special Limited Service Residential – Waterfront (RLSW-XX), the following provisions apply:*

- *Waterfrontage north of Hood Lane (Minimum) 40 Metres (131 ft.)*
- *Waterfrontage south of Hood Lane (Minimum) 24 Metres (78.7 ft.)*
- *For the Principal Building*
  - a. *Front Yard (Minimum) 40 Metres (131 ft.)*
  - b. *Setback from highwater mark (Minimum) 40 Metres (131 ft.)*
- *For Accessory Buildings Not Attached to the Principal Building*
  - a. *Setback from highwater mark (Minimum) 40 Metres (131 ft.)*

*All other provisions of this by-law shall apply.*

3. THIS BY-LAW shall come into force in accordance with Section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said Section 34.

**Dated at the Township of South Frontenac this ##<sup>th</sup> day of MONTH, 2022.**

**Read a first and second time this ##<sup>th</sup> day of MONTH, 2022.**

Read a third time and finally passed this ##<sup>th</sup> day of MONTH, 2022.

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH FRONTENAC**

---

**Ron Vandewal, Mayor**

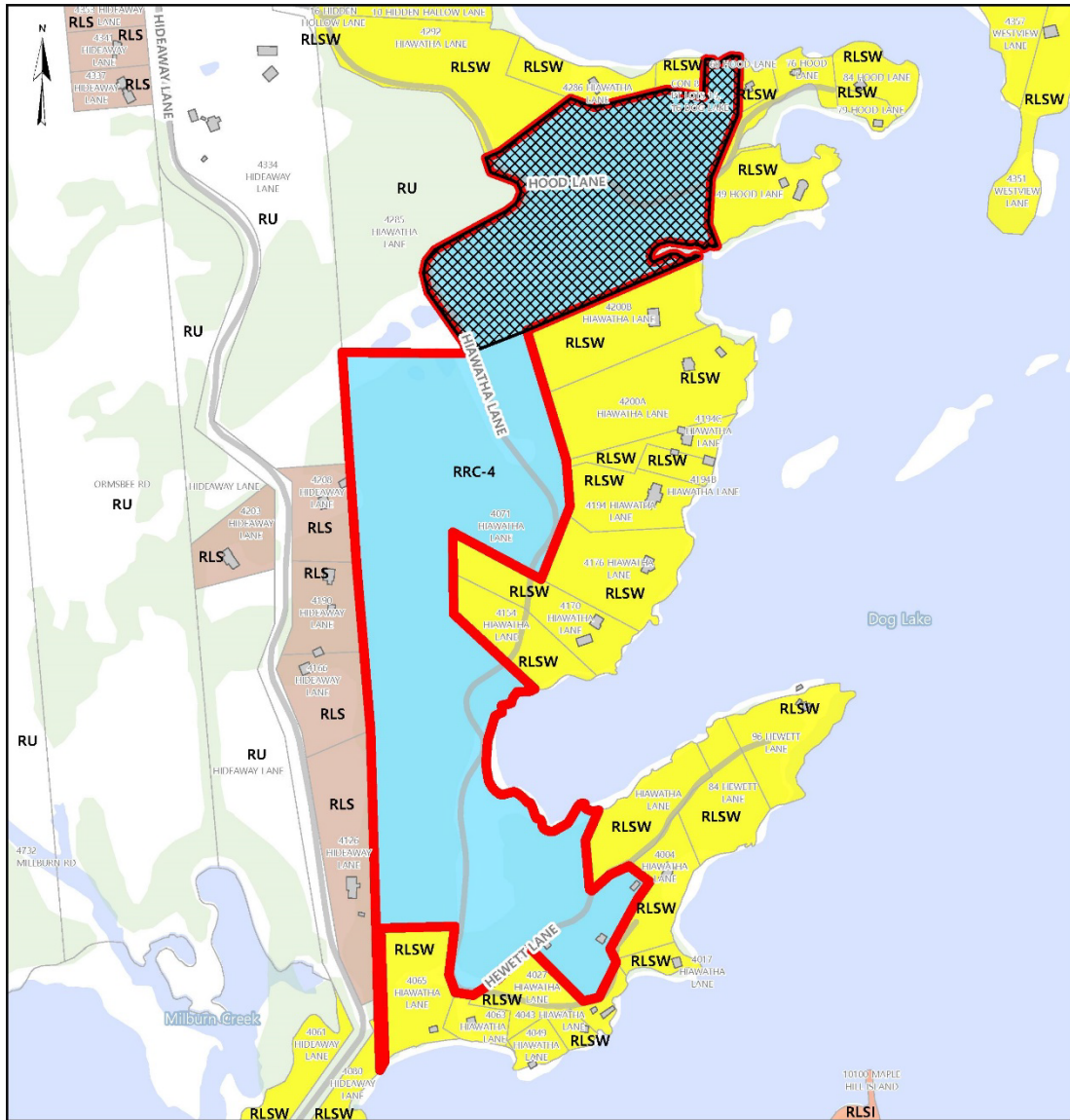
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**Angela Maddocks, Clerk**

**DRAFT**

### Schedule 1

This is Schedule "1" to By-law No. 2022- XX.



**4071 HIAWATHA LN  
PL-ZBA-2022-0062**

Scale: 1:6,000

**LEGEND**

<ul style="list-style-type: none"> <li><span style="border: 2px solid red; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Subject Lands</li> <li><span style="background-color: #cccccc; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Area to be Rezoned</li> <li><span style="border-bottom: 1px solid black; display: inline-block; width: 15px; margin-right: 5px;"></span> Road</li> <li><span style="border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Assessment Parcel</li> <li><span style="background-color: #cccccc; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Building Footprints</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Wooded Area</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> Waterbody</li> </ul>	<p><b>Zoning</b></p> <ul style="list-style-type: none"> <li><span style="background-color: #92d050; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> AGRICULTURAL ZONE (A)</li> <li><span style="background-color: #f4cccc; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> COMMUNITY FACILITY ZONE (CF)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> ENVIRONMENTAL PROTECTION ZONE (EP)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> MOBILE HOME RESIDENTIAL ZONE (MHR)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> OPEN SPACE - PUBLIC ZONE (OS)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> OPEN SPACE - PRIVATE ZONE (OSP)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> PIT 'N' ZONE (PA)</li> </ul>	<ul style="list-style-type: none"> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> PIT 'B' ZONE (PB)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> QUARRY 'N' ZONE (QA)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> QUARRY 'B' ZONE (QB)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> RESIDENTIAL ZONE (R)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> RURAL COMMERCIAL ZONE (RC)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> RURAL INDUSTRIAL ZONE (RI)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> LIMITED SERVICE RESIDENTIAL ZONE (RLS)</li> </ul>	<ul style="list-style-type: none"> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> LIMITED SERVICE RESIDENTIAL - ISLAND ZONE (RLSI)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> LIMITED SERVICE RESIDENTIAL WATERFRONT ZONE (RLSW)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> RECREATIONAL RESORT COMMERCIAL ZONE (RRC)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> RURAL ZONE (RJ)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> WATERFRONT RESIDENTIAL ZONE (RW)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> SALVAGE YARD INDUSTRIAL ZONE (SI)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> TUIZ</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> URBAN COMMERCIAL ZONE (UC)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> URBAN INDUSTRIAL ZONE (UI)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> URBAN MULTIPLE RESIDENTIAL ZONE (UMR)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> URBAN RESIDENTIAL ZONE - FIRST DENSITY ZONE (UR1)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> URBAN RESIDENTIAL ZONE - SECOND DENSITY ZONE (UR2)</li> <li><span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> WASTE DISPOSAL ZONE (WD)</li> </ul>
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Produced by the Township of South Frontenac under license with the Ontario Ministry of Natural Resources © Queen's Printer for Ontario, 2015. While the Township makes every effort to insure that the information presented is accurate for the intended uses of this map, there is an inherent error in all mapping products, and accuracy of the mapping cannot be guaranteed for all possible uses. This map displays basic topographic features only. UTM Projection NAD 83 | Date: 2022-04-20

Passed this ##<sup>th</sup> day of MONTH, 2022

**Ron Vandewal, Mayor**

**Angela Maddocks, Clerk**

# Township of South Frontenac Staff Report

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**To:** Council

**Prepared by:** Development Services Department

**Date of Meeting:** June 14, 2022

**Subject:** Public Meeting for Zoning By-law Amendment Application  
PL-ZBA-2022-0066, Dieneen Lepp, 4989 Road 38

## Summary

This report provides Council with information about Zoning By-law Amendment Application PL-ZBA-2022-0066 for 4989 Road 38. If approved, the zone on the subject lands would be changed from Urban Residential – First Density (UR1) to a property specific Urban Residential – First Density zone (UR1-XX).

Consistent with Council's Procedural By-law, Council will receive comments from the public on the application. Staff will bring a more detailed report considering applicable policy and public comments, as well as providing a recommendation to Council on this application at a future meeting.

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## Recommendation

**This report is for information only.**

## Background

The proposal is to change the zone on the subject property from Urban Residential – First Density (UR1) to a property specific Urban Residential – First Density zone (UR1-XX) to permit a secondary dwelling unit on the property. The applicant proposes to convert a 1,300 square foot detached garage to a secondary dwelling unit.

Under the Planning Act, a public meeting is required to be held to receive comments from the public on the proposed rezoning. The public meeting for the application will be a virtual public meeting using Zoom and telephone.

## Discussion/Analysis

### Property Description

The subject property is located on Road 38 in Harrowsmith. The property is 0.15 hectares (0.35 acres) in area and has approximately 45 metres of road frontage. There is an existing

two-storey dwelling with an 1,100 square foot footprint on the property, as well as a detached garage and a small shed. The property is surrounded by residential properties, including one that contains a multiple unit dwelling.

Attachment 1 to this report shows the location of the subject property relative to local landmarks.

### **Related Applications**

The subject property is not subject to any other applications under the Planning Act.

### **Department and Agency Comments**

Public Services has no objection to the approval of this application. They noted that the property has an established access onto Road 38, and the property is large and has a long driveway that would provide on-site parking available for two units.

Building Services reviewed an application for the performance level of the existing sewage system on the property, and inspected the system. They noted that a larger septic tank would be required to accommodate the existing dwelling and the proposed secondary dwelling unit. They also noted that while the dispersal bed is older and may be nearing the end of its life, there is no evidence of failure. The dispersal bed is adequately sized for the proposal and does not need to be replaced at this time. There appears to be sufficient area on the property for a replacement sewage system when one is required.

The owner obtained a permit and replaced the septic tank. The owner will need to submit a building permit application for the secondary dwelling unit if the rezoning application is approved by Council.

### **Public Comments**

Comments were received from the owners of a nearby property. The comments indicate they are opposed to the application based on concerns over the impact of the second residence on the existing septic system, and its potential to contaminate the aquifer from which they draw their potable water supply.

### **Preliminary Planning Analysis**

The proposed rezoning needs to be assessed against the applicable policies of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

The Planning Act was amended in September 2019 by Bill 108 to permit additional residential units on a property which contains a detached house, semi-detached house or

rowhouse. Two additional residential units may be permitted within these structures, and an additional residential unit may be permitted in a building or structure ancillary to the house on the same property. This amendment to the Planning Act, once implemented in an official plan and zoning by-law, supports the accommodation of affordable housing in local municipalities.

Section 5.6.2 of the County of Frontenac Official Plan requires the Township Official Plan to permit additional residential units. While required to permit additional units, the Township retains control over the location, access and servicing required for these units.

The Township Official Plan does not provide specific direction on how many dwellings or dwelling units may be permitted on a property. In this situation, one must look to the Planning Act and the Provincial Policy Statement for direction. As indicated above, the accommodation of affordable housing through additional residential units is required under the provisions of the Planning Act.

In the absence of Official Plan policies, the Township looks to the information published by the Province in the Second Unit Info Sheet (Ministry of Municipal Affairs, Spring 2017) and to recent amendments to the Planning Act. The Info Sheet describes what an additional residential unit is and provides considerations for where it may be appropriate to permit these units. These considerations include locations on roads that are maintained year-round and accessible by Emergency Services, as well as demonstrating that on-site water and sewage services have sufficient capacity for the additional dwelling unit(s). The proposal meets or will meet the intent of the above considerations.

The subject property is located in Harrowsmith on Road 38. This road is maintained year-round and is accessible by Emergency Services. The secondary dwelling unit will use the existing driveway for access. There is sufficient area on the property to accommodate additional parking spaces required for the secondary dwelling unit.

The secondary dwelling unit will be connected to the existing well and sewage system on the property. Regarding on-site water services, the Provincial Guideline D-5-5 Private Wells: Water Supply Assessment explains how to calculate the minimum pumping test rate and well yield required for a particular development based on a peak demand rate for each person and the likely number of persons (based on number of bedrooms plus one) per well. The Owner provided a copy of a well pump test from a well and water treatment professional that included a professional opinion that the well can produce 5 gallons per minute (22.7 litres per minute). The professional clarified for Planning staff that this volume was based on the existing well pump, and that the pump could be upgraded to draw more water without impacting the well yield and recovery rate. The pumping rate was greater than that required by the provincial guideline (i.e. 18.75 litres per minute based on 3.75 litres per minute per person multiplied by 5), which suggests that the existing well can

produce an adequate volume of water for both the primary dwelling and the secondary dwelling unit.

Drinking water quality (potable water) will need to be confirmed as part of the required permit under the Ontario Building Code. Any water quality concerns can generally be addressed through an appropriate water treatment unit.

Regarding on-site sewage services, a sewage system that services both the single detached dwelling and the secondary dwelling unit, and that complies with the Ontario Building Code is required. As indicated above, Building Services reviewed the performance level of the existing sewage system on the property and confirmed that, with a larger tank, it would accommodate the proposed development. The dispersal bed does not need to be replaced at this time. The owner has obtained a permit and replaced the septic tank.

The property is surrounded by residential properties, including one that contains a multiple unit dwelling. The secondary dwelling unit is proposed to be located within an existing accessory building to the dwelling on the property. This accessory building exceeds all the applicable UR1 minimum setbacks from property lines. This accessory building is located to the rear of the property, and is visually screened from most properties along Road 38 and Harrowsmith Church Street by the existing dwelling as well as the topography of the site (e.g. the property is higher than Road 38). The accessory building is visually screened from the residential property to the west by mature pine trees on the neighbouring property. The owner installed a chain link fence along the shared property line to delineate a small amenity area for the secondary dwelling unit. Overall, the proposal would be compatible with the surrounding land uses.

Attachment 2 to this report is a draft by-law for the proposed development.

## Financial Implications

Not applicable.

## Relationship to Strategic Plans

Not applicable to this report.

This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.

- Priority: Choose an item.
- Action Item (if applicable): N/A

## Climate Considerations

Not applicable to this report.

This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township's resilience to climate change.

## Notice/Consultation

Notice of the Statutory Public Meeting was given pursuant to the requirements of the Planning Act, 20 days in advance of the Public Meeting. This included notice given:

- by mail to every owner of land within 120 metres of the subject lands
- by posting notice signs on the subject lands
- by posting on the Township's Current Planning Application webpage
- by e-mail to prescribed persons and public bodies

## Attachments

1. Location Map
2. Draft By-law

## Approvals

### Report Prepared By:

Christine Woods, MCIP, RPP, Senior Planner

### Submitted By:



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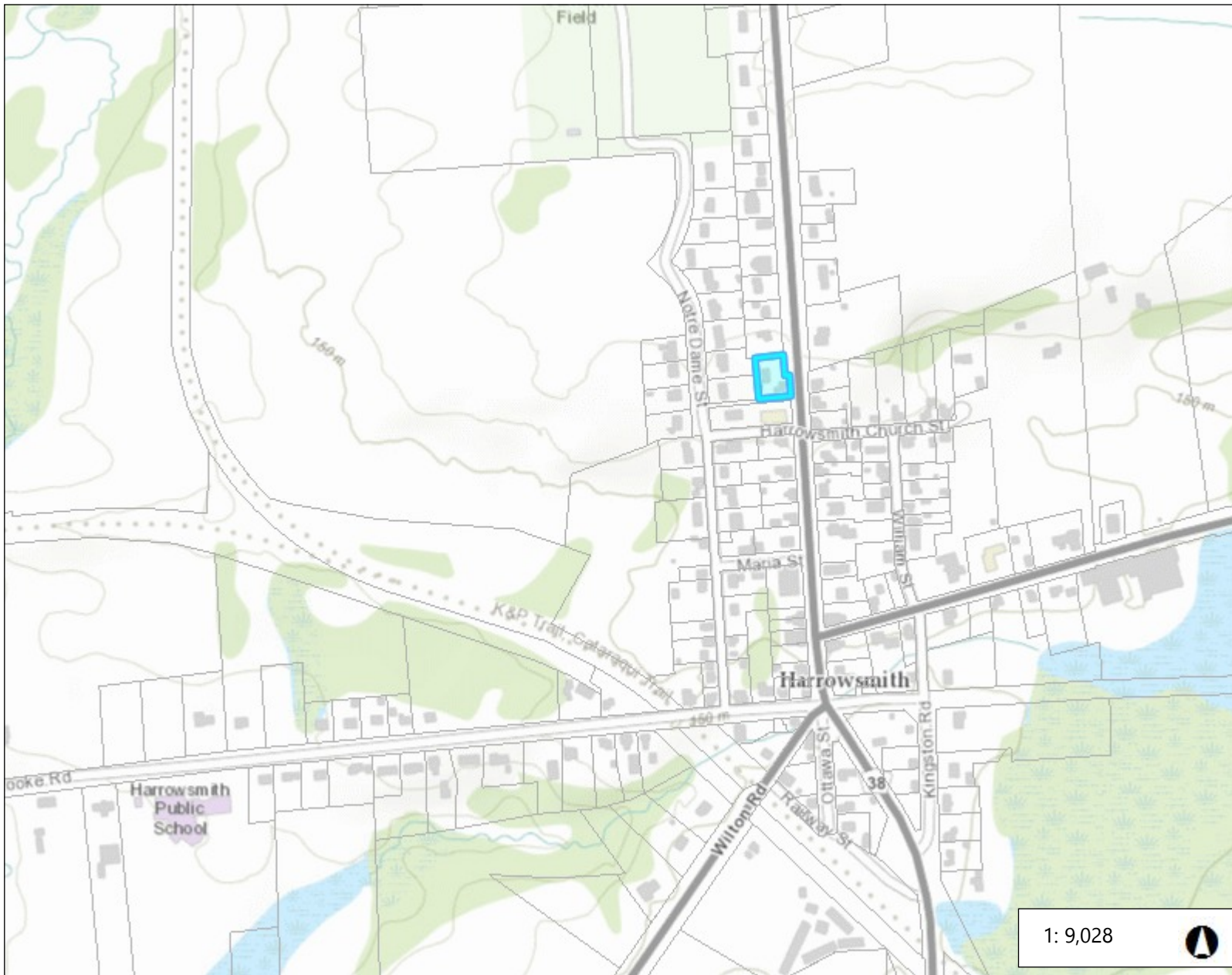
Claire Dodds, MCIP, RPP, Director of Development Services

### Approved By:



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Louise Fragnito, CPA, CGA  
Chief Administrative Officer



Legend

- Assessment Parcels
- Citations

1: 9,028



0.5 0 0.23 0.5 Kilometers

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
Includes Material © 2019 of the Queen's Printer for Ontario. All Rights Reserved.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

PL-ZBA-2022-0066

**TOWNSHIP OF SOUTH FRONTENAC  
BY-LAW 2022-XX**

**BEING A BY-LAW TO AMEND BY-LAW 2003-75, AS AMENDED, TO REZONE LAND FROM URBAN RESIDENTIAL – FIRST DENSITY (UR1) TO URBAN RESIDENTIAL – FIRST DENSITY – SPECIAL PROVISION (UR1-XX) ON LANDS DESCRIBED AS 4989 ROAD 38, PART BLOCK D, PLAN 57, PART LOT 7, CONCESSION 5, DISTRICT OF PORTLAND: LEPP**

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**WHEREAS** pursuant to the provisions of Section 34 of the *Planning Act*, RSO 1990 as amended, the Council of a Municipality may enact by-laws regulating the use of land and the erection, location and use of buildings and structures thereon;

**AND WHEREAS** By-law 2003-75 being the Zoning By-law regulates the use of land and the erection, location and use of buildings and structures within the Township of South Frontenac;

**AND WHEREAS** the Council of the Corporation of the Township of South Frontenac considered all written and oral submissions received on this application, the effect of which helped Council make an informed decision;

**AND** that there be no further notice pursuant to Section 34 (17) of the *Planning Act*;

**NOW THEREFORE**, the Council of the Corporation of the Township of South Frontenac, hereby enacts as follows:

1. **THAT** Schedule “A” and Schedule “E”, to Zoning By-law Number 2003-75 as amended, is hereby further amended by changing the zoning from Urban Residential – First Density (UR1) to Urban Residential – First Density – Special Provision (UR1-XX) for the lands shown on Schedule “1”.
2. **THAT** Zoning By-law Number 2003-75 as amended is hereby further amended by adding a new section UR1-XX (4989 Road 38, Part Block D, Plan 57, Part Lot 7, Concession 5, District of Portland – Lepp) immediately after the last Urban Residential – First Density – Special Provision section to read as follows:

***UR1-XX (4989 Road 38, Part Block D, Plan 57, Part Lot 7, Concession 5, District of Portland – Lepp)***

*Notwithstanding the provisions of Section 14 or any other provision of this By-law to the contrary, on the lands zoned Special Urban Residential – First Density (UR1-XX), the following provisions apply:*

- *A second dwelling unit in an accessory building shall be permitted.*
- *A second dwelling unit shall mean an accessory building which contains one or more habitable rooms designed and occupied as an independent dwelling in which living, kitchen, and bathroom facilities are provided, and which is located on the same lot as a single detached dwelling.*
- *The single detached dwelling and the second dwelling unit in an accessory building shall be established in close proximity to each other and shall be accessed by a shared driveway and be serviced by a shared sewage system and well.*

*All other provisions of this by-law shall apply.*

3. THIS BY-LAW shall come into force in accordance with Section 34 of the Planning Act, 1990, as amended, either upon the date of passage or as otherwise provided by said Section 34.

**Dated at the Township of South Frontenac this ##<sup>th</sup> day of MONTH, 2022.**

**Read a first and second time this ##<sup>th</sup> day of MONTH, 2022.**

Read a third time and finally passed this ##<sup>th</sup> day of MONTH, 2022.

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH FRONTENAC**

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**Ron Vandewal, Mayor**

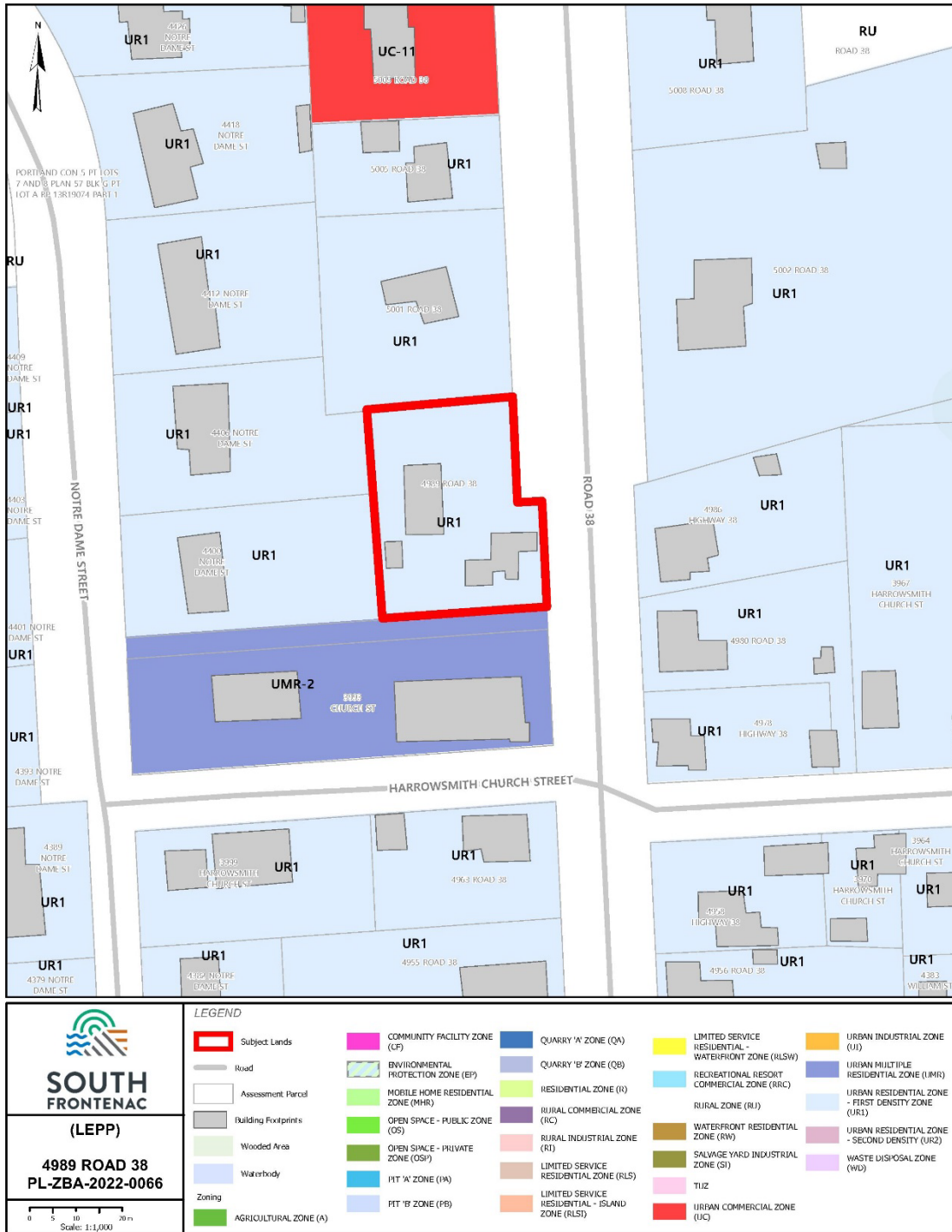
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**Angela Maddocks, Clerk**

DRAFT

Schedule 1

This is Schedule "1" to By-law No. 2022-XX.



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Passed this ##<sup>th</sup> day of MONTH, 2022

Ron Vandewal, Mayor

Angela Maddocks, Clerk

**Christine Woods**

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**From:** [REDACTED]  
**Sent:** May 29, 2022 3:38 PM  
**To:** planning  
**Subject:** Application PLZBA20220066 - Zoning By-law Amendment- 4989 Road 38

Respected Members South Frontenac Council;

My wife and I reside at [REDACTED] and we have concerns regarding the conversion of the 121 square metre garage, on the above noted property to a residence. The septic system on this property is antiquated and designed for the existing residence. The addition of a second residence may very well overwhelm the existing septic system if it is hooked up to it.

The addition of secondary septic system on this small property may or may not be possible. Is the new residence going to have its own well or hook into the existing well? Again, back to the issue of septic in relation to the existing well or a new well, the last thing we need is sewage from a small property leaching into the aquifer and poisoning our only potable water supply.

Respectfully Submitted,

Gary and Carolyn Goodberry,  
[REDACTED]  
[REDACTED]

Sent from my iPad

# Township of South Frontenac

## Staff Report

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**To:** Committee of the Whole

**Prepared by:** Development Services Department

**Date of Meeting:** June 14, 2022

**Subject:** **South Frontenac Site Plan Control By-law**

### Summary

Bill 109 delegates authority to staff to make decisions on site plan control applications. Staff propose to replace the existing site plan control by-law, 2003-25, as amended, with a new, updated by-law that establishes where site plan control applies throughout the Township, delegates authority to staff, that authorizes the signing of agreements by the Mayor and Clerk, and deals with other technical matters such as drawings, conditions and securities under Section 41 of the Planning Act.

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### Recommendation

**This report is for information.**

### Background

Under Bill 109, the Province requires all municipal Council's to delegate decision making authority on site plan control applications on July 1, 2022.

Based on the provisions of Bill 109, Council will not have the authority to make decisions on site plan applications under the Planning Act that are received after July 1, 2022.

The Township's existing site plan control by-law, 2003-25, as amended, does not currently contemplate any delegation of decision making to staff. It is also missing any provisions for securities and the financial administration of such securities.

Site plan control is applicable law under the Building Code and a site plan control application must be approved for certain types of development before building permits can be issued.

Planning staff have prepared a new comprehensive site plan by-law for the Township that delegates site plan control approval and authorizes the Mayor and Clerk to enter into site plan agreements approved by the Director of Development Services or their designate (Senior Planner or Chief Administrative Officer).

The comprehensive by-law addresses numerous areas of administration related to site plan control that are not covered in the existing site plan control by-law 2003-25, as amended.

## Discussion/Analysis

The Site Plan review and approval process is a legislative tool under the Planning Act. Site Plan Control is a development review process that evaluates the layout of site features, (buildings, parking areas, landscaping, etc.), but not the interior spaces of the proposed structures. Site Plan Control ensures that the development of a property complies with the requirements of the zoning by-law. A site plan control by-law identifies the zones or types of uses where site plan control will be required. Site plan control approval is used to ensure:

- Safe, orderly and functional development;
- Safety and efficiency of vehicular and pedestrian movement;
- Land use compatibility between new and existing developments;
- The provision of functional attractive site amenities and facilities to achieve good urban, rural and waterfront design objectives;
- Retention and protection of valuable and sensitive natural features within development sites;
- The provision and appropriate placement of required infrastructure and services on development sites;
- The provision of easements or grading and site alterations needed to provide public utilities and site drainage; and
- The construction and maintenance of the development as approved by the Township. As a condition of site plan approval, the Township may require the owner to provide land for road widening.
- Establish provisions for long-term maintenance of properties in accordance with the approved plan.

By-law 2003-25 (Attachment 1) lists a number of land uses in the Township that are subject to Site Plan Control. The types of development that can be subject to site plan control are established in the Official Plan.

The 2003 Site Plan Control By-law was updated by By-law 2017-03 (Attachment 2) to include Community Facilities as a type of use that could be subject to Site Plan Control.

The draft Site Plan Control By-law (Attachment 3) proposes to repeal the 2003 Site Plan Control By-law and replace it with an updated comprehensive by-law for the Township. The proposed changes in the draft by-law include the following:

- Removal of lands designated Mineral Aggregates from a site plan control area. Over the life of the 2003 Site Plan Control By-law, the Ministry of Natural Resources and Forestry established that lands subject to licencing under the Aggregate Act are not permitted to be subject to Site Plan Control.
- Removal of the regulation of lands to which hauled sewage applies. The regulation of the land application of hauled sewage was established by the province under the Nutrient Management Act in 2002. Provincial standards supersede any local

standards for the land application of sewage and is no longer appropriate to regulate through Site Plan Control.

- Clarification of how site plan control and development agreements apply to waterfront residential development.
- Authority for site plan control to apply to
- Delegation of authority to make decisions on site plan control applications to staff
- Authorization for the Mayor and Clerk to sign agreements where site plan control applications have been given by staff.
- Including provisions that deal with the collection and administration of financial securities to ensure that a development is constructed and maintained in accordance with the approved site plan control drawings and agreement. This section reflects the practice the Township has utilized over the past 3.5 years to administer site plan control.

The existing Site Plan Control By-law does not include any provisions regarding performance securities. Staff are recommending the inclusion of provisions within the updated by-law. In the event that an approved development of a property is not completed or maintained in accordance with the approved plans, staff would be required to enforce on the property and pursue the violations in accordance with provincial offences. With the use of performance securities, the Owner will be required to provide a cost estimate prepared by a qualified professional for the works to be completed, including paving, site grading, landscaping and stormwater works. The amount of securities is proposed to be 50% of the cost of on site improvements. For any works within the Township right-of-way or on Township property the required securities will be for 100% of the costs of the approved works. This is a very common approach taken by municipalities for the calculation and collection of securities for site plans across Ontario.

Following completion of the works, the Owner will be required to submit a certificate from their engineer, or other qualified professional, confirming that all works have been completed in accordance with the approved plans and site plan control agreement. Township staff will also complete a site inspection.

When it is confirmed that the works are completed to the satisfaction of the Township up to 90% of the security amount will be released. Where there are deficiencies or incomplete work a holdback may be retained. Following the release of 90% of the securities the remaining 10% will be held for a minimum of one year. The Owner is required to submit a written request for the remaining 10% with a certificate confirming the completion and maintenance of all works.

Over the life of the existing 2003-25 site plan control by-law, Section 41 of the Planning Act has been updated to include several types of new matters that can be regulated and required through site plan control. These items include matters of exterior design, sustainable design elements and cash-in-lieu of parkland. The first draft of the new South Frontenac Official Plan includes these policies (Section 9.16) to allow the Township to make use of these tools. The existing Official Plan (approved in 2003) does not have

policies that allow staff to use these provisions. Including the reference “in accordance with the Official Plan” allows us to list these new tools in the new site plan control by-law, but they will not come into effect until the new Official Plan is adopted with the policies that will operationalize these new tools.

## Financial Implications

The delegation of site plan control will assist in providing faster approval timeframes which will be beneficial once the provincial fee rebate schedule is implemented under Bill 109 on January 1, 2023.

The draft by-law clearly spells out how securities are calculated and when they are collected. Holding a financial security assists with ensuring performance of works as part of any significant development. This security minimizes the financial risk to the Township and the tax base by providing money the Township can draw down on should the Township have to complete works to make a site safe or to complete works on Township lands.

## Relationship to Strategic Plans

- Not applicable to this report.
- This initiative is supported by the following priorities of the 2019-2022 Strategic Plan.
- Priority: 2. Promote and support growth that meets the community's needs while maintaining the integrity of our natural environment.

## Climate Considerations

- Not applicable to this report.
- This initiative supports climate change mitigation/adaption efforts in South Frontenac; and/or impacts the Township’s resilience to climate change.

## Notice/Consultation

The following staff have been consulted in the preparation of this report and draft site plan control by-law:

- W. Troy Dunlop, Manager of Infrastructure and Technical Services
- Tom Berriault, Chief Building Official
- Christine Woods, Senior Planner
- Anna Geladi, Planner
- Louise Fragnito, CAO

**Attachments**

- Attachment 1 – Site Plan Control By-law - 2003-25
- Attachment 2 – By-law 2017-03 - Amend By-law 2003-25 Site Plan Control
- Attachment 3 – Site Plan Control By-law – 2022-XX

**Approvals**

**Submitted By:**



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Claire Dodds, MCIP, RPP, Director of Development Services

**Approved By:**



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Louise Fragnito, CPA, CGA  
Chief Administrative Officer

**CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC**

**BY-LAW NUMBER 2003-25**

**BEING A BY-LAW TO DESIGNATE  
ALL OF THE TOWNSHIP OF SOUTH FRONTENAC AS A  
SITE PLAN CONTROL AREA**

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**WHEREAS**, the Municipal Council of the Corporation of the Township of South Frontenac deems it expedient to ENACT a By-law to designate the entire Township of South Frontenac as a site plan control area;

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:**

1. THAT the Township of South Frontenac be designated as a site plan control area in accordance with section 41 of the Planning Act and section 6.17 of the Township of South Frontenac Official Plan.
2. THAT, the specific land uses, official plan designations and areas which are subject to site plan control are:
  - a) commercial and industrial uses;
  - b) lands used for wrecking yards;
  - c) lands used for hauled septage disposal;
  - d) lands within the Mineral Aggregate designation;
  - e) lands within or adjacent to the Environmental Protection designation;
  - f) lands within 90 metres (295 feet) of a waterbody including land used for residential purposes;
  - g) lands within or adjacent to an Environmentally Sensitive Area;
  - h) lands within 300 metres (984 feet) of any lake designated as a Sensitive Lake Trout Lake; and
  - i) lands which are subject to natural hazard.
3. THAT no person shall undertake any development in the area designated under this By-law until a site plan agreement has been prepared and executed to the satisfaction of the Council of the Township of South Frontenac and registered on title of the lands. The site plan may be required to address some or all of the following:
  1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities to be provided,
  2. Drawings showing plan, elevation and cross-section views for each building to be erected showing:
    - a) The massing and conceptual design of the proposed building;
    - b) The relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access;
    - c) The provision of interior walkways and stairs to which members of the public have access from the streets, open spaces and interior walkways in adjacent buildings;
4. THAT, as a condition of approval of the plans and drawings referred to in section 4 of this By-law, the Township of South Frontenac may require the owner of land to provide, at no expense to the Township, any or all of the following:
  - a) widenings of highways that abut the land
  - b) facilities to provide access to and from the land such as curbs, access ramps and traffic direction signs

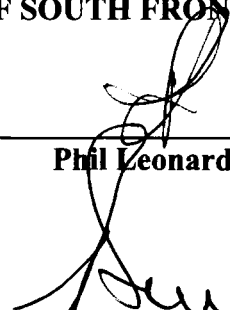
- c) off-street loading and parking facilities either covered or uncovered, access driveways including driveways for emergency vehicles, and the surfacing of such areas
  - d) walkways and walkway ramps including their surfacing and all other means of pedestrian access
  - e) facilities for the lighting, including floodlighting, of the land or of any buildings or structures
  - f) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands
  - g) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage
  - h) easements conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sewage facilities and other public utilities
  - i) grading or alteration or contour of the land and provision for the disposal of storm, surface and waste water from the land and from buildings or structures thereon.
5. THAT the individual site plan control by-laws for the former Townships of Bedford, Loughborough, Portland and Storrington be repealed.
6. THIS BY-LAW shall come into force and shall be deemed to come into force, in accordance with section 41 of the Planning Act, 1990, upon the date of passage thereof.

**Dated at the Township of South Frontenac this sixth day of May, 2003.**

**Read a first and second time this sixth day of May, 2003.**

**Read a third time and finally passed this sixth day of May, 2003.**

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH FRONTENAC**

  
\_\_\_\_\_  
**Phil Leonard, Mayor**

  
\_\_\_\_\_  
**Gordon Burns, Clerk-Administrator**

**TOWNSHIP OF SOUTH FRONTENAC  
BY-LAW NUMBER 2017-03**

**BEING A BY-LAW TO AMEND BY-LAW NUMBER 2003-25, WHICH DESIGNATED THE TOWNSHIP OF SOUTH FRONTENAC AS A SITE PLAN CONTROL AREA, TO INCLUDE COMMUNITY FACILITY USES IN THE LIST OF SPECIFIC LAND USES TO WHICH IT APPLIES: TOWNSHIP-INITIATED**

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**WHEREAS**, By-law No. 2003-25 designated the whole of the Township of South Frontenac as a Site Plan Control Area under section 41 of the Planning Act;

**AND WHEREAS**, The Official Plan for the Township of South Frontenac was afterwards amended to add 'Community Facility uses' to the list of uses that should be regulate by site plans;

**AND WHEREAS**, the list of specific uses in the Site Plan Control By-law should match the uses listed in the Official Plan;

**NOW THEREFORE THE CORPORATION OF THE TOWNSHIP OF SOUTH FRONTENAC BY ITS COUNCIL, HEREBY ENACTS AS FOLLOWS:**

1. **THAT** the list of specific land uses, Official Plan designations and areas which are subject to site plan control be amended to include 'Community Facility uses' so that the list reads as follows:
  - a) Commercial, **institutional (community facility)** and industrial uses;
  - b) lands used for wrecking yards;
  - c) lands used for hauled septage disposal;
  - d) lands within the Mineral Aggregate designation;
  - e) lands within or adjacent to the Environmental Protection designation;
  - f) lands within 90 metres (295 feet) of a waterbody including land used for residential purposes;
  - g) lands within or adjacent to an Environmentally Sensitive Area;
  - h) lands within 300 metres (984 feet) of any lake designated as a Sensitive Lake Trout Lake; and
  - i) lands which are subject to natural hazard.

All other provisions of By-law 2003-25 shall apply.

2. **THIS BY-LAW** shall come into force in accordance with section 41 of the Planning Act, 1990, either on the date of passage or as otherwise provided by section 41.

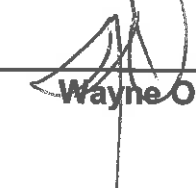
**Dated at the Township of South Frontenac this 14th day of February, 2017.**

**Read a first and second time this 14th day of February, 2017.**

**Read a third time and finally passed this 14th day of February, 2017.**

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH FRONTENAC**

  
\_\_\_\_\_  
Ron Vandewal, Mayor

  
\_\_\_\_\_  
Wayne Orr, Clerk-Administrator

**TOWNSHIP OF SOUTH FRONTENAC  
BY-LAW 2022-XX**

**A BY-LAW TO DESIGNATE THE WHOLE OF THE TOWNSHIP OF SOUTH FRONTENAC AS A SITE PLAN CONTROL AREA PURSUANT TO SECTION 41 OF THE PLANNING ACT, R. S. O. 1990, AS AMENDED, AND TO ADOPT CERTAIN PROCEDURES FOR THE PROCESSING OF SITE PLAN CONTROL APPLICATIONS, AND TO EXEMPT CERTAIN CLASSES OF DEVELOPMENT FROM APPROVAL OF PLANS AND DRAWINGS**

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**WHEREAS** The Planning Act, R.S.O, 1990, c.P.13, Section 41(2), as amended provides that the Council of a Municipality that has an approved Official Plan may by by-law, designate the whole or part of the Municipality as a Site Plan Control Area, and provide that no person shall undertake any development in an area designated as a Site Plan Control Area unless certain plans and drawings are approved;

**AND WHEREAS** the Township of South Frontenac has an Official Plan that identifies areas of development subject to site plan control,

**AND WHEREAS** the Council of the Township of South Frontenac deems it advisable to repeal Site Plan Control By-law 2003-25, as amended, and enact a new Site Plan Control By-law pursuant to Section 41 of the *Planning Act* that would designate all the lands within the geographic limits of the Township as a Site Plan Control Area and exempt from approval certain classes of development.

**AND WHEREAS** the Planning Act, R.S.O, 1990, c.P.13, Section 41(13) as amended, provides that the Council of a local municipality may define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under Section 41(4) and 41(5) of the Planning Act;

**NOW THEREFORE**, the Council of the Township of South Frontenac enacts as follows:

1. This By-law may be cited at the "South Frontenac Site Plan Control By-law".
2. All lands within the limits of the Township of South Frontenac are subject to the provisions of this By-law and of Section 41(4) of the Planning Act.

3. REPEAL OF PREVIOUS BY-LAW

Site Plan Control By-law 2003-25, as amended, is hereby repealed and replaced with this by-law.

#### 4. DEFINITIONS

**Development** - means 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, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in the Municipal Act, 2001, or of sites for the location of three or more mobile homes as defined in the Planning Act, or of sites for the construction, erection or location of three or more land lease community homes as defined in the Planning Act.

**Director** - means the Director of Development Services or their designate.

**Designate** - means the Senior Planner or Chief Administrative Officer

**Official Plan** - means the in effect Official Plan for the Township of South Frontenac

**Off-site Improvements**- means any works required on public lands to support a development and may include road improvements, paving.

**On-site Improvements** - means paving (base and top course asphalt, excluding granular materials); final site grading; hard and soft landscaping; walkways; retaining walls; fencing (screening and acoustic); lighting; and signage. For clarity, On-site Improvements do not include buildings, structures and underground storm, sanitary and water services.

**Owner** - means any owner of land as identified in the records of the proper Land Registry Office or Land Titles Office and includes a purchaser under a valid Agreement of Purchase and Sale, and the authorized agent of any such purchaser or owner of land.

**Qualified Person** - means an individual with qualifications and/or credentials related to a field of study and who is therefore appropriate for conducting a study and/or providing expert opinion that has been required by the Township. The qualifications and credentials of the qualified person may be either Landscape Architect, Architect or Certified Engineer depending on related work and must be to the satisfaction of the Township, or where appropriate, are defined by relevant legislation, regulation and standards

#### 5. GENERAL PROVISIONS

The following uses are required to be subject to site plan control:

- a) land commercial, recreational commercial, community facility (institutional) and industrial uses;
- b) commercial parking lots
- c) lands used for multi-unit residential, containing 4 or more dwelling units
- d) lands used for wrecking yards;
- e) lands within or adjacent to the Environmental Protection designation;
- f) lands within 90 metres of a waterbody (primarily water front lots), including land used for residential purposes where the land has significant constraints (e.g. natural hazard and natural heritage features, steep slopes, minimal vegetation cover and thin soils);
- g) lands within or adjacent to an Environmentally Sensitive Area;
- h) lands within 300 metres of an At-Capacity Lake Trout Lake;
- i) lands which are subject to a natural hazard; and
- j) Notwithstanding the exemptions to site plan control established in this By-law, site plan control may be required by Council, the Committee of Adjustment or by the Director of Development Services (or their designate) through their consideration of an application under the Planning Act.

## 6. EXEMPTED DEVELOPMENT

The following classes of development shall be exempt from Site Plan Control:

- a) Minor modifications to existing development subject to a registered site plan control agreement shall be exempt, subject to approval from the Director of Development Services (or their designate), if the modification does not significantly alter the overall function and appearance of the site.
- b) One or two-unit dwelling, including buildings and structures accessory thereto, or an addition or expansion to an existing residential structure, that complies with the provisions of the Zoning By-law.
- c) One or two-unit dwelling, including buildings and structures accessory thereto, or an addition or expansion to an existing residential structure, that through the approval of Council, Committee of Adjustment, or Director of Development Services (or their designate) where a development agreement has been required as a condition of development.
- d) Agriculture, forestry or conservation buildings or structures, including buildings and structures accessory thereto.
- e) Parking lots for less than 5 spaces
- f) A new or replacement sewage system
- g) Less than three (3) portable classrooms accessory to a school.
- h) Works which result from requirements of the Fire Protection and Prevention Act or an Order to Comply issued by the Township of South Frontenac Fire Department.
- i) Any deviation from any dimension respecting the location of the buildings and structures shown as plans pursuant to this By-law or predecessor thereof, provided the deviation does not exceed 0.3 metres or approximately twelve (12) inches and

further provided that the deviation does not result in a violation of the requirements of any By-law enacted by the Township or other applicable law.

- j) Interior building alterations which do not involve a change in major occupancy as defined by the Ontario Building Code.
- k) A temporary building or structure used during construction of a permanent building or structure.
- l) Lands owned by the Township of South Frontenac.

## 7. DRAWINGS

All lands subject to Site Plan Control must submit, for the review and approval of the Township, drawing(s) pursuant to Section 41(4) of the Planning Act, the Township Official Plan, and the following:

- a) Drawings bearing a drawing number, date or date of revision and drawn to scale.
- b) Drawings showing existing conditions located and labeled including:
  - i. Dimensions and area of the property;
  - ii. Location and use of all existing buildings, including setbacks from lot lines and lot coverage;
  - iii. Uses of abutting properties for surrounding lands;
  - iv. All easements, both on and adjacent to the property;
  - v. All existing utilities and services;
  - vi. Original grades on the property; and
  - vii. All natural features such as trees and other types of vegetation, water bodies, rock outcrops, drainage ditches, swales, wetlands or steep slopes.
- c) Drawings showing the location of all buildings and structures to be erected and the location of all facilities and works, including facilities designed to have regard for accessibility for persons with disabilities, to be provided in conjunction with the development.
- d) 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. vehicle access facilities including access ramps, curbs traffic direction signs, off-street loading and parking facilities (including bicycle parking), driveways, and emergency access facilities;
- v. pedestrian access facilities including walkways, ramps, and related facilities;
- vi. lot grading and drainage and any other stormwater management facilities;
- vii. landscaping for the site and for the protection of adjoining sites;
- viii. exterior lighting elements;
- ix. garbage, recycling, and other waste facilities;
- x. matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, in accordance with the policies of the Official Plan;
- xi. matters relating to exterior access to each building that will contain affordable housing units, in accordance with the policies of the Official Plan;
- xii. the sustainable design elements on any adjoining road under the Township's jurisdiction, including limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities in accordance with the policies of the Official Plan; and
- xiii. facilities designed to have regard for accessibility for persons with disabilities.

## 8. CONDITIONS OF APPROVAL

- a) As a condition to the approval of the plans the Township may require the owner of the lands to provide to the satisfaction of and at no expense to the Township any of the following:
  - i. Widenings of highways that abut land designated for widenings in accordance with the Official Plan.
  - ii. Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps, curbs 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 any building or structures thereon.

- vii. Walls, fences, hedges, trees, shrubs or other groundcover of facilities for the landscaping of the lands or the protection of adjoining lands.
  - viii. Establish, enhance and maintain trees and other types of vegetation
  - ix. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
  - x. Easements conveyed to the Township for the construction, maintenance or improvement of watercourses, ditches, land drainage works and servicing and other public utilities of the Township or local board thereof on the land.
  - xi. Grading or alteration in elevation or contour of the land and provision for disposal of storm, surface and wastewater from the land and from buildings or structures thereon.
- b) Maintain to the satisfaction of the Township and at the sole risk and expense of the owner any or all of the facilities or works including the removal of snow from access ramps and driveways, parking and loading areas, and walkways.
  - c) The Township may require the dedication of land for park or other recreational purposes, or the payment of money in lieu of land in accordance with the policies of the Official Plan.
  - d) Where an agreement is a condition of approval, enter onto one or more agreements with the Township which will deal with and ensure:
    - i. provision of all the facilities, works or matters referred to in Section 8 a) including the provision of financial securities in respect of the facilities and works;
    - ii. The continued maintenance of the works and facilities

## 9. ADMINISTRATION

- a) By-Law Administration
  - i. This By-law shall be administered by the Director of Development Services or designate.
  - ii. The Council of the Township of South Frontenac hereby delegates to the Director of Development Services or their designate, the authority to approve Site Plan Control applications.
  - iii. The Council of the Township of South Frontenac hereby delegates to the Director of Development Services or their designate, authority to approve minor revisions or amendments to approved site plans and site plan control.
  - iv. The Mayor and Clerk are authorized to enter into an agreement with the owner of the lands to which an approval of site plan control has been approved by the Director of Development Services or their designate.
- b) Pre-consultation & Complete Application

- i. In accordance with section 41(3.1) of the Planning Act, the applicant shall pre-consult with municipal staff prior to submission of an application, including plans and drawings.
  - ii. A site plan control application will not be deemed complete and will not be processed until the application form, fee, plans and drawings and all relevant supporting information identified at the time of pre-consultation is submitted to the satisfaction of municipal staff.
- c) Fees
  - i. The applicant shall pay the Township application fee together with any processing fees as set out in the Township's Planning Fees By-law.
- d) Registration of Agreement
  - i. 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.
  - ii. The agreement or amendment thereto shall be registered at the expense of the owner.
- e) Performance Securities

The applicant shall provide securities in cash, certified cheque or letter of credit to guarantee compliance with the conditions of the agreement and satisfactory completion and maintenance of the works required by the agreement and the approved plans and drawings. Where no-off site works are proposed for a one- or two-unit residential dwelling, or addition thereto, securities may not be required.

Where securities are determined to be required, the amount of the security shall be based on the estimated cost of the approved works and shall be calculated as follows:

- i. The owner shall submit an estimated cost of the approved works for review and approval by the Township. The cost estimate shall be prepared by a qualified person. The approved cost estimate will form a schedule to the site plan control agreement. The amount of security shall equal 50% of the estimated cost of the on-site improvements.
  - ii. For all works on Township owned property the amount of security shall equal 100% of the costs of the approved works.
- f) Security Release/Reduction

Requests for security release may be submitted to the Township once all required works on the approved plans have been completed and all conditions in the agreement have been met to the satisfaction of the Township.

- i. The owner shall submit a written request for security release including; a certificate from a qualified person confirming that all required works have been completed in accordance with the approved plans and the site plan control agreement;
  - ii. The Township may complete a site inspection to confirm the satisfactory completion of the work;
  - iii. A maximum of 90% of the security amount will be released
  - iv. Where deficiencies are identified the security release may be delayed or reduced until the deficiencies have been addressed;
  - v. The owner shall submit a written request for remaining 10% of the initial security amount with a certificate from a qualified person confirming all works are completed and have been maintained in accordance with the approved drawings and agreement. The 10% will be held for a minimum of one year as a maintenance security to ensure all site works including landscaping are maintained and that any necessary replacements are completed.
- f) Financial Security to Remedy Defaults
- i. Where the owner has received notice from the Township of defaults with respect to the approved drawings or site plan control agreement the Township may draw on the security to remedy the default.
  - ii. The Township may apply all or any portion of the financial security toward the payment of the costs and expenses to remedy the default.
  - iii. Where the Township draws on the financial securities to remedy any default the owner will be charged an administration fee equal to 20% of the costs to remedy the default.
- g) Issuance of Building Permits
- i. Notwithstanding any provisions of the Building By-law or any other By-law of the Township to the contrary, no building permit shall be issued until the plans and drawings and any such agreements required by the Township have been approved and registered on title.
  - ii. Nothing in this By-law shall prevent development on any lands subject to this By-law where such development is proceeding in accordance with a valid building permit which was issued by the Township prior to the passing of this By-law.

## 10. LAPSING OF APPROVAL

- a) Site Plan Control approval of all agreements and documents, lapses and is of no force or effect:
  - i. Where a building permit is required for the development, at the expiration of five years from the date of approval if no building permit is issued for development, if a building permit is issued but construction has not been completed, or if a building permit has been revoked.
  - ii. Where no building permit is required but the Owner has not started development within five years of the date of approval.
- b) The lapse of an approval is effective upon the date of giving written notice by the Township of South Frontenac to the Owner by registered mail revoking the approval, or where an agreement has been registered, upon the registration of a notice that the approval is revoked and the agreement is terminated, unless the Township of South Frontenac agrees in writing to an extension. The request for an extension must be submitted in writing by the Owner to the Township of South Frontenac.

## 11. VIOLATIONS AND PENALTIES

Any person who contravenes any of the provisions of Section 41 of the Planning Act, or its successors thereto, or the provisions of this By-law is guilty of an offence and on conviction is liable to the penalties provided for in Section 67 (1) and (2) of the Planning Act, or its successors thereto.

## 12. VALIDITY

If any section, clause or provision of this By-law is, for any reason, declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that the remaining sections, clauses and provision of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provision hereof shall have been declared to be invalid.

## 13. IMPERIAL VALUES

Only the values provided with metric units of measure which appear in the By-law are official.

## 14. EFFECT

This By-law shall come into force and take effect on the date of its passing by Council.

Dated at the Township of South Frontenac this ##<sup>th</sup> day of June, 2022.

Read a first and second time this ##<sup>th</sup> day of June, 2022.

Read a third time and finally passed this ##<sup>th</sup> day of June, 2022.

**THE CORPORATION OF THE  
TOWNSHIP OF SOUTH FRONTENAC**

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**Ron Vandewal, Mayor**

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**Angela Maddocks, Clerk**

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