

THE CORPORATION OF THE TOWN OF HANOVER

BY-LAW NO. 3262 - 23

BEING a By-Law to designate the entire town as a site plan control area.

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

AND WHEREAS Section F9.3 of the Town of Hanover Official Plan 2858-14 designates all lands in the Town of Hanover as a Site Plan Control Area;

AND WHEREAS Council may designate the whole or any part of such area as a site plan control area and may define certain classes of development which may be undertaken without approval of plans under Section 41 (5) of the *Planning Act*, R.S.O., 2014, as amended;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Hanover hereby enacts as follows:

1. The entire Town of Hanover is hereby designated as a site plan control area.
2. For the purposes of this By-Law, "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 section 164(4) of the *Municipal Act, 2001* or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of the *Planning Act* or of sites for the construction, erection or location of a land lease community home as defined in subsection 46 (1) of the *Planning Act*.
3. For the purpose of this By-Law "an addition or alteration to a building or structure" shall mean an addition or alteration to a building or structure:
 - a) which has a floor area greater than:
 - i. one hundred (100) square meters; or
 - ii. 10% of the gross floor area of the said building or structure;or
 - b) which changes the use category of the existing building or structure.
4. No person shall undertake development on the lands identified in section 1 of this By-law without the approval of plans and drawings required under subsection 41(4) or (5) of the *Planning Act* unless otherwise exempt from approval as set out in this By-law.
5. Pursuant to Section 41 (13) (a) the following types of development are exempt from the requirements of Sections 41 (4) and (5) of the *Planning Act*, as amended:
 - a) Residential development containing less than ten units unless the purpose of site plan control is for grading and drainage;
 - b) any alteration or addition to any existing single detached dwelling, semi-detached dwelling, duplex and triplex dwelling;
 - c) any building accessory to any single detached dwelling, semi-detached dwelling, duplex and triplex dwelling;
 - d) any in-ground or above-ground swimming pool constructed in connection with any single detached dwelling, semi-detached dwelling, duplex and triplex dwelling;
 - e) any building or structure used in connection with agricultural uses, but excluding any ancillary commercial or industrial uses, nurseries or commercial greenhouses;
 - f) any works undertaken by the Town or any local board of the Town;
 - g) portable classrooms on a school site of a district school board;
 - h) any conservation and forestry development;

- i) any signs or fences where they are not erected as part of a development;
- 6. That the Chief Administrative Officer (CAO) and Chief Building Official (CBO) are delegated as being the appointed officer for the Town of Hanover to exercise Town Council's powers or authority under Section 41 (2) of the *Planning Act* to approve plans and drawings, to impose conditions and to require agreements.
- 7. Any agreement entered into may be registered against the land to which it applies and the municipality is entitled to enforce the provisions thereof against the owner and, subject to the provision of the Registry Act and the Land Titles Act, any and all subsequent owners of the land.
- 8. Pursuant to Section 69 of the *Planning Act*, the municipality shall refund any fee paid in respect of the plans and drawings.
- 9. Every person who uses any lot, or erects or uses any building or structure or any part of any lot, building or structure in a manner contrary to any requirements of this by-law, or who causes or permits such use or erection, or who violates any provisions of this By-law or permits such a violation, shall be guilty of an offence, and upon conviction thereof, shall forfeit and pay a penalty pursuant to Section 67 of the *Planning Act*.
- 10. That By-law 1552-05-05-86 is hereby repealed in its entirety.
- 11. This By-Law shall come into force and effect immediately upon passing thereof.

READ A FIRST, SECOND and THIRD TIME and FINALLY PASSED this 15th day of May, 2023.

[REDACTED]
Susan Paterson, Mayor

[REDACTED]
Vicki McDonald, Clerk