

THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

BY-LAW NO. 19-93

BEING a by-law to designate a Site Plan Control Area in accordance with Section 41(2) of the *Planning Act*, R.S.O., 1990.

WHEREAS the Community Official Plan for the Municipality of Mississippi Mills identifies all lands within the Municipality as part of the Site Plan Control Area;

AND WHEREAS Section 41 (13) of the *Planning Act*, R.S.O 1990, as amended authorizes Council to (a) define any class or classes of Development that may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or 41(5); and (b) delegate to either a committee of the Council or to an appointed officer of the Municipality any of the Council's powers or authority under Section 41, except the authority to define any class or classes of Development as mentioned in clause 41 (13);

AND WHEREAS Council deems it advisable to address particular classes of Development through Site Plan Control and to exempt others as per Section 41(13)(a) of the *Planning Act*;

AND WHEREAS By-law 15-60 being a By-law to Designate a Site Plan Control Area was adopted by Council on June 2, 2015;

AND WHEREAS Council has deemed it appropriate to repeal this by-law to establish new priorities to implement Site Plan Control within Mississippi Mills;

NOW THEREFORE the Council of the Corporation of the Municipality of Mississippi Mills enacts as follows:

1. All the lands within the limit of the Municipality of Mississippi Mills are designated as being within a Site Plan Control Area in accordance with Section 41(2) of the *Planning Act*, R.S.O. 1990, c.P.14.

2. DEFINITIONS

“Act” means the *Planning Act*, R.S.O 1990, c. P. 13 as amended from time to time;

“Council” means the Council of the Municipality of Mississippi Mills;

“Development” means development as defined by Section 41 of the Act, but does not include a portable classroom on a school site of a district school board;

“Municipality” means the Corporation of the Municipality of Mississippi Mills;

“Owner” means a person(s), corporation(s) or partnership who is the registered Owner of the relevant property;

“Zoning By-law” means the Municipality of Mississippi Mills Comprehensive Zoning By-law #11-83 and any successors thereto.

3. INTERPRETATION

- (1) The requirements of this by-law are in addition to requirements contained in any other applicable by-laws of the Municipality or applicable provincial or federal statutes or regulations;
- (2) This by-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by the Municipality or by any other governing authority having jurisdiction to make such restrictions or regulations;
- (3) Nothing in this by-law or in any Site Plan Control agreement entered into hereunder shall be construed as relieving any owner of lands within the Site Plan Control Area from the obligation of complying fully with the provisions of the Zoning By-law, nor shall the Zoning By-law be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed hereby;
- (4) The following rules apply to this by-law:
 - a. unless otherwise defined, the words, terms and phrases used in this by-law have their normal and ordinary meaning;
 - b. unless otherwise identified, all references to sections or subsections are to those listed within this by-law;
 - c. every provision of this by-law is to be applied to the circumstances as they exist at the time in question.

4. GENERAL PROVISIONS

The following developments shall be subject to Site Plan Control in accordance with Sections 41(4) and 41(7) of the Act:

- (1) All development of lands which are identified in the Zoning By-law as being in any zoning designation, including related special provision zones;
- (2) All development within 120 metres of the Provincially Significant Wetland, 50m of locally significant wetlands;
- (3) All development in Areas of Natural and Scientific Interest (ANSI), within 120 metres of a life science ANSI, or within 50 metres of an earth science ANSI;
- (4) All new development within the flood plain;
- (5) All development of properties that are contaminated in accordance with the standards and definitions of the Environmental Protection Act;
- (6) All Cluster Lot Developments where the 100 metre setback is waived due to a screen of mature vegetation;
- (7) All development within the 1,000 metre influence area of abandoned mine sites;
- (8) Any development that includes a Country Inn;

- (9) All development on existing lots of record which are less than the minimum size required;
- (10) Any development that converts a single-detached dwelling into a multi-unit residential development containing three (3) or more dwelling units.

5. SCOPE

- (1) The following developments shall be subject to **MAJOR** Site Plan Control in accordance with Sections 41(4) and 41(7) of the Act:
 - a. the development of vacant land;
 - b. the complete redevelopment of existing sites;
 - c. additions in excess of 200m² (2,152ft²) or 25% of a development's the gross floor area, whichever is greater;
 - d. all development listed under Section 4 of this By-law unless otherwise identified within Section 5(2) or exempted in Section 6.
- (2) Notwithstanding Section 5(1), the following developments shall be subject to **MINOR** Site Plan Control in accordance with Sections 41(4) and 41(7) of the Act:
 - a. development that consists of additions of less than 200m² (2,152ft²) or 25% of a development's gross floor area, whichever is the lesser;
 - b. a change of use;
 - c. existing development not presently governed by a Site Plan or Site Plan Control agreement;
 - d. secondary dwelling units exterior to the main dwelling;
 - e. single-detached, semi-detached, and duplex dwellings within the Almonte Ward and hamlet boundaries, being Blakeney, Appleton, Clayton and Pakenham Village, and Rural Residential Zones having direct frontage on a public road;
 - f. townhouse dwelling approved through a plan of subdivision;
 - g. Bed and Breakfasts, Home Based Businesses, Group Homes, and Day Nurseries;
 - h. development in accordance with Sections 4(3), 4(4), 4(5), 4(8), and 4(9) where the land would otherwise be exempted by Section 6.
- (3) **Red Line Amendments** shall be permitted to recognize minor adjustments and alterations to Schedules approved in accordance with Section 5 (1) and (2) where:
 - a. The alteration is proposed to the building façade; parking lot; landscaped area and does not materially alter the function of the original site design;
 - b. The alteration does not result in an addition to the main structure;
 - c. The alteration conforms to all applicable municipal bylaws and provincial statutes;

6. EXEMPTIONS

The following developments may be undertaken without Site Plan Control approval where there is no Site Plan Control agreement registered on the title of the lot:

- (1) All development on lands identified within the Zoning By-law as being within the following zoning designations:
 - a. Agricultural (A) Zone
 - b. Rural (RU) Zone
 - c. Limited Service Residential (LSR) Zone
 - d. Parkland and Open Space (OS) Zone
- (2) The development on lands identified within the Zoning By-law as being within the following zoning designations if the intended use is solely for residential purposes:
 - a. Rural Commercial (C5) Zone
- (3) The addition to or alteration of a permitted use within the following zoning designations:
 - a. Residential First Density (R1) Zone
 - b. Residential Second Density (R2) Zone
- (4) An accessory building or structure within the following zoning designations, provided that the total gross floor area of all accessory buildings and structures on the lot does not exceed the standards set in the Zoning By-law:
 - a. Residential First Density (R1) Zone
 - b. Residential Second Density (R2) Zone
 - c. Residential Third Density (R3) Zone
- (5) Secondary dwelling units contained entirely within the existing footprint of a dwelling type in which it is permitted;
- (6) Interior building alterations which do not involve a change in major occupancy as defined by the Ontario Building Code or which do not involve the increase in parking requirements as regulated by the Zoning By-law;
- (7) Signs and temporary buildings placed in accordance with any applicable by-law;
- (8) Any addition required in order to comply with the *Fire Protection and Prevention Act* S.O. 1997, as amended.

BY-LAW READ, passed, signed and sealed in open Council this 15th day of October, 2019.

Christa Lowry, Mayor

Jeanne Harfield, Acting Clerk