

# THE CORPORATION OF THE MUNICIPALITY OF MISSISSIPPI MILLS

## BY-LAW NO. 22-xx

**BEING** a by-law to designate the Municipality of Mississippi Mills as a Site Plan Control Area and to delegate Site Plan Control powers and authority and to adopt certain procedures for the processing of Site Plan Control applications and to exempt certain classes of development from approval.

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

**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 of a municipality to designate a site plan control area and may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5). and Section 41(4.0.1) requires a Council that passes a by-law under subsection (2) to appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4).

**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 19-93 being a By-law to Designate a Site Plan Control Area was adopted by Council on October 15, 2019;

**AND WHEREAS** Council has deemed it appropriate to repeal by-law 19-93 and replace with this by-law to regulate Site Plan Control for certain types of development within the Municipality of Mississippi Mills in accordance with the Planning Act;

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

### 1. DEFINITIONS

**"Planning 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.

**“Community Official Plan”** means the Municipality of Mississippi Mills Community Official Plan, as amended and any successors thereto.

**“Development”** means development as defined by Section 41 of the Planning Act.;

**“Director of Development Services and Engineering”** means the Director of Development Services and Engineering or their designate.

**“Infill”** means residential development on an existing vacant lot or created by consent, or redevelopment of an existing lot that increases the number of dwelling units.

**“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.

**“Senior Planner”** means the Senior Planner or their designate.

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

## **2. SHORT TITLE**

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

## **3. TRANSITION**

Applications submitted to the Municipality on or before July 1, 2022 that have not yet received approval shall be subject to the provisions of By-law 19-93 as amended by By-law 21-095.

## **4. REPEAL OF EXISTING SITE PLAN CONTROL BY-LAWS**

By-law 19-93 is hereby repealed on July 1, 2022.

## **5. SITE PLAN CONTROL AREA**

All lands located within the corporate boundaries of the Corporation of the Municipality of Mississippi Mills are hereby designated as included in the Site Plan Control area (hereinafter the “Site Plan Control Area”).

## **6. CLASSES OF DEVELOPMENT**

- a. All classes of development as set out in Schedule A to this By-law are subject to Site Plan Control unless expressly exempt therein.
- b. Red-line amendments shall be permitted to recognize minor adjustments and alterations to Schedules approved in accordance with Schedule A to this By-law where:
  - i. The amendment is proposed to the building facade, parking lot, landscaped area and does not materially alter the function of the original site design or result in additional parking spaces; and
  - ii. The amendment proposed does not result in an addition to any building.

- c. Notwithstanding 6(a) and Schedule A to this By-law, the following forms and classes of development shall also be exempt from Site Plan Control in the Municipality of Mississippi Mills:
  - i. Municipal-initiated projects;
  - ii. Small buildings and structures not requiring a building permit under the Ontario Building Code; and
  - iii. Residential and farm fences.

## **7. INTERPRETATION-**

- a. 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;
- b. 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;
- c. 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;
- d. The following applies to this by-law:
  - i. unless otherwise defined, the words, terms and phrases used in this by-law have their normal and ordinary meaning;
  - ii. unless otherwise identified, all references to sections or subsections are to those listed within this by-law;
  - iii. every provision of this by-law is to be applied to the circumstances as they exist at the time in question.

## **8. DELEGATION OF SITE PLAN CONTROL TO THE SENIOR PLANNER, DIRECTOR OF DEVELOPMENT AND ENGINEERING**

Pursuant to Section 41 (4.0.1) of the Planning Act, the powers and authority of the Council of the Municipality of Mississippi Mills with respect to Site Plan Control approval are hereby delegated to the following:

- a. Major classes of development indicated in Schedule A to this By-law shall be delegated to the Director of Development Services and Engineering.
- b. Minor and Lite classes of development indicated in Schedule A to this By-law shall be delegated to the Senior Planner.
- c. Extension of Site Plan Control approval or extension to satisfy the conditions to Site Plan Control approval shall be delegated to the Senior Planner. The Senior Planner at their sole discretion may grant an extension or may require a new Site Plan Control application.
- d. Red-line amendments described in Section 6b of this By-law shall be delegated to the Senior Planner. The Senior Planner at their sole discretion may grant the

red-line amendment or require a formal Site Plan Control amendment application.

## **9. REQUIREMENT FOR SITE PLAN CONTROL AGREEMENT**

A Site Plan Control Agreement will be required in the event that Special Conditions are required, or securities are required to be posted by the applicant.

In all other circumstances, the Senior Planner at their sole discretion may require a Site Plan Control Agreement.

## **10. AUTHORITY TO EXECUTE A SITE PLAN AGREEMENT**

The Mayor and Municipal Clerk shall be authorized to execute a Site Plan Control Agreement on behalf of the Municipality for Major Applications as set out in Schedule A.

The Director of Development Services and Engineering shall be authorized to execute a Site Plan Control Agreement on behalf of the Municipality for Minor and Lite Applications as set out in Schedule A.

The Senior Planner shall be authorized to execute a Site Plan Control Agreement on behalf of the Municipality for Red-Line Amendments.

## **11. REGISTRATION OF SITE PLAN CONTROL AGREEMENT**

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

## **12. SITE PLAN APPLICATION REQUIREMENTS**

- a. An Owner shall submit to the Municipality a Site Plan Control application containing, a minimum, the following:
  - i. A completed, up to date application form as provided by the Municipality;
  - ii. Any information or materials prescribed by statute;
  - iii. If required, a pre-consultation letter from Municipal staff outlining the details of the pre-consultation meeting(s) and required plans and studies checklist;
  - iv. Any supporting information and materials to be provided within the initial; submission, as determined through the pre-consultation meeting(s); and
  - v. The prescribed, current applications fee(s).
- b. All documents, plans and drawings shall comply with the Municipality's criteria and any applicable professional regulations and standards including, but not limited to plans and studies stamped by applicable professionals.
- c. Prior to submitting a Site Plan Control application, if required by By-law 22-XXX, an applicant shall attend a pre-consultation meeting with Municipal staff in accordance with the Municipality of Mississippi Mills By-law No. 22-XXX.
- d. Following a completion of the pre-consultation process as set out in this By-law and By-law 22-XXX, applicants shall complete and submit a Site Plan Control

application to the Municipality in accordance with the requirements detailed in the form approved by the Municipality and as set out in By-law 22-XXX.

### **13. REVOKING OF APPROVAL**

The power to revoke any approval of plans and drawings is hereby delegated to the Chief Administrative Officer, who may revoke such approval where:

- a. The approval has been granted on mistaken, false or incorrect information;
- b. The approval has been granted in error;
- c. The applicant for the approval has requested in writing that it be revoked; or
- d. Two (2) years after the approval has been granted, the development in respect of which the approval has been granted has not been substantially commenced, in the opinion of the Director, unless otherwise specified in the associated site plan agreement.

### **14. SEVERABILITY**

In the event that a particular provision or part of a provision of this By-law is found to be invalid or unenforceable by a court of law, then the particular provision or provisions or part of the provision shall be deemed to be severed from the remainder of this By-law and all other provisions shall remain in full force and shall be valid and enforceable to the fullest extent permitted by law.

### **15. SCHEDULE**

Schedule "A" attached hereto forms an integral part of this By-law, as amended from time to time by Council.

### **16. EFFECTIVE DATE**

This By-law shall come into force and take effect on July 1, 2022.

**BY-LAW READ**, passed, signed and sealed in open Council this xx day of June 2022.

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Christa Lowry, Mayor

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Jeanne Harfield, Clerk

### Schedule A to By-law #

Where a Class of Development falls within more than one category, the higher level of Site Plan Control will apply.

Any development undertaken by the Municipality or other level of government is exempted from Site Plan Control.

Any Class of Development requiring Site Plan Control which is not specifically listed in the categories below or expressly exempted in this By-law, such category of Site Plan Control will be at the discretion of the Senior Planner, Planning Department.

For definitions not explicitly defined in this By-law, reference to definitions in Zoning By-law 11-83, as amended and the Community Official Plan, as amended will be referenced for further clarity.

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
<b>LANDS COVERED BY AN EXISTING SITE PLAN CONTROL AGREEMENT</b>					
Additions in excess of 200m <sup>2</sup> or 25% of a development's the gross floor area, whichever is greater	×				
Development that consists of additions of less than 200m <sup>2</sup> or 25% of a development's gross floor area, whichever is the lesser		×			
Change of Use that results in the expansion to an existing parking lot or new parking lot limited to no more than four (4) parking spaces			×		
Change of Use that results in the expansion to an existing parking lot or new parking lot of more than four (4) parking spaces		×			
<b>AGRICULTURAL AND RURAL USES</b>					
Primary agricultural uses including barns, stables, sheds and other accessory structures, farm produce stands, farm related structures, agricultural greenhouses not related to cannabis production				×	

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
<b>AGRICULTURAL-COMMERCIAL AND AGRICULTURAL INDUSTRIAL, RURAL-COMMERCIAL, RURAL-INDUSTRIAL, RURAL-RECREATIONAL, TOURIST COMMERCIAL CATEGORY</b>					
Development of new buildings greater than 500 m <sup>2</sup> of gross floor area	<b>x</b>				Official Plan policy 3.2.6
Development of a new building less than 500 m <sup>2</sup> of gross floor area		<b>x</b>			Official Plan policy 3.2.6
New or expansion to an existing parking lot resulting in less than four (4) parking spaces not otherwise exempt				<b>x</b>	Official Plan policy 3.2.6
New or expansion to an existing parking lot resulting in five (5) or more parking spaces not otherwise exempt			<b>x</b>		Official Plan policy 3.2.6
New commercial greenhouse, nursery or garden centre open to public		<b>x</b>			
Expansion to existing commercial greenhouse, nursery or garden centre open to the public requiring more than four (4) parking spaces		<b>x</b>			
Expansion to existing commercial greenhouse, nursery or garden centre open to the public requiring less than four (4) parking spaces				<b>x</b>	
Development of new buildings greater than 500 m <sup>2</sup> of gross floor area	<b>x</b>				Official Plan policy 3.3.8,
Development of a new building less than 500 m <sup>2</sup> of gross floor area		<b>x</b>			Official Plan policy 3.3.8.1
New Golf Course	<b>x</b>				Official Plan policy 3.3.8, 3.8.4

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
Expansion to an existing Golf Course, including but not limited to, greens, additional holes, new buildings or additions and parking areas as noted in this Section		×			Official Plan policy 3.3.8, 3.8.4
New Ski Hill	×				Official Plan policy 3.3.8, 3.8.4
Expansion to an existing Ski Hill, including but not limited to, ski areas, new buildings or additions and parking areas as noted in this Section		×			Official Plan policy 3.3.8, 3.8.4
New or expanding wrecking and salvage yards , including but not limited to, storage areas and expansions to yards, new buildings or additions as noted in this Section	×				Official Plan policy 3.3.8
<b>DOWNTOWN COMMERCIAL, LOCAL COMMERCIAL, HIGHWAY COMMERCIAL CATEGORY</b>					
Development of new buildings greater than 250 m <sup>2</sup> of gross floor area	×				Official Plan policy 3.7.2.2, 3.7.3.2, 3.4.3.3
Development of a new building less than 250 m <sup>2</sup> of gross floor area		×			Official Plan policy 3.7.2.2, 3.7.3.2, 3.4.3.3
Country Inn		×			Official Plan policy 3.6.15
New or expansion to an existing parking lot resulting in less than four (4) parking spaces			×		Official Plan policy 3.7.2.2, 3.7.3.2, 3.4.3.3, 4.6.5
New or expansion to an existing parking lot resulting in five (5) or more parking spaces		×			Official Plan policy 3.7.2.2, 3.7.3.2, 3.4.3.3, 4.6.5

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
Development within Source Water Protection areas identified on Official Plan schedules			<b>X</b>		Official Plan policy 2.5.3.3
<b>INDUSTRIAL – BUSINESS PARK, INDUSTRIAL, EMPLOYMENT LANDS CATEGORY</b>					
Development of a new building greater than 250 m <sup>2</sup> of gross floor area	<b>X</b>				Official Plan policy 3.2.6, 3.7.4.2, 3.7.5.2
Development of a new building less than 250 m <sup>2</sup> of gross floor area		<b>X</b>			Official Plan policy 3.2.6, 3.7.4.2, 3.7.5.2
Additions to existing buildings greater than 200 m <sup>2</sup> or 25% of the existing gross floor area, whichever is greater		<b>X</b>			Official Plan policy 3.2.6, 3.7.4.2, 3.7.5.2
Additions to existing buildings less than 200 m <sup>2</sup> or 25% of the existing gross floor area, whichever is the lesser		<b>X</b>			Official Plan policy 3.2.6, 3.7.4.2, 3.7.5.2
New or expansion to an existing parking lot resulting in less than four (4) parking spaces or the addition of new hard surfaces that equals the area of four (4) parking spaces			<b>X</b>		Official Plan policy 3.2.6, 3.7.4.2, 3.7.5.2, 4.6.5
New or expansion to an existing parking lot resulting in five (5) or more parking spaces or the addition of new hard surfaces that equals the area of five (5) more parking spaces		<b>X</b>			Official Plan policy 3.2.6, 3.7.4.2, 3.7.5.2, 4.6.5
Any modifications to grading and drainage that may impact Storm Water Management in the Business Park			<b>X</b>		

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
Development within Source Water Protection areas identified on Official Plan schedules			<b>X</b>		Official Plan policy 2.5.3.3
<b>RESIDENTIAL CATEGORY</b>					
New seasonal or single detached dwellings on lots which obtain access via a private road or right-of-way easement		<b>X</b>			
Infill of a new seasonal or single detached dwelling, semi-detached dwelling or duplex or on a vacant lot within a Settlement Area or Village Boundary, unless otherwise exempted			<b>X</b>		Official Plan policy 3.4.3.6
Infill of a triplex, fourplex or townhouse within a Settlement Area or Village Boundary, unless otherwise exempted		<b>X</b>			
Detached Secondary Dwelling Units/Additional Residential Units			<b>X</b>		
Secondary Dwelling Units/Additional Residential Units contained entirely within the existing dwelling			<b>X</b>		
Single detached dwelling, semi-detached dwelling, duplex, triplex, fourplex or townhouse within an existing registered plan of subdivision or plan of condominium registered after June 2, 2015				<b>X</b>	

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
Conversion of an existing dwelling to a multi-unit dwelling, which results in parking of four (4) or more spaces			✕		
Apartment Building	✕				
Garden Suites			✕		Official Plan policy 3.6.13
Bed and Breakfast, Home Based Business, Group Home and Day Nursery which results in parking of four (4) or more spaces			✕		
Cluster Lot Development	✕				
Development of high-density residential uses within Source Water Protection areas identified on Official Plan schedules			✕		Official Plan policy 2.5.3.3
<b>RECREATIONAL CATEGORY</b>					
Development of a new building greater than 500 m <sup>2</sup> of gross floor area	✕				
Development of a new building less than 500 m <sup>2</sup> of gross floor area		✕			
Vacant Open Space areas owned/operated by Land Trusts				✕	Official Plan policy 3.8.6
New or expansion to an existing parking lot resulting in less than four (4) parking spaces on land owned/operated by Land Trusts				✕	Official Plan policy 3.8.6

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
New or expansion to an existing parking lot resulting in four (4) or more parking spaces on land owned/operated by Land Trusts			×		Official Plan policy 3.8.6
New Tent and Trailer Campgrounds	×				Official Plan policy 3.3.8.2.2
Expansions to existing Tent and Trailer Campgrounds, including expansion to tent or trailer sites, modifications to site layout which results in reduced setbacks to watercourses, Provincially or Locally Significant Wetlands		×			
Development within Source Water Protection areas identified on Official Plan schedules			×		Official Plan policy 2.5.3.3
<b>LEGAL NON-CONFORMING USES AND EXISTING LOTS OF RECORD CATEGORY</b>					
Expansions or alterations to legal non-conforming uses imposed as a condition of the Committee of Adjustment		×			Official Plan policy 5.3.8
<b>TRANSPORTATION AND COMMUNICATION CATEGORY</b>					
Extension of a municipal right-of-way	×				
Extension of a municipal right-of-way as a result of a related Planning Act application		×			
Upgrading of a municipal right-of-way	×				
Upgrading of a municipal right-of-way as a result of a related Planning Act application		×			

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
Airstrips, Aerodomes and Airports				×	Federally regulated uses
Telecommunication towers, cell towers				×	Federally regulated uses
<b>ENVIRONMENTAL CATEGORY</b>					
Development within 120 metres of a Provincially Significant Wetland or within 50 metres of a Locally Significant Wetland that is not previously regulated through a development agreement			×		Official Plan policy 3.1.4.1.1
Development within Areas of Natural and Scientific Interest (ANSI), within 120 metres of a life science ANSI, within 50 metres of an earth science ANSI that is not previously regulated through a development agreement			×		Official Plan policy 3.1.4.1.1
Development within the floodplain		×			Official Plan policy 3.1.1
Development on properties that require remediation from contamination, in accordance with the Environmental Protection Act	×				Official Plan policy 3.1.6
Development on Erosion Hazards and Slopes			×		Official Plan policy 3.1.6

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
Development on properties that require remediation from contamination, in accordance with the Environmental Protection Act where remediation requirements are regulated through an approved Plan of Subdivision application that contain conditions addressing site remediation				<b>X</b>	Official Plan policy 3.1.6
Development that requires the implementation of recommendations of an Environmental Impact Statement			<b>X</b>		Official Plan policy 3.1.6
Alteration to Municipal Drains				<b>X</b>	Regulated under the Drainage Act
Aggregate Resource development				<b>X</b>	Provincially regulated uses
<b>INSTITUTIONAL CATEGORY</b>					
Development of a new building greater than 500 m <sup>2</sup> of gross floor area	<b>X</b>				Official Plan policy 3.4.3.7
Development of a new building less than 500 m <sup>2</sup> of gross floor area		<b>X</b>			Official Plan policy 3.4.3.7
Additions to existing buildings greater than 200 m <sup>2</sup> or 25% of the existing gross floor area, whichever is greater	<b>X</b>				Official Plan policy 3.4.3.7
New or expansion to an existing parking lot resulting in less than four (4) parking spaces			<b>X</b>		Official Plan policy 3.4.3.7
New or expansion to an existing parking lot resulting in four (4) or more parking spaces		<b>X</b>			Official Plan policy 3.4.3.7

<b>SITE PLAN APPROVAL PROCESS FOR CLASSES OF DEVELOPMENT</b>	<b>MAJOR</b>	<b>MINOR</b>	<b>LITE</b>	<b>EXEMPT</b>	<b>EXPLANATION/ RELATED POLICY</b>
School portables or accessory structures			<b>X</b>		Official Plan policy 3.4.3.7
School portables on school sites in existence since January 1, 2007				<b>X</b>	Section 41(1.1) of Planning Act
Development within Source Water Protection areas identified on Official Plan schedules			<b>X</b>		Official Plan policy 2.5.3.3