

The Corporation of The Municipality of South Bruce By-Law #2024-44

Being A By-Law to Designate a Site Plan Control Area for the Municipality of South Bruce

Whereas Section 41 (2) of the *Planning Act, R.S.O. 1990*, ("*Planning Act*") provides in part that, where in an official plan an area 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.; and

Whereas in the Local Official Plan for the Corporation of The Municipality of South Bruce, the whole of the Municipality of South Bruce is shown or described as a proposed site plan control area; and

Whereas the Council of the Municipality of South Bruce designates certain lands within the Municipality of South Bruce as a Site Plan Control Area; and

Whereas Bill 109, More Homes For Everyone Act, amends Section 41 of the Planning Act R.S.O. 1990; and

Whereas Council passed By-law No. 2022-63 appointing and giving authority to approve site plans and site plan control agreements pursuant to Section 41 of the Planning Act to the Chief Administrative Officer (CAO) and/or the Chief Building Official (CBO); and

Whereas Bill 23, More Homes Built Faster Act, 2022 amends Section 41 of the Planning Act R.S.O. 1990, providing for certain development exemptions to Site Plan Control; and

Whereas the Council of the Municipality of South Bruce enacts a Site Plan Control By-law under Section 41 of the *Planning Act R.S.O. 1990*.

Now Therefore the Council of the Corporation of the Municipality of South Bruce enacts as follows:

1. The whole of the Municipality of South Bruce is hereby designated as a Site Plan Control Area.
2. For the purposes of this By-law, "development" shall mean development as defined in subsection 41(1) of the Planning Act.
3. Site Plan Review Group (SPRG) shall consist of the Chief Administrative Officer, Clerk, Chief Building Official, Operations Manager, Economic Development Officer and Fire Chief.
4. No person shall undertake any development within a Site Plan Control Area unless the Chief Administrative Officer ("CAO") and/or Chief Building Official ("CBO") or any person delegated authority to do so by the CAO, has approved plans or drawings in accordance with subsection 41(4) of the Planning Act, as amended and imposed any conditions in accordance with subsection 41(7) of the Planning Act, as amended.

Pursuant to subsection 41(13) of the Planning Act, as amended, the following classes of development are exempt from the requirements of subsection (4) or (5) of the Planning Act, as amended:

- a) Single detached, semi-detached and group homes, duplex, triplex and row dwellings, secondary suites and accessory residential units (ARU),

residential developments consisting of ten (10) units or less, home based business, Bed and Breakfast Establishments and Garden Suites, and lot grading and drainage approvals;

- b) Agricultural and farm related buildings, building additions, building alterations or structures that are utilized in farming operations including agricultural-commercial building additions or alterations that are not more than 50% of the gross building area;
 - c) Additions to industrial, institutional or commercial operations where the expansion or enlargement to the existing building is not more than 50% of the gross building area;
 - d) Sand and gravel pits;
 - e) Building and structures for flood control or conservation purposes;
 - f) Portable classrooms on a school site of a district school board;
 - g) Permitted buildings or structures on lands owned by the Municipality of South Bruce;
 - h) Exterior designs (architectural features, material and colour) except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any such building that the appearance impacts matters of health, safety, accessibility, substantial design or the protection of adjoining lands;
 - i) Interior renovations where the renovation does not constitute a change of use or the change of use results in a lower hazard index or less restrictive provisions as prescribed in the Zoning By-law;
 - j) The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in s.41(4)2.(c) of the Planning Act R.S.O. 1990 c. P.13; and
 - k) The manner of construction and standards for construction.
5. Notwithstanding the provisions of subsection 4, the Chief Administrative Officer (CAO) and/or Chief Building Official (CBO) in consultation with the Site Plan Review Group (SPRG) may exempt projects that are not specifically identified in subsection 4 through an internal comprehensive review.
6. No building permit shall be issued for any development subject to this by-law until site plan approval has been obtained and, if imposed as a condition of approval, an agreement has been executed. in accordance with By-law 2022-63.
7. 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.
8. This By-law shall come into full force and have immediate effect upon final passage thereof.
9. This By-law may be cited as the "Municipality of South Bruce Site Plan Control Area By-law".

That this By-Law be Enacted, Signed and Sealed this 23rd day of April, 2024.

Mark Goetz, Mayor

Vivian Kennedy, Clerk

Seal.