



CORPORATION OF THE MUNICIPALITY OF MORRIS-TURNBERRY

BY-LAW NO. 13-2023

Being a By-law to Designate a Site Plan Control Area Pursuant to Section 41 of *The Planning Act* (R.S.O. 1990)

WHEREAS the Council of the Corporation of the Municipality of Morris-Turnberry deems it desirable to designate a Site Plan Control Area;

AND WHEREAS pursuant to the provisions of Section 41 of *the Planning Act*, R.S.O. 1990, By-laws may be passed by Councils of municipalities to designate the whole or any part of a municipality as a site plan control area;

NOW THEREFORE, the Council of the Corporation of the Municipality of Morris-Turnberry enacts as follows:

1. Definitions

For the purposes of this by-law, definitions in the Municipality's Zoning By-law shall apply, except where listed below:

- 1.1. *Agri-tourism uses*: means those farm-related tourism uses, including limited accommodation such as a bed and breakfast, that promote the enjoyment, education or activities related to the farm operation.
- 1.2. *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 168(5) 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* (R.S.O. 1990).
- 1.3. *On-farm diversified uses*: means uses that are secondary to the principal agricultural use of the property and are limited in area. On-farm diversified uses include, but are not limited to, home occupations, home industries, agri-tourism uses, and uses that produce value-added agricultural products.
- 1.4. *Site Plan Review Group*: means a working group made up of Municipal staff, including but not limited to the Chief Building Official, the Director of Public Works, the Fire Chief, and the CAO/Clerk, as well as the Planner from the Huron County Planning and Development Department assigned to the Municipality. The Site Plan Review Group may also seek assistance from the Municipality Engineer, Solicitor and others as required.
- 1.5. *Wellhead Protection Area*: Means an area that is related to a wellhead and within it is desirable to regulate or monitor drinking water threats, as defined in the *Clean Water Act* (S.O. 2006). O.Reg 385/08, s.2.

2. Authority

- 2.1. The Council of the Corporation of the Municipality of Morris-Turnberry is the approval authority for Site Plan Agreements.

- 2.2. Pursuant to Section 41(13) of *the Planning Act*, the Clerk is hereby authorized to approve minor changes to all existing Site Plan Agreements which have been approved by the Municipality prior to the enactment of this by-law and to all Site Plan Agreements approved by the Municipality subsequent to this by-law. The CAO/Clerk shall, prior to approving any minor change to a Site Plan Agreement, confer with the Site Plan Review Group. It may be determined that a minor change to a site plan would not require an amendment to the registered version of the Site Plan, but would be noted in the property file at the Municipal office.
- 2.3. Pursuant to by-law 99-2017 of the Municipality of Morris Turnberry, the CAO/Clerk is authorized to approve Site Plans and Site Plan Agreements.

3. Enactment

- 3.1. This by-law shall come into effect upon the date of passing by the Council of the Corporation of the Municipality of Morris-Turnberry and hereby repeals by-law 18-2020 and all previous by-laws, resolutions and policies and parts of by-laws, resolutions and policies inconsistent with the provisions of this by-law regarding Site Plan Area Designation, and the Site Plan administration.

4. Fees

- 4.1. The application fee for a Site Plan is established by the Municipality pursuant to Section 69 (1) of the *Planning Act* and is outlined in detail in the Municipal Fee By-law. Fees will be specified for:
 - 4.1.1. Site Plan Control Application without an Agreement
 - 4.1.2. Site Plan Control Application with an Agreement
 - 4.1.3. Processing an Amendment to Site Plan and/or Agreement.
- 4.2. In addition to the application fee, where the Municipality requires assistance from its solicitors or other technical or professional consultants in the processing of an application, the owner shall be responsible for reimbursing all legal and consulting fees incurred by the Municipality. These fees will be re-billed to the owner listed on the application. By signing the application, the owner agrees to pay all fees incurred by the Municipality related to the review of the site plan.

5. Designation of Site Plan Control Areas

- 5.1. All lands within the boundaries of the Corporation of the Municipality of Morris-Turnberry are hereby designated as a site plan control area pursuant to Section 41(2) of *The Planning Act* (R.S.O. 1990).

6. Approval of Plans or Drawings

- 6.1. No person shall undertake any development in an area designated under Section 5 unless the Council of the Municipality of Morris-Turnberry or Municipal staff delegated under Section 2 has approved one or both, as the Council or delegated Staff may determine, of the following:
 - 6.1.1. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Section 8.1(a)
 - 6.1.2. Drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing eleven or more dwelling units to be erected which are sufficient to display:
 - 6.1.2.1. the massing and conceptual design of the proposed building;
 - 6.1.2.2. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access; and

- 6.1.2.3. the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,
- 6.1.2.4. but which exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to in 6.1(b)(iii), the colour, texture and type of materials, window detail, construction details, architectural detail and interior design.

7. Exemptions to Approval of Plans/Drawings

- 7.1. The following defined class or classes of development may be undertaken without the approval of plans and drawings otherwise required under Section 6:
 - 7.1.1. All residential buildings and structures containing no more than ten separate dwelling units (i.e. single - detached dwellings; semi-detached dwellings; duplex dwellings; and converted dwellings), including their accessory buildings and structures.
 - 7.1.2. All accessory buildings and structures that are less than 25% of the main building gross floor area.
 - 7.1.3. All agricultural buildings and structures used for agricultural purposes (i.e. barns; silos; drivesheds; and manure storage facilities) in an AG1 and AG2 Zone including commercial-scale greenhouse operations on a site less than 4 hectares. Buildings, structures and associated uses used for cannabis production or on-farm diversified uses are not exempt from Site Plan Control.
 - 7.1.4. All licensed mineral aggregate resources operations.
 - 7.1.5. All temporary buildings and structures, including temporary buildings and structures, incidental to and necessary for construction work being carried on. This exemption is only for temporary buildings and structures which are necessary for the construction work in progress which has neither been finished nor abandoned.
 - 7.1.6. Any addition to an existing building with an existing Site Plan, provided such addition does not increase the gross floor area of the building to which the addition is proposed by more than 25%.
 - 7.1.7. Tents, marquees, trailers and similar temporary structures and facilities to be erected for a period not exceeding two weeks in any calendar year.
 - 7.1.8. Any buildings and land owned by the Municipality of Morris-Turnberry.
 - 7.1.9. The replacement of travel trailers, mobile homes, park model trailers and the construction of additions on the same.
 - 7.1.10. Parking lots smaller than 5 parking spaces.
 - 7.1.11. Notwithstanding exemptions listed above, all development proposed within Wellhead Protection Areas A through C is subject to the approval of plans and drawings as required under Section 6 of this By-law.

8. Conditions to Approval of Plans/Drawings

- 8.1. As a condition to the approval of the plans and drawings referred to in Section 6, the Municipality may require the Owner of the land to
 - 8.1.1. provide to the satisfaction of and at no expense to the Municipality any or all of the following:
 - 8.1.1.1. Widening of highways that abut on the land.
 - 8.1.1.2. Subject to *The Public Transportation and Highway Improvement Act* and/or the Municipality Development Standards Policy, facilities to provide access to and from the land such as access ramps and curbing and traffic directions signs.
 - 8.1.1.3. 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.
 - 8.1.1.4. Walkways, including the surfacing thereof, and all other means of pedestrian access.

- 8.1.1.5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
- 8.1.1.6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for landscaping of the lands or the protection of adjoining lands.
- 8.1.1.7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- 8.1.1.8. Easements conveyed to the Municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities and other public utilities of the local board thereof on the land.
- 8.1.1.9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm surface and wastewater from the land and from any buildings or structures thereon.
- 8.1.1.10. Maintain to the satisfaction of the Municipality and at the sole risk of the Owner any or all of the facilities or works mentioned in paragraphs ii, iii, iv, v, vi, vii, viii and ix of Section 8.1(a) , including the removal of snow from access ramps and driveways, parking and loading areas and walkways; and
- 8.1.1.11. Enter into one or more agreements with the Municipality dealing with any or all of the facilities, works or matters mentioned in Clause 8.1(a) or with the provision and approval of the plans and drawings referred to in Section 6.

9. Registration of Agreements

- 9.1. Any agreement entered into under Section 8.1(c) may be registered against the land to which it applies and the Municipality is entitled to enforce the provisions thereof against the owner and, and subject to the provisions of *The Registry Act* and *The Land Titles Act*, any and all subsequent owners of the land.

10. Securities

- 10.1. The Municipality may require securities to be posted for a development. The value of the securities shall be determined by the Municipality and may include but not be limited to: an estimate of engineering and legal fees, landscaping, fencing, drainage facilities, sanitary sewers, watermains, water services, paving, and curbing. The Municipality will accept security in the form of an irrevocable letter of credit, certified cheque or other form approved by the Municipality Treasurer. The letter of credit or certified cheque will be released when, in the opinion of the Municipality, works and matters mentioned in Subsection 41(7) of the Act and all the terms and conditions of the site plan agreement have been fulfilled.

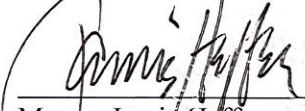
11. Risk, Expense and Default

- 11.1. The facilities and matters required pursuant to a site plan agreement shall be provided and maintained to the satisfaction of the Municipality at the sole risk and expense of the owner of the lands in respect of which such site plan agreement was entered into by the Municipality.
- 11.2. In the event an owner of the lands fails to comply with any of the provisions of a site plan agreement that was entered into with the Municipality, then the Municipality, its authorized agents, servants or employees, may enter upon the owner's land or into the owner's structures with reasonable notice to complete to its satisfaction any work required by the said site plan agreement and left unfinished by the owner. The Municipality may recover any costs incurred by the Municipality to provide, maintain or complete site works by deducting from or drawing upon securities that have been provided to the Municipality by the owner. If there are no securities, or if the amount of securities held by the Municipality are not sufficient to cover the costs incurred by the Municipality, then without limiting the Municipality remedies the costs incurred by the Municipality which cannot be reimbursed or recovered from securities will be added to the tax roll of the subject property and will be collected in the same manner as municipal taxes.

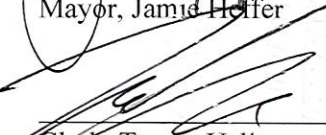
11.3. Section 67 (1) of *the Planning Act* applies to the contravention of Section 41.

Read a FIRST and SECOND time this 21st day of February 2023

Read a THIRD time and FINALLY PASSED this 21st day of February 2023



Mayor, Jamid Hoffer



Clerk, Trevor Hallam