

No. 2022 -

**BEING A BY-LAW TO DESIGNATE
A SITE PLAN CONTROL AREA
FOR THE MUNICIPALITY OF KINCARDINE**

WHEREAS Section 41 of the *Planning Act, R.S.O. 1990, c.P.13* ("*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 situated may, by by-law, designate the whole or any part of such area as a site plan control area;

AND WHEREAS the Council of The Municipality of Kincardine passed By-Law No. 2021-074, Municipality of Kincardine Site Plan Control By-law, on April 19, 2021, designating certain lands within Municipality of Kincardine as a Site Plan Control Area;

AND WHEREAS in the Local Official Plan for the Corporation of the Municipality of Kincardine, the whole of the Municipality of Kincardine is shown or described as a proposed site plan control area;

AND WHEREAS Bill 109, More Homes for Everyone Act amends Section 41 of the *Planning Act, R.S.O. 1990, c.P.13*;

AND WHEREAS Council passed By-law No. 2022- 111 appointing and giving authority to approve site plans and drawings in accordance with Section 41 of the *Planning Act* to the Chief Administrative Officer;

AND WHEREAS Council of The Corporation of the Municipality of Kincardine considers it appropriate to designate the whole of the Municipality of Kincardine as a Site Plan Control Area, and to update the existing Site Plan Control By-law, being By-Law 2021-074, and to delegate its powers or authority under Section 41 of the *Planning Act* to certain appointed officials of the Corporation;

NOW THEREFORE The Corporation of the Municipality of Kincardine **ENACTS** as follows:

1. The whole of the Municipality of Kincardine 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, Director of Infrastructure and Development, Chief Building Official/ Manager of Development Services, and Fire Chief.
4. No person shall undertake any development within a Site Plan Control Area unless the Chief Administrative Officer or any person delegated authority to do so by the Chief Administrative Officer has approved plans or drawings in accordance with subsection 41(4) of the *Planning Act* and imposed any conditions in accordance with subsection 41(7) of the *Planning Act*.

Pursuant to subsection 41(13)(a) of the *Planning Act*, the following classes of development are exempt from the requirements of subsections 41(4) and (5) of the *Planning Act*:

- a) Single detached, semi-detached and group homes, duplex, triplex and three unit row dwellings, secondary suites and accessory residential units (ARU) except Home based business, Bed and Breakfast Establishments and Garden Suites or to establish lot grading and drainage approval on lots where such requirement do not otherwise apply through the provisions of a subdivision or development agreement or when adjacent to areas, which exhibit physical limitations or environmental hazards, such as floodplains, steep slopes, etc., or identified natural environment features; or, for special development proposals involving reduced development standards;
 - b) Agricultural and farm related buildings, building additions, building alterations or structures that are utilized in farming operations but not including agricultural-commercial;
 - c) Additions to industrial operations where the expansion or enlargement to the existing industrial building is not more than 50% of the 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 Kincardine; and
 - h) Clauses 4 a)-g) shall not apply for development in which the Saugeen Valley Conservation Authority requires a site plan and site plan agreement.
5. Notwithstanding the provisions of Section 4, the Chief Administrative Officer in consultation with the Site Plan Review Group (SPRG) may exempt projects that are not specifically identified in Section 4 through an internal comprehensive review.
 6. Council hereby designates all of its powers and authority under Section 41 of the *Planning Act*, to the Chief Building Official, with respect to the following:
 - a) Any accessory building or structure; or
 - b) Any enlargement, improvement or alteration to a legally existing building or structure; or
 - c) septic systems; or

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- d) tents, marquees, trailers, and similar temporary structures.
7. The Mayor and Clerk of the Corporation are hereby authorized to execute any agreement required pursuant to this by-law.
 8. 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 Clause 7 of this by-law.
 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. This by-law replaces The Municipality of Kincardine Site Plan Control By-Law No. 2021 - 074 which is hereby repealed.
 11. This by-law shall come into full force and have immediate effect upon final passage thereof.
 12. This by-law may be cited as the "Municipality of Kincardine Site Plan Control (2022) By-Law".

READ a FIRST and SECOND TIME this 20th day of June, 2022.

READ a THIRD TIME and FINALLY PASSED this 20th day of June, 2022.

Mayor

Clerk