

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

BY-LAW NUMBER 2021-111

being a by-law to establish a Site Plan
Control By-law for the Township of Southgate

Whereas Subsection 41(2) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, provides that where an Official Plan is in effect in a municipality, the Council of the municipality may by by-law, designate the whole or any part of the area covered by the Official Plan as a Site Plan Control Area; and

Whereas there is an Official Plan in effect in the Township of Southgate that pertains to certain lands within its municipal boundaries; and

Whereas Section 10.7 of the Township of Southgate Official Plan designates all lands in the Township of Southgate as a Site Plan Control Area,

Now therefore be it resolved that the Council of the Corporation of the Township of Southgate enacts as follows:

1. (a) All of the lands situated within the municipal boundaries of the Township of Southgate and designated Hazard Lands, Inland Lakes, Space Extensive Industrial/Commercial, Rural, Agriculture, Urban Community, Village Community and Major Open Space, including multiple dwelling uses accommodating three or more dwelling units, Bed and Breakfast accommodation and Community service/public uses in the Township's Official Plan, subject to (b) below, are hereby designated as a Site Plan Control Area pursuant to Section 41 of the *Planning Act* or any successor legislation thereto.
 - (b) The following lands shall not be subject to Site Plan Control:
 - (i) all areas designated Urban Community and Village Community in the Township's Official Plan that are used for single detached dwellings, semi-detached dwellings and duplex dwellings;
 - (ii) all areas designated Inland Lakes in the Township's Official Plan that are used for single detached dwellings; and
 - (iii) all areas designated Agricultural and Rural in the Township's Official Plan that are used for single detached residential dwellings and agricultural uses.
2. No person shall undertake any development within a Site Plan Control Area unless the Council of the Township or any person delegated authority to do so by Council or the Ontario Land Tribunal has approved plans or drawings in accordance with Subsection 41(7) of the *Planning Act*.
3. For the purposes of this By-law, "development" shall mean development as defined in Subsection 41(1) of the *Planning Act*.
4. In accordance with the provisions of Section 1 of this By-law, the

following classes of development are not subject to Site Plan Control and may be undertaken without the approval of the plans and drawings referred to in Subsection 41(7) of the *Planning Act*:

- (a) any single detached dwelling, semi-detached dwelling or duplex dwelling;
 - (b) any alteration or addition to any existing single detached dwelling, semi-detached dwelling or duplex dwelling, except where an accessory apartment (secondary unit) is added to a semi-detached or duplex dwelling;
 - (c) any building accessory to any single detached dwelling, semi-detached dwelling or duplex dwelling use;
 - (d) any in-ground or above-ground swimming pool constructed in connection with any single detached dwelling, semi-detached dwelling or duplex dwelling;
 - (e) any building or structure used in connection with agricultural uses, but excluding any agriculturally related uses, on farm diversified uses, cannabis production facilities, cannabis retail facilities or ancillary commercial or industrial uses, nurseries or commercial greenhouses;
 - (f) any works undertaken by the Township or any local board of the Township;
 - (g) any conservation and forestry development;
 - (h) any signs or fences where they are not erected as part of a development;
 - (i) any building or structure which is not greater than 10 m².
- 5.** Notwithstanding Clause 1 through 4 (inclusive) above, the Council of the Township of Southgate shall, at their discretion, determine when Site Plan Control shall be applied.
 - 6.** Where an Agreement or undertaking is required as a condition of Site Plan Approval, the Manager of Planning Services, or in the Manager's absence, the Clerk is authorized to prepare such Agreement or undertaking in a form and content satisfactory to the Township's solicitor.
 - 7.** The Mayor and Clerk are authorized to execute any required Agreement mentioned in Section 6 of this By-law.
 - 8.** Council delegates to its Planning Committee, if a committee has been established, authority to permit amendments that do not have the effect of substantially increasing the size or usability of any buildings or structures to be made to any Agreement or undertaking, required as a condition of Site Plan Approval.
 - 9.** Unless otherwise determined by Council, the Agreement or undertaking shall be registered on title against the land to which it applies, at the applicable Land Registry Office, in accordance with the provisions of Subsection 41(10) of the *Planning Act*.
 - 10.** 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 or undertaking has been executed and registered on title in accordance with Section 8 of this By-law.

- 11.** Any Site Plan or Development Control By-laws enacted by the former Townships of Egremont or Proton or the former Village of Dundalk are hereby repealed.
- 12.** By-law 47-2007 is hereby repealed.
- 13.** This By-law shall come into force and have immediate effect, upon the final passing thereof.

Read a first, second and third time and finally passed this 21st day of July, 2021.

John Woodbury, Mayor

Lindsey Green, Clerk