

**THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN**

**BY-LAW NO. 2017 - 40**

**Being a By-law to amend By-law 2010-44 Site Plan Control Areas**

**WHEREAS** the Planning Act R.S.O. 1990, c. P. 13, Section 41 as amended provides that where an area is shown or described as a site plan control area in an Official Plan, Council may by By-law designate the whole or any part of the area site plan control area;

**AND WHEREAS** Section 8.2 of the Municipality of Magnetawan Official Plan designates the entire Municipality as a site plan control area and sets out general policies concerning site plan control;

**AND WHEREAS** the Official Plan for the Municipality of Magnetawan enables the use of site plan control for residential development in the waterfront areas;

**AND WHEREAS** By-law 2010-44 does not designate Waterfront Areas as an area to which site plan control may apply to single detached dwellings.

**NOW THEREFORE** the Council of the Corporation of Magnetawan hereby enacts as follows:

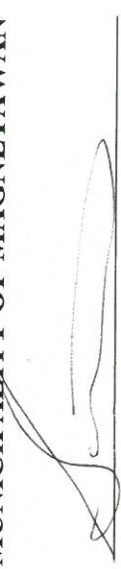
1. Section 1 of By-law 2010-44 is hereby amended by deleting the section and replacing it with the following:
  - 1.1. **THAT** all lands that are zoned as commercial and/or industrial under the Municipality of Magnetawan Zoning By-law within the corporate limits of the Municipality of Magnetawan are hereby designated as site plan control area and
  - 1.2. **THAT** all lands that are in the Waterfront Designation in the Official Plan for the Municipality of Magnetawan are hereby designated as a site plan control area.
2. Section 2 of By-law 2010-44 is hereby amended by deleting the section and replacing it with the following:
  - 2.1. **THAT** despite the provision of Section 1a, lands may be specifically exempted by Council from requiring site plan approval and should be exempted by resolution of Council.
  - 2.2. **THAT** application of site plan control for single-detached residential uses in the Waterfront shall be done at the discretion of the Chief Building Official in consultation with the Clerk. The application of site plan control for single-detached residential uses within the Waterfront shall be utilized to implement specific site regulations intended to ensure protection of water quality, natural vegetative buffers, fish habitat and ensure that the development is esthetically in keeping with the character of the waterfront area.
3. **THAT** Section 4.2.2. of By-law 2010-44 is hereby amended to replace "Chief Administrative Officer/Clerk" with "Clerk-Administrator or designate".
4. **THAT** Section 4.2.3. of By-law 2010-44 is hereby amended to replace "Operations and Roads Manager" with "Public Works Supervisor".
5. In all other respects, By-law 2010-44 shall remain in force and effect.

**READ A FIRST, SECOND, AND THIRD TIME**, passed, signed and the Seal of the Corporation affixed hereto, this 26<sup>th</sup> day of July, 2017

Council MTG. of Jul 26/17

Agenda Item # 8.2.

**THE CORPORATION OF THE  
MUNICIPALITY OF MAGNETAWAN**



Mayor



Clerk-Administrator



**BY-LAW No. 2010-44**

Being a By-Law to designate areas as

**SITE PLAN CONTROL AREAS**

Within the Municipality

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**WHEREAS** the *Planning Act*, R.S.O. 1990, Chapter P.13, Section 41, as amended, provides that where an area is shown or described as a Site Plan Control Area in an Official Plan, Council may by By-Law, designate the whole or any part of the area as a Site Plan Control Area;

**AND WHEREAS** Section 8.2 of the Municipality of Magnetawan Official Plan designates the entire Municipality as a Site Plan Control Area and sets out general policies concerning Site Plan Control;

**AND WHEREAS** the Council of the Municipality of Magnetawan deems it expedient and advisable to impose Site Plan Control;

**AND WHEREAS** the Council of the Municipality of Magnetawan deems it advisable to delegate certain powers concerning Site Plan Control;

**AND WHEREAS** the Council of the Municipality of Magnetawan deems it desirable and in the public interest to rescind By-Law No. 2004-27;

**NOW THEREFORE** the Council of the Corporation of the Municipality of Magnetawan hereby enacts as follows:

1. That all lands designated as a commercial and/or industrial zone under the Municipality of Magnetawan Zoning By-Law within the corporate limits of the Corporation of the Municipality of Magnetawan are hereby designated as a Site Plan Control Area;
2. **Exemptions from Site Plan Control.** Despite the provisions of Section 1, any lands may be specifically exempted by By-Law;
3. **Approval of Plans.** No person shall undertake any development on land designated as a Site Plan Control Area within the Municipality, unless the Corporation or, where the matter of Site Plan Control is the subject matter of hearing before the Ontario Municipal Board, the Board has approved one or both as the Corporation may determine of the following:
  - 3.1 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 by the Municipality.
  - 3.2 Drawings showing plan, elevation and cross-section views for each building to be erected which are sufficient to display;



- 3.2.1. the massing and conceptual design of the proposed building;
- 3.2.2. the relationship of the proposed building to adjacent buildings, streets and exterior areas to which members of the public have access; and
- 3.2.3. the provisions of interior walkways, stairs and escalators to which member of the public have access from streets, open spaces and interior walkways in adjacent buildings; but which exclude the layout of interior area, other than the interior walkways, stairs and escalators referred to in clause (3.2.3.), the colour, texture and type of materials, window detail, construction detail, architectural detail and interior design.

**4. Delegation of Authority and Execution**

- 4.1 A committee is hereby established entitled the 'Site Plan Control Committee';
- 4.2 The Committee shall be composed of:
  - 4.2.1. The Mayor or the Mayor's alternate;
  - 4.2.2. The Chief Administrative Officer/Clerk; and
  - 4.2.3. The Operations and Roads Manager
- 4.3 The Committee shall be responsible for negotiating, subject to Council approval, all Development Proposals and Site Plan Agreements, having regard to Councils policies and direction;
- 4.4 The Committee is hereby specifically authorized to engage the Municipality's solicitor and/or the Municipality's Planning Consultant to negotiate Site Plan Agreements on behalf of the Committee.
- 5. **Severability**  
Should any section, subsection, clause or paragraph of this By-Law, be declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-Law as a whole or any part other than the section, subsection, clause or paragraph declared to be invalid.
- 6. **Effective Date**  
This By-Law shall come into force effect on the date of passing by the Council of the Corporation.

**Passed in open Council as read a First, Second and Third time, this 24<sup>th</sup> day of November, 2010.**

**The Corporation of the  
Municipality of Magnetawan**

  
Dick Smith, Mayor

  
Mark Urbanski, CAO/Clerk



7.1

Explanatory Note to Proposed New Site Plan Control By-Law

On July 28, 2004 By-Law No. 2004-27 (SITE PLAN CONTROL AREAS) was passed. Both 8.2 of the Official Plan and this By-Law designate the entire municipality as a site plan control area. In addition 8.2 of the Official Plan states that the Municipality **MAY** utilize site plan control. It goes on to stipulate that if the Municipality wishes to exercise site plan control then site plan control **WILL** apply to all commercial and industrial development and **MAY** be used for residential developments with special environmental features.

In Section 2 of By-Law No. 2004-27 there is only one non specific exemption listed for site plan control which is for a **single detached dwelling house in any residential zone**. This would mean that any, semi-detached dwelling, duplex dwelling, town-house or accessory building including docks, boathouses, garages, gazebos and guest cabins proposed for any of the five residential zones would require a site plan control agreement. In addition an agreement would be required for any project in a rural or agricultural zone.

I have had discussions with Meridian Planning Consultants Inc. and they agree that this level of site plan control seems unnecessarily restrictive. I have also reviewed building permits issued since By-Law No. 2004-27 came into effect and have not seen any site plan agreements issued on projects that the By-Law would require it. I believe that the changes proposed in the new By-Law more realistically reflect how the Municipality has actually been enforcing site plan control to date.

The main change to this By-Law appears in Section 1, where only commercial and industrial zones are designated as Site Plan Control Areas, instead of all lands. There are some smaller changes located at 4.2.2. changing a committee member from Clerk/Administrator to Chief Administrative Officer/Clerk and at 4.2.3. from Director of Public Works to Operations Roads Manager. The proposed By-Law would also rescind By-Law No. 2004-27.

Henry Hess.  
CBO

