

THE CORPORATION OF THE MUNICIPALITY OF MAGNETAWAN

BY-LAW NO. 2022 - 36

BEING A BY-LAW TO ESTABLISH SITE PLAN CONTROL AREAS FOR THE MUNICIPALITY OF
MAGNETAWAN

WHEREAS there is an Official Plan in effect in the Municipality of Magnetawan;

AND WHEREAS Section 8.4 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 Municipality of Magnetawan may require the approval of certain plans and drawings as a condition of development in the Municipality, and may require a person undertaking a development to enter into a Site Plan with the Municipality in accordance with Section 41 of the *Planning Act*, R.S.O. 1990 Chapter P.13;

AND 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;

BE IT RESOLVED the Council of the Corporation of the Municipality of Magnetawan enacts the following:

1. LANDS SUBJECT TO THIS BY-LAW

The provision of this By-law shall apply to all of the lands in the Municipality of Magnetawan, no development is permitted within the Municipality unless the person undertaking the development enters into a Site Plan or unless exempted from this requirement by Section 2 of the By-law.

2. CLASSES OF DEVELOPMENT EXCLUDED

- a) A barn, manure storage facility an/or anaerobic digester with an Approved Nutrient Management Plan/strategy
- b) An implement shed where a farm has a minimum of 15ha of workable land
- c) Run-in shelters or one accessory structure less than 120m²
- d) Residential uses including detached dwellings, converted dwellings, duplex dwellings, semi-detached dwellings, triplex dwellings, and accessory buildings; and minor extensions to any legally existing residential or accessory residential building or structures associated with the unit type except:
 - i. Where Site Plan Control is required pursuant to specific policies indicated by the Official Plan of the Municipality of Magnetawan; or
 - ii. Where specifically required as a condition of the approval of a rezoning, minor variance, consent, subdivision building permit and/or road closing.
- e) A garden suite which has an approved temporary use agreement
- f) A private garage, workshop, greenhouse, studio or other building or structure accessory to a principal residential use, or a home occupation with a maximum floor area of 120m²
- g) Resource management operation, including a temporary forestry operation involving the cutting and processing of timber originating from the lot on which the use is located
- h) The erection of a telecommunication, transmission or other similar facility regulated by Industry Canada, Transport Canada, or other federal department or agency
- i) The installation of a portable classroom by a school board
- j) Electric power production facilities, transmission facilities and transformer stations, constructed by a public power authority such as Hydro One or Lakeland
- k) Energy conversion systems and facilities if specifically exempted from *Planning Act* approval requirements
- l) Projects undertaken by or on behalf of a Conservation Authority
- m) Municipal buildings, facilities and works and other public works.
- n) Maple Syrup Farm

3. DELEGATION OF AUTHORITY TO APPROVE SITE PLANS

The Council for the Municipality of Magnetawan as authorized by Section 41 (4.0.1) of the *Planning Act*, provides that Council shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of subsection (4) to approve all applications for Site Plan. For the purposes of this Section of the *Planning Act*, the Site Plan Approval Officer shall be the Clerk or their designate.

4. SITE PLAN REQUIREMENTS/ COMPLETED APPLICATIONS

All Site Plans shall require a pre-consultation and be completed in accordance with the requirements detailed in the application form. If the necessary information is not completed or supplied to the Municipality, the application will be deemed incomplete and will not be processed until satisfactory information is received.

5. REGISTRATION OF SITE PLAN AGREEMENTS

As a condition of approval all applicants will be required to enter into a Site Plan Agreement with the Municipality. Any Agreement or Amendment to an existing Site Plan, made in accordance with the provisions of this by-law, must be registered against the lands affected by the Site Plan, and the cost of such registration shall be borne by the person undertaking the development.

6. COMPLETION AT OWNER’S EXPENSE

Where an owner is required to complete development in accordance with a Site Plan all costs of the application are borne by the applicant. Where an owner is in default of the Site Plan, the Municipality is hereby authorised to complete the requirements of the Site Plan at the expense of the owner and the expense so incurred may be recovered in a like manner as municipal taxes.

7. VIOLATIONS AND PENALTIES

Every person who violates any provision of this By-law or causes or permits a violation shall be guilty of an offence and may be subject to fees under the “Administrative Monetary Penalties By-law” and fined as per the current Fees and Charges By-law.

Further, every person who violates any provision of this By-law or causes or permits a violation shall be guilty of an offence, and upon conviction, thereon, shall forfeit and pay a penalty at the discretion of the presiding justice according to the provisions of Section 67 of the *Planning Act*, R.S.O 1990, c. P13, as amended.

8. REPEAL OF PREVIOUS BY-LAWS

THAT By-law 2010-44 and 2017-40 be hereby repealed effective the date of passing of this By-law, however all site plans and agreements previously entered into will continue to be in full force and effect. Any other previously relevant by-law(s) be hereby repealed effective the date of passing of this By-law.

9. EFFECTIVE DATE

THAT by-law shall take full force and effect on the 1st day of July 2022.

READ A FIRST, SECOND, AND THIRD TIME, passed, signed and the Seal of the Corporation affixed hereto, this 6th day of July 2022.

**THE CORPORATION OF THE
MUNICIPALITY OF MAGNETAWAN**



Mayor



Clerk