

The Corporation of the Municipality of South Huron

By-Law 34-2008 as amended

A By-Law to establish site plan control

Office Consolidation of By-Laws 34-2008 and 39-2022

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**Corporation of the Municipality of South Huron**

**By-Law #34 - 2008**

**“Being a by-law to establish site plan control in the Municipality of South Huron.”**

Whereas subsection 41(2) of the *Planning Act*, R. S. O. 1990, Chapter P.13, provides 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 Council of the Corporation of the Municipality of South Huron adopted the South Huron Official Plan by by-law #30-2003 and it was approved by Huron County Council on July 3, 2003; and

Whereas Council of the Corporation of the Municipality of South Huron adopted the South Huron Comprehensive Zoning By-law #69-2018 on August 13, 2018; and

Whereas subsection 41(13) of the *Planning Act*, R. S. O. 1990, Chapter P.13, provides that where the council of a municipality has designated a site plan control area under this section, the council may, by by-law, (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or 41(5); and (b) delegate to either a committee or the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause 41(13)(a); and

Whereas subsection 41(4) states that no person shall undertake any development in an area designated under subsection 41(2) unless the authorized person referred to in subsection 41(4.0.1.), has approved the required plans and drawings; and

Whereas Section 41 (15.1) and Section 41 (15.2) of the *Planning Act*, R.S.O. 1990, establish that the provisions of Section 41 as it read immediately before April 14, 2022 shall continue to apply to plans and drawings submitted for approval on or after April 14, 2022 but before July 1, 2022; and

Whereas Section 41 (4.0.1) of the *Planning Act*, R.S.O. 1990, provides that Council that passes a By-Law under subsection 41(2) shall appoint an officer, employee, or agent of the municipality as an authorized person for the purposes of Section 41(4) for the Act; and

Whereas Council of the Corporation of the Municipality of South Huron deems it expedient to impose site plan control on the whole of the Municipality of South Huron; and

Whereas Council of the Corporation of the Municipality of South Huron also deems it expedient to exempt certain classes of development from site plan control and further to delegate certain powers and authority to an appointed officer of the municipality.

Now Therefore, Council of the Corporation of the Municipality of South Huron enacts as follows:

Section 1: Definitions

1. For the purposes of this by-law, the following definitions shall apply:

- (a) "Accessibility Guidelines" shall mean the Huron County Universal Design and Accessibility Site Plan Guidelines.
- (b) "Applicant" shall mean the person who makes an application for site plan control and who is authorized to make decisions related to a site plan control application.
- (c) "Building Area" shall mean the greatest horizontal area of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls;
- (d) "Chief Administrative Officer" shall mean the Chief Administrative Officer of the Municipality of South Huron, or an appointed designate.
- (e) "Chief Building Official" shall mean the Chief Building Official of the Municipality of South Huron appointed pursuant to the Ontario Building Code Act, or an appointed designate;
- (f) "Council" means the Council of the of the Corporation of the Municipality of South Huron;
- (g) "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, or of sites for the location of three or more mobile homes, or of sites for the construction, erection or location of three or more land lease community homes.

Pursuant to subsection 41(1.1) of the Planning Act, the definition of "development" does not include the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007;

"Redevelopment" shall have a corresponding meaning;

- (h) "Land lease community home" means any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use as the site for the dwelling, but does not include a mobile home, as defined in subsection 46(1) of the Planning Act;
- (i) "Mobile home" means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed, as defined in subsection 46(1) of the *Planning Act*;
- (j) "Municipality" means the Corporation of the Municipality of South Huron;

- (k) "Municipal Engineer" means the person engaged by the Municipality of South Huron to provide professional engineering services in the Municipality of South Huron, or a designated designate;
- (l) "Owner" means a person, corporation or firm whose interest in the land is defined and whose name is specified in an instrument in the local registry office;
- (m) "Site Plan" means those plans and/or drawings as contemplated by subsection 41(4) of the Planning Act;
- (n) "Site Plan Review Group" means a working group made up of Municipality of South Huron staff, including the Chief Administrative Officer, General Manager of Infrastructure and Development; General Manager of Corporate Services, Chief Building Official, the General Manager of Fire and Community Services, Planning Coordinator Planner from the Huron County Planning Department who is designated to provide services to the Municipality of South Huron, and other individuals as may be appropriate from time to time. The Site Plan Review Group may also seek assistance from the Municipal Engineer and Solicitor as required;
- (o) "Trailer" means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed, pursuant to subsection 164(4) of the Municipal Act, 2001, S. O. 2001, Chapter 25, and subsection 3(1) of the City of Toronto Act, 2006, S. O. 2006, Chapter 11, Schedule A.
- (p) "Wind Facility" is a large scale wind facility with a minimum of one industrial wind turbine which has the capacity to produce greater than or equal to 0.5 megawatts of energy.

## Section 2: Site Plan Control Areas

1. The lands affected by this by-law and which are hereby designated as a "Site Plan Control Area" shall be as set out in Schedule 'A' attached and which forms part of this by-law.

## Section 3: Application Fees

Pursuant to subsection 69(1) of the *Planning Act*, the council of a municipality, by by-law, may establish a tariff of fees for the processing of applications made in respect of planning matters.

1. The fees required by this by-law shall be as set out in Schedule 'B' attached and which form part of this by-law and rescinds and replaces By-law #38-2002 of the Corporation of the Municipality of South Huron.
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.

#### Section 4: Consultation

1. Pursuant to subsection 41(3.1) of the *Planning Act*, applicants are required to consult with the Municipality of South Huron prior to submitting plans and drawings for approval under subsection 41(4) of the *Planning Act*.

#### Section 5: Plans And Drawings

Except as otherwise provided for herein, no person shall undertake any development or redevelopment within the Municipality of South Huron unless and until the Municipality has approved the following:

1. Plans showing the location of all buildings and structures (site plan) 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 subsection 41(7) (a) of the *Planning Act*, including facilities designed to have regard for accessibility for persons with disabilities.
2. Drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display,
  - (a) the massing and conceptual design of the proposed building;
  - (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;
  - (c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
  - (d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection 41(2) of the *Planning Act* that both contain provisions relating to such matters are in effect in the municipality;
  - (e) the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
  - (f) facilities designed to have regard for accessibility for persons with disabilities. The Huron County Universal Design and Accessibility Site Plan Guidelines shall be used as the Municipality of South Huron standards to review drawings submitted under Section 41 of the *Planning Act* to ensure that facilities have been designed to have regard for accessibility for persons with disabilities (s. 41(2)(f) of the *Planning Act*).

## Section 6: Conditions Of Approval

As a condition to the approval of plans, drawings and elevations referred to in section 5 of this by-law, the Municipality may require the owner of the lands to:

1. Provide, to the satisfaction of and at no expense to the Municipality, any or all of the following:
  - (a) Widening of highways that abut on the land.
  - (b) Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbs and traffic direction signs.
  - (c) 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.
  - (d) Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
  - (e) Facilities designed to have regard for accessibility for persons with disabilities.
  - (f) Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
  - (g) Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
  - (h) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
  - (i) Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
  - (j) Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
2. Maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs b), c), d), e), f), g), h), i) and j) of section 6.1, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
3. Enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in section 6.1 of this by-law and the maintenance thereof as mentioned in section 6.2 of this by-law or with

the provision and approval of the plans and drawings referred to in section 5 of this by-law;

4. Enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved under section 5;
5. Convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way.

#### Section 7: Securities

1. The Municipality of South Huron shall require security to be posted for a development. In such cases, the owner of the said lands shall deposit with the Municipality an irrevocable letter of credit, in a form approved by the Municipal Treasurer, in such amount that will be determined by the Municipality.
2. The value of the security shall be determined by the Municipality. The value of the security shall include but not be limited to: an estimate of engineering and legal fees; contingency; landscaping; fencing; drainage facilities; sanitary sewers; watermains; water services; paving and curbing proposed on lands by the Owner or required by the Municipality.
3. Such irrevocable letter of credit shall be deposited with the Municipality prior to the execution of any site plan control agreement.
4. The letter of credit shall be repaid to the owner when, in the opinion of the Municipality, all the terms and conditions of the said site plan agreement have been fulfilled.

#### Section 8: Agreements

1. The Agreements referred to herein shall be between the owner of the land and the Municipality, shall be in a form acceptable to the Municipality and in a form which is registerable in the local land registry office. The Municipality shall require the agreement to be registered against the land to which it applies, at no expense to the Municipality, and the agreement shall be binding on any and all subsequent owners of the land.

#### Section 9: Exemptions

1. Notwithstanding the foregoing, the following forms and classes of development and construction shall be exempt from Site Plan Control:
  - (a) one and two unit dwellings, garden suites, and structures accessory to the residential use;
  - (c) one unit residential dwellings and accessory structures in a Mobile Home Park (R4) zone and Residential Park (R5) zone;
  - (d) building or structures not exceeding a total gross floor area of fifty (50) square metres;

- (e) land and buildings owned by the Corporation of the Municipality of South Huron;
- (f) underground storage tanks;
- (g) parking lots containing less than five (5) parking spaces;
- (h) any interior alteration to an existing building provided that there is no resulting alteration to the exterior of the building and no resulting alteration to any other requirement of this by-law;
- (i) an addition not exceeding twenty percent (20%) of the building floor area of the existing building or structure, excluding unfinished basement area, provided that the existing building or structure has not previously received approval under this by-law;
- (k) septic systems;
- (l) tents, marquees, trailers and similar temporary structures to be erected for a period not exceeding two (2) weeks in any calendar year;
- (m) buildings or structures, additions or alterations to buildings and structures, used for the purpose of enclosing mechanical equipment, staircases, passageways, entrances, porches, verandahs and similar structures.

#### Section 10: Authority

1. The Chief Administrative Officer of the Municipality of South Huron is the approval authority for site plan control. In the event the Chief Administrative Officer is unable to provide approval, the General Manager of Infrastructure and Development is authorized as alternate municipal approval authority for site plan control.
2. The Site Plan Review Group shall review site plans submitted to the Municipality and determine whether the site plan application is complete. The mandate of the Site Plan Review Group is to represent the public interest with both functional and aesthetic concerns representing matters such as, but not limited to, traffic circulation, public safety, night lighting, pedestrian walkways, municipal services, drainage, flood protection, environmental quality, waste management, noise abatement, privacy screening, and landscape design. The Site Plan Review Group shall provide recommendations to the Chief Administrative Officer of the Municipality of South Huron regarding the approval of a site plan and related site plan agreement.
3. Pursuant to subsection 41(13) of the *Planning Act*, the Chief Administrative Officer 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 the enactment of this by-law. The Chief Administrative Officer shall, prior to approving any minor change to a Site Plan Agreement, confer with the Site Plan Review Group.
4. The Chief Administrative Officer shall be authorized to exempt development from provisions of the Site Plan Control by-law; however, prior to doing so shall confer with the Site Plan Review Group.



#### Section 11: Duty

1. Every person who has a duty to satisfy any condition imposed by the Municipality or any provision of an Agreement made pursuant to this by-law shall forthwith after notice satisfy such duty.

#### Section 12: Risk, Expense and Default

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.
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's remedies the costs incurred by the Municipality which can not 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.

#### Section 13: Application of this By-Law

1. Any site plan control by-laws previously passed by the Municipality of South Huron, the former Town of Exeter, the former Township of Stephen, or the former Township of Osborne, designating properties as site plan control areas remain in full force and effect.
2. Any development that occurs on a property subject to site plan control following the date of passing of this by-law shall be subject to the provisions of this by-law.
3. This by-law comes into force and takes effect on the date it is passed by Council.

**SCHEDULE 'A' TO BY-LAW #34 – 2008**

**Updated by By-law 39-2022**

**SITE PLAN CONTROL AREAS**

1. The lands affected by this By-law and which are hereby designated as “Site Plan Control Area” are as follows:

<b>CLASS</b>	<b>ZONE SYMBOLS AND DEVELOPMENTS</b>
Agriculture	Agricultural Commercial-Industrial (AG3) Commercial-scale wind energy facilities
Residential	Residential – Medium Density (R2) Residential – High Density (R3) Mobile Home Park (R4) Residential Park (R5)
Commercial	Highway Commercial (C3) Core Commercial (C4) Mixed Use Commercial (C5) Grouped Commercial (C6) Village Commercial (C8)
Industrial	Light Industrial (M1) General Industrial (M2)
Green Space	Parks and Open Space (OS) Flood Fringe (FF) Floodway (FW)
Recreational	Recreational Trailer Park and Campground (RC2) Recreational Commercial (RC3) Huron Country Playhouse (RC4)
Community Facility	Community Facility (CF)
Future Development	Future Development (D)
Extractive	Extractive Resources (ER1) Extractive Industrial (ER2)
Other	Disposal (DS) Salvage Yard (SY) Airport Lands – Essential Facilities (AL1) Airport Lands – Airport Related Uses (AL2)

2. Land which has been rezoned to include special provisions and falls into one of the general zone categories listed in Schedule 'A' of this by-law are designated as a “Site Plan Control Area”.