



The Corporation of Norfolk County

By-Law 2014-97

Being a By-Law to designate Norfolk County as an area of Site Plan Control.

WHEREAS Subsection 41(2) of the Planning Act, R.S.O. 1990, c.P.13, (“the Planning Act”) as amended, enables the Council of a municipality to designate the whole or any part of such a municipality as a Site Plan Control Area when such provisions are included in the Official Plan;

AND WHEREAS Section 5 of the Municipal Act, 2001, S.O. 2001, c.25, (“the Municipal Act”) as amended, states that the powers of the Municipal Council shall be exercised by By-Law, unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Norfolk County has an Official Plan in effect which designates the entire County as a Site Plan Control Area;

NOW THEREFORE the Council of The Corporation of Norfolk County hereby enacts as follows:

1. Designated Area

1.1 That the area hereinafter described is designated as a Site Plan Control Area:

- a) All of the lands situated within the corporate boundaries of Norfolk County.

2. Definitions

2.1 “Development”: shall mean development as in Subsection 41(1) of the Planning Act, as amended, and includes:

- a) the construction, erection or placing of one or more buildings or structures on land;
- b) the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;
- c) the laying out and establishment of:
 - i. a commercial parking lot;

- ii. sites for the location of three or more trailers as defined in clause (a) of Subsection 164(4) of the Municipal Act, 2001;
 - iii. sites for the location of three or more mobile homes as defined in Subsection 46(1) of the Planning Act, R.S.O. 1990, c.P.13; or
 - iv. sites for the construction, erection or location of three or more land lease community homes as defined in Subsection 46(1) of the Planning Act.
- 2.2 “Manager Community Planning” means the Manager of Community Planning of the Corporation of Norfolk County, or any successor to that position, or designate thereof.
- 2.3 “Site plan application” means an application for approval of plans and drawings for a development under Section 41 of the Planning Act.
- 2.4 “Planning Act” means the Ontario Planning Act, R.S.O. 1990, c. P. 13 as amended from time to time.

3. Approval of Plans and Drawings

- 3.1 No person shall undertake any development on land located within a zone identified as subject to site plan control unless the Council of Norfolk County or any person delegated authority to do so by Norfolk County Council or the Ontario Municipal Board has approved plans, drawings, and any agreements, in accordance with Subsection 41(4) of the Planning Act and imposed any conditions in accordance with Subsection 41(7) of the Planning Act.
- 3.2 Norfolk County may apply certain conditions to site plan approval, and may require that a certain standard of design be applied.
- 3.3 All development located on the said lands shall be subject to and in accordance with a site plan agreement, if deemed required, pursuant to Section 40 of the Planning Act.
- 3.4 Where a site plan agreement is deemed required as a condition of site plan approval, the Manager of Community Planning or designate is authorized to prepare such agreement.
- 3.5 Unless otherwise determined by Norfolk County Council, or the delegated authority, the site plan agreement shall be registered on title against the land to which it applies at the applicable Land Registry Office, in accordance with Subsection 41(10) of the Planning Act.

- 3.6 Norfolk County may require financial security through bonding or other financial arrangement as deemed appropriate by Norfolk County prior to providing site plan approval.

4. Scope

- 4.1 References to zones in this By-Law are references to zones or classes of zones established under the Zoning By-Law for Norfolk County 1-Z-2014, as amended.

5. Classes of Development Requiring Site Plan Approval

- 5.1 Subject to Section 6 of this By-Law, the following classes of development require site plan approval:
- a) all medium and high density residential development, including:
 - i. a lot upon which site plan approval has been required under a subdivision or other development agreement; or
 - ii. a lot zoned R3, R4, R5, or R6 zones;
 - b) all commercial, industrial and institutional development in residential zones;
 - c) all development in commercial zones;
 - d) all development in employment or industrial zones;
 - e) all development in institutional zones;
 - f) all development in Open Space Tent and Trailer Zone;
 - g) all development of and expansions to Medical Marihuana Production Facilities, and,
 - h) all development larger than the maximum permitted area under section 12.2 Value Added- Agriculture of the Zoning By-Law of Norfolk County 1-Z-2014.

6. Exemptions from Site Plan Control

- 6.1 Notwithstanding Section 5, no site plan approval shall be required for:
- a) development of farm buildings and the residence of the farm operator, except in accordance with subsection 5.1 h) of this By-Law;

- b) development in the form of residential freehold street townhouse units approved as part of a registered plan of subdivision;
- c) development in the form of single detached, duplexes or semi-detached dwellings, except in cases where specially required.

7. Delegation of Powers

7.1 Norfolk County Council's powers under Section 41 of the Planning Act, are hereby delegated to the Manager Community Planning, any successor to that position, or designate thereof.

8. That the effective date of this By-Law shall be the date of final passage thereof.

Read a first and second time this 15th day of July, 2014.

Read a third time and finally passed this 15th day of July, 2014.

Original By-Law Signed by:

Mayor Dennis Travale and Clerk/Manager of Council Services Andrew Grozelle

**Explanation of the Purpose and Effect of
By-Law 2014-97**

Norfolk County Official Plan identifies the entire County as being subject to site plan control. The purpose of this By-Law is to implement the Official Plan policy. This By-Law identifies specific zones and classes of zones as being subject to site plan control in order to afford the County with an additional measure of development control relative to such matters as building location, parking lay outs, ingress and egress, lot grading, storm water management, screening, lighting, garbage and buffering.

The approval of site plans may be conditions upon a site plan agreement which is required to be registered on title.

This By-Law also delegates all of Council's powers under Section 41 of the Planning Act, to the Manager Community Planning or delegate for the approval of site plan applications.

The effect of this By-Law is that development in R3, R4, R5, R6 zones; commercial zones; industrial zones; institutional zones; open space tent and trailer zone; medical marihuana production facilities; and uses larger than the maximum permitted area under section 12.2 of the Norfolk County Zoning By-Law shall require site plan approval prior to commencement of any new development.