



DESIGNATE A SITE PLAN CONTROL AND DELEGATE AUTHORITY WITH RESPECT TO APPROVAL OF SITE PLANS BY-LAW CONSOLIDATION

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This Site Plan Control By-law contains the following amendments:

By-law 56-2025 – May 20, 2025

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THE CORPORATION OF THE MUNICIPALITY OF BLUEWATER

**BY-LAW NUMBER 85 - 2019
(Amended by By-law 56-2025)**

Being a By-law to designate a site plan control area and delegate authority with respect to the approval of site plans within the Municipality of Bluewater

WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended ("*Planning Act*") provides in part 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 situate may, by by-law designate the whole or any part of such area as a site plan control area; and

WHEREAS in the Municipality of Bluewater Official Plan Council may pass by-laws designating all or part of the areas as site plan control areas and Council considers it appropriate to designate the whole of the Municipality of Bluewater as a site plan control area; and

WHEREAS Section 41 of the *Planning Act* provides that no person shall undertake any Development in an area designated under a by-law passed under that section without first having received approval; and

WHEREAS under the *Planning Act* Council may define any class or classes of Development that may be undertaken without approval; and

WHEREAS Section 41 (13) of the *Planning Act* provides that where the council of a Municipality has designated a site plan control area 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 subsections 41 (4) or (5); and
- b) delegate to either a committee of 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 development as mentioned in clause 41 (13)(a);

THEREFORE the Council of The Corporation of the Municipality of Bluewater enacts as follows:

1. INTERPRETATION

1.1 In this By-law unless a contrary intention appears:

- (a) "Approval Authority" means Council or the person appointed by this By-law to exercise all or any of Council's authority under Section 41 of the Planning Act;
- (b) "CBO" means the Chief Building Official for the Municipality and anyone acting in the capacity of Chief Building Official for the Municipality;
- (c) "Corporation" means The Corporation of the Municipality of Bluewater;
- (d) "Council" means Council of The Corporation of the Municipality of Bluewater'
- (e) "Development" means Development as defined in section 41 of the Planning Act as includes:
 - i. The construction, erection or placing of one or more buildings or structures on land;
 - ii. The making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;
 - 111. The laying out and establishment of:
 - (1) a parking lot resulting in five (5) or more spaces;
 - (2) sites for the location of three or more trailers as defined in subsection 164(4) of the *Municipal Act, 2001*, S.O. 2001c. 25, as amended;
 - (3) sites for the location of three or more mobile homes as defined in subsection 46 (1) of the *Planning Act*; or
 - (4) 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*;

- (f) "OLT" means Ontario Land Tribunal;
- (g) "Manager of Development Services" means the Manager of Development Services for the Municipality and anyone acting in the capacity of Manager of Development Services for the Municipality;
- (h) "Municipality" or "Municipality of Bluewater" means The Corporation of the Municipality of Bluewater;
- (l) "On Farm Diversified Use" means uses that are secondary to the principal agricultural use of the property, and are limited in area. On-farm diversified uses include, but are not limited to, home industries, agri-tourism uses, and uses that produce value-added agricultural products.;
- (m) "Owner" means the person appearing as the registered owner according to the records of the proper land registry office;
- (n) "Site Plan Agreement" means the agreement pursuant to this by-law and the Site Plan Approval Procedure Guidelines and Standards to implement a site plan approval for an application for Site Plan Control;
- (o) "Site Plan Approval Procedure Guidelines and Standards" shall mean the site plan approval guidelines and standards approved by the Approval Authority;
- (p) "Wellhead Protection Area" means an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats, as defined in the *Clean Water Act, 2006*, 5.0. 2006, c. 22 and O. Reg. 385/08, s. 2.

1.2 Unless otherwise defined or the context otherwise implies, a word or term used in this by-law has the same meaning as defined in the Municipality of Bluewater Zoning By-law, as amended.

2. SITE PLAN CONTROL AREA

- 2.1 The whole of the Municipality of Bluewater as constituted from time to time is hereby designated as a site plan control area pursuant to section 41 of the *Planning Act*.

3. DEVELOPMENT REQUIRING SITE PLAN APPROVAL

- 3.1 Subject to Section 4 of this by-law, all Development in all land use classes and zones that may be established in any zoning by-laws passed by Council require site plan approval;

4. EXEMPTIONS FROM SITE PLAN CONTROL

- 4.1 Notwithstanding Section 3 of this by-law, no site plan approval shall be required for:
- i) All residential buildings and structures on a parcel of land if that parcel of land will contain no more than ten (10) separate dwelling units, including additional residential units in ancillary buildings;
 - ii) All buildings and structures accessory to residential buildings and structures as noted in clause i) above;
 - iii) All agricultural buildings and structures used for agricultural purposes (i.e. barns; silos; drivesheds; and manure storage facilities) in an AG1 and AG2 Zone including commercial-scale greenhouse operations on a site less than 4 hectares. Buildings, structures and associated uses used for on-farm diversified uses providing services to the public and cannabis production facilities are not exempt from Site Plan Control;
 - iv) All licensed mineral aggregate resource operations;
 - v) All temporary buildings and structures, including temporary buildings and structures, incidental to and necessary for construction work being carried on. This exemption is only for said buildings and structures which are necessary for the construction work in progress which has neither been finished nor abandoned;
 - vi) Any addition to an existing building provided such addition does not increase gross floor area of the building to which the addition is proposed by more than 25%, and which in the opinion of the Municipality's Chief Building Official does not materially affect an existing Site Plan registered against that property;
 - vii) Any buildings and land owned by the Municipality of Bluewater;

- viii) The replacement of travel trailers, mobile homes, park model trailer and the construction of additions on the same;
- ix) Parking lots smaller than 5 parking spaces;
- x) Notwithstanding the exemptions listed above: new, expanding or altered septic systems located in areas where it would be a significant drinking water threat, is subject to the approval of plans and drawings specific to the servicing details of the proposal. This includes but is not limited to Wellhead Protection Area with a vulnerability score of 10. The local Source Protection Plan shall be referenced for the location of the wellhead protection area; and
- xi) Notwithstanding the exemption specifically listed in item i) above:
- xii) If any portion of the parcel of land is located within 120 metres of a wetland, lake, river, stream or creek, or 300m of a railway line, it may be subject to approval of plans and drawings as required under this policy”

4.2 Notwithstanding the exemptions listed in section 4.1 above, all new, replacement or altered sewage system Development proposed within a Wellhead Protection Area where the vulnerability score is 10 is subject to the approval of plans and drawings as required under Section 5 of this By-law.

4.3 Notwithstanding the exemptions listed in section 4.1 above, all shipping containers, off of their chassis, used for temporary or permanent storage within all zones except AG1 and AG4 are subject to the approval of plans and drawings as required under Section 5 of this By-law.

5. REQUIREMENTS

5.1 Subject to Section 4 of this by-law, no person shall undertake Development in an area designated under Section 3 unless Council, their designate or OLT as the case may be has approved plans or drawings as outlined in Section 41 of the *Planning Act*.

6. APPLICATIONS

6.1 In order for a site plan application to be considered under this by-law the applicant must submit the following to the Corporation:

- (a) A complete application in the form specified by the CBO;
- (b) The required fees;
- (c) 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 to the satisfaction of the Approval Authority; and
- (d) Any other plans and drawings as outlined in Section 41 (4) of the *Planning Act* that may be requested or required by the Approval Authority;

- 6.2 Applications for amendments to approved site plan applications shall be made to the municipality by submission of a completed Site Plan Control application form, accompanied by the required fee as determined by Council from time to time and such plans as required, showing the proposed change;
- 6.3 As a condition to the approval of the plans and drawings referred to in Section 5 herein, the Approval Authority may require the Owner to provide any of the items listed in Section 41 (7) of the *Planning Act*.
- 6.4 All costs incurred by the municipality to process, evaluate, review and implement site plan approval are the responsibility of the Owner.

7. CLASSES OF DEVELOPMENT EXEMPT FROM SITE PLAN APPROVAL

- 7.1 Notwithstanding Section 5 of this by-law, the following class or classes of Development may be undertaken without the approval of plans and drawings otherwise required under this by-law:
- (a) All residential buildings and structures containing no more than ten (10) dwelling units and including single-detached, semi-detached and duplex dwellings;
 - (b) All accessory buildings and structures to a maximum of 200 square metres of gross floor area, except for all buildings and structures accessory to residential buildings and structures as noted in clause 7.1 (a) above;
 - (c) All temporary buildings and structures:
 - i) on site for no more than thirty (30) days
 - ii) buildings and structures incidental to and necessary for construction work being carried on but for so long only as the same are necessary for the construction work in progress which has neither been finished or abandoned;
 - (d) An addition to an existing building to which the proposed addition is no more than 10 percent of the total floor area of the storey to which the addition is proposed;
 - (e) Any interior alteration to an existing building provided such interior alteration does not increase the usable floor area of the storey on which the interior alteration is proposed by more than 20 percent;
 - (f) The replacement of Travel Trailers, Park Model and Mobile Homes and the construction of additions to Travel Trailers, Park Model Trailers, Mobile Homes and Residential Park Homes located only within the following zones:
 - Residential Park Zone (R4)
 - Trailer & Tent Park Zone (RC2)
 - Recreational Commercial Zone (RC3);
 - (g) An outdoor commercial patio;
 - (h) A temporary tent as defined in the Ontario Building Code;

- (i) The creation of a park and/or the addition of park equipment or accessory structures within an approved plan of subdivision.

8. REPLACING OR REBUILDING DUE TO FIRE OR NATURAL HAZARD

- 8.1 Despite Sections 6 and 7 any Development subject to site plan control that is damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that existed before the damages occurred, the use remains the same and no new dwelling units are added.

9. DELEGATION TO CBO

- 9.1 Subject to section 10 of this by-law, Council's powers under section 41 of the *Planning Act* are delegated to the CBO.
- 9.2 The delegation under this by-law of Council's powers under section 41 of the *Planning Act* does not include a delegation of the power to establish a site plan control area under section 41(3) or the power to define classes of development which may be undertaken without approval under s. 41(13)(a) of the *Planning Act*.
- 9.3 Without limiting section 9.1, the CBO:
 - (a) shall develop and implement Site Plan Approval Procedure Guidelines and Standards, subject to the direction of Council;
 - (b) shall determine the conditions of approval to a site plan Application;
 - (c) may require as a condition to the approval of the plans and drawings referred to in subsection 41 (4) of the *Planning Act* that the owner of the land:
 - (i) enter into one or more Agreements with the Corporation dealing with the provision and maintenance of the facilities and works to be provided in conjunction with the building or structure(s), all in accordance with the plans and drawings approved under the *Planning Act* and this by-law; or
 - (d) may approve minor revisions to any application that has received site plan approval by providing written permission;
 - (e) may approve amendments to Applications, as well as amendments to Agreements;

10. DELEGATION OF COUNCIL'S POWERS

- 10.1 The exercise of the powers, authority, or appointment delegated or made under section 9 of this by-law is subject to the following:
 - (a) The provisions of the Site Plan Approval Procedure Guidelines and Standards shall be followed and applied in each circumstance as it arises with such variations or modifications as the circumstances may require so long as each applicable provision is given *effect* according to its true intent and purpose;

- (b) On an annual basis, the CBO shall report to Council a summary of each file where delegated powers were used for Site Plan Control approvals;
- (c) At any time, Council may revoke any and all authority delegated to the CBO pursuant to section 9.1 in respect of a particular site plan application, or all site plan matters;
- (d) In the event of a dispute between the CBO and an applicant regarding the site plans, drawings or conditions of approval, the applicant may request in writing the matter be referred to Council for consideration, and Council may revoke any and all authority delegated to the CBO pursuant to section 9.1 in respect of such an application.
- (e) The CBO has authority to enter into Site Plan Control Agreements on behalf of the Municipality.
- (f) The CBO may require a letter of undertaking as an alternative to a Site Plan Agreement when all of the following conditions are met:
 - (i) easements or transfers are not required to be made to the Municipality;
 - (ii) the Owner is not required to enter into other related Development Agreements with the Municipality;
 - (iii) special conditions have not been imposed that required an Agreement for purposes of enforcement and notification of subsequent Owners of the conditions other than a Mutual Drain Agreement;
 - (iv) the total amount of securities to be provided to the Municipality does not exceed ten thousand dollars (\$10,000.00.); and
 - (v) installation of works on municipal property that are constructed by the Municipality or its contractors;
- (g) Any site plan application may be referred to Council if, during the processing of the application it is determined by the CBO that the possible impacts of the application warrant consideration by Council;

10.2 The Mayor and Clerk are authorized to execute Agreements on behalf of the Municipality that have been authorized by by-law.

11. EXPIRY AND EXTENSIONS OF SITE PLAN APPROVALS

11.1 An approval of plans and agreement conditions shall be met within three (3) years from the date of execution of the agreement, unless otherwise specifically agreed to

by the Owner and the Corporation in a site plan Agreement”;

- 11.2 The Approval Authority may grant one extension of a site plan approval for a period of up to a maximum of up to two (2) years, the extension period to commence from the date of the original final approval;
- 11.3 Any application for extension of the site plan approval must be received prior to the expiry of the approval;

12. ENFORCEMENT

- 12.1 Every person who, without having plans or drawings approved in accordance with Section 41 of the *Planning Act* undertakes any Development in the site plan control area designated by this by-law is pursuant to section 57 of the *Planning Act* guilty of contravening Section 41 of the *Planning Act*;
- 12.2 Every person who undertakes any Development in the site plan control area designated by this by-law without providing or maintaining any of the facilities, works or matters that are mentioned in Clause 41 (7) (a) of the *Planning Act* and that are required by the Corporation under that clause as a condition to the approval of plans or drawings in accordance with Section 41 is, pursuant to section 67 of the *Planning Act*, guilty of contravening Section 41 of the *Planning Act*;
- 12.3 Every person who undertakes any Development in the site plan control area designated by this by-law without entering into one or more Agreements or letters of undertaking with the Corporation that deal with or ensure the provision or maintenance of any of the facilities, works or matters and that the person is required by the Corporation to enter into as a condition to the approval of plans and drawings in accordance with Section 41 is, pursuant to section 67 of the *Planning Act*, guilty of contravening Section 41 of the *Planning Act*;
- 12.4 Every person who is convicted of an offence under Section 41 of the *Planning Act* is liable to a fine or penalty prescribed by Section 67 of the *Planning Act*, or as amended;
- 12.5 Where the Owner fails to provide or maintain any of the facilities, works or matters that are to be provided in conjunction with all buildings and structures to be erected or that are mentioned in Clause 41 (7) (a) of the *Planning Act* and that are required by the Corporation as a condition to the approval of plans and drawings referred to in subsection 41 (4) of the *Planning Act*, the Council may by by-law direct that such facilities, works or matters shall be provided or maintained by or on behalf of the Corporation at the expense of the Owner and the expense incurred shall be recovered:
 - (a) by use of any deposits or securities furnished to the Corporation under an Agreement or letter of undertaking;
 - (b) by action;
 - (c) by adding the expense to the collector's roll of taxes and shall be collected in a like manner as property taxes;

13. SEVERABILITY

- 13.1 If a court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, it is the intention of Council that the remainder of the by-law shall continue to be in force unless the court makes an order on the contrary.

14. CONFLICT

- 14.1 In The event of a conflict between the provisions of the Site Plan Approval Procedure Guidelines and Standards and any applicable zoning by-law or federal or provincial statute or regulation, the provisions of the zoning by-law, statute or regulation shall apply.
- 14.2 In the event of a conflict between the provisions of the above sections of this By-law and the Site Plan Approval Procedure Guidelines and Standards, the above sections of this By-law shall prevail.

15. ENACTMENT

- 15.1 This by-law shall come into force on the date it is passed;
- 15.2 The Corporation of the Municipality of Bluewater By-law Number 78 - 2018, "Being a by-law to establish a site plan control area and delegate authority with respect to the approval of site plans within the Municipality of Bluewater passed by Council on the September 17, 2018 is hereby repealed;

16. PROCEDURE GUIDELINES AND STANDARDS

- 16.1 THAT the Site Plan Approval Procedure Guidelines and Standards shall be attached as "Schedule A" and form a part of By-law 85-2019.

Read a first and second time this 7th day of October, 2019.

Read a third time and finally passed this 7th day of October, 2019.

"original signed"

Paul Klopp, Mayor

"original signed"

Chandra Alexander, Clerk