

**TOWNSHIP OF MICHIPICOTEN**

**BY-LAW NO. 771-91**

BEING A BY-LAW to designate certain areas as a Site Plan Control Area, pursuant to Section 40 (2) of The Planning Act, R.S.O. 1983.

WHEREAS The Planning Act, R.S.O. 1983, Chapter 1, Section 40 (2) 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 the Council of The Corporation of the Township of Michipicoten deems it advisable to designate certain areas as a Site Plan Control Area;

NOWTHEREFORE the Council of The Corporation of the Township of Michipicoten enacts the following as a By-Law:

1. **TITLE**

This by-law may be cited as the "Site Plan Control Area By-Law".

2. **DESIGNATED AREA**

a) The provisions of this By-Law shall apply to the following lands located within the geographic limits of the Township of Michipicoten as follows:

i) all lands located in the following Zones

- General Commercial (C1)
- Local Highway Commercial (C2)
- Highway Commercial (C3)
- Waterfront Commercial (C4)
- General Industrial (M1)
- Restricted Industrial (M3)
- Institutional (I)

b) The area defined by Section 2 (a) herein is hereby designated as a Site Plan Control Area.

- c) No person shall undertake any development in the area defined by Section 2 (a) herein, unless Council or, where a referral has been made, the Ontario Municipal Board has approved plans and/or drawings for such development.
3. In this By-Law, unless the context requires otherwise, the following definitions and interpretations shall apply:
- a) "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.
- b) "DRAWING" means a graphic rendering, drawn to scale, showing plan, elevation and cross-section view for each industrial and commercial building to be erected and for each residential building containing twenty-five or more dwelling units to be erected, which is sufficient to display,
- i) the massing and conceptual design of the proposed building;
  - ii) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
  - iii) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings,
- but which excludes the layout of interior areas, other than the interior walkways, stairs and escalators referred to in (iii) above, the colour, texture and type of materials, window details, construction details, architectural detail and interior design.
- c) "COUNCIL" means the Council of The Corporation of the Township of Michipicoten.

- d) "ERECT" means the carrying out of any activity within the meaning of "DEVELOPMENT" herein. "ERECTED" shall have a corresponding meaning.
- e) "PERSON" shall include any association, firm, partnership, syndicate, company, corporation, its agent or trustee, and the heirs, administrators, executors, assigns and other legal representatives of such person to whom the context may apply according to law.
- f) "PLAN" means a formal drawing drawn to scale and showing:
  - i) the location of all buildings and structures to be erected,
  - ii) the location of all facilities and works to be provided in conjunction with (i) above, and
  - iii) all facilities and works required by Council pursuant to Section 35 (a) of The Planning Act.
- g) "THE PLANNING ACT" means The Planning Act, R.S.O. 1983, Chapter 1, and any amendments thereto.
- h) "ZONE" means a designated area of land use as defined by or set out in any by-law passed by Council pursuant to Section 35 of The Planning Act.

#### 4. ADMINISTRATION

- a) This By-Law shall be administrated by the Chief Building Official.
- b) Notwithstanding any provisions of the Building By-Law, or any other By-Law of The Corporation of the Township of Michipicoten to the contrary, no building permit shall be issued within the area defined by Section 2 (a) hereof until the plans and drawings for such development have been approved by Council or by the Ontario Municipal Board pursuant to Section 40 (4) of The Planning Act.

- c) Any person who contravenes this By-Law shall be guilty of an offence and upon conviction therefor, shall forfeit and pay a fine of not more than Two Thousand Dollars (\$2,000.00), exclusive of costs, and every such fine shall be recoverable under The Provincial Offences Act. Each day of violation shall constitute a new offence.
  
- d) If any section, clause or provision of this By-Law is, for any reason, 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 hereof other than the section, clause or provision so declared to be invalid, and it is hereby declared to be the intention that all the remaining sections, clauses and provisions of this By-Law shall remain in full force and effect until repealed, notwithstanding that one or more provisions hereof shall have been declared to be invalid.

5. This By-Law shall become effective on the date of final passing.

READ a first, second and third time and finally passed this 4th day of June, 1991.



  
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REEVE

  
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CLERK