

**BY-LAW NUMBER 157-03**

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**THE CORPORATION OF THE COUNTY OF BRANT**

To Establish Site Plan Control

**WHEREAS** Section 41(2) of the Planning Act, R.S.O., 1990, as amended, provides that where an Official Plan sets out policies for the implementation of Site Plan Control in a municipality for certain purposes, the Council of the municipality may, by by-law designate the whole or any part of the area as a Site Plan Control Area;

**AND WHEREAS** the County of Brant has adopted a County-wide Official Plan;

**AND WHEREAS** Section 7.5 of the Brant County Official Plan provides policy for the establishment and use of Site Plan Control;

**AND WHEREAS** it is considered to be appropriate and desirable to adopt a by-law to apply Site Plan Control throughout the municipality to provide consistency in application;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE COUNTY OF BRANT HEREBY ENACTS** as follows:

1. **THAT** all lands within the County of Brant are hereby designated as a Site Plan Control Area.
2. **THAT** certain uses are exempt from the provisions of Site Plan Control, more particularly described as follows:
  - (a) single detached dwellings, semi-detached dwellings and duplex dwellings on one lot.
  - (b) aggregate extraction under a license issued by the Province of Ontario
  - (c) non-livestock agricultural operations
  - (d) livestock agricultural operations with fewer than 375 livestock units where the intensity is less than 2.5 livestock units per hectare.
  - (e) livestock agricultural operations with fewer than 100 livestock units
  - (f) buildings or structures owned, constructed by, or under the authority of the County of Brant
  - (g) structures for flood control purposes, constructed by or under the authority of a conservation authority
3. **THAT** notwithstanding Paragraph 2(a) above, single detached dwellings, semi-detached dwellings and duplex dwellings designated under Section V of the Ontario Heritage Act shall be subject to the provisions of Site Plan Control.

4. **THAT** notwithstanding Paragraph 2(a) above, single detached dwellings, semi-detached dwellings and duplex dwellings within a district designated under Section V of the Ontario Heritage Act may be subject to the provisions of Site Plan Control at the discretion of Council.
5. **THAT** notwithstanding Paragraph 2(a) above, any single detached dwelling, semi-detached dwelling and duplex dwelling on a lot designated Wetlands or Natural Environment shall be subject to the provisions of site plan control.
6. **THAT** notwithstanding Paragraph 2(a) above, second or subsequent single detached dwellings, on a single lot, permitted by an amendment to the zoning by-law, and excluding amendments passed under Section 39 of the Planning Act, may be subject to the provisions of Site Plan Control.
7. **THAT** the Council of the Corporation of the County of Brant may require the owner of the proposed development on lands that are the subject of Site Plan Control, to enter into a Site Plan Agreement with the County, ensuring the provision of any or all of the facilities, works or matters set out in Section 41(7) (a), and the maintenance thereof referred to in Section 41(7) (b) of the Planning Act.
8. THAT Council may grant an exemption from Site Plan Control in instances where an addition is proposed to a building and where such addition is less than approximately 200 square metres and fifty per cent (50%) of the current building's size or where, in the opinion of Council no reasonable public benefit would be served in requiring the applicant to enter into a Site Plan Agreement.
9. **THAT** Council may, by by-law, delegate any or all of its authority under this By-law to a Committee of Council or to a staff member on such terms and/or conditions as Council deems appropriate.
10. **THAT** this by-law shall come into force and take effect on the day of final passage thereof.
11. **THAT** By-law Number 165-99 be and it is hereby repealed.
11. **THAT** all by-laws or parts of by-laws passed pursuant to Section 41(2) of the Planning Act are hereby repealed.

**READ** a first and second time, this 22nd day of July, 2003.

**READ** a third time and finally passed in Council, this 22nd day of July, 2003.

**THE CORPORATION OF THE COUNTY OF BRANT**

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Mayor

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Clerk