

**THE CORPORATION OF THE TOWNSHIP OF MULMUR**

**BY-LAW NO. 13 -17.**

**Being a By-Law to establish Site Plan Control in accordance with Section 41  
of the *Planning Act* in the Township of Mulmur.**

**WHEREAS** the Official Plan for the Township of Mulmur designates all areas of the Township as Site Plan Control Areas in accordance with Section 41 of the *Planning Act*, R.S.O. 1990 cp. 13 and sets out certain conditions and requirements that must be met, and provides that certain developments may be exempt from the requirements;

**AND WHEREAS** it is deemed appropriate to establish site plan control in the Township of Mulmur in accordance with Sections 41(2) and (3) of the *Planning Act*, R.S.O. 1990, cp 13;

**NOW THEREFORE** the Council of the Corporation of the Township of Mulmur enacts as follows:

1. That By-law No. 31-14 is hereby rescinded upon the coming into force and effect of this By-law.
2. That all of the lands within the geographic boundaries of the Township of Mulmur, save and except those lands within the Development Control Area of the Niagara Escarpment Plan Area as defined by Regulations under the *Niagara Escarpment Planning and Development Act*, are hereby declared as a Site Plan Control Area in accordance with the *Planning Act*, R.S.O. 1990, cp 13, as amended;
3. Notwithstanding Section 2, the following shall not be subject to Site Plan Control:
  - a) a barn or farm related building and structure that is utilized in, or accessory to a farm operation, but not including a building, structure or site development for an agriculture-related industrial or commercial purpose, such as an off-farm storage facility, elevator or drying tower, a farm implement or equipment sales/service establishment, a farm supply or service establishment or yard, a nursery/garden centre not directly related and incidental to an agricultural use on the same lot, a farm produce sales outlet of more than 50 sq. m. a winery, a cidery, a distillery, a medicinal marijuana growing facility, a commercial greenhouse or greenhouses, any structure with a second storey and all such other similar agriculture-related developments;
  - b) a single detached dwelling, attached accessory dwelling unit,
  - c) a garden suite which has an approved temporary use agreement;
  - d) a private garage, workshop, greenhouse, studio or other building or structure accessory to a principal residential use, or a home occupation;

cutting and processing of timber originating from the lot on which the use is located;

- f) the erection of a telecommunication, transmission or other similar facility regulated by Industry Canada, Transport Canada, NAVCAN or other federal department or agency;
  - g) the installation of a portable classroom by a school board;
  - h) electric power production facilities, transmission facilities and transformer stations, constructed by a public power authority such as Hydro One;
  - i) Energy conversion systems and facilities if specifically exempted from municipal Planning Act approval requirements;
  - j) projects undertaken by or on behalf of a Conservation Authority, and;
  - k) municipal buildings, facilities and works and other public works.
4. Notwithstanding any other provision of this By-law to the contrary, Council may, by resolution, waive the requirements of this By-law, for the following types of minor development, on a case-by-case basis:
- a) agriculture-related developments not otherwise exempted in Section 2a) and on-farm diversified uses as defined in the 2014 Provincial Policy Statement;
  - b) a bed and breakfast establishment;
  - c) a boarding house;
  - d) a group home;
  - e) a crisis centre;
  - f) a guest cabin or secondary dwelling unit;
  - g) a kennel;
  - h) an animal shelter;
  - i) a portable sawmill;
  - j) a riding school or boarding stable;
  - k) other projects undertaken by government or an agency of the government, provided that the land upon which the development is situated is held in public ownership;
  - l) other projects with a construction value of not more than \$20,000.00, provided the potential for impacts on adjacent persons, lands and uses is determined by Council to be minimal and acceptable.
5. Unless a development or re-development has been specifically exempted from the requirements of

this by-law under Section 3 above, or Council has waived the requirement by resolution under Section 4, all development and re-development occurring on any land within the Township of Mulmur that is within any of the zoning categories listed in Section 3 shall be subject to site plan control and, more specifically, the applicable requirements of the *Planning Act*, the Township's Official Plan and Zoning By-law and this by-law.

**READ AND FIRST AND SECOND TIME** on this 5th day of April, 2017.

**READ A THIRD TIME AND FINALLY PASSED** on this 5th day of April, 2017.

original signed

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PAUL MILLS, MAYOR

original signed

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TERRY HORNER, CLERK