

The Corporation of the Township of Southgate  
By-law Number 2024-149

**Being a by-law to authorize the execution of a Site Plan Control  
Amending Agreement**

**Whereas** Section 41 of the Planning Act, RSO 1990, Chapter P.13 as amended authorizes municipalities to designate areas of Site Plan Control, and to subsequently enter into agreements with respect to the conditions of development or redevelopment of lands in areas of Site Plan Control; and

**Whereas** all of the lands within the Township are designated as a Site Plan Control Area pursuant to the provisions of Section 41 of the Planning Act and By-law 2007-47; and

**Whereas** the Council of the Township of Southgate deems it expedient to enter into a Site Plan Amending Agreement with the owner,

**Now therefore be it resolved that** the Council of the Corporation of the Township of Southgate enacts as follows:

- 1. That** an Amending Site Plan Agreement between John M. S. Martin and Annie Martin and the Township of Southgate for the development of all and singular lands lying and being in the Province of Ontario, County of Grey, Township of Southgate known as Part Lot 23, Concession 10 Proton PT 1 RP171000, Southgate. Such agreement being attached hereto as Schedule "A" and which forms a part of this by-law;
- 2. That** the Mayor and Clerk are authorized to sign the Site Plan Amending Agreement on behalf of the Council of the Corporation of the Township of Southgate in substantially the form as that set out in Schedule A;
- 3. That** the Clerk is authorized and directed to cause notice of the Site Plan Amending Agreement to be registered on the title to the said lands forthwith after it has been signed by all parties; and
- 4. That** this By-law shall come into full force and effect upon the final passing hereof.

Read a first and second time this 18<sup>th</sup> day of December 2024.

Read a third time and finally passed this 18<sup>th</sup> day of December 2024.

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Mayor – Brian Milne

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Clerk- Lindsey Green

**THE CORPORATION OF  
THE TOWNSHIP OF SOUTHGATE  
AMENDING SITE PLAN AGREEMENT**

**THIS AGREEMENT** made in this 18<sup>th</sup> day of December 2024

Between:

Martin, John M.S. and Martin, Annie  
(hereinafter called the "Owner" OF THE FIRST PART)

- and -

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE  
(hereinafter called the "Township" OF THE SECOND PART)

**WHEREAS** the Owner represents to be the registered owner of those lands and premises in the Township of Southgate in the County of Grey, more particularly described in Schedule "A";

**AND WHEREAS** the lands described in Schedule "A" are subject to a site plan agreement dated October 21, 2015, between the previous Owner (EMS Construction Inc.) and the Township executed by By-law 78-2015 (the "Site Plan Agreement");

**AND WHEREAS** the Township has enacted a Site Plan Control Area By-law pursuant to the Planning Act RSO 1990, as amended;

**AND WHEREAS** pursuant to the Planning Act RSO 1990, as amended the Township appointed an officer to approve such plans and drawings submitted for site plan approval and said officer may also establish conditions on site plan approval;

**AND WHEREAS** the Owner has applied to the Township for an amendment to the Site Plan Agreement under the provisions of the *Planning Act*, R.S.O., 1990, c.P.13 with respect to additional works to be completed pursuant to the development of the site (hereinafter called the "Works");

**AND WHEREAS** the terms of a Site Plan Agreement may be amended or varied by a written document signed by both parties and registered against the Lands;

**AND WHEREAS** the Owner agree to complete all works, material, matters, and things required to be done, furnished, and performed in the manner hereinafter described in connection with the proposed use of the subject lands, including any special provisions or conditions, if applicable, as outlined in Schedule "C";

**AND WHEREAS** the covenants in this Agreement are binding upon the Owner and when registered on title are binding upon all successors in title;

**NOW THEREFORE WITNESSETH THAT** in consideration of the approval of the plans by the Township officer for the development of the subject and the sum of ONE (\$1.00) DOLLAR of lawful money of Canada receipt whereof of which is hereby acknowledged, the Owner hereby agrees with the Township as follows:

1. That the Original Site Plan Agreement is amended by adding the following to the end of Section II:

Schedule "C": - Special Provisions (if applicable)

2. That Section IV – BUILDING PERMITS be repealed and replaced with the

following:

1. The OWNERS agree to not request the Chief Building Official to issue any further building permits to carry out the development until this Amending Agreement has been registered on title to the lands described in Schedule "A" attached hereto and a registered copy of same has been provided to the Township.
2. It is agreed that if the OWNERS fail to apply for any building permit or permits to implement this Agreement within 12 months from the date upon which such building permit would be available, then the TOWNSHIP, at its option has the right to terminate the said Original Agreement and this Amending Agreement and require that a new application for Site Plan Agreement be submitted for approval and execution.
3. That Section V – PROVISIONS be amended by adding the following at the end of Section 2:
  - a) That the requirements in Schedule "C" apply to the development of subject lands in addition to the plans and drawings in Schedule "B" and the provisions of Section V of the original agreement.
4. The Owner agrees that the completion date in Section VI Part 2 in the original Site Plan Agreement shall be amended to two (2) years from the date of executing this agreement for all works described in Schedule "B" and Schedule "C" to this Amending Site Plan Agreement.
5. That the drawings/documents in Schedule "B" to this Amending Site Plan Agreement shall be the applicable drawings/documents for the site development works which amend as applicable the drawings/document from Schedule "B" of the Original Site Plan Agreement.
6. The Owner acknowledges and agrees to the special terms and conditions specified in Schedule "C" to this amending agreement."
7. All other terms, conditions, and provisions of the original Site Plan Agreement shall remain unchanged and shall continue in full force and effect except as may be amended or replaced by this Amending Agreement and time shall remain of the essence.
8. The Parties agree that within 30 days of its execution this Amending Site Plan Agreement shall be registered on title to the lands described in Schedule "A" as provided for by the Planning Act, R.S.O., 1990, as amended, at the expense of the Owners, and upon registration the Owner shall provide a registered copy of same to the Township.
9. Any notice required to be given pursuant to the terms hereto shall be in writing and mailed or delivered to the other at the following addresses:

Owners: John M.S. & Annie Martin  
146024 Southgate Rd 14  
RR #1  
Dundalk, ON N0C 1B0

Township: Clerk, Township of Southgate  
185667 Grey Rd 9,  
Dundalk, ON N0C 1B0

**IN WITNESS WHEREOF** the parties have executed this Agreement by affixing thereto their corporate seals, as attested by the hand of their proper signing officers duly authorized in that behalf.

**AND IN WITNESS WHEREOF** the natural parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND  
DELIVERED

**OWNERS**  
Martin, John M.S.  
Martin, Annie

Witness:

Per: \_\_\_\_\_  
Name: Martin, John M.S.

\_\_\_\_\_  
Name:  
Date: \_\_\_\_\_

Date: \_\_\_\_\_

Per: \_\_\_\_\_  
Name: Martin, Annie

Date: \_\_\_\_\_

**CORPORATION OF THE TOWNSHIP OF  
SOUTHGATE**

Per:  
\_\_\_\_\_  
Brian Milne, Mayor

Per:  
\_\_\_\_\_  
Lindsey Green, Clerk

Date: \_\_\_\_\_

We have authority to bind the Corporation

## **Schedule A**

All and singular that certain parcel or tract of land and premises situate, lying and being in the Township of Southgate, in the County of Grey and Province of Ontario, and being composed of:

**Concession 10 , Pt Lot 23, Geographic Township of Proton  
Part 1 Plan 17R-1000**

And, also described as:

**146024 Southgate Road 14, in the Township of Southgate, in the  
County of Grey.**

## **Schedule "B"**

### **APPROVED SITE PLANS**

**The approved drawings/documents for shall be the following:**

Drawing #1 Site Plan dated Monday August 12, 2024, Emanuel B. Martin, 146024 Southgate Road 14, Main Floor, drawn by SMM., Concession 10 , Pt Lot 23, and signed by the Township's authorized officer or delegate.

Drawing #2 Main Floor dated Monday August 12, 2024, Emanuel B. Martin, 146024 Southgate Road 14, Main Floor, drawn by SMM., Concession 10 , Pt Lot 23, and signed by the Township's authorized officer or delegate.

Drawing #3 Building Plans and Elevations dated June 4, 2024, drawn by SMM for Emanuel B. Martin, 146024 Southgate Road 14 labelled S1 Structural Notes, S2 Floor Plan, S3 Details and S4 Views.

## **Schedule "C"**

### **SPECIAL PROVISIONS**

1. This agreement applies to works outlined in Schedule "B" and includes the exterior of existing buildings, new structures, drainage, and entrance as may be required and permitted under Section 41 of the Planning Act. The Owner shall obtain and comply with the Township of Southgate entrance permit requirements applicable to the proposed development.
2. The Owner shall be responsible for obtaining all permits and approvals as may be required by the Saugeen Valley Conservation Authority for any proposed use of the lands by the Owner, and in particular comply with provisions as generally outlined in a letter dated September 20, 2024, being comments from the Saugeen Valley Conservation Authority on rezoning Southgate File C24-24.
3. The Owner confirms an F2 occupancy for the proposed use which will include metal working no paint applications shall comply with the requirements of the Chief Building Official and Fire Department as set out in appropriate municipal bylaws and provincial codes.
4. To mitigate possible noise impacts of the facility described by the plans and drawings in Schedule "B", there shall be no exterior operable building openings, including but not limited to, exhaust fans, doors, windows and loading chutes, located on the building, and facing the public road. The Owner agrees that the Chief Building Official or By-law Enforcement Officer may require, if complaints are received, that all doors and windows remain closed during operating hours.
5. Buffering and screening of outside storage areas buffer must be maintained in accordance with plans and drawings in Schedule "B" and the Township's zoning bylaw as amended for the purposes of providing a visual barrier.
6. Outside storage may only be in the areas identified on the approved site plan referenced in Schedule "B".
7. The Owner agrees to comply with the requirements of By-law 2024-117 which amended the provisions of the Agricultural 1 Exception 575 (A1-575) Zone effective October 2, 2024.