

THE CORPORATION OF THE CITY OF QUINTE WEST

BY-LAW NUMBER 03-38

Being a By-law to designate Site Plan Control Areas in the City of Quinte West and delegate Site Plan Control approval.

WHEREAS the Official Plan of the City of Quinte West includes Site Plan Control policies as required by Section 41(2) of the Planning Act, R.S.O. 1990 c.P.13, as amended;

AND WHEREAS the Official Plan designate all lands within the corporate boundary of the City of Quinte West as a Site Plan Control Area;

AND WHEREAS it is required under Section 41(2) of the Planning Act, R.S.O. 1990, as amended, to pass a by-law designating the whole or any part of such area as a Site Plan Control Area;

AND WHEREAS under Section 41(13) of the Planning Act, R.S.O. 1990 c.P.13, as amended, council may delegate to either a committee of council or to an appointed officer, any of Council's powers and authorities under Section 41 of the Act except the authority under Section 41(13)(a) to define any class or classes of development exempt from site plan control;

NOW THEREFORE BE IT ENACTED BY THE COUNCIL FOR THE CORPORATION OF THE CITY OF QUINTE WEST AS FOLLOWS:

1. This by-law shall be entitled the "Site Plan Control By-law";

2. DEFINED AREAS

The provisions of this By-law shall apply to the following lands within the municipality, which are hereby designated as Site Plan Control areas:

- i) All lands shown on Schedule "A" of the former City of Trenton Zoning By-law No. 77-3359, as amended; and
- ii) All lands shown on Schedule "A" of the former Township of Sidney Zoning By-law No. 2076-80, as amended; and
- iii) All lands shown on Schedule "A" of the former Township of Murray Zoning By-law 78-694, as amended; and
- iv) All lands shown on Schedule "A" of the former Village of Frankford Zoning By-law 79-816, as amended.

3. DEFINITIONS

"Development" shall mean any improvement to land and shall include, but is not limited to the construction, erection or placing of one or more buildings or structures on land, or any 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 commercial parking lot, or establishment of sites for three or more trailers, or the grading and landscaping of a site including the placement or removal of fill whether originating on the site or not.

4. DRAWINGS

No person may undertake any development in any "Site Plan Control Area" unless one or both, as may be determined, of the following is approved;

- i) 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 and of all facilities and works required under Section 6.0 of this By-law;
- ii) Drawings showing plan, elevation and cross-section views or each industrial and commercial building to be erected, for each residential building containing twenty-five or more dwelling units to be erected and any building or structure to be erected on lands lying between the 1:100 year flood elevation and the regional flood elevation. Such drawings shall be sufficient to display any or all of the following, as the need may be:
 - a) the massing and conceptual design of the proposed building;
 - b) the relationship of the proposed building to adjacent buildings, streets or exterior areas to which members of the public have access;
 - c) 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 exclude the layout of interior areas, other than the interior walkways, stairs and escalators referred to herein, the colour, texture and type of materials, window detail, construction details, architectural detail and interior design; and
 - d) the minimum heights of openings into the building or structure.

5. WORKS

As a condition to the approval of the plans and drawings referred to in Section 5, the Municipality may require an owner of land to any "Site Plan Control Area" to:

- i) Provide to the satisfaction of and at no expense to the Municipality, any or all of the following:
 - a) widenings of highways that abut on the land;
 - b) subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land, such as access ramps and curbings and traffic direction signs;
 - c) off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles and the surfacing of such areas and driveways;
 - d) walkways, including the surfacing thereof, and all other means of pedestrian access;
 - e) facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - f) walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping or the lands or the protection of adjoining lands;

- g) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
- h) easements conveyed to the Municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewerage facilities of the land;
- i) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- ii) Maintain to the satisfaction of the Municipality and at the sole risk and expense of the owner, any or all of the facilities or works mentioned in sub-paragraphs b), c), d), e), f), g), h) and i) of Clause i), including the removal of snow from access ramps and driveways, parking and loading areas and walkways.

6. AGREEMENTS

The Municipality may require an owner to enter into one or more agreements with the Municipality dealing with and ensuring the provision of any and all facilities; works or matters mentioned in Section 5. and the maintenance thereof or with the provision and approval of the plans and driveways referred to in Section 5. ii).

7. ADMINISTRATION

- i) Any agreement entered into under Section 6. shall be registered against the land to which it applies and the Municipality shall enforce the provisions thereof against the owner and, subject to the provisions of "The Registry Act" and "The Land Titles Act", against any and all subsequent owners of the land.
- ii) A Site Plan Control Committee is hereby established and shall consist of the following individuals:
 - a) Director of Planning and Development or designate;
 - b) Director of Public Works or designate;
 - c) Fire Chief or designate;
 - d) Chief Building Official or designate.
- iii) Council hereby delegates its powers and authorities under Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended, with exception to the application to amend approved agreements referred to in Section 7. iv) to the Site Plan Control Committee.
- iv) Council hereby delegates the approval of amendments to Agreements entered into, in accordance with Section 6. of this By-law to the Director of Planning and Development.
- v) The Mayor and Clerk are hereby authorized and instructed to sign all Site Plan Control Agreements as approved by the Site Plan Control Committee, and all amending agreements approved by the Director of Planning and Development.
- vi) The Site Plan Control Committee and Director of Planning and Development shall inform City Council of all Site Plan Control Agreements that are approved from time to time in the form of a Site Plan Control Report.

- vii) An applicant may appeal any decision of the Site Plan Committee or the Director of Planning and Development to the Planning Advisory Committee for a decision.

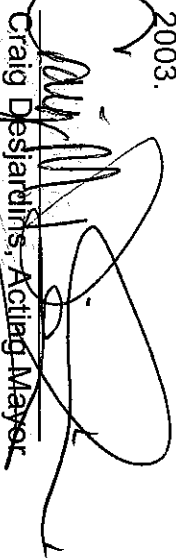
8. GENERAL

That if any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted by law.

9. That By-law #98-83 shall be and is hereby repealed.

10. This By-law shall come into force and take effect immediately upon the final passing thereof by the Council. In accordance with the provisions of the Planning Act, RSO, 1990, c.P.13, as amended.

READ A FIRST, SECOND AND THIRD TIME and finally passed this 7th day of April, 2003.


~~Craig Desjardins, Acting Mayor~~


~~Christine Stewart, AMCT~~
Deputy Clerk