

CITY OF ST. CATHARINES

BY-LAW NO. 2017-63.

A By-law to designate all lands within the City of St. Catharines as a Site Plan Control Area and to repeal By-law No. 85-534, as amended.

WHEREAS Section 41 (2) of the Planning Act, R.S.O. 1990, c. P.13 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 may, by by-law, designate the whole or any part of such area as a Site Plan Control Area;

AND WHEREAS the City of St. Catharines Official Plan, the Garden City Plan, provides that all lands within the limits of the City shall be designated a proposed Site Plan Control Area;

AND WHEREAS Site Plan Approval is an authority delegated to the Director of Planning and Building Services by Delegation By-law 2004-277, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1.0 TITLE

1.1 This by-law shall be known as the "Site Plan Control By-law" of The Corporation of the City of St. Catharines.

2.0 DEFINITIONS

2.1 For the purpose of this by-law, the definitions provided in the City of St. Catharines Zoning By-law 2013-283, as amended, shall apply in addition to the following:

- 2.1.1 **COUNCIL:** means the Council of The Corporation of the City of St. Catharines.
- 2.1.2 **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 or of sites for the location of three or more trailers as defined in subsection 164 (4) of the Municipal Act, S.O. 2001, c. 25, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of the Planning Act, R.S.O. 1990, c. P.13, or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the Planning Act, R.S.O. 1990, c. P.13, but does not include the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.
- 2.1.3 **DIRECTOR:** means the Director of Planning and Building Services for The Corporation of the City of St. Catharines and/or his or her designate.
- 2.1.4 **OTHER INTERESTED PARTIES:** means agencies outside of The Corporation of the City of St. Catharines, who may have an interest in the development proposed and includes, but is not limited to, the Regional Municipality of Niagara, the Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission, and the Ministry of Transportation.
- 2.1.5 **OWNER:** means any owner of land as identified in the records of the proper Land Registry Office or Land Titles Office and, for the purposes of pre-consultation only, includes a purchaser under a valid Agreement of Purchase and Sale, and the authorized agent of any such purchaser or owner of land.

3.0 SITE PLAN CONTROL AREA

- 3.1 The whole of the area within the corporate limits of the City of St. Catharines is hereby designated as a Site Plan Control Area.

4.0 SITE PLAN APPROVAL

4.1 No person shall undertake any development within the City of St. Catharines Site Plan Control Area unless the Director or, where a referral has been made under subsection 41 (12) of the Planning Act, R.S.O. 1990, c. P.13, the Ontario Municipal Board, has approved one or more of the following:

- a) 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 subsection 41 (7) (a) of the Planning Act, R.S.O. 1990, c. P. 13, including facilities designed to have regard for accessibility for persons with disabilities.
- b) Drawings showing plan, elevation and cross-section views for each building to be erected, which drawings are 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;
 - iii) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;
 - iv) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design;
 - v) the sustainable design elements on any adjoining highway under the City or Region of Niagara's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
 - vi) facilities designed to have regard for accessibility for persons with disabilities.

5.0 PRE-CONSULTATION

- 5.1 Prior to the submission of any application for Site Plan Approval, the owner of the land whereon development is proposed shall undertake pre-consultation with the City's Planning and Building Services Department in order to identify the requirements for and scope of any plans, drawings, and/or other information, which are necessary for the review of the application for Site Plan Approval by the City and, where applicable, other interested parties.
- 5.2 Notwithstanding paragraph 5.1 above, the Director may, at his or her sole discretion, waive the requirement for pre-consultation where no reasonable purpose would be served by such pre-consultation due to the nature of the proposed development.

6.0 CLASSES OF DEVELOPMENT EXEMPTED

- 6.1 Pursuant to Section 41(13)(a) of the Planning Act, R.S.O. 1990, c. P.13, the following classes of development may be undertaken without the approval of plans, drawings and/or other information otherwise required under paragraph 4.1 herein:
- a) Residential developments having less than four (4) dwelling units;
 - b) Agriculture farms.
- 6.2 Notwithstanding paragraph 6.1b) above, all other provisions of this by-law shall apply to buildings or structures for agri-tourism and value added uses, where such buildings or structures have a gross leasable floor area greater than 93 square metres.

7.0 EXPIRY AND EXTENSION

- 7.1 If a building permit for any development to which this by-law applies has not been issued within three years of the date Site Plan Approval is granted by the Director, then such Site Plan Approval shall expire.
- 7.2 Notwithstanding 7.1 above, the Director may, at his or her sole discretion, grant an extension of Site Plan Approval for a period of up to two years, provided a

written request by the owner and the associated fee are received by the Planning and Building Services Department at least sixty (60) calendar days prior to the pending expiry of Site Plan Approval.

- 7.3 An extension of Site Plan Approval granted by the Director shall commence and expire on the respective anniversary date of the original Site Plan Approval.

8.0 TRANSITION

- 8.1 Any development exempted from Site Plan Control under the provisions of the City of St. Catharines previous Site Plan Control By-law 85-534, as amended, shall continue to be exempt for a period of one (1) year following the passage of this By-law, provided:

- a) A complete application for a building permit related to the development was filed in accordance with the Ontario Building Code prior to the date of passing of this By-law; or
- b) A pre-consultation letter related to the development was issued by the Planning and Building Services Department within the one (1) year period prior to the passing of this By-law.

9.0 SEVERABILITY

- 9.1 If a court of competent jurisdiction declares any section or part of a section of this by-law to be invalid, it is the intention of Council that the remainder of the by-law shall continue to be in force unless the court makes an order to the contrary.

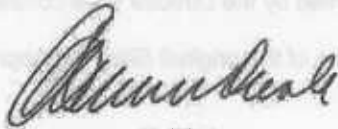
10.0 REPEAL OF PREVIOUS BY-LAWS

- 10.1 By-law 85-534 and amending by-laws 94-15, 2000-63, 2000-82, 2002-269, 2013-284 are hereby repealed.

11.0 EFFECTIVE DATE

- 11.1 This by-law shall become effective immediately upon its passing by Council.

Read and passed this 20th day of March 2017.



CLERK



MAYOR