

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW 2004-93

A BY-LAW TO ESTABLISH A SITE PLAN CONTROL AREA WITHIN THE CITY OF BELLEVILLE

WHEREAS the Corporation of the City of Belleville has adopted an official plan that provides for the establishment of a site plan control area pursuant to Section 41 of the *Planning Act, R.S.O. 1990, c.P.13, as amended*;

AND WHEREAS the Council of the Corporation of the City of Belleville wishes to consolidate its site plan control area by-laws established by each of the former municipalities that now comprise the City of Belleville;

NOW THEREFORE, THE COUNCIL OF THE CORPORATION OF THE CITY OF BELLEVILLE ENACTS AS FOLLOWS:

1. In this By-law:

“City” means the City of Belleville.

“Clerk” means the City’s Clerk, or designate.

“Council” means the Council of the Corporation of the City of Belleville.

“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 168(5) of the Municipal Act, 2001, 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, as amended* 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, as amended*.

“Manager of Approvals” means the City’s Manager of Approvals, or designate.

“Planning Advisory Committee” means the Planning Advisory Committee for the City of Belleville appointed by Council.

“Technical Review Committee” means a committee consisting of the City’s Chief Administrative Officer, the City’s Director of Development Services, and the City’s Director of Engineering and Public Works, or designates.

2. All land located within the corporate limits of the City of Belleville is hereby designated as a site plan control area pursuant to Section 41(2) of the *Planning Act, R.S.O. 1990, c. P.13, as amended*.

3. No person shall undertake any development within a site plan control area, except as may otherwise be permitted pursuant to Section 5 of this By-law, without first obtaining the approval from the City of:

- 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 including those facilities and works referred to in Section 4 a) of this By-law; and
 - b) drawings showing plans, elevations 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; and
 - (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.
4. As a condition of approval of the plans and drawings referred to in Section 3 of this By-law, the City may require the owner of the land being developed to:
- a) provide to the satisfaction of and at no expense to the City any or all of the following:
 - (i) widenings of highways that abut on the land;
 - (ii) subject to the *Public Transportation and Highway Improvement Act, as amended*, facilities to provide access to and from the land such as access ramps, and curbing and traffic direction signs;
 - (iii) off-street vehicular loading and parking facilities, either covered or uncovered, facilities, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways;
 - (iv) walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
 - (v) facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - (vi) walls, fences, hedges, trees, shrubs or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - (vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - (viii) easements conveyed to the City for the construction, maintenance, or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities on the land; and
 - (ix) 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;
 - b) maintain to the satisfaction of the City and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs (ii) to (ix) inclusive of Section 4 a) of this By-law, including the removal of snow from access ramps and driveways, parking and loading areas, and walkways; and

- c) enter into one or more agreements with the City dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Section 4 a) of this By-law and the maintenance thereof as mentioned in Section 4 b) of this By-law or with the provision and approval of the plans and drawings referred to in Section 3 of this By-law, and in default by the owner of the land of any of the requirements set out herein, the work, matter or thing may be done by the City at the owner's expense in accordance with Section 427 of the *Municipal Act, 2001*.
5. All classes of development shall require approval of plans and drawings as set out in Section 3 of this By-law with the exception of:
- a) one family detached dwellings;
 - b) semi-detached dwellings;
 - c) duplex dwellings;
 - d) buildings and structures accessory to a one family detached dwelling, semi-detached dwelling, or duplex dwelling;
 - e) buildings and structures erected in support of a farming operation, which shall mean an agricultural land use located within a rural or an agricultural zone as set out in the City's zoning by-law;
 - f) all aspects of a licensed aggregate operation that fall under the jurisdiction of the Ministry of Natural Resources.
6. a) Pursuant to Section 41(13) (b) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*, Council hereby delegates its powers to approve plans and drawings pursuant to Section 3 of this By-law and its powers to impose conditions pursuant to Section 4 of this By-law, to the *Manager of Approvals*.
- b) Subject to the right of referral to the Ontario Municipal Board as provided for by Section 41(12) of the *Planning Act, R.S.O. 1990, c.P.13 as amended*, any decision of the *Manager of Approvals* with respect to the processing of an application for site plan approval, or the approval of plans and drawings, or the imposition of conditions thereto pursuant to the provisions of this By-law, may be appealed by the applicant for such approval by filing a notice of appeal in writing with the *Manager of Approvals*, to the City's *Technical Review Committee*, who shall have all the rights and obligations assigned to the *Manager of Approvals* under Section 6 a) of this By-law.
- c) Any decision of the *Technical Review Committee* with respect to an appeal, may be further appealed by the applicant for such approval by filing a notice of appeal in writing with the *Manager of Approvals*, to the City's *Planning Advisory Committee* who shall make a recommendation to Council, and subject to the right of appeal to the Ontario Municipal Board as provided for in Section 41(12) and Section 41(12.1) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*, the decision of Council shall be final.
7. Pursuant to Section 41(13) (b) of the *Planning Act, R.S.O. 1990, c.P.13, as amended*, Council hereby delegates its authority to execute agreements which may be required as a condition to the approval of plans and drawings, as

provided for in Section 4 c) of this By-law, to the *Manager of Approvals* and the *Clerk*.

8. a) Council may, by by-law, establish fees respecting the processing of applications for approval of plans and drawings as set out in Section 3 of this By-law and the implementation or enforcement of conditions established pursuant to the provisions of Section 4 of this By-law.
- b) Pursuant to Section 8.13 of the City of Belleville Official Plan, Council may establish standard application forms and procedures, policies and standards respecting the processing of applications for site plan approval which are not inconsistent with the provisions of this By-law, and which without limiting the generally of the foregoing, such procedures, policies and standards may include the defining the nature of plans, drawings, and other documentation that may be required by City in support of an application for site plan approval.
9. If any provision of this By-law is deemed by a court of competent jurisdiction to be illegal or not enforceable by law, such clause shall be considered separate and severable from this By-law, and this By-law's remaining provisions shall remain in force as though the said provision had never been enacted.
10. The following by-laws are hereby repealed:
 - a) By-law 12695 of the Corporation of the City of Belleville as it was constituted on May 29th, 1989;
 - b) By-law 3157 of the Corporation of the Township of Thurlow as it was constituted on the 23rd day of January 1989;
 - c) By-law 98-83 of the Corporation of the City of Quinte West insofar as such by-law applies to the lands that were part of the City of Quinte West and annexed to the City of Belleville effective January 1, 2000 and January 1, 2003.
11. This By-law may be cited as the "City of Belleville Site Plan Control Area By-law".

THIS BY-LAW SHALL COME INTO FULL FORCE AND EFFECT UPON FINAL PASSING THEREOF.

Read a first time this 14th day of June, 2004

Read a second time this 14th day of June, 2004

Read a third time and finally passed this 14th day of June, 2004.



Mary-Anne Sills
Mayor



for Wayne Tod
Julie Oar
City Clerk