



**BY-LAW NUMBER 111-2000
OF
THE CORPORATION OF THE CITY OF STRATFORD**

BEING a By-law to designate site plan control areas and to provide for site plan control provisions in the City of Stratford, and to repeal By-law Number 222-79, as amended.

WHEREAS in section 41 of *The Planning Act*, R.S.O. 1990, chapter P.13, as amended, in an official plan, where an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such areas as a site plan control area;

AND WHEREAS the Council of The Corporation of the City of Stratford has an Official Plan which designates the entire geographic area of the City as a proposed site plan control area within the meaning of *The Planning Act*;

AND WHEREAS By-law Number 222-79 was passed by the Council designating all lands within the City of Stratford as a site plan control area;

AND WHEREAS the Council intends to make certain changes to the requirements for site plan agreements on certain development projects;

NOW THEREFORE BE IT ENACTED by Council of The Corporation of the City of Stratford as follows:

1.0 Definitions

In this by-law, unless the context requires otherwise, the definitions and interpretations set out herein shall apply, except that where a term is not specifically defined, the definitions and interpretations set out in the City of Stratford Zoning By-law, as amended, shall apply:

“**building**” means any structure consisting of walls and a roof that is used or intended to be used for the shelter, accommodation or enclosure of persons, animals, or chattels and includes any structure defined as a building under *The Ontario Building Code Act* and regulations passed thereunder;

“**building inspector**” means the Chief Building Official or his or her delegate, appointed by council of The Corporation of the City of Stratford;

“**city**” means The Corporation of the City of Stratford;

“**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 (3) or more trailers as defined in clause (a) of paragraph 101 of section 210 of *The Municipal Act* or of sites for the location of three (3) or more mobile homes as defined in subsection 46(1) of *The Planning Act*, or of sites for the construction, erection or location of three (3) or more land lease community homes as defined in subsection 46(1) of *The Planning Act*;

“**owner**” means any person whose interest in a parcel of land is defined and whose name is specified in an appropriate instrument in the relevant Land Registry Office or Land Titles Office;

“**person**” means an individual, a partnership or a corporation to whom or to which the context can apply;

“**site plan agreement**” means an agreement entered into between an owner of land and The Corporation of the City of Stratford in accordance with the provisions of this by-law;

“**structure**” means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, or any paved surface located directly on the ground;

“**zone**” means a zone as defined in the city’s Zoning By-law, as amended from time to time.

2.0 Application

The provisions of this by-law shall apply to all those lands lying within the corporate limits of The Corporation of the City of Stratford, which are hereby designated as a site plan control area pursuant to *The Planning Act*.

3.0 Interpretation

This by-law shall not be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed by council of The Corporation of the City of Stratford or by any governmental authority having jurisdiction to make such restrictions or regulations.

4.0 Interpretation: Zoning By-law

Nothing in this by-law or in any site plan agreement entered into hereunder shall be construed as relieving any owner of lands within the site plan control area from the obligation of complying fully with the provisions of the City's Zoning By-law nor shall the Zoning By-law be construed so as to reduce or mitigate any restrictions or regulations lawfully imposed hereby.

5.0 Interpretation: Application of Site Plan Control Provisions

Notwithstanding any provisions of the City's Zoning By-law, Building By-law or any other by-law, regulation, requirement or policy of the city to the contrary, site plan control provisions shall apply to commercial, industrial, institutional and residential development in the site plan control area.

6.0 Exceptions to Requirement for Site Plan Agreement

No person shall undertake any development in an area designated as a site plan control area unless and until the owner of the said lands has entered into a site plan agreement with the city, except that no site plan agreement shall be required under the provisions of this by-law in respect of:

- 6.1 minor renovations and additions to existing buildings;
- 6.2 small accessory buildings and structures;
- 6.3 the development of any single dwelling, duplex dwelling or triplex dwelling or of any buildings or structures accessory thereto with the possible exception of infilling situations and additions or enlargements or new buildings in flood-prone areas;
- 6.4 the conversion of any single dwelling into a converted dwelling, provided that no addition to such dwelling is erected that would have the effect of substantially increasing the gross floor area of such dwelling;
- 6.5 the erection of any addition to an apartment dwelling or a group townhouse dwelling or the alteration of any apartment dwelling or group townhouse dwelling, where such addition or alteration does not result in the creation of any additional dwelling units therein;
- 6.6 the internal alteration of any building other than an apartment dwelling or a group townhouse dwelling provided that the size of the building is not altered and the internal alteration does not have the effect of substantially increasing or changing the usability of the building;
- 6.7 the erection of an addition to any building other than an apartment dwelling or a group townhouse dwelling, or the erection of a building or structure accessory to any building other than an apartment dwelling or a group townhouse dwelling, where the gross floor area of such addition or accessory building or structure does not exceed 25 percent (25%) of the gross floor area of the original building and where the addition or accessory building does not have the effect of substantially increasing the usability of the building or structure;

- 6.8 the erection of any main building having a gross floor area of not more than 10m² or of any other structure occupying an area of land not more than 25m² in extent;
- 6.9 the erection or alteration of any farm building or structure or of any buildings or structures accessory thereto; or
- 6.10 any development where the Building Inspector certifies in writing that no site plan agreement is required on the grounds that the said development either is not considered sufficiently significant to merit entering into a site plan agreement or is not expected to substantially increase the size of usability of a building or structure;
- 6.11 any addition required in order to comply with the Ontario Fire Marshall's Act.

Unless such development is located on lands already subject to a site plan agreement pursuant to The Planning Act in which case approval by the city of an amendment or minor change to the approved plan attached to such site plan agreement shall be required in accordance with subsection 8.4 of this by-law prior to the issuance of a building permit in respect of the said development.

7.0 Conditions for Approvals of Plans and Drawings

As a condition of the approval of the plans and drawings referred to in section 8.0, the owner of the land, or his or her agent, is required to provide to the satisfaction of and at no expense to the city, any or all of the following:

- 7.1 Where a site plan agreement is required for the development of land within the site plan control area, such agreement may, at the discretion of Council or its delegate, contain provisions respecting the provision, regulation, use and maintenance, to the satisfaction of and at no expense to the city, of any or all of the following facilities and matters:
 - 7.1.1. subject to the provisions of subsections 7.1.8 and 7.1.9, widening of streets and highways that abut on the land;
 - 7.1.2. subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the lands such as access ramps and curbings, traffic direction signs;
 - 7.1.3. 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;
 - 7.1.4. walkways and walkway ramps, including the surfacing thereof and all other means of pedestrian access;
 - 7.1.5. facilities for the lighting, including floodlighting of the land or of any buildings or structures thereon;
 - 7.1.6. walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;

- 7.1.7. vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials;
 - 7.1.8. easements to the city for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the said lands;
 - 7.1.9. grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the lands and from any buildings or structures thereon.
- 7.2 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 subsections 7.1.2 to 7.1.9, including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- 7.3 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 subsections 7.1 or 7.4 and the maintenance thereof as mentioned in subsection 7.2 or with the provision and approval of the plans and drawings referred to in subsection 8.2;
- 7.4 Convey part of the land to the city to the satisfaction of and at no expense to the city for a public transit right of way, provided that the public transit right of way to be provided is shown on or described in the city's official plan.

8.0 Requirements for Site Plan Agreements

- 8.1 The city shall not enter into a site plan agreement with respect to the development of land within the site plan control area until the owner of such land has prepared and submitted to the satisfaction of the Director of Infrastructure and Development Services or his or her delegate, copies of a site plan in such quantities as required by the Director and which shall be attached to and form part of the said site plan agreement, based on an accurate survey plan of the said lands prepared by an Ontario Land Surveyor, and showing thereon:
- 8.1.1. all boundaries and dimensions of the said lands;
 - 8.1.2. the location and dimensions of all buildings, structures and existing signs on the said lands;
 - 8.1.3. the location and dimensions of all proposed buildings, structures and freestanding signs on the said lands;
 - 8.1.4. the use of all buildings and structures proposed on the said lands and of all parts of the said lands not to be covered by such buildings and structures;
 - 8.1.5. any proposed floodlighting of the said lands or of any buildings or structures thereon;

- 8.1.6. the location, dimensions, elevations, surface materials and, where applicable, directions of traffic flow of all parking areas, parking spaces, loading spaces, entrances and exits to abutting roads, driveways, fire routes, pedestrian walkways and curbing proposed on the said lands;
- 8.1.7. the location, dimensions of all yards, landscaped open spaces and planting strips proposed on the said lands, including all walls, fences, shrubs, hedges, trees or other landscaping materials as may be necessary to provide adequate landscaping of the said lands or protection to adjoining lands;
- 8.1.8. any vaults, central storage and collection areas and other facilities and enclosures as may be necessary for the storage of garbage, recycling materials and other waste materials;
- 8.1.9. grading, alteration or any change in elevation or contour of the said lands and the disposal of storm, surface and waste water from the said lands and from any buildings or structures thereon;
- 8.1.10. the location and size of all water mains, water connections and hydrants and, where necessary, the design of an underground electrical supply system, to the satisfaction of the Stratford Public Utility Commission or any successors thereto.

8.2 **Elevations Required:**

The city shall not enter into a site plan agreement with respect to the development of one or more buildings on any lands located within the site plan control area, until the owner of such lands has submitted, to the satisfaction of the city, copies of a plan, in such quantity as may be required by the city and which shall be attached to and form part of the said site plan agreement, showing thereon plan, elevation and cross-section views sufficient to display such matters as:

- 8.2.1. the massing and conceptual design of all proposed buildings on the said lands;
- 8.2.2. the relationship of all proposed buildings to adjacent buildings, streets and exterior areas to which members of the public have access; and
- 8.2.3. the colour, texture, and type of materials, window detail, construction details, and architectural detail.

8.3 **Compliance With and Amendments to Approved Plans**

- 8.3.1. Conformity to plans required:

Except as otherwise provided in subsections 8.4.2 and 8.4.3, all buildings, structures and other facilities shown on any plans approved by the city and attached to and forming part of a site plan agreement shall be provided, erected, constructed, used and maintained in good repair in accordance with such plans.

8.3.2. Amendment to plans:

Where the owner of lands in respect of which a site plan agreement has been entered into by the city is at any time desirous of deviating in any way from the approved plans attached to such site plan agreement, the city may, at its sole discretion, consider amending the said site plan agreement accordingly.

8.3.3. Minor changes to Plans:

Notwithstanding any other provisions hereof to the contrary, the city's building inspector shall be authorized to approve, in writing and at his discretion, changes to the approved plans attached to a site plan agreement, where requested by the owner of the lands in respect of which the said site plan agreement has been entered into by the city, provided that such changes are considered by the building inspector to be minor in nature and do not substantially alter the design and appearance of the development.

8.4 Professional Plans Required

All site plans submitted in accordance with this by-law or under any site plan agreement required hereby shall be prepared by either a registered professional architect or a professional planner and a professional engineer and, where appropriate, an Ontario Land Surveyor. Elevation drawings shall be prepared as required in Section 2.3 of the Ontario Building Code.

9.0 Administration

9.1 Registration of Agreements

9.1.1. Registration against lands:

The city shall require that all site plan agreements be registered against the lands to which such site plan agreements apply.

9.1.2. Enforcement against owner of lands:

The city shall enforce the provisions of a site plan agreement against the owner of the lands in respect of which such site plan agreement was entered into by the city and, subject to the provisions of *The Registry Act* and *The Land Titles Act*, and any successors thereto, any and all subsequent owners of the said lands.

9.2 Deposit Required

9.2.1. Prior to the issuance of any building permit for a development on lands in respect of which a site plan agreement was entered into by the City, the owner of the said lands shall deposit with the City a sum of money or bond in such amount as may be required by the City from time to time, which deposit shall be repaid to the owner when, in the opinion of the City, all the terms and conditions of the said site plan agreement have been fulfilled.

9.2.2. The amount of the deposit may be reduced prior to all of the terms and conditions of the said site plan agreement being fulfilled subject to the following conditions:

- a. that 75% of the work (value) as described in the "itemized cost estimate form" has been completed;
- b. that the applicant's agent has submitted written confirmation that 75% of the work (value) as described in the "itemized cost estimate form" has been completed and has indicated which works have been completed;
- c. that the City has verified and confirmed that the said work has been completed in accordance with the site plan agreement;
- d. that the amount of reduction does not amount to more than 50% of the initial security provided;
- e. where more than 75% of the work (value) as described in the "itemized cost estimate for" has been completed, the applicant may request a reduction of more than 50% of the value of initial security provided. A reduction to the security under this provision shall not exceed the value of work outstanding;
- f. that a minimum amount of \$10,000 remain in the form of securities until all of the terms and conditions of the said site plan agreement have been fulfilled;
- g. no deposit reductions are permitted where the total value of the initial securities was less than \$10,000.

9.3 Risk, Expense and Default

9.3.1. Risk and expense:

The facilities and matters required pursuant to a site plan agreement shall be provided and maintained to the satisfaction of the city at the sole risk and expense of the owner of the lands in respect of which such site plan agreement was entered into by the city.

9.3.2. Failure to comply:

In the event of the failure by an owner of lands in respect to which a site plan agreement was entered into by the city to comply with any of the provisions of such site plan agreement, then the city shall have the unlimited right, at its sole discretion to complete to its satisfaction any work required by the said site plan agreement and left unfinished by the owner, and to apply all or any portion of the money deposited by the owner with the city in accordance with subsection 9.2 hereof towards the payment of all costs and expenses incurred by the city in completing such work, and to recover any remaining costs and expenses by action or in like manner as taxes.

9.3.3. Default:

Should there be any default in fulfilling the requirements of a site plan agreement, the provisions of section 326 of The Municipal Act, R.S.O. 1990, chapter M.45 shall apply.

9.3.4. Validity:

If any section, clause, provision or requirement of this by-law or of any site plan agreement entered into hereunder is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law or of such agreement as a whole or any part thereof, other than the section, clause, provision or requirement so declared to be invalid and it is hereby declared that all remaining section, clauses, provisions and requirements of this by-law or of such agreement shall remain in full force and effect until repealed by the city, notwithstanding that one or more sections, clauses, provisions or requirements thereof shall have been declared to be invalid.

9.4 40 Victoria Street – Duplex Development

9.4.1. Notwithstanding sections 6.0 and 6.3 herein, the site plan control provisions of By-law 111-2000, as amended, shall apply to the lands known municipally as 40 Victoria Street, Stratford, being the North part of Lot 51, Plan 56, Stratford, which are hereby designated as a site plan control area under By-law 111-2000, as amended, pursuant to The Planning Act.

Read a FIRST, SECOND and THIRD time and
FINALLY PASSED this 24th day of July, 2000.

"Dave Hunt"
Mayor – Dave Hunt

"George Skowby"
Deput Clerk – George C. Skowby