

**BY-LAW NUMBER 2012-059**

**OF**

**THE CORPORATION OF THE TOWNSHIP OF UXBRIDGE**

**BEING A BY-LAW PASSED PURSUANT TO THE PROVISIONS OF SECTION 41 OF THE PLANNING ACT, R.S.O. 1990, AS AMENDED, TO DESIGNATE THE TOWNSHIP AS A SITE PLAN CONTROL AREA AND TO DEFINE CLASSES OF DEVELOPMENT SUBJECT TO SITE PLAN CONTROL AND TO REPEAL BY-LAW NUMBERS 85-68 AS AMENDED BY BY-LAWS 87-103 AND 97-150**

WHEREAS Section 41(2) of the Planning Act, R.S.O. 1990, as amended, authorizes the designation by By-law of a site plan control area provided provisions are included in the Official Plan;

AND WHEREAS Section 3.6 of the Township of Uxbridge Official Plan designates all lands in the Township as a site plan control area;

AND WHEREAS Section 41(13)(a) of the Planning Act, R.S.O. 1990, as amended, provides that Council of a municipality may, by By-law, define the classes of development that may be undertaken without the approval of plans and drawings otherwise required under Sections 41(4) or 41(5).

**NOW THEREFORE THE COUNCIL OF THE TOWNSHIP OF UXBRIDGE ENACTS AS FOLLOWS:**

**1. SITE PLAN CONTROL AREA**

All land in the corporate limits of the Township of Uxbridge is hereby designated as a Site Plan Control Area.

**2. DEFINITIONS**

In this By-law:

*Development* means:

- a) the construction, erection or placing of one or more buildings or structures on land; or,
- b) 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,
- c) the laying out and establishment of commercial outdoor recreational facilities including golf courses, driving ranges, ski hills, ski trails, bicycle trails or walking trails, campgrounds and sports fields;
- d) the laying out and establishment of a parking lot used for residential apartment, institutional, commercial or industrial purposes ;
- e) the laying out and establishment of outdoor patios associated with restaurants;
- f) the establishment of a residential sales office or model home(s);
- g) the establishment of a home occupation, home industry or accessory apartment;
- h) the establishment of temporary uses through a temporary use by-law;
- i) the laying out or establishment of sites for the location of three or more trailers; or,
- j) the laying out or establishment of sites for the construction, erection or location of three or more land lease community homes.

*Land Lease Community Home* means any dwelling that is a permanent structure where the owner of the dwelling leases the land used or intended for use on the

site for the dwelling, but does not include a mobile home.

*Mobile Home* means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed.

*Trailer* means any vehicle constructed to be attached and propelled by a motor vehicle and that is capable of being used by persons for living, sleeping or eating, even if the vehicle is jacked-up or its running gear is removed.

### **3. DEVELOPMENT APPROVAL**

3.1 No person shall undertake any *development* in the site plan control area designated by this By-law unless the Township has approved:

- a) plans showing the location of all buildings and structures to be erected and showing all facilities and works to be provided in conjunction therewith, including those facilities and works referred to in Subsection 3.2 of this By-law; and,
- b) drawings showing plan, elevation and cross-section views for each building to be erected and its locational context which drawings are sufficient to display,
  - i) the massing and conceptual design of the proposed building including the location and screening of outside storage where permitted by the applicable zoning of the property and the location and elements of outside display where permitted by the applicable zoning of the property;
  - 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;
  - v) the sustainable elements on any adjoining highway under the Township'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;
  - vi) facilities designed to have regard for accessibility for persons with disabilities.

3.2 As a condition of approval of the plans and drawings referred to in Subsection 3.1 of this By-law, the Township may require the owner of the land to,

- a) provide to the satisfaction of and at no expense to the Township any or all of the following:
  - i) widening of highways that abut on the land;
  - ii) facilities to provide access to and from the land such as access ramps, curbing and traffic direction signs;
  - iii) 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;

- iv) walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
  - v) facilities designed to have regard for accessibility for persons with disabilities;
  - vi) facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
  - vii) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the land or the protection of adjoining lands;
  - viii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
  - ix) easements conveyed to the Township for the construction, maintenance or improvement of water courses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the Township or local board thereof on the land;
  - x) 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; and,
  - xi) lands for a public transit right-of-way.
- b) maintain to the satisfaction of the Township and at the sole risk and expense of the owner any or all of the facilities and works referred to in paragraphs ii) to x) inclusive of Clause 3.2 a) of this By-law, including the removal of snow and ice from access ramps, driveways, parking and loading areas and walkways; and
  - c) enter into one or more agreements with the Township dealing with and ensuring the provision and approval of the plans and drawings referred to in Subsection 3.1 of this By-law, the provision of the facilities, work and matters, required pursuant to Clause 3.2 a) and the maintenance thereof, referred to in Clause 3.2 b).

#### 4. CLASSES OF DEVELOPMENT EXCLUDED

The following types of *development* may be undertaken without the approvals referred to in Section 3 of this By-law;

- a) Agricultural or farm related buildings or structures which are utilized for farming operations except for a kennel or a commercial greenhouse;
- b) Single, semi-detached, duplex and link dwellings, and street townhouse developments, including any accessory buildings and structures thereto within a registered plan of subdivision;
- c) Single, semi-detached, duplex and link dwellings, including any accessory buildings and structures thereto within a registered plan of condominium;
- d) Buildings or structures not exceeding a total *gross floor area* of 50 square metres;
- e) Additions or alterations to an existing building or structure provided that:
  - i) the additional *gross floor area* does not exceed 10% of the existing gross floor area;
  - ii) the number of required parking spaces is not increased by more than 10% relative to the amount of parking currently provided on the lands; and,
  - iii) the total area of open space on a lot which is used exclusively for landscaping is not decreased by more than 10%;
- f) Tents, marquees and similar structures to be erected for a temporary period not exceeding 16 weeks;
- g) Buildings or structures, and additions or alterations to buildings and structures, used for the purpose of enclosing staircases, passageways,

- entrances, porches, verandas and similar structures;
- h) Buildings or structures destroyed or damaged by fire, explosion, flood or other similar cause, provided that:
- i) the reconstructed building or structure is used for the same purpose as the former building or structure;
  - ii) the gross floor area and height of the reconstructed building or structure generally does not exceed those of the former building or structure; and
  - iii) the reconstructed building or structure is generally not located closer to any lot line than the former building or structure;

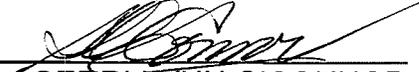
Except for an institutional, commercial or industrial building or structure that currently does not have an approved site plan.

- i) Existing buildings or structures that are to be converted to a use that is otherwise subject to Site Plan Control, provided that:
- i) the existing building does not exceed a total gross floor area of 465 m<sup>2</sup>; and,
  - ii) no more than five (5) parking spaces are required;
- j) Residential sales offices and model homes where another form of development agreement has been entered into with the Township that includes provisions specific to the residential sales office or model home(s);
- k) The laying out and establishment of outdoor patios associated with restaurants where another form of development agreement has been entered into with the Township that includes provisions specific to the outdoor patio;
- l) Home occupations and home industries;
- m) Accessory Apartments;
- n) Electric power facilities;
- o) Any building or structure owned or operated by the Township, the Region of Durham, the Province of Ontario or the Government of Canada or agency thereof, including any Region of Durham and Township of Uxbridge service facilities;
- p) A portable classroom on a public or separate board school site; and,
- q) Any structure for flood or erosion control.

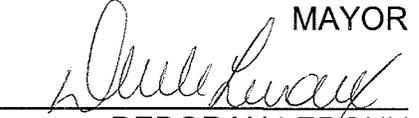
Except where a condition to require Site Plan Control is imposed by a decision of the Committee of Adjustment and/or Council.

5. No development is permitted within the Township unless the owner enters into a Site Plan Agreement, except where exempted from Site Plan Control by Paragraph 4 of this By-law, or where Council waives the requirement for an Agreement.
6. Any Agreement or Amendment to an existing Site Plan Agreement made in accordance with the provisions of this By-law shall be registered against the lands affected by the Agreement or Amendment, and the cost of such registration shall be borne by the owner or person undertaking the development.
7. THAT this By-law shall come into force on the date it is passed by the Council of the Corporation of the Township of Uxbridge.

READ A FIRST, SECOND and THIRD time and finally passed on the 23<sup>rd</sup> day of April, 2012.

  
GERRILYNN O'CONNOR

MAYOR

  
DEBORAH LEROUX

CLERK