

OCTOBER 13, 2015

OFFICE CONSOLIDATION

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 9973

A BY-LAW, AS AMENDED BY BY-LAW 10356, 10385, 2000-102, 2001-150, 2015-113 BEING A BY-LAW RESPECTING SITE PLAN CONTROL IN THE CITY OF WELLAND

WHEREAS Section 41(2) of the Planning Act, R. S. O. 1990, Chapter P.13, provides that a local municipality may establish a site plan control area where, in its Official Plan, it has described a proposed site plan control area; and

WHEREAS Official Plan Amendment #54 to the City of Welland Official Plan provides that the whole of the City of Welland is a proposed site plan control area; and

WHEREAS the said Official Plan Amendment #54 was approved by the Minister of Municipal Affairs on the 13th day of January, 1986; and

WHEREAS Section 41(13) of the Planning Act, R. S. O. 1990, Chapter P.13, provides that the Council of a local municipality, may, by by-law, exempt certain classes of development from site plan control and further that the Council may, by by-law, delegate its approval powers and authority to a Committee of the Council or to an appointed officer of the municipality; and

WHEREAS the Council of the Corporation of the City of Welland deems it expedient to impose site plan control on the whole of the City of Welland; and

WHEREAS the Council of the Corporation of the City of Welland also deems it expedient to exempt certain classes of development from site plan control and further to delegate certain powers and authority to an appointed officer of the municipality.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

- 1) That for the purposes of this By-law, the following definitions shall apply:
 - (a) "Chief Building Official" shall mean the Chief Building Official of the City of Welland appointed pursuant to the Ontario Building Code Act;

- (b) "City" means the Corporation of the City of Welland;
- (c) "City Engineer" means the City Engineer of the City of Welland or his appointed designate;
- (d) "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 clause (a) of paragraph 101 of Section 209 of the Municipal Act or of sites for the location of three or more mobile homes as defined in clause 46(1)(a) of the Planning Act.

"redevelopment" shall have a corresponding meaning;

- (e) "Owner" means a person, corporation or firm whose interest in the land is defined and whose name is specified in an instrument in the local registry office;
- (f) "Director of Development Services" means the Director of Development Services of the City of Welland. (By-law 10385)

2) All lands within the territorial limits of the City are hereby designated as a Site Plan Control Area.

3) Except as otherwise provided for herein, no person shall undertake any development or redevelopment within the City of Welland unless and until the City has approved the following:

- (1) 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 4 hereof;
- (2) The provisions of Section 41(4)(2) of the Planning Act notwithstanding, drawings showing plan, elevation and cross-section views of each building to be erected which drawings are sufficient to display:

- (i) the massing and conceptual design of the proposed buildings;
- (ii) the relationship of the proposed building(s) to adjacent buildings, streets and exterior areas to which members of the public have access; and
- (iii) the provision of interior walkways, stairs, elevations and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.

4) As a condition to the approval of plans, drawings and elevations referred to in Section (3) hereof, the City may require the owner of the lands to:

- (a) provide to the satisfaction of and at no expense to the City any or all of the following:
 - 1) Subject to the provisions of Section 5, widenings of highways that abut on the land;
 - 2) 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;
 - 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;
 - 4) Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
 - 5) Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - 6) Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;

- 7) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - 8) Easements, conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewer facilities and other public utilities of the municipality or local board thereof on the land;
 - 9) 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 structure thereon;
- (b) 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 paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of Clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
 - (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Clause (a) and the maintenance thereof as mentioned in Clause (b) or with the provision and approval of the plans and drawings referred to in Section (3) hereof.
- 5)
 - (a) Road widenings may be required on the following Regional and City roads so as to increase the right-of-way width of same to a maximum of 26.2 metres.
 - (b) Notwithstanding the foregoing, only one half of any road widening will be taken from any one side of the right-of-way. In addition, sight triangles and turning lanes may also be required as follows:
Regional Roads maximum length of 7.5 metres
City Roads maximum length of 4.5 metres
 - (c) A listing of Regional and City roads which may be subject to road widening requirements is attached hereto as Schedule "A", which Schedule shall be read with and form part of this By-law.

6) An irrevocable standby letter-of-credit, in favour of the City or cash, shall be deposited with the City in the amount of 50% of the estimated value of work inclusive of Engineering Fees and Contingency totalling 10% and G.S.T. for all landscaping, fencing, drainage facilities, sanitary sewers, watermains, water services, paving and curbing proposed on the lands by the Owner or required by the City. Such irrevocable standby letter-of-credit, in a form approved by the City Treasurer or cash, shall be deposited with the City prior to the issuance of a Building Permit or prior to the execution of any Site Plan Control Agreement by the City where no building permit is required. (By-law 10356)

7) The Agreements referred to herein shall be in a form acceptable to the City and in a form which is registerable in the local land registry office.

8) Notwithstanding the foregoing, the following forms and classes of development and construction shall be exempt from Site Plan Control:

- (i) one, two and three unit dwellings;
- (ii) all buildings on farm operations;
- (iii) underground storage tanks;
- (iv) signs and fences, where such are not erected as part of a development;
- (v) parking lots containing less than five (5) parking spaces;
- (vi) expansions to existing industrial developments, including building additions, having a ground floor area not exceeding 25% of the existing development or building floor area, to a maximum of 9,300 square metres (100,000 square feet) unless the original development/building was the subject of a Site Plan Control or Development Control Agreement and provided the proposed expansion or building addition does not significantly alter existing drainage patterns or flows on the site as determined by a Professional Engineer and approved by the City Engineer; and
- (vii) expansions to existing commercial developments, including building additions, having a ground floor area not exceeding 25% of the existing development or

building, to a maximum of 2,325 square metres (25,000 square feet), unless the development/building was the subject of a Site Plan Control or Development Control Agreement and provided the proposed expansion or building addition does not significantly alter existing drainage patterns or flows on the site as determined by a Professional Engineer and approved by the City Engineer.

9) (a) Pursuant to Section 41(13) of the Planning Act, R. S. O. 1990, Chapter P.13, the Director of Development Services is hereby authorized to approve minor changes to all existing Site Plan Control and Development Control Agreements which have been approved by the City prior to the enactment of this By-law and to all Site Plan Control Agreements approved by the City subsequent to the enactment of this By-law. The Director of Development Services shall, prior to approving any minor change to any Site Plan Control or Development Control Agreement, confer with other appointed officers of the City as may be necessary. (By-law 10385) (By-law 2015-113)

(b) Pursuant to Section 41(13) of the Planning Act, R. S. O. 1990, Chapter P.13, the Director of Development Services is hereby delegated Council's powers and authority to approve Site Plan Control Agreements on behalf of the City. (By-law 10385) (By-law 2015-113)

(c) That the Director of Development Services be authorized to exempt development from the provisions of Site Plan Control By-law 9973, subject to such terms and conditions as determined by the Director of Development Services upon the advise of the City Engineering and/or the Chief Building Official. (By-law 2001-150) (By-law 2015-113)

10) Every person who has a duty to satisfy any condition imposed by the City or any provision of an Agreement made pursuant to this By-law shall forthwith after notice satisfy such duty.

11) All By-laws passed by the City of Welland the effect of which are to establish specific Site Plan Control Areas are hereby repealed.

12) Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine of not more than \$2,000.00.

13) The effective date of this By-law shall be December 1, 1992.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 3RD DAY OF NOVEMBER, 1992.

RICHARD REUTER MAYOR

CRAIG A. STIRTZINGER CLERK

As Amended By: By-law 10356 passed May 17, 1994
 By-law 10385 passed June 7, 1994
 By-law 2000-102 passed July 11, 2000
 By-law 2001-150 passed October 16, 2001
 By-law 2015-113 passed September 15, 2015

NOTE: This Office Consolidation is prepared for purposes of convenience only, and for accurate reference, recourse should be had to the original By-laws.

SCHEDULE "A" TO CITY OF WELLAND SITE PLAN CONTROL
BY-LAW 9973 AS AMENDED BY BY-LAW 2000-102

The following are roads which may be subject to road widenings as described in Section 5 of By-law 9973;

NOTE: The ownership of roads designated as Region or City is for convenience only.

ROADS

Aqueduct Street - from Church Street North (City)
Atlas Avenue (City)
Biggar Road - East of Moyer Road (City)
Broadway (City)
Burgar Street (City)
Canal Bank Street - Ontario Road to Forks Road (City)
Church Street - Niagara Street to Aqueduct Street (City)
Clare Avenue - Fitch Street to North City Limit (City)
Colbeck Drive - Prince Charles Drive North to Webber Road (City)
Dain Avenue (City)
Division Street - King Street to Burgar Street (Region)
Doans Ridge Road (Region)
East Main Street (Region)
Elm Street (Region)
First Avenue (City)
Fitch Street (City)
Forks Road (City and Region)
Hagar Street (City)
Hellems Avenue (City)
King Street (City and Region)
Lincoln Street (City)
Memorial Park Drive (City)
Miller Road (Region)
Moyer Road (Region)
Netherby Road (Region)
Netherby Road - Reaker Road to Rusholme Road (City)
Niagara Street (Region)
Ontario Road (City)
Plymouth Road (City)
Prince Charles Drive North and South (Region)

Quaker Road (City)

Reaker Road (City)

Rice Road - Prince Charles Drive North to North City Limits (Region and City)

Ridge Road - Rusholme Road to Doans Ridge Road (City)

Riverside Drive (Region)

Rusholme Road (City)

St. George Street (City)

Schisler Road (Region)

South Pelham Road - Webber Road to North City Limits (Region)

Southworth Street (City)

Thorold Road (City)

Webber Road (Region)

Wellington Street (City)

West Main Street (Region)

West Side Road (Region)

Willson Road (City)

Woodlawn Road (Region)