



By-law No. 2011-034

"A By-law to establish a Site Plan Control Area within the Limits of The Corporation of the City Of Owen Sound"

Originally Passed and Enacted March 21, 2011

Amended by By-law:	Passed On:
Not Amended	

*Consolidated Version
Revised and Verified January 16, 2014*

Consolidated for Convenience Only

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracies of these by-laws, they are not official versions or legal documents. The original by-laws should be consulted for all interpretations and applications on this subject. For more information or original signed copies of by-laws please contact the City Clerk's Department.

BY-LAW 2011-034

THE CORPORATION OF THE CITY OF OWEN SOUND

A BY-LAW TO ESTABLISH A SITE PLAN CONTROL AREA WITHIN THE LIMITS OF THE CORPORATION OF THE CITY OF OWEN SOUND

WHEREAS the Corporation of the City of Owen Sound has in effect an Official Plan which shows or describes the whole of the City of Owen Sound as a Site Plan Control Area;

AND WHEREAS the Council for the Corporation of the City of Owen Sound is empowered pursuant to Section 41 of the Planning Act R.S.O. 1990, c. P.13, as amended, to designate as a Site Plan Control Area the whole or any part of an area in the City of Owen Sound which is designated in the Official Plan of the City of Owen Sound as a proposed Site Plan Control Area;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

1. All lands within the corporate limits of the City of Owen Sound are hereby designated as a Site Plan Control Area.
2. For purposes of the By-law, the following definitions shall apply:
 - 2.1 **"Accessory"** means a use, building or structure subordinate and incidental to and functionally associated with the main use, building or structure located on the same lot therewith, and when applied to buildings or structures, also means a building or structure separate from the main building on the same lot otherwise provided for in this By-law.
 - 2.2 **"Development"** shall be as defined under Section 41 of the Planning Act R.S.O. 1990, c. P.13, as amended from time to time, including the exclusion of portable classrooms on school sites as required by Section 41(1.1) of the Act.
 - 2.4 **"Dwelling Unit"** means a room or group of rooms designed, occupied or intended to be occupied as a single housekeeping unit, for one or more persons, providing kitchen and sanitary facilities and sleeping accommodations for the exclusive use of the occupants.
 - 2.5 **"Dwelling, Converted"** means:
 - 2.5.1 A detached or attached dwelling originally designed to contain one dwelling unit, the interior of which has been altered to provide one or more additional dwelling units; or
 - 2.5.2 A building originally designed to contain a non-residential use, the interior of which has been altered to provide one or more dwelling units;

Provided however that no dwelling or building shall be converted unless the gross floor area within the said dwelling or building which is to be used to calculate density has been used for a minimum period of 10 years in the manner for which the said dwelling or building was originally constructed.
 - 2.6 **"Dwelling, Duplex"** means a residential building containing two dwelling units, but shall not include a semi-detached dwelling.
 - 2.7 **"Dwelling, Semi-detached"** means one of two attached dwelling units, divided by whole or in part by a common vertical wall, each of which has an independent entrance directly from the outside or through a vestibule. Each dwelling unit shall be designed having access to and frontage on a street.
 - 2.8 **"Dwelling, Single Detached"** means a residential building that is detached and permanent, consisting of one dwelling unit.
 - 2.9 **"Dwelling, Townhouse"** means a residential building divided vertically into three or more attached dwelling units by common walls which prevent internal access between the attached dwelling units.

3. No person shall undertake any development in the designated Site Plan Control Area unless the Council of the Corporation of the City of Owen Sound or its delegate under Section 6 of this By-law, has first approved in writing one or both of the following:
 - 3.1 Plans showing the location of all buildings and structures to be erected, showing the location of all facilities and works to be provided in conjunction therewith, and of any of the facilities and works required by the Council from those listed in Section 41(7)(a) of the Planning Act, as amended.
 - 3.2 Drawings showing plan, elevation and cross-section views for each building to be erected, except buildings which constitute development exempted by Section 5 of this By-law, and which drawings are sufficient to display the details set out in Section 4 out of this By-law.
 - 3.3 As a condition of approval of the plans and drawings referred to in in Section 3.1 and 3.2 hereof, the Council may in accordance with the provisions of Sec. 41(7) of the Planning Act, require the owner of the land proposed for development to enter into one or more agreements with the municipality dealing with matters listed as follows:
 - 3.3.1 To provide any or all of the facilities or works listed in section 41(7)(a) of the Planning Act; and
 - 3.3.2 To maintain to the satisfaction of the City of Owen Sound and at the sole risk and expense of the owner all of the said facilities or works including the removal of snow from access ramps, driveways, parking and loading areas, and walkways on the said lands; and
 - 3.3.3 To ensure that the development proceeds in accordance with the plans and drawings approved by the Council; and
 - 3.3.4 Any other facilities, works or matters set out in Section 41 of the Planning Act.
4. Unless expressly exempt in writing by Council or its delegate under Section 6 of this By-law, the drawings required to be provided by the owner pursuant to Section 3 hereof, in accordance with Sec. 41(4) of the Planning Act, shall be sufficient to display the following:
 - 4.1 The massing and conceptual design of the proposed building.
 - 4.2 The relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access.
 - 4.3 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 building, but which exclude the layout of interior areas other than the interior walkways, stairs, elevators and escalators.
 - 4.4 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 in accordance with the urban design policies of the City's Official Plan.
 - 4.5 The sustainable design elements on any adjoining highway under the City'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 in accordance with the urban design policies of the City's Official Plan.
 - 4.6 Facilities designed to have regard for accessibility for persons with disabilities.
5. This By-law does not apply to the following classes of development:
 - 5.1 Single detached dwellings.
 - 5.2 Semi-detached dwellings.
 - 5.3 Duplex dwellings.
 - 5.4 Converted dwellings containing a total of 2 or less units. **(2009-083)**

- 5.5 Any form of development constituting an addition of less than 30 square metres floor area that does not increase the floor area of the existing building more than 5%, except however any addition to an existing building within the area illustrated on Schedule 'A' to this By-law shall be subject to the approval of plans and drawings required by Section 41(4) of the Planning Act.
- 5.6 Buildings and structures accessory to single detached, semi-detached, duplex, townhouse, and converted dwellings.
- 5.7 Notwithstanding the exemptions from Site Plan Control of the classes of development described in subparagraphs (i) to (vi) above, the City of Owen Sound, as a condition of draft plan approval of any plan of subdivision or plan of condominium, reserves the right to require that site plan approval shall apply to any or all of these classes of development to be included in the plan of subdivision or plan of condominium when registered.

6. Site Plan Approval Authority Delegation

Under Section 41(13)(b) of the *Planning Act*, City Council is permitted to delegate its powers of approval authority for Site Plan Approval where a Site Plan Control Area has been designated.

For the purposes of this By-law, 'delegation' includes: approval of site plans; the imposing of conditions; and the approval of site plan control agreements, and amendments thereto.

For the purposes of this By-law, 'delegate' means the Director of Community Services, or an alternate staff person designated by the Director in his/her absence.

6.1 General Provisions of Delegation

- i. That all relevant local and provincial legislation and policy continue to apply, including Planning Site Plan Policy, Engineering Standards, and Building Code regulations; delegation would not result in non-compliance with previously established City policy or Provincial regulations;
- ii. That staff shall summarize all applications being considered by the staff delegate for the information of City Council prior to approval;
- iii. That the delegate, Council, or the applicant may request that Council consider any given site plan application;
- iv. That the delegate is authorized to approve applications with conditions, and is not empowered to refuse applications; and
- v. That Mayor and Clerk be authorized to execute site plan control agreements approved through delegation, and any other documents required to implement the conditions of approval.

6.2 The following classes of development may be considered by the delegate (excluding those classes already exempt under Section 5.5 & 5.6 of this By-law):

- 6.1.1 A building addition, outside of the shaded area indicated on 'Schedule A', that is sized 100 square metres or less, or that does not increase the gross floor area of the existing building more than 25%.
- 6.1.2 A building addition, inside of the shaded area indicated on 'Schedule A', that is sized 30 square metres or less, or that does not increase the gross floor area of the existing building more than 5%.
- 6.1.3 Accessory buildings and structures located inside or outside of the shaded area indicated on 'Schedule A'.
- 6.1.4 Where City Council has approved an overall/master site plan for a development to be completed in phases, the delegate may implement the direction of Council in subsequent phases, as outlined in the approval of the overall/master site plan.

- 7. Every person who contravenes Section 41 of the Planning Act, as amended, is guilty of an offence, and upon conviction is liable to the fines set out in the Planning Act, as amended.
- 8. By-law 2008-028, as amended, of the Corporation of the City of Owen Sound is hereby repealed.
- 9. This By-law shall come into full force and effect upon the final passing thereof.

FINALLY PASSED AND ENACTED this 21st day of March, 2011.

_____ *Signature on File* _____
Mayor

_____ *Signature on File* _____
Acting Clerk

BY-LAW 2011-234
Schedule "A1"

March 1, 2011



BY-LAW 2011-234
Schedule "A2"

March 1, 2011



BY-LAW 2011-234
Schedule "A3"

March 1, 2011

