

The Corporation of the City of Pickering

By-law No. 7632/18

Being a By-law to designate the City of Pickering
as a Site Plan Control Area.

Whereas, Section 41(2) of the *Planning Act*, R.S.O. 1990; c. P.13, as amended, permits the Council of The Corporation of the City of Pickering to designate the whole or any part of the municipality as a site plan control area provided provisions are included in the Official Plan;

And whereas, the Council of The Corporation of the City of Pickering considers it desirable to pass such a by-law;

Now therefore, the Council of The Corporation of the City of Pickering hereby enacts as follows:

1.0 Definitions

In this By-law,

- (1) "Act" means the *Planning Act* (Ontario), R.S.O. 1990, c. P.13, as amended.
- (2) "City" means The Corporation of the City of Pickering.
- (3) "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 164(4)(a) of the *Municipal Act*, 2001, as amended, or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the Act;

Under Section 414(1.1) of the Act, the definition of development does not include the placement of a portable classroom on a school site of a district school board if the school was in existence on January 1, 2007.

Notwithstanding the foregoing, within the Oak Ridges Moraine, as established by Ontario Regulation 01/02, "Development" shall also include the creation of a new lot, a change in land use, or the construction of buildings and structures, any of which require approval under the Act.

2.0 Interpretation

- 2.1 All lands within the corporate limits of the City of Pickering are hereby designated as a site plan control area pursuant to section 41(2) of the *Planning Act*, R.S.O. 1990, as amended.

3.0 General

3.1 No person shall undertake any development in the site plan control area designated by this By-law unless the Council of the City or, where a referral has been made under subsection 41(12) of the Act, the Local Planning Tribunal has approved,

- (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 subsection 3.2 of this By-law and, including facilities designed to have regard for accessibility for persons with disabilities;
- (b) drawings showing plan, elevation 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;
 - (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 building design, including without limitation the character, scale, appearance and design of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design;
 - (v) 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; and
 - (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 City may require the owner of lands 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 lands 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 ground cover or facilities for the landscaping of the land or the protection of adjoining land;
 - (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 City for the construction, maintenance, or improvement of water courses, ditches, land drainage works and sanitary sewage facilities and other public utilities on the land;
 - (x) grading or alteration in elevation or contour of the land and provisions for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
 - (xi) reports and/or studies demonstrating conformity with the policies of the City's Official Plan, requirements of any applicable approved urban design guidelines and provisions of the City's Zoning By-law, as amended.
- (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 (x), inclusive, of clause 3.2 (a) of this By-law including the removal of snow and ice from access ramps and driveways, parking and loading areas and walkways;
- (c) enter into one or more agreements with the City dealing with and ensuring the provisions of the facilities, works or matters to be provided in accordance with clause 3.2 (a) or (e) of this By-law and the maintenance thereof as mentioned in clause 3.2 (b) of this By-law or with the provision and approval of the plans and drawings referred to in subsection 3.1 of this By-law;
- (d) enter into one or more agreements with the City ensuring that development proceeds in accordance with the plans and drawings approved under subsection 3.1 of this By-law;

- (e) convey part of the land to the municipality to the satisfaction of and at no expense to the City or the Region of Durham for a public transit right-of-way.

4.0. Exemptions

The following class or classes of development are exempt from the approval of plans and drawings otherwise required under subsection 3.0 of this By-law:

- (a) residential development of one or two dwelling units per lot;
- (b) agricultural and farm related buildings or structures that are used in farming operations, including new buildings or structures used for agricultural purposes within the Natural Heritage System of the Greenbelt Plan, which are located outside of the 30.0 metre minimum vegetation protection zone from a key natural heritage or key hydrologic feature identified in the Pickering Official Plan;
- (c) tents and similar structures to be erected for a temporary period not exceeding 12 weeks;
- (d) accessory buildings or structures not exceeding a total gross floor area of 50 square metres;
- (e) any expansion or enlargement of a building or structure that is less than 20 square metres or less than 10 percent of the total floor area of the building, whichever is less;
- (f) any building or structure owned or operated by the City, the Region of Durham, a conservation authority, the Government of Ontario or of Canada;
- (g) any building or structure destroyed by fire, explosion or 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 do not exceed those of the former building or structure; and,
 - (iii) the reconstructed building or structure is generally not closer to any lot lines than the former building or structure; and
- (h) development of residential sales offices and model homes.

5.0 Oak Ridges Moraine – Site Plan Control Area

Despite the provisions of section 4.0 of this By-law, the lands located within the boundary of the Oak Ridges Moraine as shown on Schedule I (Sheets 2 and 3) of the Pickering Official Plan, the approval of plans and drawings under section 41(4) and (5) of the Act shall be required for all development and lot creation proposed within 120 metres of any key natural heritage feature or hydrologically sensitive feature on the Oak Ridges Moraine.

6.0 Site Plan Agreement

The Mayor and Clerk of the City are hereby authorized to execute any agreement with the City dealing with the provision of any or all of the facilities, works or matters referred to in section 41(7)(a) and the maintenance thereof referred to in section 41(7)(b) of the Act, or with the provision and approval of the plans and drawings pursuant to section 41(4) of the Act, as may be required to be made by the owner of the land with the City, as a condition of the approval of the plans and drawings referred to in section 41(4) of the Act.

7.0 Repeal of Existing By-laws

By-laws 1079/80 and 7009/09 are hereby repealed.

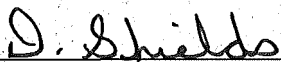
8.0 Effective Date

This By-law shall come into force on the day of its passing.

By-law passed this 25th day of June, 2018.



David Ryan, Mayor



Debbie Shields, City Clerk