

THE CORPORATION OF THE TOWNSHIP OF HAMILTON

BY-LAW NO. 93-17

**BEING A BY-LAW TO DESIGNATE THE TOWNSHIP OF HAMILTON AS A
SITE PLAN CONTROL AREA**

WHEREAS under the provisions of Section 41 of the Planning Act, R.S.O., 1990, as amended, authority is granted to Councils of municipalities to designate a site plan control area, where an Official Plan is in effect;

AND WHEREAS there is an Official Plan in effect in the Township of Hamilton and the Official Plan contains policies for the establishment of a site plan control area;

AND WHEREAS the Township of Hamilton Official Plan designated that site plan control shall apply to the entire Township of Hamilton;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Township of Hamilton ENACTS as follows:

1. In this By-Law:
 - a) "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 of 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 the clause (a) of paragraph 101 of Section 210 of the Municipal Act, R.S.O. , 1990 or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the Planning Act, R.S.O., 1990; and
 - b) "Owner" means an owner of land whose interest in the land is defined and whose name is specified in the proper Registry or Land Titles Office; and
 - c) "person" includes an Owner.
2. The provisions of this By-law shall apply to all lands within the limits of the Corporation except for the following:
 - a) all farm buildings save and except for those buildings and structures used for the sale of agricultural goods or agricultural related goods and services which are made available to the general public at the site; and
 - b) all structures and buildings accessory to an incidental to the above mentioned farm buildings.
3. a) Approval of site plans and elevation drawings for single unit residential development, and commercial , industrial and non-residential building additions under 100 square metres in the site plan control area is hereby delegated to the Chief Building Official for the Corporation of the Township of Hamilton, save and except as hereinafter provided:
 - (i) for those circumstances in which a formal agreement is required and substantial drainage work or fill is required, the Chief Building Official shall refer such matters to Council for approval.
- b) Site plans for the following projects shall be approved by Council:
 - (i) any new non-residential building or building addition over 100 square metres, except as provided in Section 2 above; and,
 - (ii) any new residential development for more than one main dwelling unit and/or one accessory dwelling unit.

4. As a condition to the approval of the plans and drawings referred to in Section 3, the Township of Hamilton Council may require the Owner to:
 - a) provide to the satisfaction of and at no expense to the municipality 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, facilities to provide access to and from the land such as access ramps and 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, including the surfacing thereof, and all other means of pedestrian access;
 - v) facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - vi) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - vii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste materials;
 - viii) easements conveyed to the municipality for the construction, maintenance of improvements of watercourses, ditches, land drainage works and sanitary sewerage facilities on the land;
 - ix) 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;
 - x) underground utility services for electricity and telephone.
 - 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 work mentioned in paragraph ii, iii, iv, v, vi, vii, viii, and ix 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 any or all of the facilities, works or matters mentioned in clause (a) or with the provision and approval of the plans and drawings referred to in Section 3.
5. No building permit shall be issued within the site plan control area until the plans and drawings for such development have been approved by the Township of Hamilton Municipal Council or the Chief Building Officials as provided for in this by-law.
6. No person shall undertake any development in the site plan control area unless the Township of Hamilton Municipal Council or the Chief Building Official, as provided for in this by-law has approved of the following:
 - a) plans showing the true dimension of the lot to be built upon, excavated or otherwise to be used or occupied;
 - b) plans showing the location, height, floor area and dimensions of all existing and proposed buildings and structures to be developed on the subject lands;
 - c) plans showing the relations of all existing or proposed buildings or structures to adjacent buildings and streets and the location and dimensions of any yards, setbacks, landscaped open space, landscape features including retaining walls, outside storage, off-street parking and loading facilities;

- d) plans showing such contours, elevations and cross-sections as may be required to determine surface drainage patterns, floodline elevations and the elevations of the lands and proposed buildings and structures relative to a public street, road or waterway; and
 - e) the general location of all services such as water supply, sewage disposal, solid waste collection, energy supplies and communications utilities.
7. The applicant may be required to enter into an agreement with the municipality to provide and maintain those facilities required on the site plan. Such agreement may be registered against the land to which it applies. The agreement may address one or more of the following items;
- a) the provision of sufficient parking facilities, access, driveways and the surfacing of such areas;
 - b) the construction of walkways, walking ramps and other pedestrian access;
 - c) the proper lighting of all lands and buildings;
 - d) the provision of adequate landscaping and buffering in the form of trees, shrubs, walls and berms;
 - e) the conveyance of appropriate easements to the municipality for the construction, maintenance and improvement of all ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality; and
 - f) adequate drainage and disposal of all storm, surface and waste water from the lands, buildings and structures.
8. Where an application for Site Plan Control Approval is made, the municipality will review development proposals based on the provisions for Site Plan Control and will generally include the following criteria;
- a) compatibility with adjacent uses;
 - b) standard of urban design and aesthetics;
 - c) function and efficiency;
 - d) safety and access;
 - e) adequacy of servicing, grading and drainage, and
 - f) adequacy of landscaping and lighting.
9. Any agreement entered into under clause (c) of Section 4 may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner, and subject to the provisions of the Registry Act and the Land titles Act, any and all subsequent owners of the land.
- i) for those site plans approved by the Chief Building Official in accordance with Section 3 a) of this By-law, the agreement may be affixed to the plans and, when signed by the Chief Building Official and the owner, shall be deemed to be an agreement as specified in Section 4 c) of this By-law.
10. Section 326 of the Municipal Act 1990 applies to any requirements made under clauses (a) and (b) of Section 4 and to any requirements made under an agreement entered into under clause (c) of Section 4.
11. a) Where the owner is directed or required by this by-law that any matter or thing be done and such person defaults in doing such matter or thing, it may be done by the Corporation at its expense and the Corporation may recover the expense in doing it by action or the same may be recovered in like manner as municipal taxes.
- b) Where the owner is in default in doing any matter or thing which he is directed or required to do by this By-law he is to be given written notice by prepaid registered mail to his usual place of business or place of residence advising him of the default and affording him not less than thirty (30) days to remedy the default.

- c) Where the owner has been given notice of default by prepaid registered mail and he has failed to remedy the default within the time prescribed in the notice he is entitled to appear before a meeting of the Council in respect to such default before the Corporation proceeds under subsection (a) of this section.
12. No building permit or permits are to be issued until:
- a) the plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by this By-law are filed by the owner with the Corporation and approval by the Corporation, and
 - b) the perspective plans and drawings showing building elevations and cross-sections of industrial and commercial buildings are filed by the owner with the Corporation and approved by the Corporation, and
 - c) the owner conveys to the appropriate Road Authority lands for the widening of highways required by the Corporation, free of charge and with a title free of encumbrance, and
 - d) the owner conveys to the Corporation, free of charge and with a title free of encumbrance, lands for a walkway where required by the Corporation, and
 - e) the owner conveys to the Corporation, free of charge and with a title free of encumbrance, any easements required by the Corporation for its purposes, and
 - f) the owner files with the Corporation, for its approval, a lot grading plan showing all grading and changes in elevation or contour of land and disposal of storm, surface and waste water from the lands or any buildings or structures to be erected thereon.
13. No person shall:
- a) block or impede access to land at the point of ingress or egress shown on the plans and drawings filed with the Corporation; and
 - b) park a vehicle on private property other than on the parking and loading areas shown on the plans filed with the Corporation; and
 - c) block or impede the use of walkways shown on the plans filed with the Corporation, and
 - d) interfere with snow or ice removal directly or indirectly and without limiting the generality of the foregoing no vehicle shall be parked so as to obstruct the removal of ice or snow from access ramps, driveways, parking areas and walkways shown on the plans filed with the Corporation, and
 - e) change the grading or contour or elevation of land from that shown on the plans filed with the Corporation and approved by the Corporation without the consent in writing of the Corporation, and
 - f) block or interfere with the disposal of or alter the normal drainage course for storm, surface and waste water from land or buildings or structures unless alternative drainage is provided to the written satisfaction of the Corporation, and
 - g) block or interfere with watercourses, watermains, ditches, land drainage works or sanitary sewerage facilities of the Corporation or of the County of Northumberland whichever is the case, and
 - h) permit floodlights from his lands to illuminate neighbouring buildings where such illumination disturbs the sleep or privacy of the occupants of the buildings so illuminated, and
 - i) fail to maintain walls, fences, hedges, trees, shrubs, or other suitable ground cover shown on the plans filed with the Corporation, and

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- j) fail to keep in good repair or uncovered all vaults, central storage and collection areas and other facilities and enclosures for the storage and collection areas and other facilities and enclosures for the storage of yardage and other water materials as shown on the plans filed with the Corporation.
- 14. This By-Law may be referred to as the "Site Plan Control By-Law".
- 15. This By-Law comes into force and effect on the date it is enacted by Council.

READ A FIRST TIME THIS 2ND DAY OF FEBRUARY, 1993.

READ A SECOND TIME THIS 2ND DAY OF FEBRUARY, 1993.

READ A THIRD TIME AND PASSED THIS 3RD DAY OF FEBRUARY, 1993.

THE CORPORATION OF THE TOWNSHIP OF HAMILTON.

REEVE

CLERK