

THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE

BY-LAW NUMBER 2015-136-SI

BEING A BY-LAW to designate the Town of Whitchurch-Stouffville as a Site Plan Control Area and to require the approval of plans and drawings in certain areas thereof, and repeal By-law 2013-104-SI as amended.

WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, permits the Council of the municipality to designate the whole or any part of the municipality as a site plan control area;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF WHITCHURCH-STOUFFVILLE ENACTS AS FOLLOWS:

1. DEFINITIONS:

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 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 Subsection 164(4) of the *Municipal Act*, R.S.O. 2001, as amended, 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, c.P.13, as amended, or sites for the construction, erection or location of three or more land lease community homes, as defined in Subsection 46(1) of the *Planning Act*.
- (b) 'Town' means The Corporation of the Town of Whitchurch-Stouffville or the geographic area thereof, as the context may require.
- (c) Gross Floor Area means:
 - (i) when used in reference to an entire building, the total horizontal area of all of the storeys of the building, measured from the exterior faces of the exterior walls. Within a building, the following are exempt from the calculation of gross floor area; parking spaces, mechanical rooms, refuse storage rooms, stairwells and; elevator shafts
 - (ii) when used in reference to a dwelling unit, the total horizontal area of all of the storeys of the dwelling unit, measured from the exterior faces of the exterior walls and the centre line of party walls as applicable, and including attics and garages. Areas of decks, porches and second suites as defined by By-law 2010-001-ZO, and pools and basements, shall be excluded.

2. SITE PLAN CONTROL AREA

All land located within the limits of the Town of Whitchurch-Stouffville is hereby designated as a site plan control area.

3. GENERAL

- (1) No person shall undertake any development in the site plan control area designated by this By-law unless the Town has approved:
 - (a) plans showing the location of all buildings and structures to be erected and 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 plans, elevations and cross-sectional views for each building to be erected which are sufficient to display,
 - (i) the massing and conceptual design of the proposed building;
 - (ii) the relationship of the proposed building to adjacent building, streets and exterior areas to which members of the public have access;
 - (iii) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces, interior walkways and adjacent buildings;
 - (iv) matters relating to exterior design, including, without limitation, the character, scale, appearance and design features of the proposed building and its sustainable design;
 - (v) the sustainable elements on any adjoining highway, including, without limitation, trees, shrubs, hedges, plantings and other groundcover, 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.
- (2) As a condition of approval of the plans and drawings referred to in Subsection 3(1) of this By-law, the Town may require the owner of lands being developed to:
 - (a) provide to the satisfaction of and at no expense to the Town 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*, R.S.O. 1990, c. P.50, as amended, 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 to 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 Town for the construction, maintenance or improvement of water courses, ditches, land drainage works, sanitary sewage facilities and other public utilities 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;
 - (xi) reports and/or studies demonstrating conformity with the policies of the Town's Official Plan and the requirements of the Town's applicable Zoning By-law; and
 - (xii) lands for a public transit right-of-way.
- (b) maintain to the satisfaction of the Town 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 Town 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, works and matters required pursuant to Clause 3(2)(a) and the maintenance thereof, referred to in Clause 3(2)(b).

4. EXCEPTIONS

- (1) The following classes of development may be undertaken without the approval of the plans and drawings otherwise required under Subsection 3(1) of this By-law:
- (a) single detached, semi-detached, duplex or link residential development, and street townhouse development within a registered plan of subdivision, including any accessory buildings related to either of the foregoing;
 - (b) the placement of a portable classroom on a school site that was operated as such by a district school board on January 1, 2007;
 - (c) development of farm buildings or structures;
 - (d) the construction, erection or placing on land of buildings or structures having a gross floor area of less than 100 square metres;
 - (e) additions having a gross floor area of less than 100 square metres;
 - (f) electric power facilities; and
 - (g) facilities by, or on behalf of the Regional Municipality of York or the Town of Whitchurch-Stouffville.
- (2) Notwithstanding Subsection 4(1) of this By-law, no person shall undertake any residential development (including, without limiting the foregoing, any additions) having a gross floor area greater than 21 square meters within the Heritage Area depicted on Schedule "A" hereto without the approval of the plans and drawings required under Subsection 3(1).
- (3) Notwithstanding Subsection 4(1) of this By-law, within the Oak Ridges Moraine Area outside of the Settlement Areas of the Community of Stouffville and

Ballantrae–Musselman Lake no person shall construct a single detached dwelling or addition thereto or associated accessory building or pool or a non-residential building with a GFA less than 100 square metres or an addition thereto within 90 metres of an Environmental (ENV) Zone or a Flood Hazard (FH) Zone without the approval of the plans and drawings required under Subsection 3(1). This requirement does not apply to expansions to existing single detached dwellings or non residential buildings or accessory buildings and pools related to existing single detached dwellings provided they are outside of Environmental (ENV) or Flood Hazard (FH) zones established by By-law 2010-001-ZO as amended. Exemptions from the requirements of this section may be granted by the Town without amendment to this By-law.

5. SCHEDULE

Schedule "A" hereto, which depicts the Heritage Area overlay designation identified in the Community of Stouffville Secondary Plan, forms part of this By-law.

6. SHORT TITLE

This By-law may be referred to as the Site Plan Control By-law.

7. REPEAL OF EXISTING BY-LAWS

Site Plan Control By-law 2013-104-SI and all amendments thereto are hereby repealed.

8. EFFECTIVE DATE

This By-law shall come into force and effect upon its passage.

READ a first and second time this 15th day of September, 2015.

READ a third time and passed this 15th day of September, 2015.

Justin Altman, Mayor

Michele Kennedy, Clerk