



THE CORPORATION OF THE CITY OF WATERLOO

BY-LAW NO. 2013 – 124

BEING A BY-LAW TO DESIGNATE ALL LANDS WITHIN THE CITY OF WATERLOO AS AN AREA OF SITE PLAN CONTROL AND TO DELEGATE COUNCIL'S SITE PLAN CONTROL POWER TO THE DIRECTOR OF PLANNING APPROVALS

WHEREAS Section 41 of the *Planning Act*, R.S.O. 1990, C.P.13, as amended permits municipal councils to designate any lands within a municipality as a site plan control area provided that such area is shown or described as such in the municipal official plan;

AND WHEREAS the City of Waterloo Official Plan designates all lands within the City as a site control area;

AND WHEREAS under Section 23.1 of the *Municipal Act, 2001*, S.O. 2001 c. 25, as amended, a municipal council may delegate its powers and duties to any person;

AND WHEREAS the Municipal Council of The Corporation of the City of Waterloo deems it desirable to designate the City of Waterloo as a Site Plan Control Area and to delegate its responsibilities with respect to processing site plan applications to the City's Director of Planning Approvals.

THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WATERLOO ENACTS AS FOLLOWS:

1. For the purpose of this By-law:
 - a) **“Boarding House”** means a building used for residential occupancy where, for compensation:
 - i) a proprietor supplies rooms with or without meals, or furnished with kitchen facilities to not less than four (4) persons other than himself and the members of his family related to him by blood, marriage, adoption; or,
 - ii) not less than six persons lodged and furnished with kitchen facilities for periods of not less than one week; and

- iii) but does not include a hotel, motel, private hospital, institution or other similar use;
- b) “**Council**” means The Corporation of the City of Waterloo
- c) “**Development**” means the construction, erection or placing of one or more buildings or structures on land or the making of an additional 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 of the location of three or more trailers as defined in clause (a) subsection 164(4) of the Municipal Act or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the Planning Act or of 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;
- d) “**Director**” means the Direction of Planning Approvals’
- e) “**Education Institutional Development**” means development under the jurisdiction of the Waterloo Region District School Board, the Waterloo Region Catholic School Board, the University of Waterloo, Wilfred Laurier University or Conestoga College. “Education Institutional Development” however shall not include development of a research and development facility, which may include manufacturing as a use related to a research and development facility, which may include development on lands under the jurisdiction of the University of Waterloo or Wilfred Laurier University not designated major Institutional in the City of Waterloo Official Plan;
- f) “**Extractive Use**” means the use of a pit or quarry for which a licences has been issued by the Minister of Natural Resources pursuant to the Aggregate Resources Act, R.S.O. 1990, c.A.8, as amended, and includes associated buildings and structures;
- g) “**Farm-Related Development**” means the erection of buildings or structures for agricultural usage on a farm and shall include the residence of the farm operator;
- h) “**Low Density Residential Development**” means a residential development containing less than three (3) residential dwelling unites but does not include a boarding House;
- i) “**Municipal Act**” means the Municipal Act, 2001 S.O. 2001, C25, as amended; and
- j) “**Planning Act**” means the Planning Act, R.S.O. 1990, C.P.13, as amended.

2. All of the land contained within the Official Plan of the City of Waterloo Planning Area, as amended from time to time, is hereby designated as a Site Plan Control Area pursuant to Section 41 of the Planning Act.
3. No person shall undertake any development on land located in the Site Plan Control Area unless Council, or, where a referral has been made under Section 41(12) of the Planning Act, the Ontario Municipal Board, has approved the plans and drawings to be submitted to the City pursuant to subsections (4) and (5) of Section 41 of the Planning Act.
4. Notwithstanding section 3 of this By-law, the following classes of development may be undertaken without the approval of plans and drawings otherwise required under subsections (4) and (5) of Section 41 of the Planning Act:
 - a) Low Density Residential Development;
 - b) Educational Institutional Development;
 - c) Farm-Related Development;
 - d) Extractive Use; and
 - e) Portable classrooms erected after 2007 on Waterloo Region District School Board or Waterloo Region Catholic School Board school sites;
5. The drawings to be submitted pursuant to Subsections (4) and (5) of Section 41 of the Planning Act shall, where applicable, be required to address, amongst other matters, the following:
 - a) Matters relating to exterior design including, without limitation, the character, scale, appearance and design features of buildings and their sustainable design;
 - b) Sustainable design elements on any adjoining City highway, including, without limitation, trees, shrubs, hedges or other landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
 - c) Facilities designed to have regard for accessibility for persons with disabilities.
6. As a condition of the approval of the plans and drawings required under section 3 of this By-law, the City may require the owner of lands to:
 - i) Provide and maintain, to the satisfaction of and at no risk or expense to the City, the facilities, works or matters set out in subsections (7)(a)(b) and (d) of Section 41 of the Planning Act;
 - ii) Enter into one or more agreements with the City with respect to the provision and maintenance of such facilities, works or matters; and
 - iii) Enter into one or more agreements with the City of ensure that the development proceeds in accordance with the approved plans and drawings as required in section 3 of this by-law.

7. The City's requirements with respect to consultation with the City before submitting the plans and drawings required under section 3 of this By-law are set out in By-law 08-073.
8. Council's authority to approve the plans and drawings required pursuant to section 3 of this By-law is hereby delegated to the Director.
9. Council's authority to require and approve the Site Plan Agreement(s) pursuant to Section 6 (iii) of this by-law and Section 41 of the Planning Act RSO, 1990 and amendment and to execute and cause to be registered said Site Plan Agreements(s) is hereby delegated to the Director.
10. Notwithstanding sections 8 & 9, Council may by resolution retain and continue to exercise any and all such powers delegated to the Director under sections 8 & 9.
11. By-law 09-131 is hereby repealed.
12. This By-law shall come into force and effect on the date of final passing thereof by the Council of The Corporation of the City of Waterloo.

Enacted this 2nd day of December 2013.

Approval	Date	Print Name	Initials
IPPW	11/27/13	Signed by Scott Amos	SA
Legal	11/27/12	Signed by W. White	
Finance	11/27/13	n/a Signed by Scott Amos	

(Signed by Brenda Halloran)

B. Halloran, Mayor

(Signed by Susan Greatrix)

S. Greatrix, City Clerk

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