

# THE CORPORATION OF THE TOWN OF PETAWAWA

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## BY-LAW 528/08

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**Being a By-law to make provisions of Section 41 of the Planning Act, R.S.O. 1990, c.P.13, applicable to lands within the Town of Petawawa**

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**WHEREAS** the Council of the Former Village of Petawawa passed a “Site Plan Control By-law” being By-law No. 95-05 pursuant to the provisions of Section 41 of the Planning Act, 1990;

**AND WHEREAS** the Council of the former Township of Petawawa passed a “Site Plan Control By-law” being By-law No. 1140/89 pursuant to the provisions of Section 40 of the Planning Act, 1983;

**AND WHEREAS** the Village of Petawawa and the Township of Petawawa were amalgamated pursuant to the provision of the Municipal Act;

**AND WHEREAS** it is desirable to have a uniform By-law for the municipality;

**AND WHEREAS** Section 41 of the Planning Act, R.S.O. 1990, c.P. 13, as amended permits the Council of a municipality by by-law, where in an Official Plan an area is shown or described as a proposed site plan control area to, designate the whole or part of any part thereof as a site plan control area;

**AND WHEREAS** there is an Official Plan with site plan control policies describing a site plan control area in effect for lands located within the Town of Petawawa;

**AND WHEREAS** it is considered desirable by Council that a By-law should be enacted pursuant to Section 41(2) with respect to the lands hereafter referred to;

Therefore, the Council of the Corporation of the Town of Petawawa enacts as follows:

### SECTION 1 – TITLE, INTERPRETATION AND APPLICATION

#### 1.1 Title of By-law

This By-law may be cited as the “Site Plan Control By-law” of the Town of Petawawa.

## 1.2 Interpretation

For the purposes of this by-law, words in the present tense include the future; works in the singular number include the plural and words in the plural include the singular number; the word “shall” is mandatory; the word “used” shall also mean “designed to be used”; words shall be read with such changes to gender as the context may require.

## 1.3 Application of By-law

The provisions of this By-law shall apply to all development within all zones defined in Comprehensive Zoning By-law No. 456/07, with the exception of the following uses:

- a) residential uses containing less than four dwelling units;
- b) private garage or carport
- c) public utility
- d) uses established by a public authority
- e) private park
- f) outdoor recreation uses
- g) farm
- h) roadside stand;
- i) accessory uses to the foregoing

## SECTION 2 – DEFINITIONS

For the purpose of this by-law, the following words and phrases shall have the meanings given below:

- 2.1 Agreement: means any agreement entered into by an owner of land and the Municipality, pursuant to Section 41 of the Planning Act, R.S.O. 1990.,c.P. 13, as amended.
- 2.2 Council: means the Council of the Municipality.
- 2.3 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.
- 2.4 Erect: when used in this By-law includes building, construction, reconstruction and relocation, and without limiting the generality of the word includes:
  - a) any preliminary physical operation such as excavating, filling, or draining;

- b) altering any existing building by an addition, enlargement, extension or other structural change; and
- c) any work for which a building permit is required under the Building Code.

The words “erected” and “erection” shall have a corresponding meaning.

2.5 Public Authority: means the Council of the Town of Petawawa and any School Board, Public Utility Commission, Transportation Commission, Public Library Board, Board of Parks Management, Board of Health, Planning Committee or other board or commission or committee of the Town of Petawawa established or exercising any power or authority under any general or special statutes of Ontario with respect to any of the affairs or purposes of the Municipality or a portion thereof, and includes any committee or local authority established by By-law of the Municipality.

2.6 Public Utility: means a development or undertaking by a Public Authority relating to any one of the following: a waterworks, a water supply system; sewage works; electrical power or energy generating transmission or distribution system; street lighting system; natural or artificial gas works or supply system; or a telephone system; and includes any lands, buildings or equipment required by a Public Authority for the administration or operation of any such system.

### SECTION 3 – DEVELOPMENT AGREEMENT

The owner of any land designated under this By-law shall be required as a condition of any development to enter into one or more agreements with the Municipality dealing with any or all of the facilities, works or matters referred to in Section 4, as deemed necessary by Council and the issuance of a building permit shall be prohibited until the Council has approved an agreement or agreements relating to one or both of the following, as the Council may determine:

- a) Plans showing the location of all buildings and structure to be erected and showing the location of all facilities and matters required under Section 4; and
- b) Plans delineating the 1-in-100 year regulatory floodline and the floodway boundary;
- c) Drawings showing plan, elevation and cross-section views for each industrial and commercial building to be erected and for each residential building containing four or more dwelling units to be erected which are sufficient to display the information listed as follows:
  - 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; and
- iii) the provision of interior walkways, stairs and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings;

but which exclude the layout of interior areas (other than the interior walkways, stairs and escalators referred to in clause 3.b) (iii)); the colour, texture and type of materials; window detail, construction details; architectural detail; and interior design.

No building permit will be issued until the agreement or agreements referred to herein have been signed and registered on title against the lands to which it applies.

#### SECTION 4 – CONDITIONS TO APPROVAL

As a condition to the approval of plans and drawings referred to in Section 3, the Municipality may require the owner of land to:

- (a) provide to the satisfaction of and at no expense to the Municipality any or all of the following:
  - (i) subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbs and traffic directional signs;
  - (ii) 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;
  - (iii) walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
  - (iv) facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon,
  - (v) walls, fences, hedges, trees, shrubs, or other ground cover or facilities for the landscaping of the lands or the protection of adjoining lands;
  - (vi) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;

- (vii) easements conveyed to the Municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewerage facilities and other public utilities of the Municipality or local board thereof on the land; and
  - (viii) 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;
- 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 works mentioned in items i) to vii), inclusive of Clause a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways; and
- c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Clause a) and maintenance thereof as mentioned in Clause b) or with the provision and approval of the plans and drawings referred to in Section 3.

#### SECTION 5 – REGISTRATION OF AGREEMENT

Any agreement made pursuant to the terms of this By-law shall be registered against the lands to which it applies. Each agreement shall contain a provision that the terms of the agreement shall be enforced against the Owner(s) and all subsequent Owners of the land, subject to the provisions of the Registry Act and the Land Titles Act.

#### SECTION 6 – MAINTENANCE OF FACILITIES AND WORKS

The facilities or works required by an agreement shall be maintained to the satisfaction of the Municipality and at the sole risk and expense of the Owner including the removal of snow from access ramps, and driveways, parking and loading areas and walkways as required by the Municipality.

#### SECTION 7 – DEFAULT

Should there be any default by the Owner or any subsequent Owner of the land in complying with the terms of any agreement, made pursuant to this By-law, the Municipality, its agents, servants, or assigns, may enter upon the lands and provide or maintain any or all of the facilities or works. Any expense relating thereto shall be paid by the Owner and in default of payment, the Municipality may recover the expense incurred in doing it by action, or the same may be recovered by adding the costs to the tax roll and collecting them in the same manner as taxes pursuant to the provisions of Section 427 of the Municipal Act, S.O. 2001, C.25, as amended.

## SECTION 8 – VALIDITY

If any provision of this by-law is for any reason held to be invalid, it is hereby declared to be the intention that all remaining provisions shall remain in full force and effect until repealed, notwithstanding that one or more provisions shall have been declared to be invalid.

## SECTION 9 – ADMINISTRATION

This by-law shall be administered by the Municipality.

## SECTION 10 – VIOLATIONS AND PENALTIES

Every person who contravenes this by-law is guilty of an offence and, in addition to the costs set out in Section 7, on conviction, is liable to the penalties under Section 67 of the Planning Act, R.S.O. 1990, c.P. 13, as amended, in the following manner:

- a) Every person is liable
  - i) on a first conviction to a fine of not more than \$25,000 and
  - ii) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day upon which he was first convicted; and
  
- b) Every Corporation is liable
  - i) on a first conviction to a fine of not more than \$50,000, and
  - ii) on a subsequent conviction to a fine of not more than \$25,000 for each day or part thereof upon which the contravention has continued after the day on which the Corporation was first convicted,

and not as provided in subsection a).

## SECTION 11 – REPEAL

The following By-laws are hereby repealed:


- a) By-law No. 95-05 of the former Village of Petawawa; and
- b) By-law No. 1140/89 of the former Township of Petawawa.

SECTION 12 – EFFECTIVE DATE

This By-law shall come into effect upon third and final reading thereof.

By-law read a FIRST and SECOND time this 6<sup>th</sup> day of October, 2008.

By-law read a THIRD time and finally passed this 6<sup>th</sup> day of October, 2008.

  
MAYOR

SEAL OF  
MUNICIPALITY

  
CLERK