

The Corporation of the Town of Ajax

By-law Number 11-2014

Being a By-law to repeal By-law No. 111-98 "Site Plan Control By-law" and to enact a new Site Plan Control By-law.

Whereas under the authority of section 41 of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended, (the "*Act*") By-law No. 111-98 established the territorial limits of the Town of Ajax as a designated Site Plan Control Area and established classes of development that are exempt from site plan control;

And Whereas Section 7.1.1 of the Town of Ajax Official Plan designates the entire Town as a Site Plan Control Area under the provisions of the *Act*, and establishes additional classes of development that are exempt from site plan control;

And Whereas authority is granted under subsection 41(4) of the *Act*, to require and approve drawings for development subject to site plan control, including drawings for matters related to exterior design and sustainable design elements on any adjoining highway under a municipality's jurisdiction, if an official plan and a by-law under subsection 41(2) of the *Act*, both contain provisions relating to such matters;

And Whereas Official Plan Amendment No. 38 was adopted by the Council of The Corporation of the Town of Ajax on June 14, 2010 and was approved by the Commissioner of Planning and Economic Development at the Region of Durham on February 3, 2012 to incorporate provisions related to exterior design and sustainable design elements on any adjoining highway under the Town's jurisdiction into the Town of Ajax Official Plan;

And Whereas authority is granted under subsection 41(13) of the *Act*, to exempt certain classes of development from site plan control;

And Whereas authority is granted under subsection 41(7) of the *Act*, to require the owner of land subject to site plan control to enter into one or more agreements;

And Whereas authority is granted under section 67 of the *Act*, to levy fines on persons or corporations who contravene section 41 of the *Act*;

And Whereas Council of The Corporation of the Town of Ajax adopted By-law 92-98 on July 20, 1998 to delegate its approval authority for site plan applications to the Director of Planning and Development Services, Development Approvals Coordinator or Senior Planner;

And Whereas Council of The Corporation of the Town of Ajax adopted Pre-consultation By-law 57-2008 on May 26, 2008 to require every person who intends to submit an application for a Site Plan or Site Plan Amendment application to pre-consult with the Town prior to submitting an application;

And Whereas Council of The Corporation of the Town of Ajax deems it appropriate to incorporate all of the above provisions into a Site Plan Control By-law, under section 41 of the *Act*, applying to all lands subject to site plan control in the Town of Ajax.

Now Therefore the Council of the Corporation of the Town of Ajax **enacts** new Site Plan Control By-law 11-2014 as follows:

Short Title

1. This By-law may be cited as the Site Plan Control By-law.

Definitions

2. In this By-law,
 - a) "Act" means the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
 - b) "agricultural operations" has the same meaning as in the Town of Ajax Zoning By-law 95-2003, as amended.
 - c) "agricultural-related secondary uses" means uses secondary to the principal agricultural operation on the property, including but not limited to home occupations; home industries; seasonal farm produce sales outlets; and uses that produce value-added agricultural products from the agricultural operation on the property.
 - d) "Council" means the Council of The Corporation of the Town of Ajax.
 - e) "Director" means the Director of Planning and Development Services of the Corporation of the Town of Ajax or their designate.
 - f) "development" has the same meaning as in subsection 41(1) of the *Act*.
 - g) "greenhouse" means a building for the growing of flowers, fruits, vegetables, plants, shrubs, trees and/or similar vegetation which may be sold at retail directly from such building, or lot upon which the building is situated, or which may be shipped for processing or sale to an alternate location.
 - h) "Town" means The Corporation of the Town of Ajax.

Site Plan Control Area

3. All lands within the corporate limits of the Town, as shown on Schedule 'A', are designated as a "Site Plan Control Area" under the provisions of the Act.
4. All types of proposed development within the Site Plan Control Area shall be subject to all of subsection 41(4) of the Act including, but without limiting the foregoing, a building used for residential purposes containing less than 25 dwelling units.

Exemption From Site Plan Control

5. Notwithstanding paragraph 4. of this By-law, the following classes of development may be undertaken without approval of plans and drawings under subsection 41(4) of the Act:
 - a) Buildings or structures used for agricultural operations, except for agricultural-related secondary uses and greenhouses; and,
 - b) Single detached dwellings, semi-detached dwellings, duplex dwellings, street townhouse dwellings, and back-to-back townhouse dwellings where each dwelling unit has direct vehicular access to an open and maintained public highway.

Pickering Beach Neighbourhood

6. Notwithstanding paragraph 5.b) of this By-law, the following classes of development within the Pickering Beach Neighbourhood, as shown on Schedule 'B', shall be subject to subsection 41(4) of the Act with the exception of 41(4)2:
 - a) Single detached dwellings, semi-detached dwellings, duplex dwellings, street townhouse dwellings, and back-to-back townhouse dwellings where each dwelling unit has direct vehicular access to an open and maintained public highway.

Pre-Consultation Requirements

7. Every person who intends to submit a Site Plan or Site Plan Amendment Application shall participate in a Pre-consultation Meeting with Town of Ajax Planning and Development Services staff prior to formally submitting a complete application in accordance with Town of Ajax By-law 57-2008.

Approval of Plans and Drawings

8. In accordance with By-law 92-98, Council delegates its approval authority for site plan applications to the Director of Planning and Development Services, Development Approvals Coordinator or Senior Planner.
9. In consideration of the approval of plans and drawings as set out in subsection 41(4) of the Act the following shall, in addition to other matters set out in the Act, be considered:
 - a) Matters related to exterior design or architectural design including the character, scale, appearance, articulation, proportion (e.g. colours, materials and design features of buildings), and sustainable design elements insofar as they affect exterior design, including but not limited to:
 - i) the design of entry features (e.g. porches, porticos and canopies), windows, doors, roofs, chimneys, wall cladding, driveways, and garages;
 - ii) exterior cladding and windows;
 - iii) bird-friendly glass treatments to reduce the risk for migratory bird collisions;
 - iv) location of utilities and communication infrastructure including, but not limited to, air conditioning units, gas and hydro meters, communication pedestals, and all associated conduit and/or piping;
 - v) criteria specified in any applicable Urban Design and Architectural Design Guidelines; and,
 - vi) criteria specified in the Town of Ajax Site Plan Review Manual;
 - b) Matters relating to sustainable design elements on adjoining municipal highways to create attractive transitions from the private to public realms. These elements shall include, but are not limited to:
 - i) native or non-native non-invasive trees, shrubs, hedges, plantings or other ground cover, with consideration given to using drought-tolerant varieties of these species for naturalization or to create bioswales;
 - ii) landscaping for winter wind protection and snow drift, and summer solar protection;
 - iii) landscaping for aesthetic or buffering purposes;
 - iv) protection of existing trees and vegetation;
 - v) entry features and signage;
 - vi) curb cuts, curb depressions, and sidewalks;
 - vii) pedestrian access and ramps, including barrier-free access for persons with disabilities;
 - viii) decorative and/or permeable paving materials;
 - ix) street furniture;
 - x) lighting, including pedestrian-scaled lighting;

- xi) acoustic, privacy, and decorative fencing;
 - xii) weather protection such as, but not limited to canopies, awnings, and colonnades;
 - xiii) transit shelters;
 - xiv) waste and recycling containers;
 - xv) bicycle parking facilities;
 - xvi) stormwater management control including low impact development;
 - xvii) location of utilities and communication infrastructure including, but not limited to: gas mains; telephone, hydro, and cable conduits; communication pedestals; and containing utility services within streetscape features;
 - xviii) criteria specified in any applicable Urban Design Guideline;
 - xix) criteria specified in the Town of Ajax Site Plan Review Manual; and,
 - xx) criteria specified in the Town of Ajax Facility Accessibility Design Standards;
- c) Facilities designed to have regard for accessibility for persons with disabilities, including criteria specified in the Town of Ajax Facility Accessibility Design Standards.

Securities

10. The Director may require that securities be delivered to the Town, in such amount as the Director deems necessary and appropriate, to ensure the provision and maintenance of the site works as shown on an approved site plan. Securities are to be submitted in a form deemed acceptable to the Director.
11. In the event a person is in default of any conditions of approval relating to a site plan issued by the Town under subsection 41(7) of the Act including but without limiting the foregoing default of any provisions of a site plan agreement entered into pursuant to subsection 41(7) of the Act, the provisions of section 446 of the Municipal Act, 2001 S.O. 2001 c.25 as amended shall apply.

Enforcement

12. Development Without Approved Plans

Every person who, without having plans or drawings approved in accordance with section 41 of the Act, undertakes any development in the Site Plan Control Area designated by this By-law is, pursuant to section 67 of the Act, guilty of contravening section 41 of the Act.

13. Failure To Provide or Maintain Facilities. etc.

Every person who undertakes any development in the Site Plan Control Area designated by this By-law without providing or maintaining any of the facilities, works or matters that are mentioned in clause 41(7)(a) of the Act and that are required by the Town under that clause as a condition to the approval of plans or drawings in accordance with section 41 of the Act is, pursuant to section 67 of the Act, guilty of contravening section 41 of the Act.

14. Penalty Upon Conviction

Every person who is convicted of an offence under section 41 of the Act is liable to fine or penalty prescribed by section 67 of the Act.

15. THAT By-law No. 111-98 is hereby repealed.

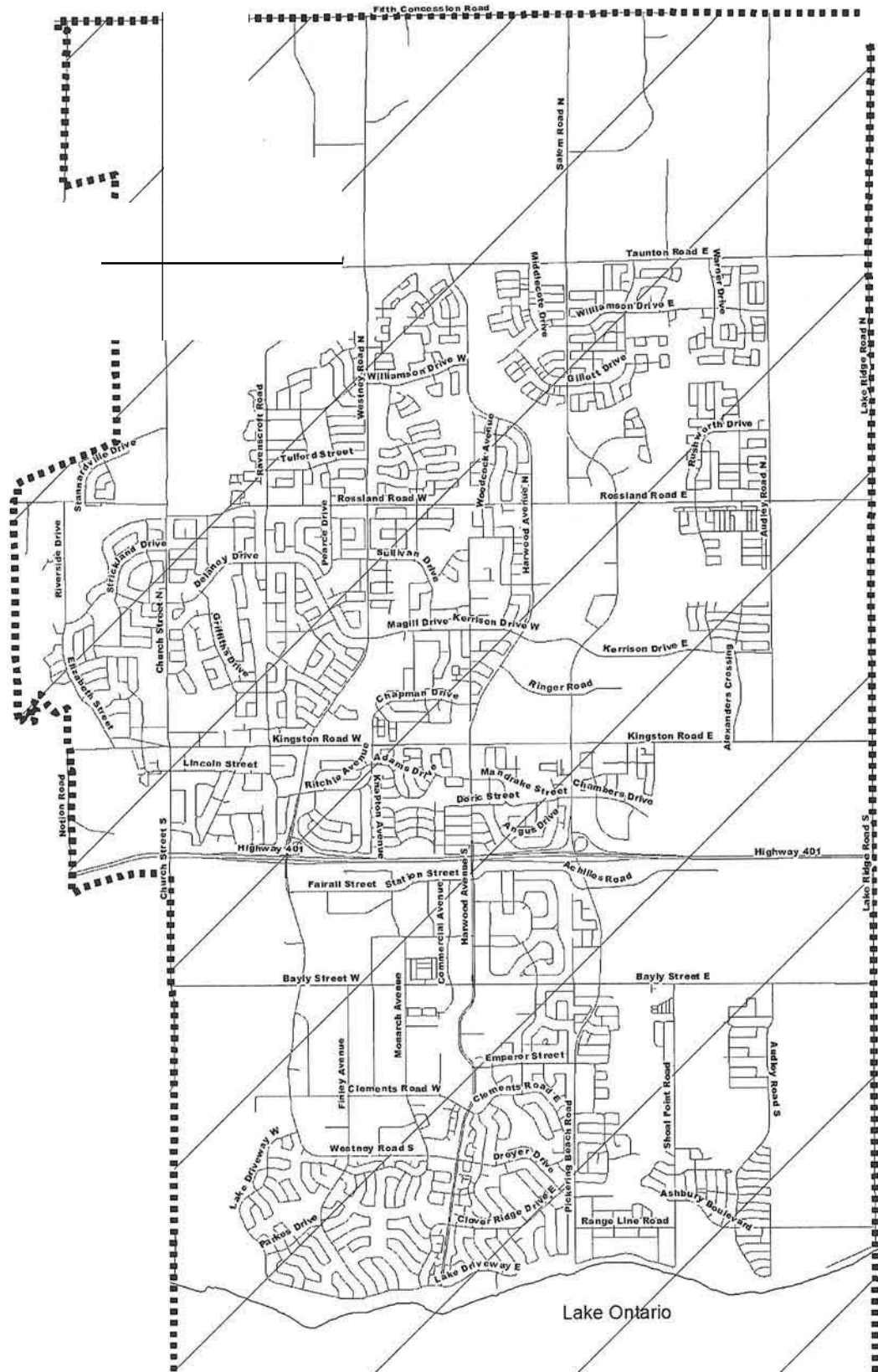
READ a first time and second time
this Twenty-fourth day of
February, 2014.

READ a third time and finally
passed this Twenty-fourth day of F-
February, 2014.

Steve Parish, Mayor
Nicole Wellsbury, Clerk

Schedule 'A' to By-Law 11-2014 (Area Subject to Site Plan Control)

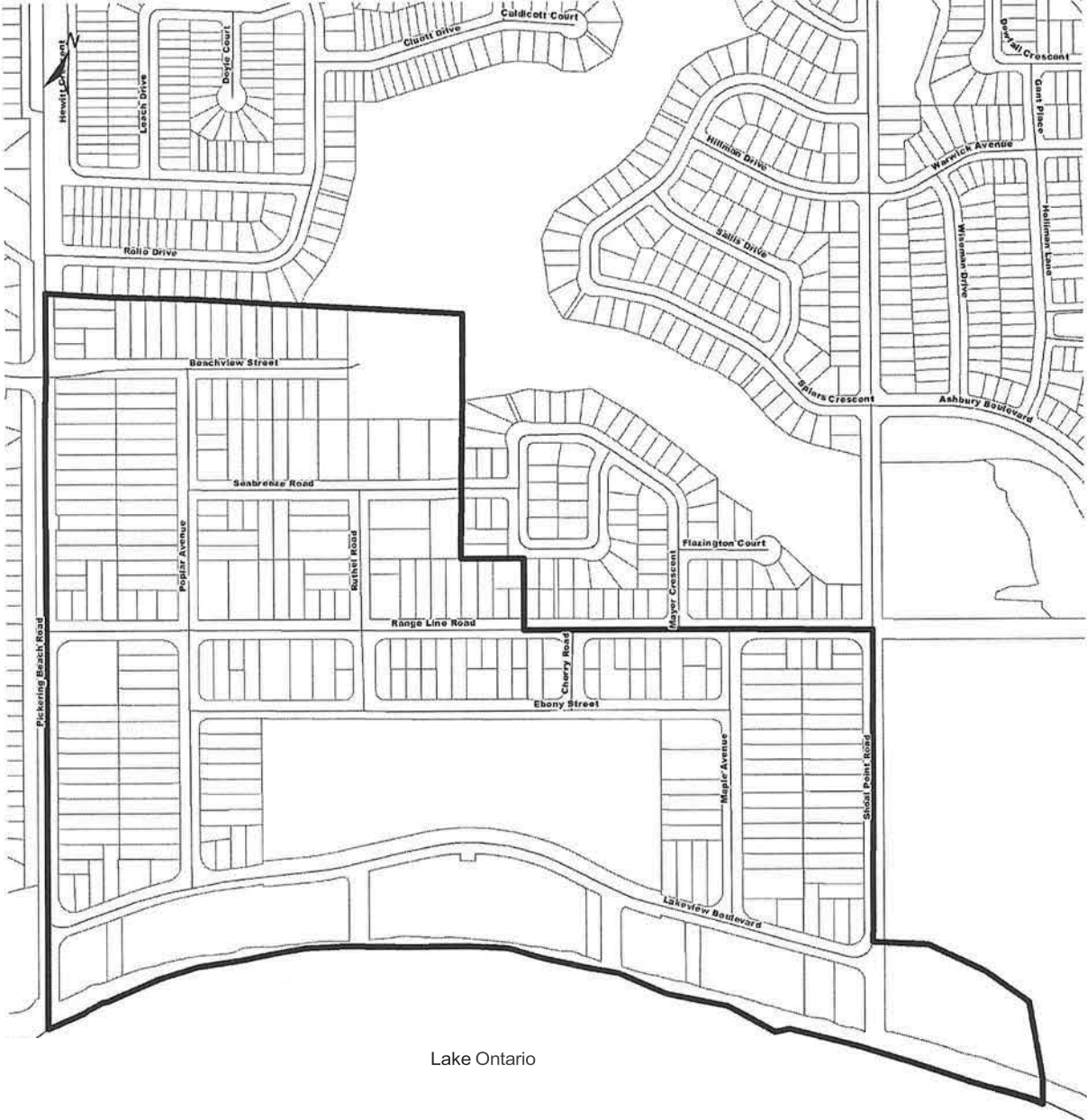
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..... Corporate Limits of the Town of Ajax

[Hatched Area] Area Subject to Site Plan Control

Schedule 'B' to By-Law 11-2014 (Pickering Beach Neighbourhood)



CJ Pickering Beach Boundary