

*By-law Number 1-2004 as amended by By-law 77-2012 passed the 9th day of July, 2012;
and as amended by By-law 186-2012 passed the 17th day of December, 2012*

B Y - L A W N U M B E R 1 - 2004

A BY-LAW TO DESIGNATE ALL LANDS IN
THE CORPORATION OF THE CITY OF
WINDSOR AS A SITE PLAN CONTROL AREA

Passed the 5th day of January 2004.

WHEREAS Section 41 of The Planning Act, R.S.O. 1990, c. P.13 as amended authorizes the council of a municipality by by-law to designate the whole or any part of the area covered by the Official Plan as a site plan control area;

AND WHEREAS it is deemed expedient to designate the whole of the area covered by the Official Plan of The Corporation of the City of Windsor as a "site plan control area";

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

ESTABLISHMENT OF SITE PLAN CONTROL AREA

1. All lands in The Corporation of the City of Windsor are designated as a "Site Plan Control Area".

DEFINITIONS

2. In this by-law,

“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, 2001* 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*,. R.S.O. 1990, c. P.13.

(amended by Bylaw 186-2012 passed December 17, 2012)

“major” development is defined as:

- i. Construction of a new building or a building addition resulting in a minimum total gross floor area of 10,000 square metres (107,639 square feet) on-site. This includes single or multiple phase development.”

(added by By-law 77-2012 passed July 9, 2012)

“minor” development is defined as:

- i. Construction of a new stand alone building or a building addition resulting in a maximum total gross floor area of 300 square metres (3,229 square feet) or less on-site; or
- ii. Changing the use of an existing building requiring revisions to façade only; or
- iii. Creation of a parking area with more than 5 and less than 25 parking spaces (total) on-site or reconfiguration of an existing parking area resulting in more than 5 and less than 25 (total) spaces.

(added by By-law 77-2012 passed July 9, 2012)

“standard” development is defined as:

- i. Construction of a new building or a building addition resulting in a total gross floor area of between 301 square metres (3,240 square feet) and 9,999 square metres (107,632 square feet) on-site. This includes single or multiple phase development; or

- ii. Creation of a parking area with more than 25 parking spaces (total) on-site or reconfiguration of an existing parking area resulting in more than 25 (total) spaces.

Developments that otherwise meet the definition of “minor” development may be deemed “standard” development at the discretion of the Planning Department if the development necessitates a shared access agreement; or is subject to the heritage policies of the City’s Official Plan, proposals in close proximity to natural features (municipal drains, watercourses, etc.) or located within or adjacent to a “Gateway” or “Special Policy Area” as defined by the Official Plan.

(added by By-law 77-2012 passed July 9, 2012)

“**small scale low profile residential developments**” means single detached, semi-detached duplex and double duplex dwelling;

“**Zoning By-law**” means the Zoning By-law(s) as amended, of The Corporation of the City of Windsor, that may be in effect from time to time;

APPROVAL OF PLANS OR DRAWINGS

- 3. (1) Subject to the provisions of Section 4 herein, no person shall undertake any development in The Corporation of the City of Windsor unless the Council of The Corporation of the City of Windsor, the City Planner or delegated appointed officer(s) or, where a referral has been made under subsection 12 of Section 41 of The *Planning Act*, the Ontario Municipal Board has approved the plans required under Subsection (4) Section 41 of the *Planning Act*.

(amended by Bylaw 186-2012 passed December 17, 2012)

- (2) In addition to the provisions of Section 3(1) herein, an application for site plan control approval shall include drawings showing plan and elevation views for each building to be erected and for each building to be used for residential purposes containing less than twenty-five dwelling units, which drawings are sufficient to display matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design.

(amended by By-law 186-2012 passed December 1, 2012)

- (3) The provisions of Section 3(2) herein apply to the following:
 - (a) Development situated within an area that has been designated a Heritage Conservation District under Part V of the Ontario Heritage Act;
 - (b) Development situated within the following Community Improvement Plan (CIP) Areas:
 - i. City Centre West Urban Village CIP
 - ii. Glengarry-Marentette Waterfront Village CIP; and
 - iii. Olde Sandwich Towne CIP
 - (c) Development situated within an area where Urban Design Guidelines have been adopted by Council;
 - (d) Development situated within and/ or adjacent to a Civic Way, Main Street, or Gateway area; and
 - (e) Development situated in a Business Improvement Area

(amended by By-law 186-2012 passed December 17, 2012)

4. Notwithstanding the provisions of Section 3 of this by-law, the following class or classes of development may be undertaken without the approval of plans and drawings otherwise required under said Section 3 as follows:
- (1) an addition to an accessory building as defined in the Zoning By-law where such addition is for the purpose of replacing a temporary building or buildings, structure or structures, provided that the lot coverage of such addition does not exceed the lot coverage of the temporary building(s) or structure(s) it is intended to replace;
 - (2) small scale low profile residential developments unless they are subject to the provisions of Section 3 herein.
(amended by By-law 186-2012 passed December 17, 2012)
 - (3)
 - (a) a commercial or combined commercial and residential building provided that the total floor area, at grade, measured from the exterior walls does not exceed fifty (50) square metres;
 - (b) an addition to an existing commercial or combined commercial and residential building provided that the floor area measured, at grade, from the exterior walls of the addition does not exceed: i) fifty (50) square metres or ii) ten per cent (10%) of the total floor area, at grade, of the existing building, provided, that the ten per cent (10%) does not exceed one hundred and fifty (150) square metres.
(amended by By-law 186-2012 passed December 17, 2012)
 - (4)
 - (a) an industrial or institutional building provided that the total floor area, at grade, measured from the exterior walls does not exceed one hundred (100) square metres;
 - (b) an addition to an existing industrial or institutional building provided that the total floor area, at grade, measured from the exterior walls does not exceed: i) one hundred square metres, or ii) ten per cent (10%) of the total floor area, at grade, of the existing building provided that the ten per cent (10%) does not exceed two hundred and fifty (250) square meters;
(amended by By-law 186-2012 passed December 17, 2012)
 - (5) a temporary building or structure that is designed, constructed and placed on the land in a manner which permits its removal after a period of time not to exceed one hundred and twenty (120) consecutive days.
 - (6) a sign including any alteration to an existing sign;
 - (7) building features or mechanical elements more particularly described as: a church spire, belfry, skylight, cupola, scenery loft chimney, smokestack, water tank, air-conditioning and/or heating equipment, ventilator, mechanical penthouse, protective and screening fences, communications equipment, pedestrian bridge, fire escape, building entrance/exit and canopy or awning, provided further that the said building feature or mechanical element is to be constructed separate and apart from any other development as defined in this by-law which requires approval;
 - (8) a parking area containing less than 5 parking spaces including all parking spaces, collector aisles and manoeuvring aisles, provided further that the said parking area is to be constructed separate and apart from any other development as defined in this by-law which requires approval.
 - (9) the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007.
(added by By-law 186-2012 passed December 17, 2012)

PENALTY

5. (1) Every person who contravenes any provision of this By-law and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable,
- (a) on a first conviction to a fine of not more than \$25,000; and
 - (b) 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 on which the person was first convicted.
- (2) Where a corporation is convicted under subsection (1), the maximum penalty that may be imposed is,
- (a) on a first conviction a fine of not more than \$50,000; and
 - (b) on a subsequent conviction 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 (1).

ORDER OF PROHIBITION

- (3) Where a conviction is entered under subsection (1), in addition to any other remedy or any penalty provided by law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

ABANDONED FILES

- 5.1 That Site Plan files with no action for a period of 6 months after the Site Plan Review Committee Meeting be deemed as abandoned and be closed. Once a file is closed, a new application with applicable fees is required for future consideration of the development.
- (added by By-law 77-2012 passed July 9, 2012)*

REPEAL OF BY-LAW 6326 AND OTHERS

6. That By-law 6326 of The Corporation of the City of Windsor, and all amendments thereto are hereby repealed.
7. That By-laws 89-19, 90-24, 91-08, 95-1, 95-17, 1999-44, 1999-56, 2000-16, 2001-18 and 2002-101 of The Corporation of the Town of Tecumseh, which apply to those lands of the Town of Tecumseh which have been annexed to the City of Windsor, are hereby repealed.
8. That this by-law shall come into force and take effect on the 31st day of January 2004.

MAYOR

CLERK

First Reading	January 5, 2004
Second Reading	January 5, 2004
Third Reading	January 5, 2004