



A GUIDE TO THE SITE PLAN APPROVAL PROCESS

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1.0 INTRODUCTION

1.1 Site Plan Control Purpose and Definition

In 2003 the City of Kawartha Lakes established one site plan control by-law for the whole City. The purpose of the City in establishing this requirement was to have consistent application of site plan control throughout the City.

Other objectives of Site Plan Control Review are to protect property rights and values, to conserve important environmental features of the site and its adjacent areas, and to ensure that the proposed buildings and structures and overall development of the site contribute to the orderly and harmonious development of the community.

The main purpose of this Guide is to assist developers, builders and consultants in understanding what the City is attempting to achieve through its implementation of site plan control, and what detailed requirements the City has created through the implementation process.

According to The Planning Act, R.S.O. 1990, c. P.13, site plan approval may be required by a municipality when "development" occurs. "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.

For the purposes of this Guide, Gross Floor Area shall be defined as the aggregate of the areas of each floor, whether any such floor is above or below grade, measured to the centre of common walls and to the outside of other walls, exclusive of an unfinished attic, an unfinished cellar, elevator shaft, corridor areas, mechanical and electrical rooms and storage areas.

In the case of an apartment building, the gross floor area does not include any part of the basement which is used for the storage or parking of motor vehicles, locker storage facilities, laundry facilities and children's play areas, but does include any part of the building or structure above grade used for the storage or parking of motor vehicles. In addition, any part of an apartment building below or above grade which is used for heating equipment, air conditioning equipment and/or other mechanical equipment shall not be included in gross floor area calculations.

1.2 Legal Basis

Section 41 of The Planning Act, R.S.O. 1990, c. P.13, empowers municipalities having an Official Plan in effect to pass By-laws designating Site Plan Control Areas. In areas so designated, no development shall be undertaken until the municipality has approved plans, and agreements where necessary, pursuant to Section 41 of The Planning Act. The City of Kawartha Lakes exercised its powers under Section 41 by passing By-law 2003-21 on February 11, 2003 (Appendix “A”), and passing an amending By-Law 2007-209 on September 25, 2007 (Appendix “A-1”).

1.2.1 Exemptions from Site Plan Control

Within the areas under site plan control, certain uses are exempt from site plan control:

- a. A building or structure, which is constructed, erected or placed for the purpose of a single-detached dwelling unit or a semi-detached dwelling unit.
- b. An addition or alternation to a building or structure mentioned in Clause a.
- c. Any residential building containing less than three dwelling units, and buildings and structures accessory thereto.
- d. Any buildings or structures located on a parcel of land which is owned and operated by the Corporation of the City of Kawartha Lakes, any conservation authority established by the Government of Ontario, or any Authority, Board or Ministry of the Province of Ontario or the Dominion of Canada.
- e. Any structure erected for the purposes of flood or erosion control by any conservation authority established by the Government of Ontario.
- f. Any Agricultural Buildings permitted under agricultural zones or rural zones contained in the applicable zoning by-law.
- g. Any addition or alteration to a building or structure affected by this by-law, if the addition or alteration is considered minor by the Director of Development Services, and has the effect of increasing the useable area of the building or structure or the use of the structure by twenty-five (25%) or less of the building’s or structure’s Gross Floor Area, but in no case more than 1,000 square metres.

1.2.2 Site Plan Control in Regards to Additions/Alterations that “Substantially” Increase Size or Usability

Any addition or alteration that has the effect of increasing the useable area of the building or structure or the use of the structure by more than twenty-five (25%) percent

of the building's or structure's Gross Floor Area, and/or more than 1,000 square metres, is considered to be "substantial" and any exemption from the Site Plan Approval Process would be subject to Council approval.

1.3 Goals of Site Plan Control

The principle goals of Site Plan Control are:

- 1.3.1** To improve the image of the whole City through better individual developments by applying consistent standards and guidelines.
- 1.3.2** To improve the quality and aesthetic appearance of developments for greater enjoyment by the users and tenants.
- 1.3.3** To ensure that off-street parking and loading facilities are properly located, constructed and maintained during all seasons.
- 1.3.4** To ensure the safety and convenience of automobile and pedestrian traffic to, from, and on a new development or redevelopment.
- 1.3.5** To continuously develop an efficient transportation system by widening existing roads through land and easement dedications and through different public and private projects related to the specific proposal.
- 1.3.6** To ensure that the applicant/owner assumes all of the costs associated with the development.
- 1.3.7** To provide a barrier-free environment by applying specific development standards.
- 1.3.8** To protect environmental areas (i.e. areas along the waterways) through the appropriate location of buildings, roads, parking and green spaces.

1.4 Purpose of this Guide

This Guide has been prepared by the City of Kawartha Lakes to set out the standards and guidelines that will govern site planning in the City. This Guide also serves as a means of guiding staff review of development plans and to assist the community through the development review process by providing certainty and predictability based on a set of standards and guidelines for development proposals.

These standards and guidelines are not intended to constrain innovative architectural and engineering designs; rather, the intent is to provide a clear framework to address the unique opportunities and constraints for site-specific projects. Within this framework, flexibility will be applied to development review based on the architect/engineer's unique

solutions to the site, the building program, the standards and guidelines set forth in this Guide, and the final approval of the City of Kawartha Lakes. Flexibility will also be applied to development in rural areas where municipal services are not available.

To clarify the City's general concerns and requirements, this Guide has been produced to:

- a) Outline an administrative procedure which will facilitate speedy processing and approval of plans and agreements, where these are required according to the City of Kawartha Lakes By-law 2003-21.
- b) Advise the applicant/owner about the administrative and legal recourse available in the event the application is not approved in the prescribed time period or in the event the applicant/owner is not satisfied with any of the requirements made by the City.
- c) Establish objectives, standards and guidelines to aid the applicant/owner, City staff and City Council during the preparation and approval of plans and agreements. Each development, however, will be dealt with on a site specific basis, and depending on the circumstances, only some or all of the provisions of the Guide may be applied.

1.5 Amendments to the Site Plan Guide

Any amendments to the Guide require review and approval by Council.

2.0 ADMINISTRATION

2.1 General

The Site Planning provisions of By-law 2003-21 are administered by the Director of Development Services for the City of Kawartha Lakes in accordance with the following general procedures. The procedures are illustrated on FIGURE 1, attached.

2.2 Preliminary Inquiries

Before making a formal application for approval of site plans, the applicant/owner is urged to become familiar with the contents of this Site Plan Guide, the applicable zoning regulations and Official Plan policies for the subject property. The Development Services Department will respond to any questions of a general nature and will encourage prospective applicant/owners to contact the various departments and agencies who will be circulated the site plan on an individual basis prior to the preparation of plans.

Information obtained from the departments and agencies contacted together with the standards and criteria contained in Section 3 of this Guide will enable the preparation of the required site plans.

2.2.1 Request for Exemption

The applicant/owner may request an exemption from site plan approval, by contacting the Director of Development Services to discuss the potential for exemption based on the specific circumstances. If the request is denied by the Director of Development Services (after consultation with the Chief Building Official), the applicant will be advised of the option to proceed with a request to the Development and Public Works Services Committee. The applicant will submit an appeal of the Director's decision to the Director of Development Services who will arrange for the matter to be placed on the agenda of the Development and Public Works Services Committee. The Committee will make a recommendation to Council based on the merits of the applicant/owner's request and the recommendations of staff.

2.3 Application for Approval of Site Plans

The applicant/owner is required to submit to the City of Kawartha Lakes Development Services Department (Planning Division) a completed Site Plan Approval application form as well as the application fees, as set out in the City's Tariff of Fees. The applicant/owner must also submit the required number of copies of the proposed site plan, as well as any other additional plans (i.e. grading plan, landscape plan, stormwater management plan, etc.) which must be prepared in accordance with Appendix "B". These plans must contain enough information about the proposed development to allow the various departments and agencies to review the plan(s) and submit comments. A sample site plan is appended hereto for illustrative purposes as Appendix "C". Incomplete plans (i.e. those that do not meet the submission requirements) may be returned to the applicant/owner. Depending on the nature and location of the development, some flexibility may be used in terms of the detail of required plans.

Note: In cases where the development proposed is quite complex and all necessary information cannot be provided on a single plan, then additional plans such as a grading plan and/or a landscape plan, will be required as outlined.

2.4 Circulation of Plans

Upon receipt of plans acceptable for review, the site plan will be circulated to the applicable Departments and agencies as outlined on the attached Appendix "D".

Replies containing recommendations and conditions to be imposed on the plans and/or the site plan agreement are to be returned to the Development Services Department within 15 days. If a reply cannot be provided within this time period, the Development

Services Department should be notified and an extension requested. If no comments are provided and no extension has been requested, it is assumed that the department or agency has no comments or requirements.

2.5 Approval of Plans

Upon receipt of all comments, a post circulation letter will be prepared by the Development Services Department and sent to the applicant/owner outlining concerns or requirements of the commenting agencies including requests for revisions to the site plan. The applicant/owner is asked to concur in writing with the requirements and revisions that are outlined in the post circulation letter. Once the applicant/owner's concurrence letter is received, a memo is prepared by Planning Division staff for consideration of the Director of Development Services. The memo will give background information on the nature of the application, a description of the proposed development, a synopsis of comments from the various commenting agencies and departments, and recommendations to the Director of Development Services who may:

- a) Approve the proposed development.
- b) Authorize the applicant/owner to enter into a site plan agreement with the City.

And

- c) Authorize the applicant/owner to deposit with the City a Letter of Credit for development works proposed to be completed on the subject lands. (See Section 2.10.1)

For the purposes of preparing the planning memo, the applicant/owner will be required to provide to staff with an 8 1/2" x 11" reduction of the proposed site plan for inclusion in the staff report.

2.6 Site Plan Agreement

Once the Director's approval of the site plan has been received and the Director of Development Services authorizes the owner of the subject lands to enter into a site plan agreement with the City, the Development Services Department prepares a draft site plan agreement and circulates it to the applicant/owner and the City's solicitor for comments. Should there be any disputes as to the inclusion of certain clauses in the agreement by the applicant/owner, the applicant/owner may request that any clause of the agreement be reviewed by Council, through the Development and Public Works Services Committee. Once the site plan agreement has been agreed to by the City and the owner, six copies of the agreement are forwarded to the owner for signature. These copies are returned to the City together with the letter of credit or other guarantees

provided for by the agreement. The copies are then signed by the Clerk and the Mayor. Once signing is complete, the City will register the agreement on title. All costs in the preparation, execution and registration must be paid by the applicant/owner. Postponements to any mortgages or charges on title must be obtained by the applicant/owner. The applicant/owner may now receive a building permit provided that all other matters are in order. The application for building permit may be initiated by the applicant/owner concurrently with his or her application for site plan approval or anytime thereafter. However, it should be noted that a final building permit will not be granted until after the site plan agreement has been registered.

If an Official Plan amendment, rezoning, Committee of Adjustment, or subdivision of land approval is required or is being applied for simultaneous to the site plan control review, the site plan agreement will not be entered into until such time as all applicable approvals are secured.

2.6.1 Bodies Required to Enter into a Site Plan Agreement

All persons will be required to enter into a site plan agreement once City approval of a site plan has been received. Only those agencies and departments noted in the City of Kawartha Lakes Site Plan Control By-law 2003-21 are exempt from entering into a site plan agreement, as such an agreement would not have any effect in law.

2.7 Referral to City Council

In cases where either the applicant/owner or any commenting agency is not satisfied with the terms or conditions of a proposed site plan agreement or the proposed plan(s), a meeting shall be convened by the Director of Development Services. If a solution cannot be arrived at this level, the applicant/owner, a commenting agency or the Director of Development Services may request that the matter be referred to Council through the Development and Public Works Services Committee.

2.8 Appeal to the Ontario Municipal Board

In accordance with Section 41(12) of The Planning Act, where the City fails to approve the development plan(s) within 30 days after they are submitted for approval or where the applicant/owner is not satisfied with the terms of the proposed agreement, the applicant/owner may require that the plan(s) or agreement be referred to the Ontario Municipal Board by written notice to the Secretary of the Board and the Clerk of the City.

2.9 Building Permit

For a building permit to be issued the development has to meet applicable policies in the applicable Official Plan and applicable zoning requirements in the applicable Comprehensive Zoning By-law. Once the proposal has met the planning requirements and

the requirements of the Ontario Building Code and payment of development charge levies has occurred, a building permit will be issued following the registration of a site plan agreement, if required.

2.10 Enforcement

The site plan agreement ensures that the development is completed in accordance with the approved plans and within the time limits set in the agreement. In this regard, no person shall make a material change or cause a material change to be made to a plan, specification, document or other information on the basis of which a site plan agreement was signed without notifying, filing details with and obtaining the authorization of the Development Services Department.

If any of the works proposed cannot be built as set out in the approved drawings or if changes to any of the works are contemplated by the owner, revised plans must be submitted to the Development Services Department for review and approval. Depending on the nature of the changes/deviations from the approved site plan and drawings, the plans may have to be re-circulated for comment. If this occurs, the applicant/owner will be responsible for any additional costs incurred by the Development Services Department in the re-circulation of the plans. Furthermore, the site plan agreement may have to be amended and re-registered. Again, the applicant/owner will be responsible for costs associated with re-registration.

2.10.1 Letter of Credit

The site plan agreement also provides for the continued maintenance of the development. To ensure compliance with the agreement, a cash deposit or Letter of Credit is required to be deposited with the City. In order to obtain a reduction or return of the Letter of Credit, the designer shall provide certification that all work has been completed in accordance with approved plans and specifications or any changes to them as authorized by the Development Services Department. Once the City is in receipt of the certificate of completion, the deposits shall be returned in accordance with the provisions of the site plan agreement.

The purpose of the cash deposit or Letter of Credit is, first, to ensure that all site works (i.e. landscaping, lighting) are built as shown on the approved plans and to the standards of this Guide. The second purpose of this cash deposit or Letter of Credit is to ensure the satisfactory performance of all work to be done on public lands and rights-of-way.

The amount of the cash deposit or letter of credit shall be sufficient to cover 50% of the costs of completing the work that is required by the site plan agreement, except parking

works, which shall require a 30% cash deposit or letter of credit. An estimate of this amount shall be provided by the applicant/owner for review and approval by the Director of Public Works or his designate. The estimate for site works is to be submitted in the form attached as Appendix “E”. The applicant/owner will then have one year to complete all the works as part of the site plan agreement. In specific cases, the applicant/owner will be required to do some work within shorter periods of time as required by the unique conditions and character of the site and surrounding areas. The Letter of Credit shall be in a form acceptable to the City, as issued by the financial institution.

3.0 SITE PLAN STANDARDS

3.1 Condition to the Approval of the Site Plan

As provided for in Section 41(7)(a) of The Planning Act R.S.O. 1990, c. P.13, the City of Kawartha Lakes, as a condition to the approval of the site plan and any additional plan(s), may require that the owner of the land provide to the satisfaction of, and at no expense to, the City any or all of the following:

- a) Widenings of highways that abut on the land.
- b) Subject to The Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs.
- c) 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.
- d) Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
- e) Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
- f) Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
- g) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
- h) Easements conveyed to the City for the construction, maintenance or improvements of watercourses, ditches, land drainage works, sanitary sewerage facilities and other public utilities of the municipality or local board thereof on the land.

- i) 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.

The following sections outline the site plan standards and guidelines that relate to the preceding requirements (the metric dimensions provided shall govern; the imperial dimensions provided in parenthesis are for reference only).

Each development will be dealt with on a site specific basis. Therefore the following standards and guidelines are not intended to constrain innovative architectural and engineering designs. Flexibility will be applied to development review based on the architect/engineer's unique solutions to the site, the building program and the final approval of the City of Kawartha Lakes.

3.1.1 Widening of Highways/Roadways

Objective: To continuously develop an efficient transportation system through the widening of existing roadways, improvements to the travelled portion of existing roadways, or intersection improvements of the roadway required by the development for the safety and convenience of vehicular and pedestrian traffic.

- a) As a condition of approval of development plans, the City may request that land along roads indicated in the applicable Official Plan be dedicated to the City at the owner's expense.
- b) In commercial developments, which have a high pedestrian oriented function, the City may require additional land for bus stops, pedestrian pick-up zones, and sidewalks as applicable.
- c) Where the development is located at an intersection, daylighting triangles may have to be dedicated in accordance with the City's Policy.

3.1.2 Access Facilities

Objective: To locate and construct access to a proposed development so that safety and convenience of vehicular and pedestrian traffic to and from the property is assured and the safety and traffic flow on public roads is not unnecessarily impeded.

- a) The location and construction of any access to a road requires approval from the agency which has jurisdiction over the road abutting the property (i.e. Ministry of Transportation, City of Kawartha Lakes).

- b) Direct access onto a primary arterial road, as designated in the applicable Official Plan, will only be permitted if no other access is available, or, if it is otherwise agreed to by the City, or provided for in the applicable Official Plan.
- c) Only one access from each street abutting the property will generally be permitted.

Exceptions may be granted for automobile service stations and major developments with substantial road frontage, or if it is otherwise agreed to by the City of Kawartha Lakes.

- d) The gradient of an access driveway shall not exceed 10%.
- e) The access driveways shall be constructed so that no surface water is discharged on the travelled portion of the road.
- f) Where the expected traffic generated by a new development requires additional turning and storage lanes abutting the new development or traffic direction signs, the City of Kawartha Lakes may require that these be constructed at the owner's expense.
- g) The access driveway located within the road right-of-way shall be paved.
- h) Where the road adjacent to the property is constructed with curbs and gutters or sidewalks, the access driveway located within the road right-of-way shall be constructed with poured-in-place concrete curbs. The cost of altering the existing curb and sidewalk is to be borne by the owner.

3.1.3 Off-Street Vehicular Loading and Parking Facilities

Objective: To provide parking and loading facilities convenient to users while ensuring orderly and safe vehicular and pedestrian movements as well as providing emergency access and routes for all emergency vehicles.

- a) Parking, loading and access areas as required by the applicable Comprehensive Zoning By-law shall be provided with a suitable foundation and surface (i.e. interlocking brick, asphalt or concrete).
- b) An adequate roadway shall be provided and maintained to provide access for firefighting equipment. This roadway shall be designed and constructed in accordance with the Ontario Building Code.

- c) All parking, loading and access areas shall be properly drained, and the surface water collected on the site and brought to an outlet approved by the agency having jurisdiction over drainage.
- d) The dimensions of individual parking spaces shall be as required by the applicable Comprehensive Zoning By-law. Parking areas shall be designed to provide safe and convenient access to each parking space. Parking spaces shall be clearly marked.
- e) Gradients and cross-slopes for parking garages and parking areas are as follows:
 - i) Maximum gradient - 6%
 - ii) Maximum cross-slope - 6%
 - iii) When the grade is less than 1.5% the minimum cross-slope shall not be less than 1.5% (except as outlined in q).
- f) Parking areas for residential development should not be located so as to impair the view from living room windows and should not be less than 3 m (10 ft.) from a window for a habitable room at or below grade, and not less than 1.8 m (6 ft.) from a wall containing a window to a habitable room where the sill is 1.8 m (6 ft.) or more above grade.
- g) Where a parking area is adjacent to a blank wall or a wall having windows to a non-habitable room only, provision shall be made for suitable curbs or stops to prevent damage to the wall.
- h) Parking areas adjacent to major walkways will require permanent curbs to prevent parked vehicles from overhanging the walkway.
- i) Permanent effective vehicle barriers may be required for parking or loading areas to prevent encroachment on walkways, privacy areas, adjacent properties, public roads, etc. by parked or moving vehicles.
- j) Curb Cuts to Accommodate Disabled Persons
Where raised walkways are placed alongside a vehicular route, a break in the curb surface in the form of a curb cut shall be constructed to help disabled persons negotiate such changes in surface level.
 - i) The entire surface of the curb cut shall have a textural change to act as detectable change.

- ii) Curb cuts shall have a maximum slope of 1:12 on the main ramp with flared sides having a suggested slope of 1:10 but not to exceed 1:8.
- iii) There shall be a minimum width of 1 m (39 in.) between flared sides of the curb cut.
- iv) Where there is a drop at the edge of the curb cut, the drop shall be no greater than 13 mm (.5 in.) and no less than 6 mm (.25 in.).
- k) Daylighting triangles shall be maintained to prevent the parking of vehicles (even of a temporary nature) in these locations in order to allow for clear sight lines at intersections. Appendix “F” outlines the Daylighting Triangle Policy of the City.
- l) Any loading facilities shall be constructed to sufficient capacity to support the heaviest anticipated service vehicle.
- m) All loading facilities shall be designed so that vehicles can enter and leave the property in a forward motion.
- n) Driveway and aisle width shall be in accordance with the requirements of the applicable Comprehensive Zoning By-law.
- o) Short term parking areas, such as those for fast food outlets, gas stations, and banks, shall be designed as to not obstruct exit/access driveways or to interfere with the daylighting triangle.
- p) The applicant/owner may be required to provide traffic control devices on site, such as speed bumps, traffic islands or electronic arms.
- q) Parking Spaces and Passenger Loading Zones for Disabled Persons
 - i) No less than 3% of the total number of parking spaces required by the applicable Comprehensive Zoning By-law shall be available for disabled persons.
 - ii) Parking spaces shall be located adjacent to the accessible entrance to a building so that disabled persons do not need to pass behind parked cars.
 - iii) Parking spaces shall have a firm level surface with a slope not exceeding 1%.
 - iv) Single parking spaces shall be at least 3.6 m (12 ft.) wide and shall have an adjacent aisle width of 1.2 m (4 ft.)

- v) Multiple parking spaces, including angled parking, only require one access aisle common to two spaces.
- vi) A 1 m (3 ft.) allowance shall be created using cement abutments, landscaping or other design features to prevent vehicles from protruding over walkways.
- vii) The passenger-loading zone shall provide a safe exit from vehicles away from road or sidewalk traffic and shall be visible from the entrance.
- viii) The distance between a building entrance and the drop-off zone shall not exceed 30 m (100 ft.), shall be firm and level at a 1% grade.
- ix) Passenger loading zones shall provide an access aisle at least 1.5 m (5 ft.) in width and 7 m (23 ft.) in length.
- x) Parking spaces and passenger loading zones for disabled persons shall be prominently identified by proper signage - designated by the symbol of International Accessibility mounted both vertically on a sign as well as marked on the surface of the parking spaces in fluorescent blue.

The painted ground sign shall have the minimum dimensions of 1.2 m (4 ft.) x 1.2 m (4 ft.). The International Symbol of Accessibility shall be painted:

- White on blue background.
- Blue as the parking space boundary lines.

The parking control signs shall be located 1.5 m (5 ft.) above ground, shall be a minimum of 30 cm (12 in.) x 40 cm (16 in.) and shall be properly anchored, as detailed in Appendix “G”, excerpted from the Highway Traffic Act Regulations, Reg. 581.

3.1.4 Walkways and Other Means of Pedestrian Access

Objective: To provide safe and convenient walkways serving points of access to and from all site facilities.

- a) Walkways or combined walk and driveways shall be provided from the entrances of a residential building to a parking area and adjacent public street and recreational facilities on the site.

b) Walkways should be designed with a minimum of conflict between pedestrian and vehicular traffic and be co-ordinated with the grading plan to prevent the passage of large flows of water on or across the walkways.

c) Minimum width of on-site walkways should be:

<u>Main Walkways</u>	<u>Secondary Walkways</u>
1.5 m (5 ft.)	1.0 m (3 ft.)

Where walkways adjoin a parking lot where vehicles may overhang, there shall be a minimum 1.0 m (3 ft.) width of walkway clear of all vehicles.

d) The maximum gradients for walkways shall be 8%. The maximum cross-slope for walkways shall be 6%. Where the gradient is less than 1.5%, the minimum cross-slope shall be not less than 1.5%.

e) Where steps are required in a walkway, there should be not less than 2 risers in a flight of steps. The steps should be as wide as the walkway and must be provided with a handrail when there are more than 3 risers in a flight. This applies only when alternate barrier-free access is provided.

f) Major walkways for commercial or residential developments shall be constructed with a hard surface (including brick or brushed concrete), other than asphalt.

g) Commercial developments which have a high pedestrian oriented function (i.e. retail or office development) may be required to design and designate areas for bus stops, pedestrian (customers) pick-up/drop-off zones and walkways connecting to the nearest public sidewalk.

Minimum width of pedestrian paths in these commercial developments should be 1.5 m (5 ft.). Pedestrian paths shall be clearly delineated by the use of special materials other than asphalt when driveways and parking areas are crossed.

h) Where barrier-free access shall be provided by way of a ramp, it is suggested that the gradient of the ramp be 1 in 20. When limited space is available, as may be the case during renovations, ramps of up to 1 in 12 should be restricted to lengths not exceeding 3 m (9 ft. 10 in.) whenever possible.

3.1.5 Facilities for Lighting

Objective: To provide adequate on site lighting for the safety of vehicular and pedestrian traffic without interfering with the enjoyment of adjacent properties or with the traffic on adjacent roads and to foster a greater sense of security for the public.

- a) The applicant/owner shall provide adequate on-site lighting for the safety of vehicular and pedestrian traffic in public areas such as parking areas, walkways, building entrances, access points, and bus stops.
- b) Light standards, flood lighting and lighted signs must be located and directed so as not to interfere with the traffic on the adjacent roadways.
- c) Flood lights and lighted signs may not be directed to windows of habitable rooms on the site or on adjacent properties.
- d) Special emphasis should be given to avoid glare on adjacent residential properties.
- e) Light standards for pedestrian and parking areas should be designed to avoid excessive glare on adjacent roads and properties, to address the scale of the site to be lit and to respect natural night lighting.
- f) Location of light standards should also consider the safety of public areas such as parking, walkways, and parks.
- g) All vaults (i.e. hydro transformers, telephone, gas, and cable utility boxes) are to be screened by landscaping. Any shrubbery planted around hydro transformers must be placed/designed to allow for air circulation as well as adequate clearance to allow for full opening of access panels for service/maintenance.
- h) All lighting shall be energy efficient.

3.1.6 Vaults, Central Storage and Collection Areas

Objective: To provide for waste storage facilities adequate to accommodate the potential on-site needs in a suitable location without creating a health hazard or nuisance to adjacent properties.

- a) Outside garbage enclosures should conform to the same setbacks as those required for accessory buildings as outlined in the applicable Comprehensive Zoning By-law.
- b) Garbage enclosures shall be properly screened and located outside main public view.

- c) A determination must be made whether garbage pick-up shall be municipal or private, and the facilities must be designed accordingly. Where the waste is collected by the City, the waste storage area must be conveniently located with proper access.

- d) Any outside waste disposal facility must:
 - i) Be enclosed by a 2.0 m (6.6 ft.) high fence (i.e. wood or masonry wall) which shall be higher than the garbage container.
 - ii) Contain a concrete pad.
 - iii) Ensure protection and freedom from vermin and rodent infestation.
 - iv) Blend with landscaped areas and be surrounded by evergreen shrubs at least 1.2 m (4 ft.) in height when planted.
 - v) Contain areas for clearly labelled storage of recyclable materials.
 - vi) Provide grease traps, if required.

 - And
 - vii) Be properly maintained at all times.

- e) Any development must also make provisions for the separation, collection and disposition of recycling materials (i.e. residential projects: glass bottles, cans, newspaper; commercial/industrial projects: paper, boxes, food, depending on nature of business).

3.1.7 Easements Conveyed to the City

Objective: To provide for adequate infrastructure corridors to efficiently serve the community.

- a) The applicant/owner is required to convey any easements required for existing watercourses maintained by the City to the City of Kawartha Lakes, or sanitary sewerage or water lines owned or maintained by the City, or any easements required by Hydro One.

- b) Where new ditches are to be constructed which also drain lands beyond the applicant/owner's property, the applicant/owner may also be required to convey easements to the City of Kawartha Lakes.

3.1.8 Grading and Stormwater Management

Objective: To prevent grading or changes in elevation or contours of the land which could result in the obstruction of natural or artificial drainage courses, discharge of surface water on adjacent lands or public highways or a detrimental visual or physical impact on adjacent properties which could result in the destruction of unique natural features of the site (i.e. hilltops, views).

- a) Where the proposed grading or change in elevation will change the natural drainage pattern, the applicant/owner must provide clear evidence that these changes will not result in the blockage of natural drainage, ponding of water on adjacent properties or the discharge of surface water on adjacent properties or roadways.
- b) All surface water collected on the site must be discharged into an outlet approved by the agency having jurisdiction.
- c) Lot grading must not reduce the depth of cover over the sanitary sewer to less than 1.5 m (5 ft.) and to less than 2.0 m (6.5 ft.) over the watermain unless an alternative method is approved by the Director of Public Works or his designate.
- d) The rate of storm sewer discharge should not exceed the rate under existing predevelopment conditions.
- e) The drainage of the adjacent properties must not be affected during site preparation nor after construction is complete.
- f) The natural drainage patterns of existing ditches, channels, streams and creeks shall not be changed if changes would affect not only the site but also adjacent properties. In addition, the combined effect of the proposed development and other approved development in the vicinity should not exceed the capacity of these existing drainage courses.
- g) Storm water runoff from impervious areas such as parking lots and driveways shall be handled within the site and should not flow onto areas such as public roads or sidewalks.
- h) The design of storm water drainage and storm water storage facilities may include: roof-top storage, underground storage tanks, surface detention basins, trench drains, planted swale areas, bermed areas, or where acceptable soil and ground water conditions exist, recharge basins, dry wells, porous pavement, or any other innovative techniques, or combination of the above as

approved by the City of Kawartha Lakes, and the applicable Conservation Authority.

i) Retaining Walls

- i) "Railway Ties" are not acceptable as a form of retaining wall.
- ii) Gabion baskets have specific applications as retaining walls (i.e. waterways). However, they are unacceptable when viewed from public areas or streets.
- iii) Retaining walls shall be screened with trees or shrubs, when viewable from public areas or streets. Walls should be aesthetically pleasing with barrier plantings on top of the wall if the wall is over 1 m (3.3 ft.) in height.
- iv) The use of retaining walls shall, however, be avoided and where possible, land treatment should be by natural slopes. Terraces to break up high retaining walls may be desirable in some occasions.

The design and construction of retaining walls exceeding one vertical metre require the services of a registered professional engineer trained in structural engineering and supported by a current Certificate of Authorization from the Professional Engineers of Ontario.

j) Slopes

- i) Where slopes are to be exposed to public areas or streets, they shall be landscaped using naturalized and/or perennial plantings or grass, trees or shrubs. Rock or machine placed stone is unacceptable.

Slopes of Landscaped Areas

	MAXIMUM	MINIMUM
Lawns/grassed area	25%	1%
Athletic fields	2%	0.5%
Berms and mounds	33%	5%
Mowed slopes	25%	-
Unmowed grass banks	<25%	-

Planted slopes and beds	10%	0.5%
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Note: 25% is the maximum slope that machinery can work. Slopes covered only by shrub material tend to erode above 10%.

- ii) Where slopes are artificially created, they shall be treated with topsoil, grass, and trees or shrubs.
- iii) Slopes shall not exceed 2:1 grades. Any slopes that do not meet the standards of this section cannot be used for calculating open space area requirements in the applicable Comprehensive Zoning By-law.
- iv) Slopes exceeding 2:1 grades in excess of 2 m (6.6 ft.) in height shall provide safety measures such as fences or guardrails.

3.1.9 Landscaping

Objective: To ensure the protection of the site's unique natural features, to improve functionality and beauty of proposed developments, to enhance the image of the City, and to provide for open space.

3.1.9.1 General Landscape Guidelines

- a) In addition to improving and enhancing the City's image, landscaping should be considered in terms of its proposed use:
 - i) **Aesthetic**

To enhance main roads and highways and to buffer or screen conflicting uses including parking areas, service areas and waste disposal areas.
 - ii) **Engineering/Environmental**

To control glare, reflection, noise, wind, erosion, drainage, shading and snow drifting, to re-vegetate areas and to protect environmentally sensitive areas such as riverfronts.
 - iii) **Architectural**

To enhance public areas and entrances to buildings and sites, to diminish the impact of blank walls, and to create private and semi-private spaces, with landscape characteristics of the area.

- b) Pavement or parking shall be avoided in areas designated for landscaping.
- c) All of the property not used for pedestrian or vehicular circulation, parking/loading, designated snow storage areas or buildings shall be landscaped. Snow should not be stored so as to adversely affect landscaped areas.
- d) Removal of existing vegetation or changes to the existing site landscape (i.e. topography) will only be allowed after a site plan control application has been approved.
- e) The applicant/owner shall identify unique natural features of the site on the plans. These unique natural features, such as trees, creeks, or scenic views, are to be protected during site preparation and building construction. Abutting parkland, greenbelt and landscaped areas of other properties should also be protected.
- f) At least 40-60% of all trees and shrubs should be of the coniferous type to provide year-round landscaping. There should be a combination of flowering types, with varying types of ground cover, and low shrubs.
- g) Special landscape designs are encouraged to enhance property entrances, and access boulevards.
- h) Special landscape designs such as cedar hedges are required along blank walls to offer visual relief and compliment building designs.
- i) Multiple residential units should provide outdoor amenity areas. Where playground facilities are incorporated into an outdoor amenity area, such play facilities shall meet “CSA Guidelines for Playground Equipment”. The applicable Comprehensive Zoning By-law should be referenced for guidance on the size and location of such areas.
- j) The landscape design must consider the existing streetscape character and landscape of the surrounding properties.
- k) Development should ensure that site design provides protection of valuable open spaces, landscape elements, recreational areas, historic landmarks, scenic views to natural areas, waterfront or manmade landmarks, and of any other architectural or natural attributes of the site and its surrounding area.

- l) All trees and shrubs shall meet the specifications for nursery stock as set out by the Canadian Nursery Trades Association and shall be planted according to accepted nursery trade practices. When possible, all plant material shall be native Ontario material. Trees are to be nursery grown stock with trunks, limbs, and basic shape typical of its species. Trees shall have straight trunks, be well branched and be balanced with a strong central leader.
- m) Trees shall be maintained so as to be free from insects, disease, and all physical injury.
- n) Tree Species with Restricted Uses

The following species shall have restricted uses.

Birch	Due to the plant's susceptibility to the Bronze Birch Borer, to drought and its short life span, its use shall require specific approval.
Pyramidal Lombardy Poplar	Due to the short life span of this species, it should be planted only in combination with longer-lived tree species and will only be approved in certain locations.
Manitoba Maple Silver Maple	Plantings of these trees should be discouraged due to its weak branches and suckering habit.
Willows	Locations of willows should be restricted to open areas where underground services do not exist.
Mountain Ash	Plantings of these trees in multiple plantings should be discouraged due to possibility of fire blight.

- o) All areas to be sodded shall have a minimum depth of 100 mm (3.9 in.) of topsoil. Sod is to conform to the Canadian Nursery Sod Growers specifications.
- p) Decorative stone is not allowed as a form of landscaping in required landscape strips.

3.1.9.2 Landscaping - Buffers/Screens

- a) Any commercial development adjacent to a residential area shall provide a dense planting buffer of 3.0 m (10 ft.) or an opaque wood fence not less

than 1.80 m (6 ft.) in height with a 1.80 m (6 ft.) wide landscaped strip (i.e. mix of evergreen/deciduous trees and shrubs in addition to grass) as a method of lessening the impact on residential development.

- b) Any parking area shall be provided with a landscaped buffer, fence, or hedge where the parking abuts a residential development.
- c) Buffering or screening of service areas shall be provided by a combination of earth berms, trees and shrubs, low walls, wood fences, or other approved techniques. Preference is given to natural landscaping so as to provide effective screening through all seasons.
- d) Any outside storage on commercial or industrial developments visible from a residential development or collector road should be enclosed by a combination of a suitable fence (or architecturally designed wall) and landscaping.
- e) All natural buffers or screens, fences and other forms of enclosures shall be between 1.2 m (4 ft.) and 1.8 m (6 ft.) in height except within daylighting triangles at road intersections or other points where such height may interfere with visibility at road intersections or access driveways. The minimum height at the time of planting shall be 1.2 m (4 ft.).
- f) When coniferous trees are planted as screens, they shall meet the minimum size requirement of the Guide and shall be planted 3.0 m (10 ft.) on centre.
- g) For commercial and institutional developments, landscaping of a minimum width of 3.0 m (10 ft.) will be required along all interior property lines not abutting a street. Where the curb height prohibits a vehicle overhang, a minimum width of 1.8 m (6 ft.) is acceptable. When integrated development of adjoining properties exists, this requirement will not apply.
- h) For industrial developments, a minimum of 1.8 m (6 ft.) wide landscape strip will be required on side and back property lines.
- i) Landscaped areas designed to act as buffers or screens shall not be used in the calculation of parking areas.

3.1.9.3 Landscaping Along Public Roads

- a) All developments or alterations to the existing conditions of a site shall incorporate a landscaped strip along the public road frontage of the property as follows:

Primary arterial roads and highways:	6.0 m (20 ft.)
Other roads:	3.0 m (10 ft.)

- b) The landscaped strip shall be contained within the private property measured from the front of property lines. Minor changes may be considered based on the site's physical constraints. Unique architectural, engineering, and landscaping design solutions may be permitted to achieve a higher quality development.
- c) Landscaping should be extended to include the areas from the property lot line to the curb, sidewalk, or edge of road shoulder, where possible.
- d) Construction and maintenance of these landscaped works on public areas abutting the site are the responsibility of the applicant/owner.
- e) When "Street Trees" are requested, these trees shall be 'zone and urban hardy' and shall meet specific tree planting and size procedures as determined by the City in concert with the applicable BIA, depending on the location of the specific site, and Hydro One. These trees are planted generally between the property line and the road edge, although in some cases they may be planted just inside the property line. Street tree locations shall allow for adequate growth potential. Prior to planting of street trees, all locations of services are to be identified on site and planting is to be offset away from services.

3.1.9.4. Landscaping of Parking Lots

- a) Screening

To lessen the visual impact of parking, parking areas shall be screened from public views by the use of low landscaping (i.e. shrubs, plants and trees), especially when parking lots are located along arterial roads or abutting residential or institutional uses. The screening effect may also be accomplished by different techniques such as berming, evergreen plantings or densely planted hedges. The minimum height of these plants shall be 1.2 m (4 ft.) at the time of planting to accomplish the screening effect.

- b) Interior Landscaping of Parking Lots

In addition to parking lot screening, parking lot areas shall be provided with landscaped shrubs at the end of parking rows. Additional landscaping will be required in the middle of long parking rows.

3.1.9.5 Landscaping - Tree Preservation and Replacement

- a) All trees (and roots) located within public right-of-ways shall be protected during construction, as well as those trees existing on surrounding properties. Any tree damaged or removed by the applicant/owner shall be replaced at the applicant/owner's cost by a tree of similar size and type.
- b) Every effort should be made to preserve existing vegetation on site.
- c) During construction, all existing trees that are to remain shall be fully protected with snow fencing erected beyond the "drip line" of the trees. Groups of trees and other existing vegetation to be protected shall have snow fencing erected around the entire clump(s). Areas within the protective fencing shall remain undisturbed and shall not be used for storage of building, materials or equipment. This work shall be completed prior to the issuance of a building permit for site development.
- d) Nothing is to be nailed or attached to tree trunks, including rigging cables.
- e) Surplus soil, equipment, debris or materials shall not be placed over the root systems of trees. No contaminants shall be dumped or flushed where feeder roots of trees exist.
- f) Where limbs or portions of trees are removed to accommodate construction work, they are to be carefully removed and all exposed wood treated with an approved tree wound dressing. However, if a wound area is 5.1 cm. (2 in.) or less, then the tree should be allowed to naturally heal. Any cut should be a flush cut at angle to the branch collar to minimize any wound area.
- g) Where root systems of protected trees are exposed directly adjacent to or damaged by construction work, they shall be trimmed neatly and the area backfilled with appropriate material to prevent desiccation.
- h) Where necessary, trees are to be given an overall pruning to restore the balance between roots and topgrowth or to restore the appearance of the tree.
- i) Where trees that are to be preserved die, or are damaged beyond repair, these shall be replaced by the applicant/owner at his/her own expense with trees of a size and species as approved by the City.
- j) If grades around trees to be preserved are likely to change, the applicant/owner shall be required to take precautions such as dry welling and root feeding. Retaining walls for tree preservation may be required.

3.1.9.6 Landscaping Maintenance

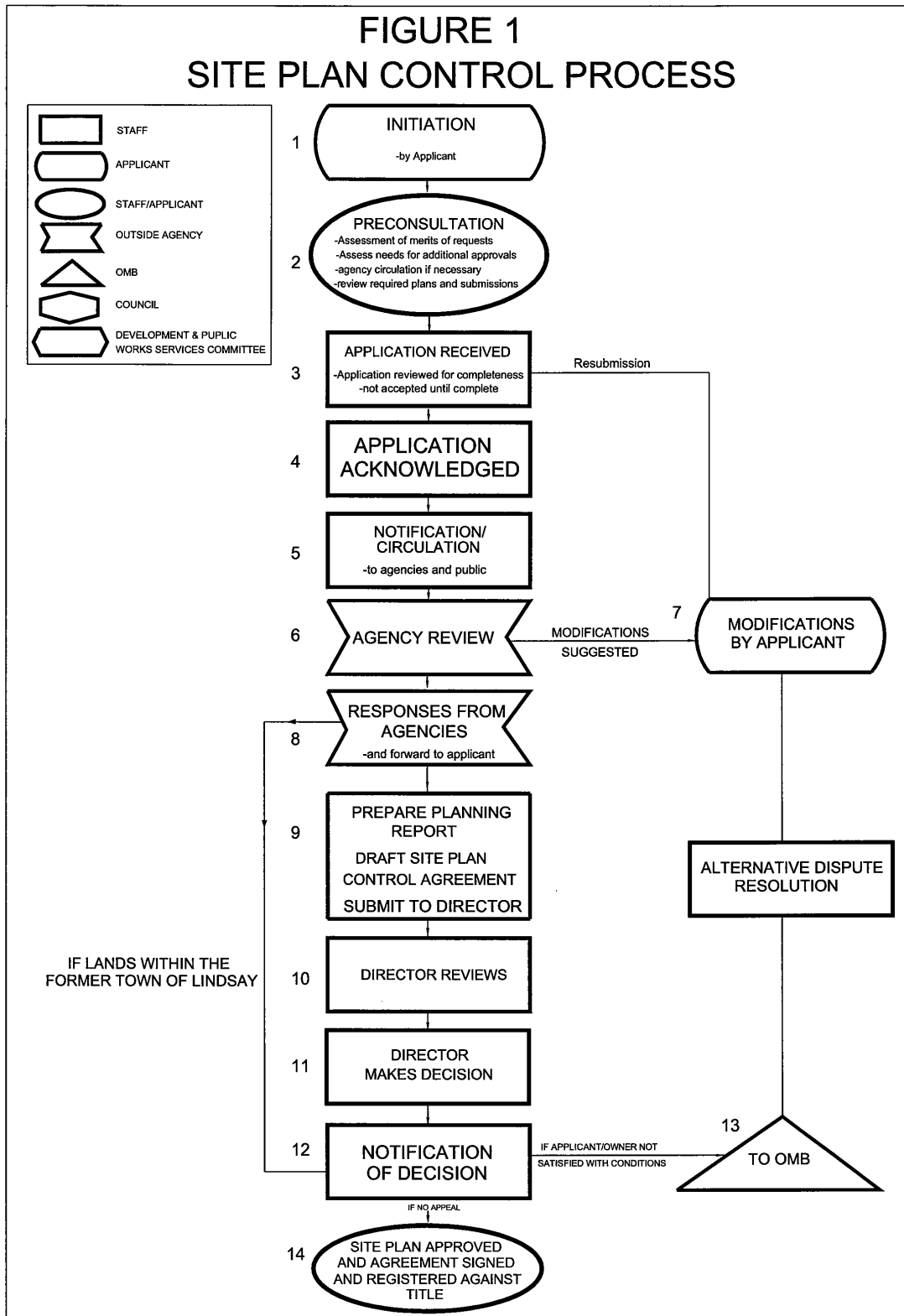
- a) All landscaped areas, as shown on the site plan, shall be maintained by the registered owner at his/her entire cost throughout the life of the agreement.
- b) Site vegetation shall be maintained in a healthy, vigorous, disease and pest free condition, or be replaced. Dead, severely damaged, or diseased plant material shall be replaced as soon as possible.

3.1.9.7 General Vegetation Standards

- a) Deciduous trees shall have a minimum trunk calliper (diameter) of 70 mm (2.8 in.). This measurement is to be taken 150 mm (6 in.) above ground level. Where small flowering tree species or multiple stem trees are to be planted, minimum sizes required must be approved by the Community Services Department - Parks, Recreation and Culture Division.
- b) Coniferous trees shall have a minimum height of 1.6 m (5.3 ft.).
- c) For cedar hedging, nursery-grown cedars are required. The plants must be single stem, rather than clump, and have a good form with branches to ground level. Cedar hedges are to be planted 300 mm (11.8 in.) on centre and have a minimum height of 1.0 m (3.3 ft.).

3.1.9.8 Park Design Standards

When a project involves improvements to City parks, the standards contained in Appendix “H” shall be used.



APPENDIX "A"

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2003 - 21

A BY-LAW TO ESTABLISH SITE PLAN CONTROL AND PROCEDURES IN THE CITY OF KAWARTHA LAKES AND TO DELEGATE SITE PLAN CONTROL APPROVAL TO THE DIRECTOR OF DEVELOPMENT SERVICES

Recitals

1. At amalgamation on January 1, 2001, the City of Kawartha Lakes had seventeen separate site plan control by-laws, as amended, covering the geographic municipalities which now comprise the City of Kawartha Lakes.
2. The Council of the City of Kawartha Lakes desires to adopt one site plan by-law for the City.
3. Council also desires to focus the site plan by-law control area to mainly urban settlements.
4. Council wishes to delegate to the Director of Development Services, or the Director's delegate, its powers and authority under Section 41 of the *Planning Act*, excluding Council's authority under Paragraph (a) of subsection B of Section 41 of the *Planning Act*.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2003-21.

Article 1.00: Definitions and Interpretation

- 1.01 **Definitions:** Wherever a word is used in this By-law with its first letter capitalized, the term is being used as it is defined in this Section 1.01. Where any word appears in ordinary case, its regularly applied meaning in the English language is intended.
- (a) **"Act"** means the *Planning Act*, R.S.O. 1990, c.P.13, as amended.
 - (b) **"Agricultural Building"** means any building or structure customarily used in connection with a farm other than a residence.
 - (c) **"By-law"** means this by-law, as it may be amended from time to time. The Recitals to, and the Appendices attached to this By-law are considered integral parts of it.
 - (d) **"City"** means The Corporation of the City of Kawartha Lakes.
 - (e) **"Clerk"** means the person within the administration of the City which fulfils the function of the City Clerk as required by the *Municipal Act*.
 - (f) **"Council"** means the elected municipal council for the City.
 - (g) **"Development"** means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alternation 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 clause (a) of paragraph 101 of section 210 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*, 1983, c. 1, s. 40(1); 1994, c. 4, s. 14.
 - (h) **"Director"** means the Director of Development Services of the City.
 - (i) **"Gross Floor Area"** means the aggregate of the areas of each floor, whether any such floor is above or below grade, measured to the center of common walls and to the outside of other walls, exclusive of an unfinished attic, an unfinished cellar, elevator shaft, corridor areas, mechanical and electrical rooms and storage areas. In the case of an apartment building, the gross floor area does not include any part of the basement which is used for the storage or parking of motor vehicles, locker storage facilities, laundry facilities and children's play areas, but does include any part of the building or structure above grade used for the storage or parking of motor vehicles. In addition, any part of an apartment building below or above grade which is used for heating

equipment, air conditioning equipment and/or other mechanical equipment shall not be included in gross floor area calculations.

- (j) "Kawartha Lakes" means the geographic area within the jurisdiction of the City.

1.02 **Interpretation Rules:**

- (a) Wherever this By-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the By-law with the gender applicable to the circumstances.
- (b) References to items in the plural include the singular, and vice versa, as applicable.
- (c) The words "include", "includes" and "including" are not to be read as limiting the phrases or descriptions that precede it.

1.03 **Statutes:** Specific references to laws in this By-law are printed in italic font and are meant to refer to the current laws applicable within the Province of Ontario as at the time this By-law was enacted. Unless otherwise noted, for Provincial laws, the reference is to the relevant chapter of the R.S.O. 1990 edition, as amended from time to time, including successor legislation.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law will be considered to be severed from the balance of the By-law, which will continue to operate in full force.

Article 2.00: Site Plan Control Area

- 2.01 Site plan control shall apply to those areas delineated in Appendices 1 to 13, attached to and forming part of this by-law.
- 2.02 Site plan control shall also apply to those properties where site plan control agreements are registered on title at the date of the adoption of this by-law or are subject to site plan control as part of a specific zoning requirement.

Article 3.00: Approval of Development

- 3.01 No person shall undertake any development in the area designated under Article 2.0 without providing the following information, as well as the information required under the City of Kawartha Lakes Site Plan Guide:
 - a. Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under Section 41(7)(a) of the Act.
 - b. Drawings showing plan, elevation and cross-section views for each building to be erected, which drawings are sufficient to display,
 - 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 provisions of interior walkways, stairs, elevators 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, elevators and escalators referred to in this clause.
- 3.02 As a condition of approval of the plans and drawings referred to in the previous section 3.01, the owner of the lands being developed shall enter into an

agreement with the City of Kawartha Lakes to provide to the satisfaction of and at no expense to the municipality, any or all of the following items:

- a. Widening of highways that abut on the land. Subject to the Public Transportation and Highway Improvement Act, facilities to provide access to and from the land such as access ramps and curbing, traffic direction signs and signals;
 - b. 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;
 - c. Walkways, including the surfacing thereof, and all other means of pedestrian access;
 - d. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon;
 - e. Walls, fences, hedges, trees, shrubs or other ground-cover or facilities for the landscaping of the lands or the protection of adjoining lands;
 - f. Vaults, central storage and collection areas and other facilities and enclosures for the storage or garbage and other waste material;
 - g. 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 City on the land;
 - h. Grading or alternation 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; pursuant to paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause 41(7)(a) of the Act and shown on the plans and drawings, approved in accordance with Section 41 of the Act.
- 3.03 The agreement referred to in Section 3.02 shall also provide that the various facilities and works referred to in the above-mentioned 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.

Article 4.00: Delegation of Approval Power

- 4.01 Council's powers under Section 41 of the Act are hereby delegated to the Director of Development Services or the Director's delegate.
- 4.02 The Director of Development Services shall not have the authority to define classes of development that may be undertaken without the approval of the City, pursuant to clause (a) of Subsection 41(13) of the Act.
- 4.03 Where a clause in a site plan control agreement requires approval by the City, (such as landscaping, grading, garbage enclosures, walls, fences), these may be approved by the Director of Development Services or his delegate.
- 4.04 Where an owner is not satisfied with any decision made by the Director of Development Services, or the Director's delegate, an appeal may be made to the Development and Public Works Services Committee which will make a recommendation to Council on the issue. If the owner is not satisfied with the decision of Council, an appeal may be made to the Ontario Municipal Board in accordance with Subsection 41(12) of the Act.

Article 5.00: Exempt Classes of Development

- 5.01 Within the areas delineated on Appendices 1 to 13 the following classes of development may be undertaken without the approval of plans or drawings otherwise required under Subsections 41(4) or (5) of the Act:

- a. A building or structure which is constructed, erected or placed for the purpose of a single detached dwelling unit or a semi-detached dwelling unit.
- b. An addition or alternation to a building or structure mentioned in Clause a.
- c. Any residential building containing less than three dwelling units, and buildings and structures accessory thereto.
- d. Any buildings or structures located on a parcel of land owned by the City and operated by the City, any conservation authority established by the Government of Ontario, or any Authority, Board or Ministry of the Province of Ontario or the Dominion of Canada.
- e. Any structure erected for the purposes of flood or erosion control by any conservation authority established by the Government of Ontario.
- f. Any Agricultural Buildings permitted under agricultural zones or rural zones contained in the City of Kawartha Lakes zoning by-laws.
- g. Any addition or alternation to a building or structure affected by this by-law, if the addition or alteration is considered minor by the Director of Development Services, and has the effect of increasing the useable area of the building or structure or the use of the structure by twenty-five (25%) or less of the building's or structure's Gross Floor Area, but in no case more than 1,000 square metres.

Article 6.00: Lapse of Approval or Agreement

- 6.01 Approval of plans and drawings referred to in Subsection 41(4) of the Act lapses,
 - a. where a building construction permit is required for the development,
 - i. at the expiration of one year from the date of approval if, within the one year period, no building permit is issued for the development;
 - ii. at the expiration of two years from the date of approval if, within the two year period, a building construction permit is issued for the development but the owner does not seriously commence construction of the development, in the opinion of the Chief Building Official appointed under the Building Code Act; and
 - iii. upon the revocation at any time of any building construction permit issued for the development; and
 - b. where no building construction permit is required for the development, at the expiration of two years from the date of approval if, within the two-year period, the owner does not seriously commence construction of the development in the opinion of the Chief Building Official appointed under the Building Code Act.
- 6.02 Lapse of approval is effective upon written notice to the owner revoking the approval or, where an agreement has been registered, upon the registration of a notice that the approval is revoked and the agreement is terminated.

Article 7.00: Repeal of Prior Historic By-Laws; Effective Date

7.01 The following site plan control by-laws are hereby repealed:

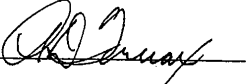
By-law No.	Municipality	By-Law Name
9-88	Lindsay	Site Plan Control By-law
32-95	Bobcaygeon	Being a By-law to Consolidate by repealing and replacing By-laws 10-89; 3-90; 25-91; 10-92 and 18-94, the Site Plan Control Area By-law for the Village of Bobcaygeon
23-97	Bobcaygeon	Being a By-law to amend the Village of Bobcaygeon's Site Plan Control By-law No. 32-95, as amended.

The Corporation of the City of Kawartha Lakes
Site Plan Control and Procedures
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90-25	Fenelon Falls	Being a By-law passed pursuant to the provisions of section 40 of the Planning Act, S.O., 1983, c. 1, as amended, to designate the whole of the Village of Fenelon Falls as a Site Plan Control Area
1990-7	Omerree	Being a By-law to designate all the land within the Village of Omerree as a Site Plan Control Area.
	Sturgeon Pt	None
1999-7	Woodville	Site Plan Control By-law – Being a By-law to establish Site Plan Control Areas for the Village of Woodville
92-39	Bexley	Being a By-law to Designate lands within the Corporate limits of the township of Bexley as a Site Plan Control Area
93-37	Bexley	Being a By-law to amend the Township of Bexley By-law 92-39, a By-law to designate a Site Plan Control Area in the Township of Bexley.
81-7	Carden	Being a By-law to Designate a "Site Plan Control Area" for the Municipality
4-80	Dalton	Being a By-law to designate a "Site Plan Control Area" for the Municipality
83-5	Eldon	Being a By-law to Designate a "Site Plan Control Area" for the Municipality
1991-14	Emily	Being a By-law to establish Site Plan Control areas for the Township of Emily
2000-11	Emily	Being a By-law to Designate an Interim Control Area to regulate livestock operations
18-86	Fenelon	The Site Plan Control Area By-law
20-88	Fenelon	Being a By-law to amend the site Plan Control Area By-law 18-86
	Laxton, Digby, Longford	None
88-22	Manvers	Being a By-law to amend to Establish the Site Plan Control Area for the Township of Manvers
86-31	Mariposa	The Site plan Control Area By-law
87-29	Mariposa	Being a By-law to amend the site Plan Control Area By-law Number 86-31 of the township of Mariposa
89-26	Mariposa	Being a By-law to amend the Site Plan Control Area By-law 86-31 of the Township of Mariposa
93-14	Mariposa	Being a By-law to amend site Plan Control Area By-law Number 86-31, as amended, of the Township of Mariposa
96-31	Mariposa	Being a By-law to further amend the Site Plan Control Area By-law 86-31, as amended, of the Corporation of the Township of Mariposa
94-12	Ops	A By-law to Designate a Site Plan Control Area
97-11	Somerville	The Site Plan Control By-law
18-91	Verulam	The Site Plan Control By-law

7.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

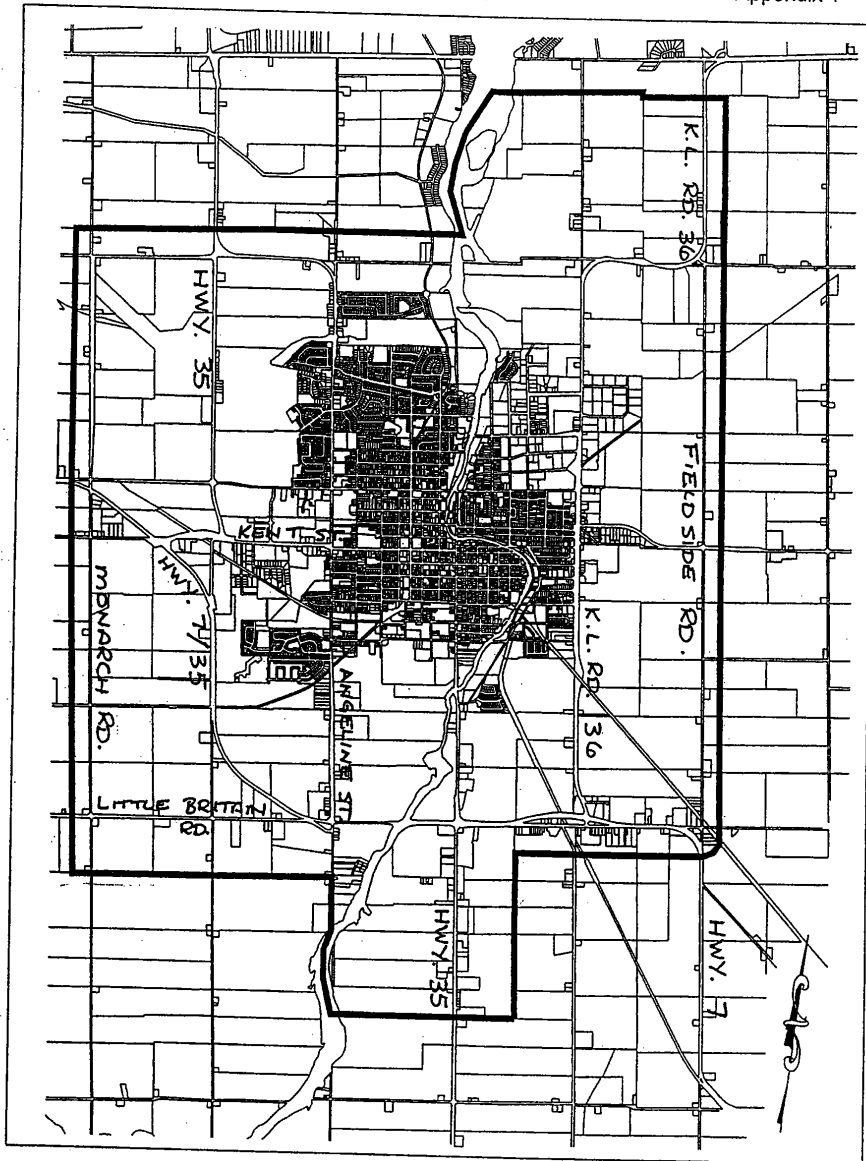
By-law read a first, second and third time, and finally passed, this 11th day of February, 2003.



 Mayor _____ Clerk _____

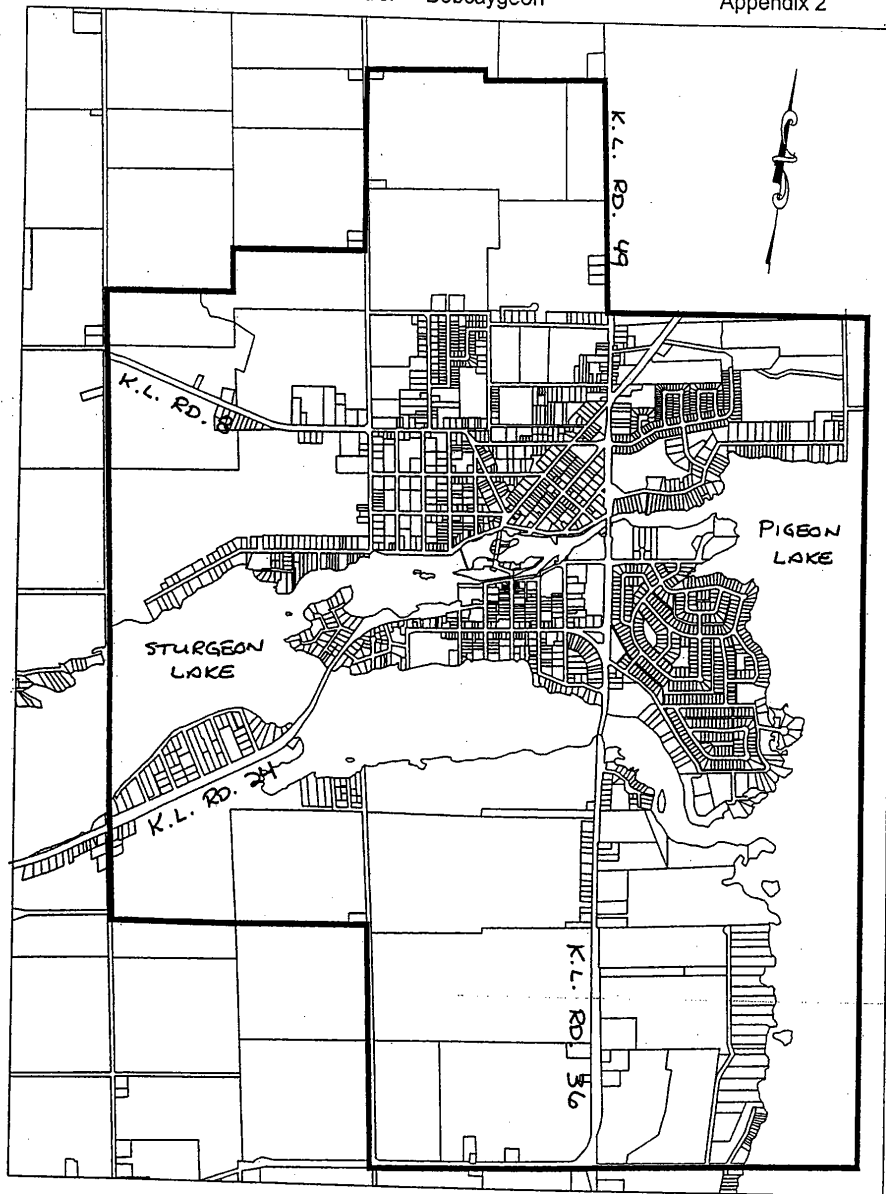
Area Subject to Site Plan Control - Lindsay

Appendix 1



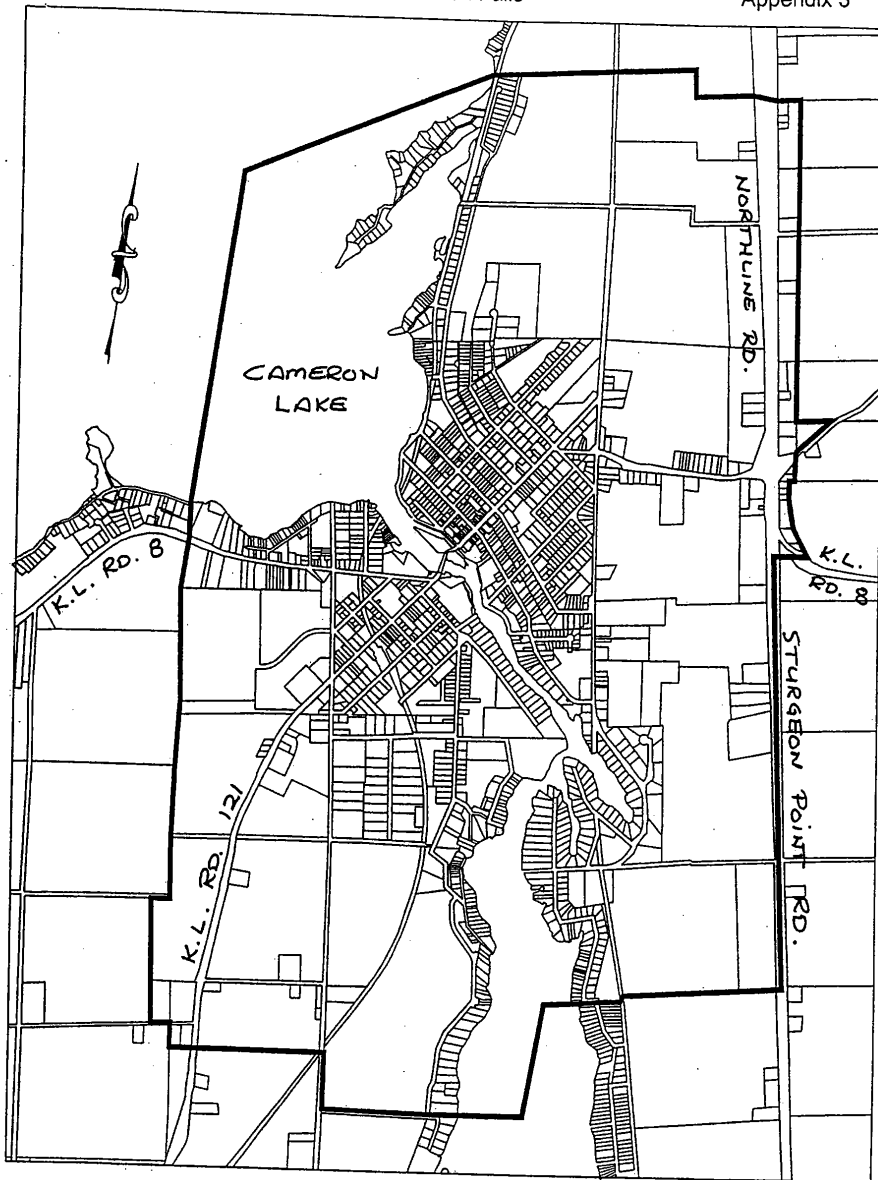
Area Subject to Site Plan Control - Bobcaygeon

Appendix 2



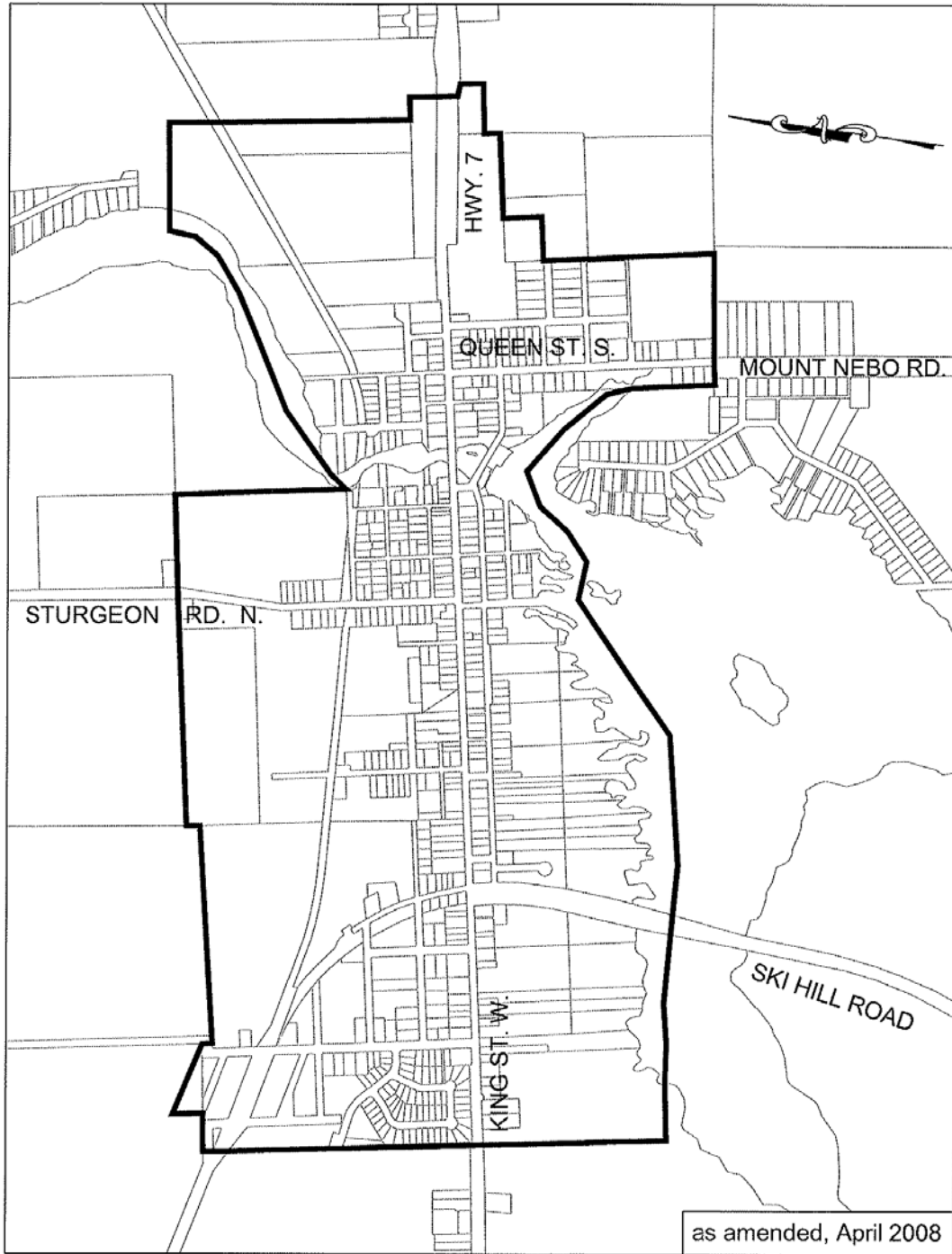
Area Subject to Site Plan Control - Fenelon Falls

Appendix 3



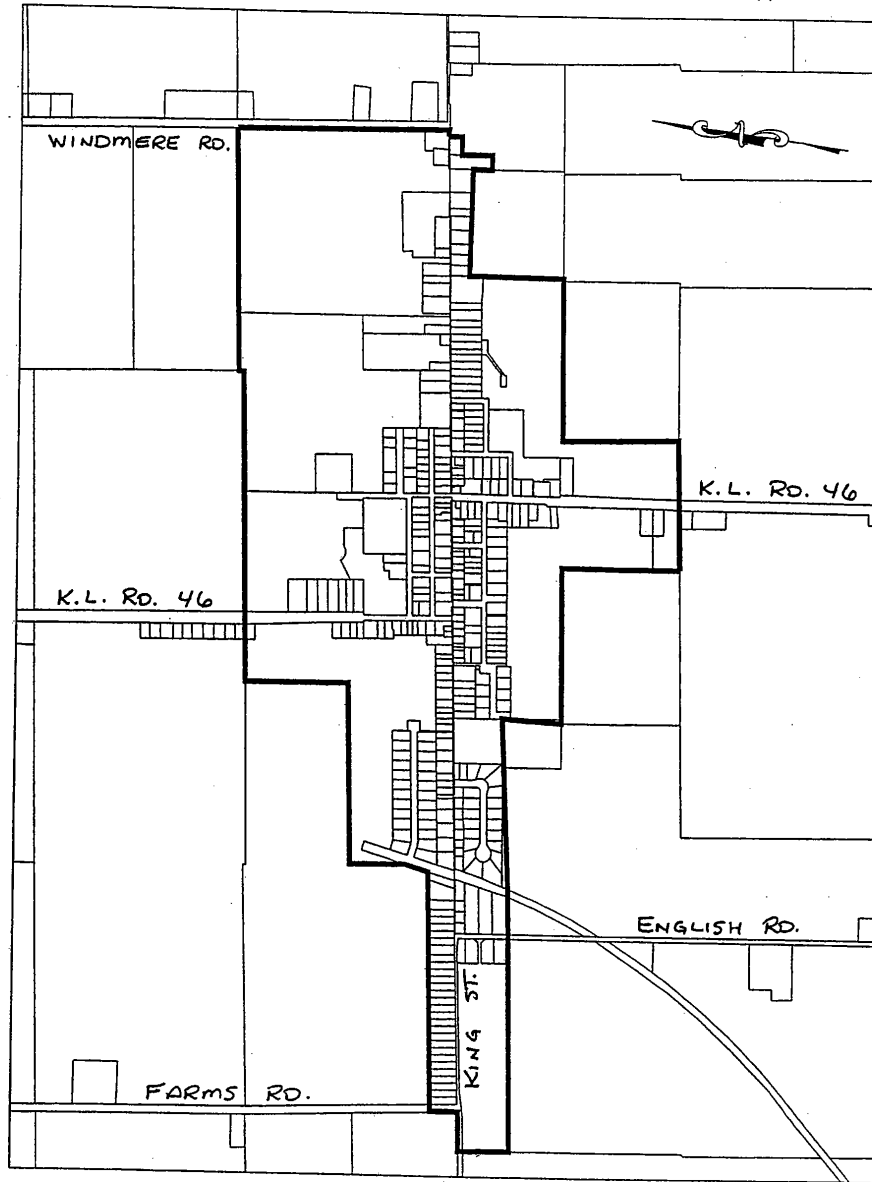
Area Subject to Site Plan Control - Omemece

Appendix 4



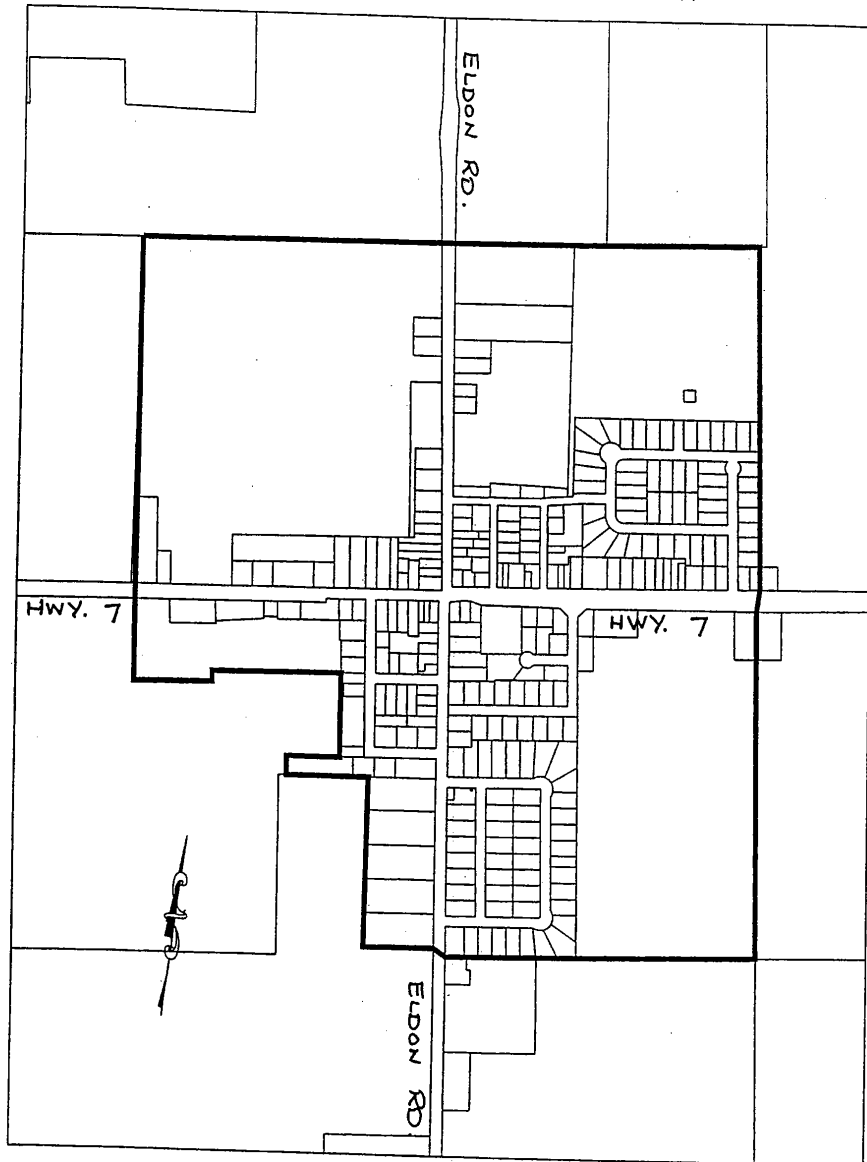
Area Subject to Site Plan Control - Woodville

Appendix 5



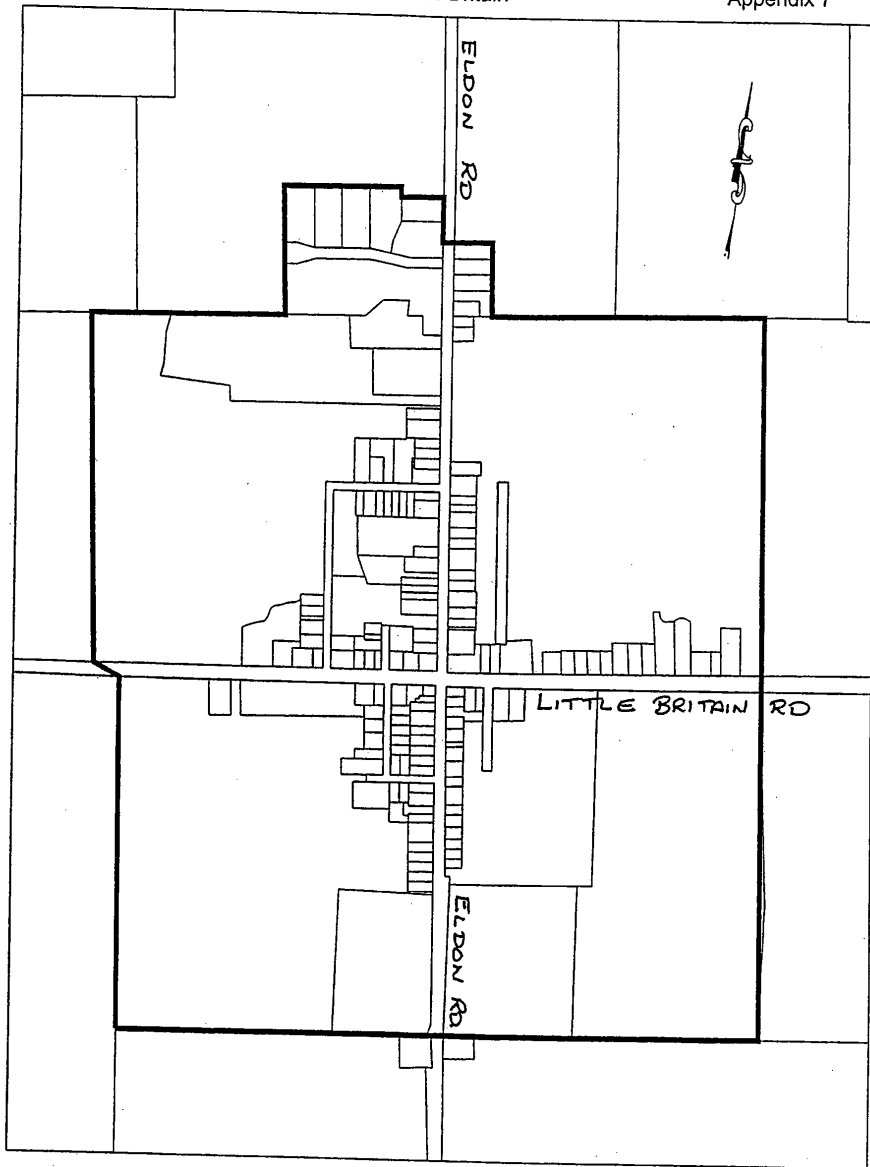
Area Subject to Site Plan Control - Oakwood

Appendix 6



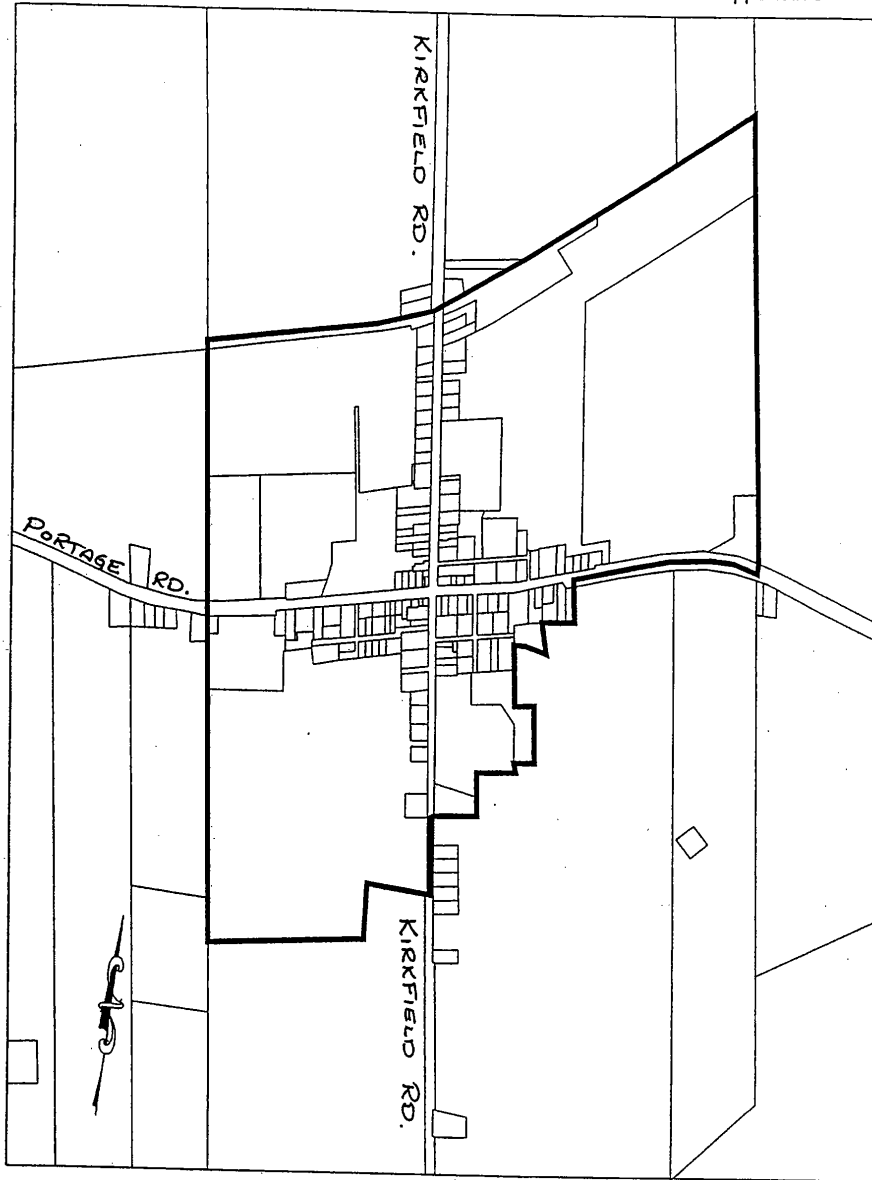
Area Subject to Site Plan Control - Little Britain

Appendix 7



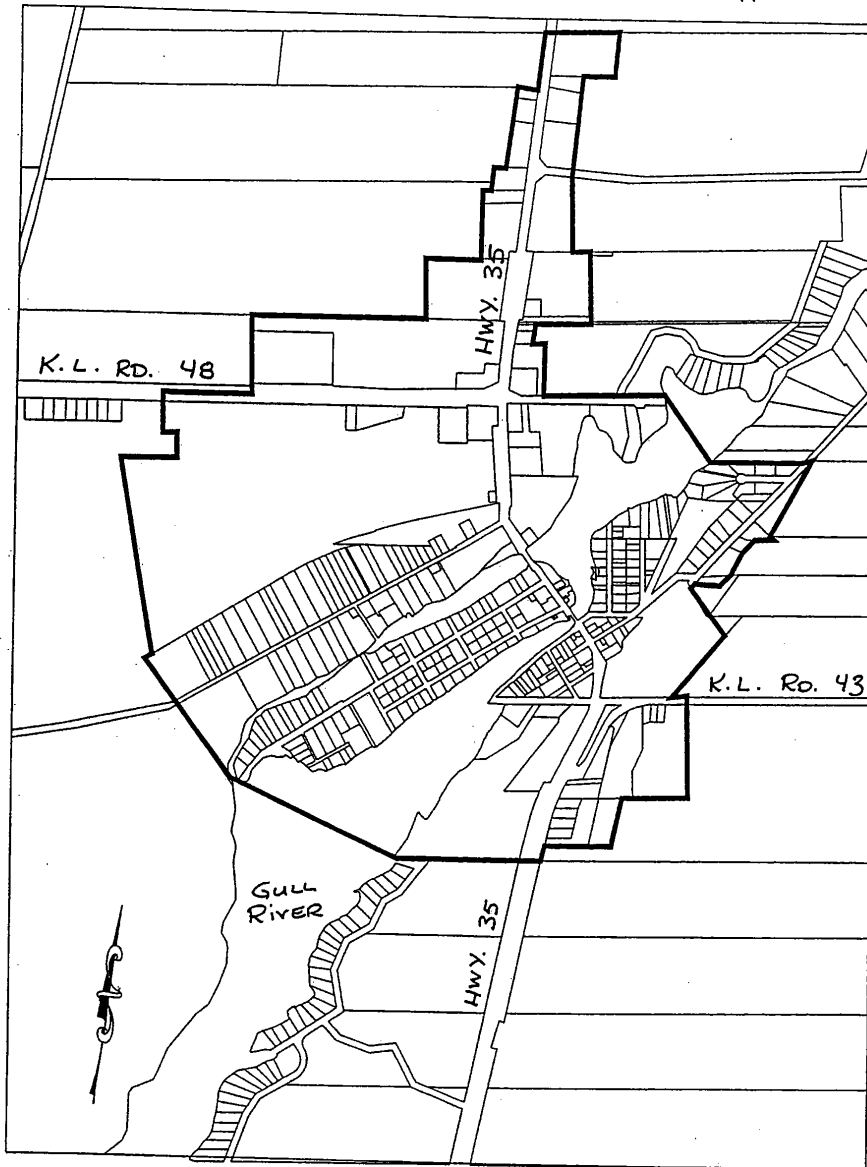
Area Subject to Site Plan Control - Kirkfield

Appendix 8



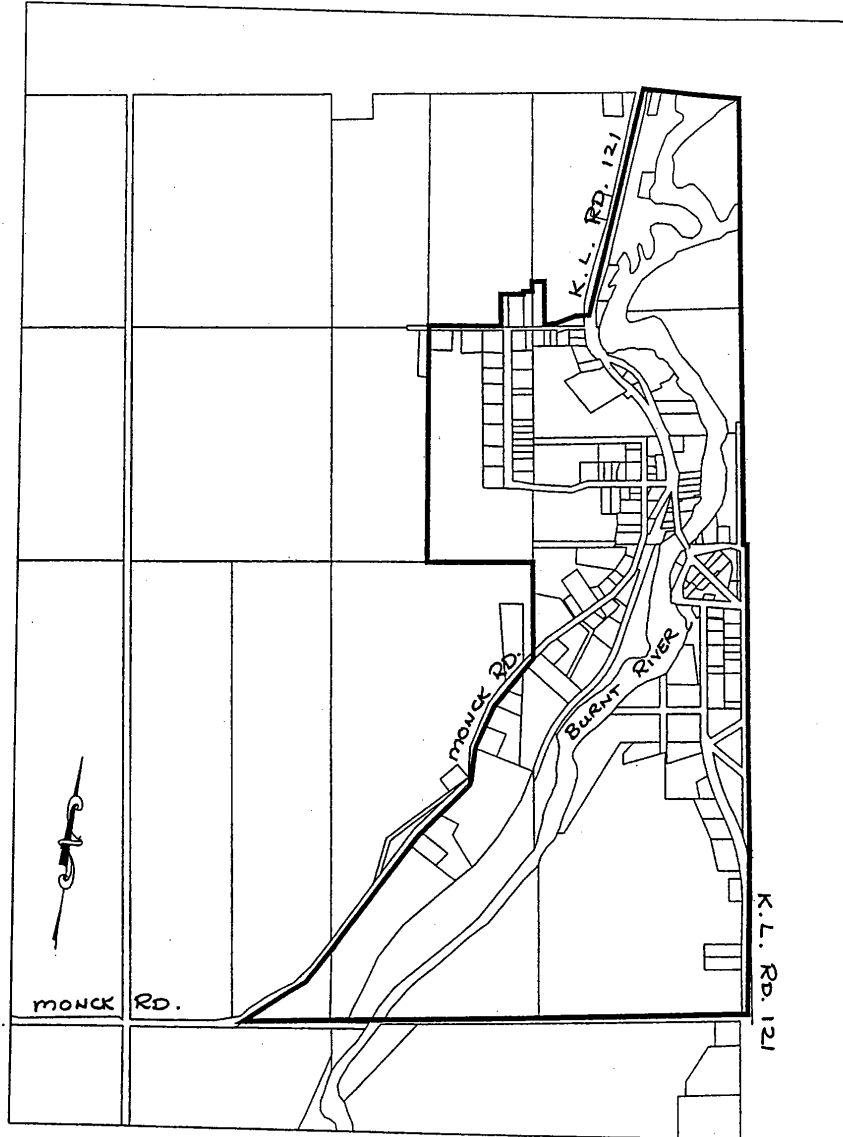
Area Subject to Site Plan Control - Coboconk

Appendix 9



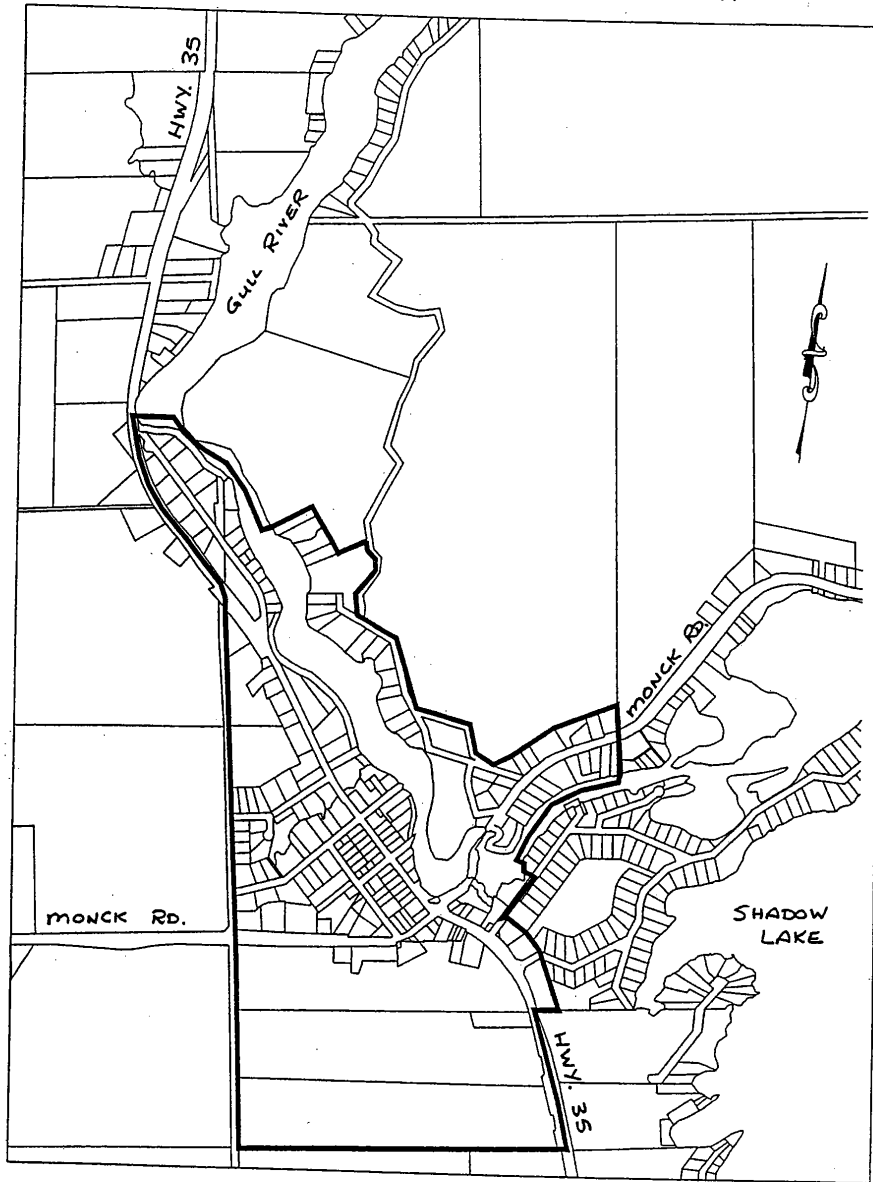
Area Subject to Site Plan Control - Kinmount

Appendix 10



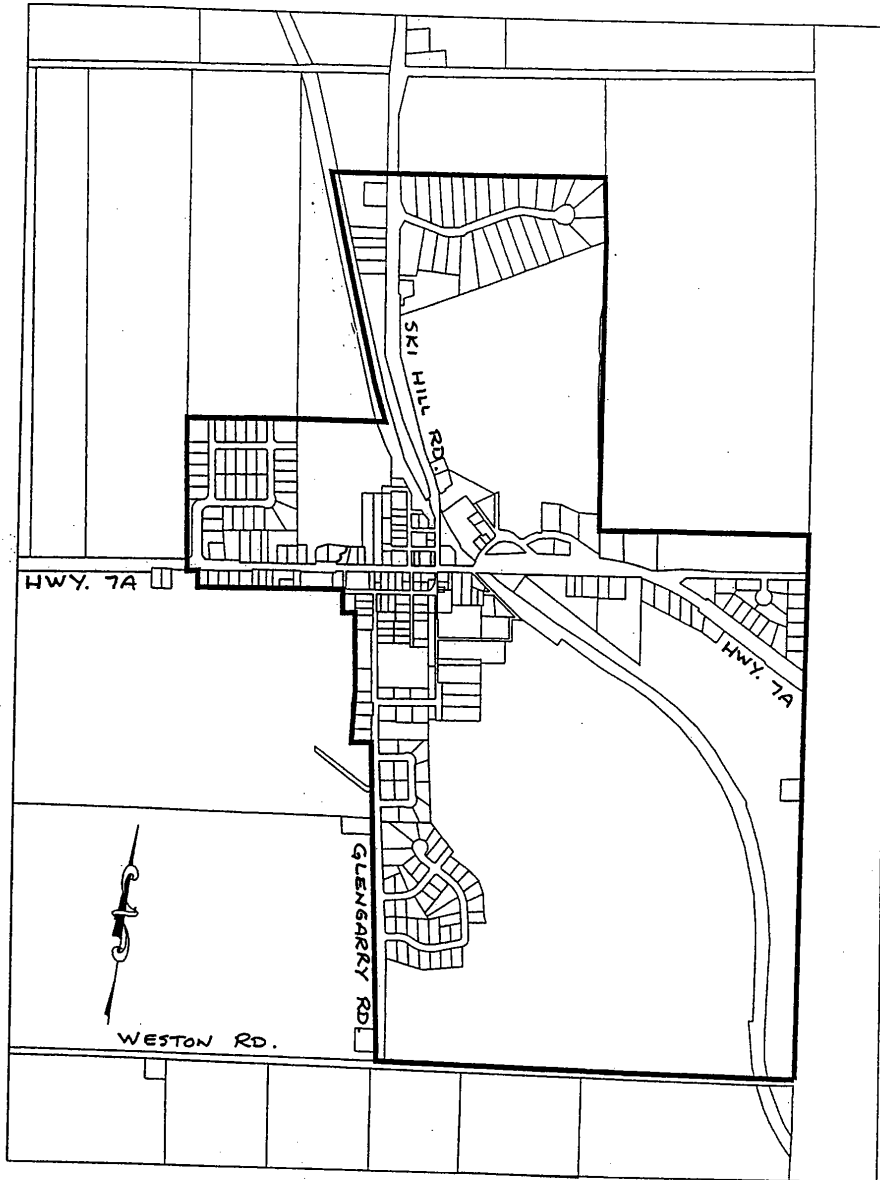
Area Subject to Site Plan Control - Norland

Appendix 11



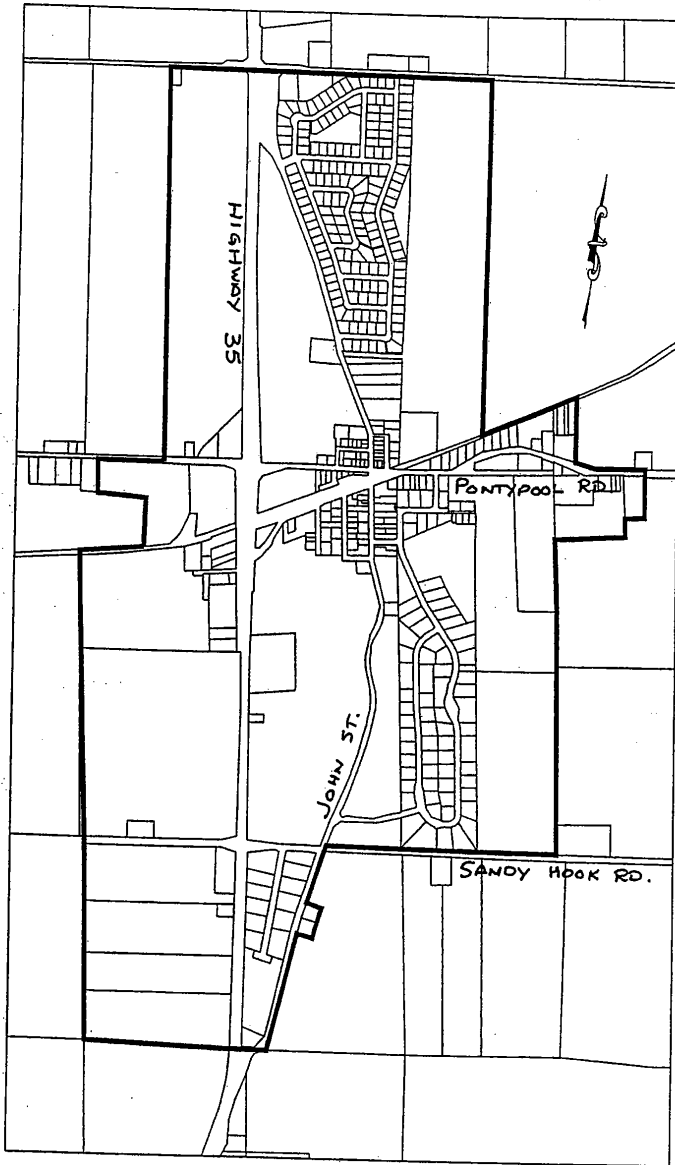
Area Subject to Site Plan Control - Bethany

Appendix 12



Area Subject to Site Plan Control - Pontypool

Appendix 13



APPENDIX "A-1"

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2007 - 209

A BY-LAW TO AMEND BY-LAW NO. 2003-21 BEING A BY-LAW TO ESTABLISH SITE PLAN CONTROL AND PROCEDURES IN THE CITY OF KAWARTHA LAKES AND TO DELEGATE SITE PLAN CONTROL APPROVAL TO THE DIRECTOR OF DEVELOPMENT SERVICES

Recitals:

1. Council considers it advisable to add certain lands to the City's site plan control area.
2. By adding these lands to the area of site plan control an appropriate site plan agreement can be entered into by the land owners and the City of Kawartha Lakes.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2007-209.

Section 1:00 Amendment to Article 2.00 of By-law 2003-21

Article 2.00 is amended by adding the following section immediately after Article 2.02:

2.03 Site Plan Control shall apply to Parts 1 to 8 and 10 to 19 inclusive of Plan 57R-7842.

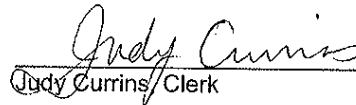
Section 2:00 Effective Date

- 2.01 **Effective Date:** This By-law comes into force on the date it receives third reading and is passed.

By-law read a first, second and third time, and finally passed, this 25th day of September, 2007.



Ric McGee, Mayor



Judy Currins, Clerk

APPENDIX “B”
SITE PLAN CONTROL SUBMISSION REQUIREMENTS

The following information must be submitted as a part of the Application for Site Plan Approval:

- 1) **Appropriate Planning Application fee.** Please refer to the City of Kawartha Lakes “Planning Application Fees” list.
- 2) **Appropriate Conservation Authority fee.** Staff will assist you in determining which Conservation Authority is involved.
- 3) **Appropriate Health Unit fee.** The Haliburton, Kawartha, Pine Ridge District Health Unit will be circulated where development is proposed on either partial or private services, which involves servicing by private well and septic systems not subject to Ministry of Environment approval. The applicant should contact the Health Unit at 705- 324-3569 for the appropriate application fee. The Health Unit will not provide comments on the development application to the City until the application fee has been received and may also charge additional review fees beyond the application fee.
- 4) **Completed** application form clearly stating a full description of the proposed development. Dark blue or black ink only – do not use pencil. It is the responsibility of the applicant(s) to ensure the accuracy and completeness of the application prior to its submission to this office to avoid any misunderstandings.
- 5) **A location plan** (completed as 8 1/2” x 11” or as key on site plan).
- 6) **15 full-size copies of each of the Site Plan, Grade Control & Drainage Plan and Landscape Plan** (On smaller projects information required on Site, Grade Control & Drainage and Landscape plans may be combined on a single drawing). All drawings submitted are to be in a metric scale, folded to 8 1/2 “ x 14” with the title block exposed and are to clearly indicate, where applicable:
 - A legible chart summarizing:
 - total property area;
 - total building area;
 - building coverage as a percentage of total property area;
 - height of building;
 - floor area of each storey;
 - total number of off-street vehicular loading and parking facilities, either covered or uncovered; and,
 - for residential buildings - the number of units, unit size and the number of bedrooms.
 - The location and dimensions of all existing and proposed buildings and accessory facilities.
 - The dimensions and bearings of front, side and rear yards of the building(s) on the subject site.

- The size and location of existing and proposed watermain and sanitary sewer, whether on or abutting the property.
- The location of any existing hydrants within 100 m (328 ft) of the proposed building face and the proposed location of any additional hydrant, whether on public or private land.
- Existing and proposed contours and spot elevations on both the site and adjacent properties with reference to a geodetic benchmark.
- The location of watercourses, swales, culverts, retaining walls, embankments, catch basins and other man-made or natural features on or adjacent to the site.
- Existing easements or right-of-ways are to be shown and identified as to whom the easement or right-of-way is in favour of, and what restrictions on planting, building, etc. are in force.
- All existing and proposed driveways on the subject property. The location of walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
- The location and design details of garbage disposal facilities.
- The location of all signs other than regulatory or traffic control signs.
- The location and detail of existing and proposed lighting facilities.
- All existing and proposed trees, hedges and shrubs shall be indicated. A plant list attached to the drawing shall indicate the common name, generic (Latin) name, quantity and size (or calliper) of all proposed trees, hedges and shrubs.
- All plant material shall be hardy and nursery grown, complying with the “Guide Specification for Nursery Stock” of the Canadian Nursery Trades Association. Only plant material that is adaptable to the soil conditions and special configurations of the site shall be acceptable. Plant materials are not to interfere with utilities, exterior/street lighting, sidewalks or parking.
- All existing and proposed sodded and seeded areas are to be clearly indicated on the site plan. New sod proposed on the subject property shall be No. 1 Nursery sod type and will be staked on slopes of 3:1 or greater.
- All ground cover material is to be indicated (i.e. asphalt, concrete, crushed gravel, decorative stone, planters, sod, grass, etc.).
- Proposed walls and fences are to be detailed and shown.
- All proposed and/or existing utility connections to structures on the subject site.
- The location of any park areas.

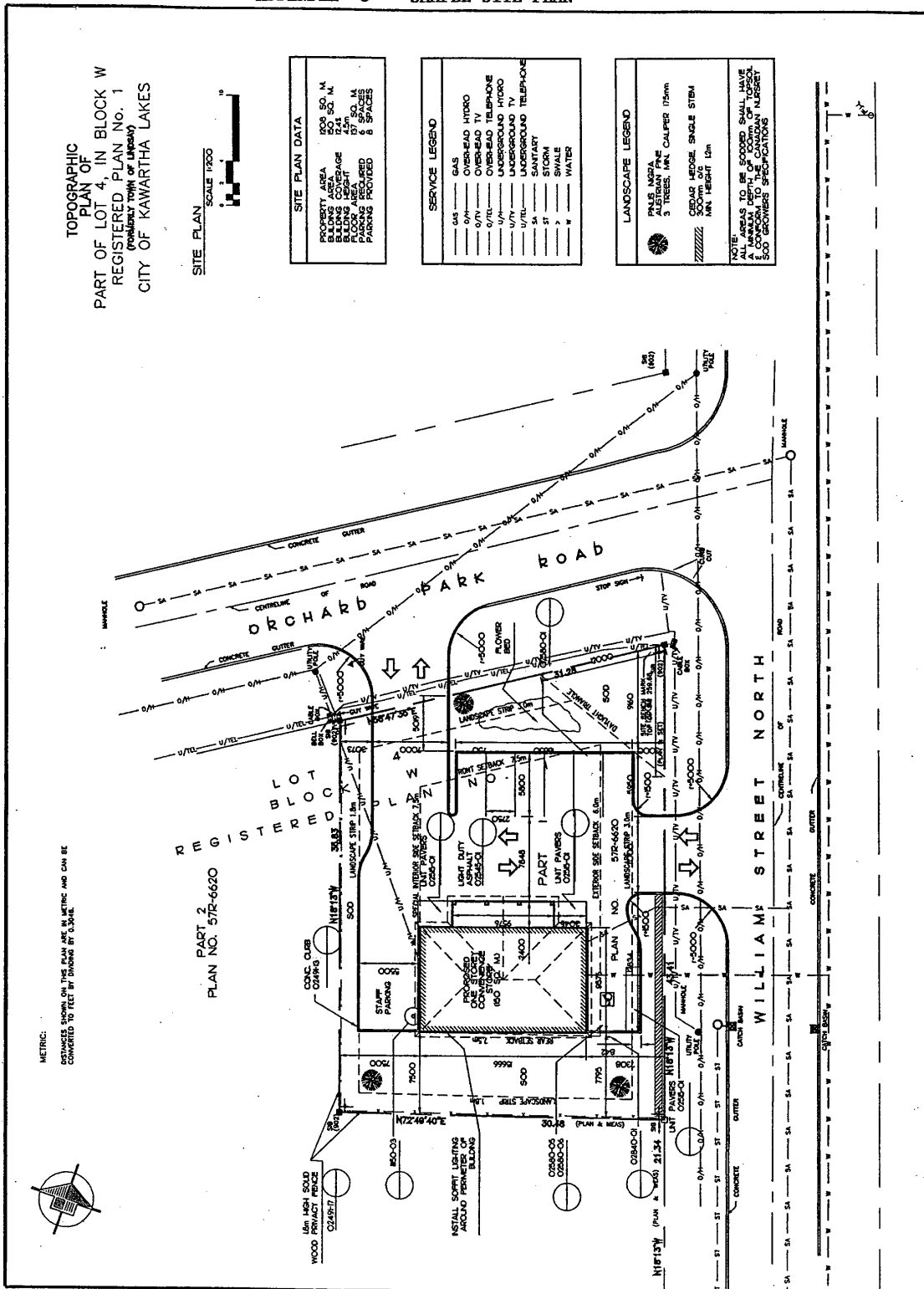
Measurements on the sketch SHALL correspond to those identified in the application. Photocopies of your survey, if you have one, should be used. If no survey is available, a detailed hand-drawn sketch to scale is acceptable.

In some cases, it may be appropriate to obtain professional services to determine the accuracy of your property dimensions.

SUBMIT TO: City of Kawartha Lakes
Development Services Department – Planning Division

2nd Floor, 180 Kent Street West
Lindsay, ON K9V 2Y6
(705) 324-9411 Ext. 231

APPENDIX "C" - SAMPLE SITE PLAN



APPENDIX “D”
DIRECTORY OF AGENCIES

DEPARTMENT/AGENCY	PHONE NUMBER
City of Kawartha Lakes Development Services Department – Planning Division	(705) 324-9411 Ext. 1231
City of Kawartha Lakes Development Services Department - Building Division	(705) 324-9411 Ext. 1288
City of Kawartha Lakes Development Services Department - Economic Development Division	(705) 324-9411 Ext. 1234
City of Kawartha Lakes Public Works Department - Manager of Engineering	(705) 324-9411 Ext. 1151
City of Kawartha Lakes Public Works Department - Manager of Solid Waste Division	(705) 324-9411 Ext. 1143
City of Kawartha Lakes Public Works Department - Supervisor of Water, Wastewater Division	(705) 324-9411 Ext. 1123
City of Kawartha Lakes Emergency Services Department	(705) 324-5731 Ext. 1523
City of Kawartha Lakes Community Services Department - Parks and Recreation Division	(705) 324-9411 Ext. 1301
Ganaraska Region Conservation Authority	(905) 885-8173
Kawartha Region Conservation Authority	(705) 324-2271
Otonabee Conservation Authority	(705) 745-5791
Lake Simcoe Region Conservation Authority	(905) 895-1281
Manager of Land Services, Enbridge Gas Distribution Inc.	(416) 753-6952
Hydro One	1-888-871-3514
Planner, Manager – Right of Way Control Centre, Bell Canada	(416) 296-6291
Haliburton, Kawartha, Pine Ridge District Health Unit	(705) 324-3569
Cogeco Cable Canada Inc.	(705) 740-7278
Chair, The Municipal Advisory Council for Disabled Persons	(705) 324-9411 Ext. 1206
Administrator, Downtown Business Improvement Association	(705) 324-7710
Chair, Heritage Victoria Committee (if property is designated)	(705) 324-9411 Ext. 1206
Corridor Control Technician, Ministry of Transportation, Kingston	(613) 545-4744
Trent-Severn Waterway	(705) 742-9267
Ward Councillor	
Mayor, City of Kawartha Lakes	
Area Manager, Public Works Department	
Local City of Kawartha Lakes Service Centre	

APPENDIX “E”

SITE WORKS ESTIMATE FORM

ITEM	DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT
	ROAD (50% Security Required)				
1	Curb				
2	Asphalt				
3	Granular “A”				
4	Granular “B”				
5	Site Preparation				
6	Parking (i.e. Painting, Signage Curb Stops)				
	PIPING (50% Security Required)				
7	Sanitary				
8	Storm				
9	Water				
10	STORM WATER MANAGEMENT (50% Security Required)				
11	LIGHTING (50% Security Required)				
	LANDSCAPING (100% Security Required)				
12	Retaining Wall				
13	Screening (Fence, Berm)				
14	Walkways/Sidewalks				
15	Garbage Enclosure(s)				
16	Plantings				

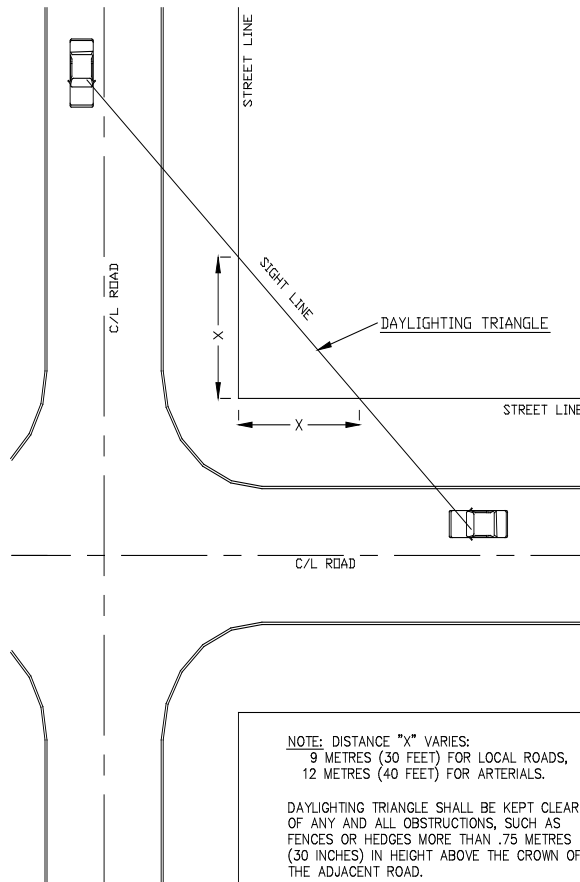
Development Application Approvals Process

Pursuant to By-law No. 2007-132, Council approved the charging of development application approvals process (DAAP) user fees for engineering activities at 0.6% of the constructed value of the site works created relative to the project.

APPENDIX "F"

DAYLIGHTING TRIANGLE POLICY

An intersection design must provide sufficient sight distances for the driver to perceive potential conflicts and to carry out the actions needed to negotiate the intersection safely



APPENDIX "G"

DISABLED PERSON PARKING SIGN

11. A parking space designated on Crown land or under a municipal by-law for the use of disabled persons shall be distinctly indicated by erecting a disabled person parking permit sign which shall,

(a) be not less than forty-five centimetres in height and not less than thirty centimetres in width and bear the markings and have the dimensions as described and illustrated in the following Figure:



Highway Traffic Act – R.R.O. 1990, Reg. 581

APPENDIX ‘H’

PARK DESIGN STANDARDS

The following should be used only as a guide. Each park area is unique in terms of its size and the requirements of the community at the time of its development. Flexibility will be allowed based on the interpretation of the Community Services Department, Parks, Recreation and Culture Division.

Recreation Facilities

Softball Fields	Senior level softball fields should have completely fenced playing areas, well-drained infield and outfield. Outfields should be irrigated in the most efficient manner when required. Outfield areas should not overlap with other sport fields. They should be equipped with player benches, seating areas and trash receptacles.
Soccer Fields	Playing surface, setbacks and out-of-bounds should be well drained with adequate turf cover. Irrigation should be installed on fields that are subjected to intensive use. They should be equipped with player benches, seating area and trash receptacles.
Tennis Courts	Banks of four courts should be developed where possible using a penetrative surface. A shaded seating area should be developed overlooking the courts and should be equipped with benches, trash receptacles and bicycle racks. Tree planting should be used to assist with windbreaks and to reduce visual impact of fencing.
Playgrounds	Playground equipment suitable for a range of age groups should be provided; senior and junior play areas should be separated. A sand base with timber edging should be provided. A shaded seating area overlooking the playground should be designed to accommodate those supervising children. All playgrounds should meet the C.S.A. playground guidelines.
Pedestrian Circulation	Walkways should provide safe access from the street(s) and parking to all use areas. Walkway surfaces should be paved or granular as appropriate to the site. Pedestrian scale lighting should be provided where warranted in order to create safer environments. All pedestrian circulation systems should meet the access needs of the physically challenged and elderly. Where possible pedestrian circulation should be kept independent of vehicular traffic. It should also be recognized that in some parks there will also be bicycle/roller-blading traffic, in which case, pathways should be widened and/or designated for the different uses.
Vehicular Parking	On-site parking should be provided for community and major City-wide parks. Parking should be well defined by the use of curbs, posts or other appropriate means. Parking areas shall be of a paved or

granular surface. Parking lots should be buffered from adjoining use areas by the use of plant material and/or earth forms. Pedestrian access points should be clearly delineated and be kept free of any obstructions.

Vegetation Management

Each park should have a diverse composition of deciduous and coniferous plant material that is managed so as to sustain the health and vigour of the vegetation. Tree planting should be undertaken to create shade, separate use areas and to define the edges of the park areas. Where possible, the practice of “Integrated Pest Management” should be employed in the overall maintenance program of the park system.

Park Amenities

Seating Areas

Shaded, well-defined seating areas should be provided overlooking playgrounds, major facilities and passive recreation areas. Tables, trash receptacles, bicycle racks and benches should be supplied in appropriate locations throughout each park.

Park Shelters

Conveniently located shelters should be provided in a suitably landscaped park setting and will most likely be located in community or major park settings. These may be designed to meet the needs of groups or individuals as appropriate to the park design.

Convenience
Buildings/Restrooms

Community and major City-wide parks should include well-constructed convenience and restroom facilities. These should be located to serve park user needs and be visually unobtrusive. Architectural guidelines and landscaping should be used to integrate the buildings with the site.

Picnic Areas/Passive
Recreation

Areas for passive recreation and picnicking should be provided and should be suitably landscaped and/or managed to create a pleasing atmosphere which will contrast with the more actively used part of the site.