

**THE CORPORATION OF THE TOWNSHIP OF  
HAVELOCK-BELMONT-METHUEN  
BY-LAW NUMBER .....2009-42**

**BEING A BY-LAW TO ESTABLISH SITE PLAN CONTROL AND PROCEDURES IN THE TOWNSHIP OF HAVELOCK-BELMONT-METHUEN.**

**WHEREAS** under the provisions of Section 41 (2) of The Planning Act, R.S.O., 1990 as amended, authority is granted to Councils of Municipalities to designate a site plan control area, where an Official Plan is in effect;

**AND WHEREAS** there is an Official Plan in effect in the Township of Havelock-Belmont-Methuen, and the Municipality deems it appropriate to identify certain land uses and areas within the Township of Havelock-Belmont-Methuen where site plan control will apply;

**AND WHEREAS** Section 41 (13) of The Planning Act, R.S.O., 1990, as amended, provides authority for the Council of a Municipality to pass a By-law prescribing certain classes of development to be exempt from Section 41 (4) and (5) of The Planning Act, R.S.O., 1990, as amended, and providing for the delegation of any of the Council's powers or authority as provided therein;

**AND WHEREAS** Council desires to focus site plan control primarily on built up and highly visible areas of the Municipality;

**NOW THEREFORE** the Council of the Corporation of the Township of Havelock-Belmont-Methuen enacts as follows:

1. In this Section:

- (a) "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 clause (a) of subsection 164(4) of the Municipal Act, 2001, as the case may be or of sites for the location of three or more mobile homes as defined in section 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, as amended, and
- (b) "Corporation" means The Corporation of the Township of Havelock-Belmont-Methuen, and
- (c) "owner" means an owner of land whose interest in the land is defined and whose name is specified in the proper Registry of Land Titles Office, and
- (d) "person" includes an owner, and
- (e) "gross floor area" means in the case of a single detached dwelling, the total area of all habitable rooms measured from the exterior faces of the exterior walls including a maximum of 20% of any part of the building or structure below finished grade, if same is a finished recreational room and or finished laundry room, or 14 square metres (150 square feet) of an attached garage, but excluding any detached accessory buildings. In the case of a building, other than a dwelling, gross floor area means the total area of all floors devoted to retail sales, customer service and/or office use, manufacturing and warehousing measured from the outside face of exterior walls but shall not include mezzanine areas, mechanical rooms, common rooms, stairwells, garbage and electrical rooms, parking structures and similar uses ancillary to the main use.

2. The whole of the area governed by the Official Plan of The Township of Havelock-Belmont-Methuen is designated as a site plan control area insofar as lands included in all zoning categories comprising the Township of Havelock-Belmont-Methuen Comprehensive Zoning By-law will be subject to site plan approval; save and except for those uses which are specifically exempted by this by-law.
3. Notwithstanding, site plan control shall specifically apply to the following:
  - (a) those areas delineated in Appendices 1 to 3, attached hereto and forming part of this by-law.
  - (b) those areas within 180 metres of Provincial Highway No. 7 corridor.
  - (c) those shoreline areas which are the subject of a proposed residential development in the form of plan of subdivision or plan of condominium.
  - (d) any development proposal involving lands within the Township of Havelock-Belmont-Methuen which is the subject of an official plan amendment and/or zoning by-law amendment, as determined by Council.
  - (e) any development where site plan control is imposed as a condition of an application by the County of Peterborough Land Division Committee.
4. Within any commercial, industrial, institutional, rural, open space, development, environmental protection, or any special district zone specifically permitting any of the foregoing uses only projects of the following magnitude shall require approval by Council:
  - (a) any new commercial or industrial building or building addition, greater than 100 square metres in gross floor area;
  - (b) any other new non-residential building, or building addition greater than 100 square metres of gross floor area;
  - (c) any project as determined by Council, within an aggregate resource area;
  - (d) any non-residential parking lot or parking lot expansion, as determined by Council.
  - (e) all other projects may be approved by the Clerk.
5. The following projects shall be exempt from site plan control:
  - (a) any construction or alteration of a single detached dwelling, semi-detached dwelling unit or duplex;
  - (b) any building accessory to the uses described in paragraph (a) of this section;
  - (e) an in-ground or above ground swimming pool constructed in connection with the uses described in paragraph (a) of this section;
  - (f) any new non-residential building including any accessory buildings less than 100 square metres of gross floor area;
  - (g) any building addition less than 100 square metres of building area or floor area, whichever is greater;
  - (h) any interior alteration to a building or change of use, but not a change of use to a group home;

- (i) any agricultural and farm related buildings or structures that are utilized in active farming operations;
  - (j) any buildings or structures located on a parcel of land owned and operated by the Township, or any Authority, Board or Ministry of the Province.
6. NOTWITHSTANDING any of the provisions of any By-law which may be inconsistent with this By-law, no person shall undertake any development in the site plan control area unless the Council of the Corporation has approved of the following:
- (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 7 (a) including facilities designed to have regard for accessibility for persons with disabilities;
  - (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 provision 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 following: the layout of interior areas, other than the interior walkways; stairs, elevators and escalators referred to in clause (iii); the colour, texture and type of materials; window details; construction details; architectural details and interior design.
    - (iv) 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;
    - (v) the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities;
    - (vi) facilities designed to have regard for accessibility for persons with disabilities.
7. As a condition to the approval of the plans and drawings referred to in Section 6, the Corporation may require the owner to:
- (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:
    - (i) widenings of highways that abut on the land,
    - (ii) subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs,



- (iii) 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,
  - (iv) walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access;
  - (v) facilities designed to have regard for accessibility for persons with disabilities.
  - (vi) facilities for the lighting, including floodlighting, of the land or any buildings or structures thereon,
  - (vii) walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands,
  - (viii) vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material,
  - (ix) easements conveyed to the municipality for the construction, maintenance or improvements of watercourses, ditches, land drainage works and sanitary sewage facilities and other public utilities of the Municipality,
  - (ix) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraph (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) of clause (a), including the removal and on-site storage of snow from access ramps and driveways, parking and loading areas and walkways;
  - (c) enter into one or more agreements with the municipality dealing with any or all of the facilities, works or matters mentioned in clauses (a) and (b) or with the provision and approval of the plans and drawings referred to in Section 6.
8. Where an owner is required to provide a highway widening under paragraph (i) of clause (a) of Section 7 the following may apply:
- (a) such land dedications for road widenings may be taken from either or both sides of the road, except where, for topographic reasons, widening is only possible on one side and then the entire requirement may be taken from that side;
  - (b) except where topographic constraints require additional lands to be dedicated, only 50% of the land dedication required to widen a road shall be taken as part of the land dedication requirements;
  - (c) the road widening provisions of this section shall apply to all development except single family duplex, or semi-detached residential development.
  - (d) land dedications for road widenings taken through the use of site plan control shall only be in those areas referred to in Section 2 of this By-law.
9. Any agreement entered into under clause (c) of Section 7 may be registered against the land to which it applies and the Corporation is entitled to enforce the provisions thereof against the owner and, subject to the provisions of The Registry Act and The Land Title Act, any and all subsequent owners of the lands.

10. In such case as the owner is in default of matters or things to be done, as required by this By-law, the following shall apply:
  - (a) any matter or thing may be done by the Corporation at its expense and the Corporation may recover the expense in doing it by action or the same may be recovered in like manner as municipal taxes.
  - (b) the owner is to be given written notice by prepaid registered mail to the owners usual place of business or place of residence advising of the default and affording the owner not less than thirty (30) days to remedy the default.
  - (c) where the owner has been given notice of default by prepaid registered mail and the owner has failed to remedy the default within the time prescribed in the notice the owner is entitled to appear before a meeting of the Council in respect of such default before the Corporation proceeds under sub-section (a) of this section.
  
11. No building permit or permits shall be issued until:
  - (a) the plans showing the location of all buildings and structures to be erected on the land and the location of the other facilities required by the By-law are filed by the owner with the Corporation and approved by the Corporation, and
  - (b) the perspective plans and drawings showing buildings, elevations and cross sections of industrial and commercial buildings and institutional buildings are filed by the owner with the Corporation and approved by the Corporation, and
  - (c) the perspective plans and drawings showing existing adjacent uses protected from any new development that due to its nature would have a detrimental physical or visual impact are filed by the owner with the Corporation, and
  - (d) the perspective plans and drawings showing adherence to property development standards, to minimize land use incompatibility between new and existing development and to provide functional and attractive on-site facilities such as landscaping and lighting are filed by the owner with the Corporation and approved by the Corporation, and
  - (e) the owner conveys to the Corporation, land for the widening of highways required by the Corporation, free of charge and with a title free of encumbrance, and
  - (f) the owner conveys to the Corporation, free of charge and with a title free of encumbrance, lands for a walkway where required by the Corporation, and
  - (g) the owner conveys to the Corporation, free of charge and with title free of encumbrances, any easements required by the Corporation for its purposes, and
  - (h) the owner files with the Corporation, for its approval, a lot grading plan showing all grading and changes in elevation or contour of land and disposal of storm, surface and waste water from the lands or any buildings or structures to be erected thereon.
  - (i) The owner has entered into any agreements required under Section 7 (c).

12. No person shall:

- (a) block or impede access to land at the point of ingress or egress shown on the plans and drawings filed with the Corporation, and
- (b) park a vehicle on private property other than on the parking and loading access shown on the plans filed with the Corporation, and
- (c) block or impede the use of walkways shown on the plans filed with the Corporation, and
- (d) interfere with snow or ice removal directly or indirectly and without limiting the generality of the foregoing, no vehicle shall be parked so as to obstruct the removal ice or snow from access ramps, driveways, parking areas and walkways shown on the plans filed with the Corporation, and
- (e) change the grading or contour or elevation of land from that shown on the plans filed with the Corporation and approved by the Engineer of the Corporation without the consent in writing of the Engineer of the Corporation, and
- (f) block or interfere with the disposal of or alter the normal drainage course for storm surface and waste water from land or buildings or structures unless alternative drainage is provided to the written satisfaction of the Engineer for the Corporation, and
- (g) block or interfere with watercourse, watermains, ditches, land drainage works or sanitary sewerage facilities of the Corporation or of the County of Peterborough, whichever is the case, and
- (h) permit floodlights from his land to illuminate neighbouring buildings where such illumination disturbs the sleep or privacy of the occupants of the buildings so illuminated, and
- (i) fail to maintain walls, fences, hedges, trees, shrubs or other suitable groundcover shown on the plans filed with the Corporation, and
- (j) fail to keep in good repair or uncovered all vaults, central storage, and collection areas and other facilities and enclosures for the storage of garbage and other waste material as shown on the plans filed with the Corporation.

13. NOTWITHSTANDING the foregoing, no approval of site plans and elevation drawings for development or redevelopment in a site plan control area shall be approved unless or until proper drawings have been prepared, either by a registered planner, qualified draftsman, surveyor, engineer or architect. Such drawings must be signed by the party preparing same. Such drawings must be legible. Extra copies of such drawings must also be provided in legal size and still be legible in case it is determined that a site plan agreement must be registered against the title to the owner(s) land.

14. Violations and Penalties

Any person who violates any provision of the By-law or causes or permits a violation shall be guilty of an offence and, upon conviction therefore, shall be liable for the penalties set out in Section 67 of The Planning Act, R.S.O., 1990. Each day of violation shall constitute an offence.

15. Remedies


In case any building or structure is to be erected or altered or any part thereof is to be used, or any lot is to be used, in contravention of any requirement of this By-law, such contravention may be restrained by action in the instance of any ratepayer or of the Corporation pursuant to the provisions of The Planning Act or the Municipal Act in that behalf.

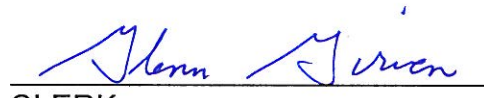
16. Validity

If any section, clause or provision of this By-law is for any reason declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof, other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that all the remaining sections, clauses, provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions hereof shall have been declared to be invalid.

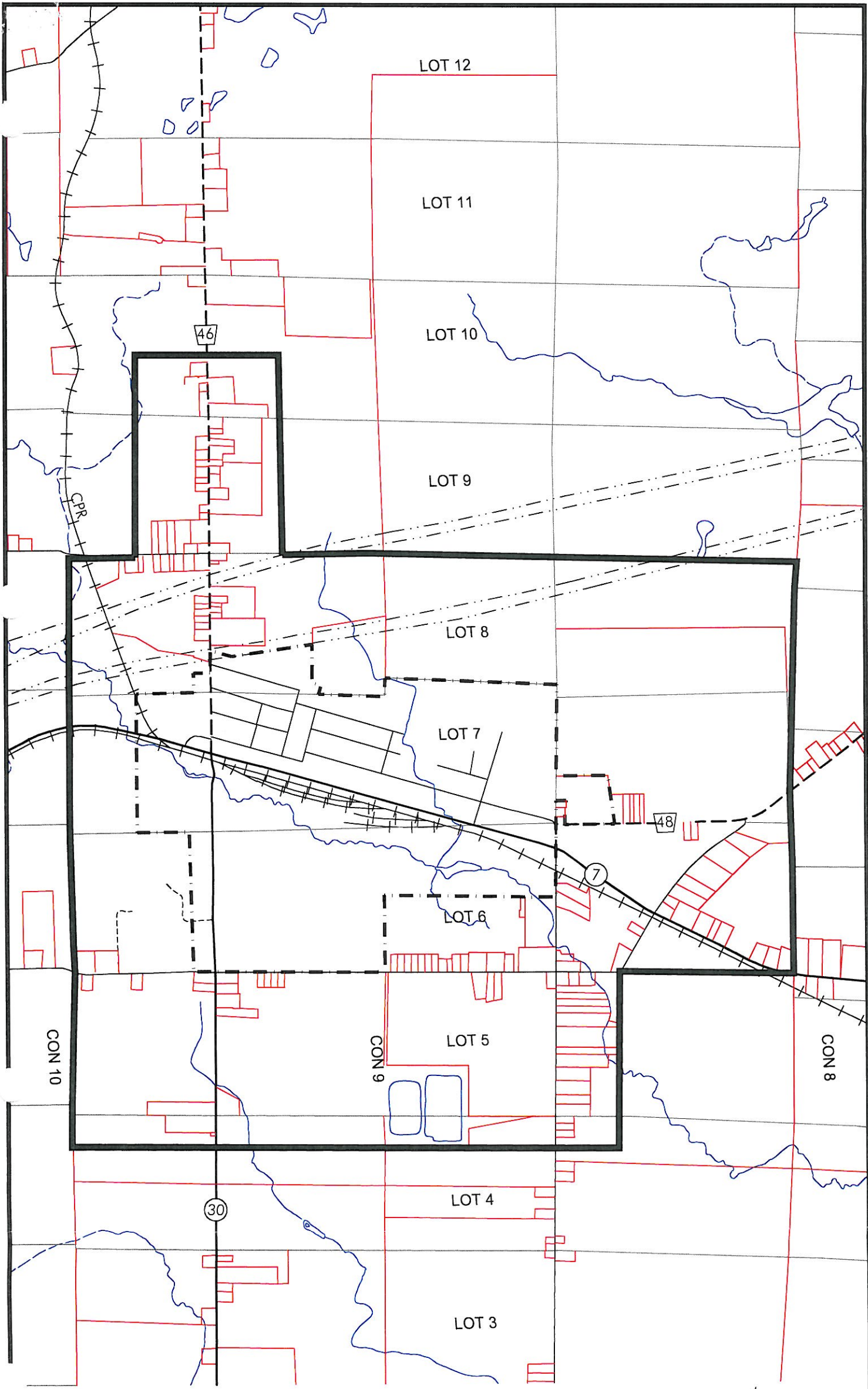
17. **THAT** this By-law shall come into effect on the date it is passed by the Council of Corporation of the Township of Havelock-Belmont-Methuen, subject to the applicable provisions of The Planning Act, R.S.O, 1990, as amended.

ENACTED AND PASSED this 5 day of May, 2009.

  
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REEVE

  
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CLERK

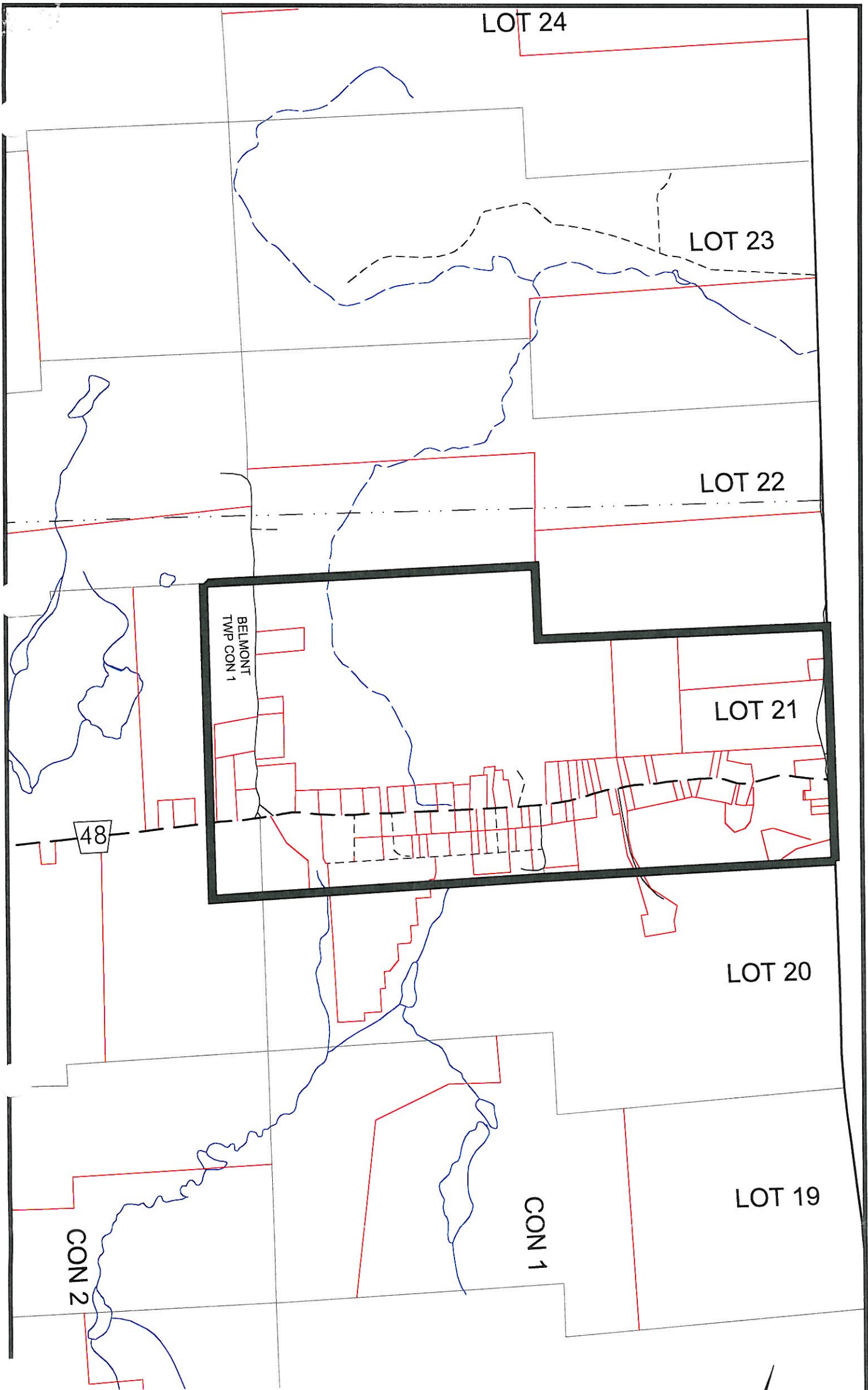




AREA OF SITE PLAN CONTROL - HAVELOCK

Appendix 1





AREA OF SITE PLAN CONTROL - CORDOVA MINES

Appendix 2

# CROWE LAKE

LOT 10

LOT 9

LOT 8

LOT 7

CON 2

BLAIRTON ROAD

LOT 6

CON 1

CON 3

7

LOT 5

LOT 4

3

AREA OF SITE PLAN CONTROL - BLAIRTON

Appendix 3

BELMONT TWP 2nd LINE

