

PROPOSED BY-LAW  
June 5, 2023  
BY-LAW NUMBER \_\_\_\_  
OF THE  
CORPORATION OF THE CITY OF KITCHENER  
(Being a by-law to repeal and replace Chapter 683 of The City  
of Kitchener Municipal Code with respect to Site Plan Control).

WHEREAS is deemed expedient to repeal By-law 2007-041, as amended by By-law 2012-070;

AND WHEREAS it is deemed expedient to amend Chapter 683 of the City of Kitchener Municipal Code;

NOW THEREFORE the Council of The Corporation of the City of Kitchener enacts as follows:

1. Chapter 683 of the Municipal Code is replaced with the following:

**“PROPERTY MAINTENANCE**

**Chapter 683  
SITE PLAN CONTROL**

**Article 1  
DESIGNATION- AREA**

- |         |  |
|---------|--|
| 683.1.1 | All lands - within City boundaries - exceptions  |
| 683.1.2 | Development - defined                            |
| 683.1.3 | Site plan approval - all development - exception |

**Article 2  
AUTHORITY- DELEGATION**

- 683.2.1 Appointed officers – approval – plans - drawings
- 683.2.2 Mayor – Clerk - to execute agreements

**Article 3**  
**ENFORCEMENT**

- 683.3.1 Fine - for contravention

**Article 4**  
**PLANS AND DRAWINGS**

- 683.4.1 Approval of plans or drawings
- 683.4.2 Maintenance - facilities – works - condition of approval

WHEREAS subsections 41 ( 2) and (3) of the Planning Act, provide that where an area is shown or described in the City' s Official Plan as a proposed site plan control area, City Council may, by by-law, designate the whole or any part of such area as a site plan control area and by reference to one or more land use designations contained in a zoning by-law;

AND WHEREAS Kitchener' s Official Plan, has established a proposed site plan control area which encompasses all of the lands within the boundaries of the City and is applicable to all land use designations with certain exclusions therein and hereinafter set out;

AND WHEREAS it is deemed expedient to designate the whole of the City as a site plan control area subject to the said exclusions.

**Article 1**  
**DESIGNATION- AREA**

### **683.1.1 All lands- within city boundaries- exceptions**

All of the lands encompassed within the boundaries of The Corporation of the City of Kitchener are hereby designated as a Site Plan Control Area for all development, excluding:

- a) farm operations, farm buildings and the residence of the farm operator on agriculturally zoned land;
- b) any building or structure that is not “development”, as defined in Section 41 of the Planning Act; and
- c) Notwithstanding the foregoing, a Site Plan Control Area may include development where there are 10 dwelling units or less, where Site Plan Control is permitted by the Planning Act.

### **683.1.2 Development- defined**

In this Chapter "development" shall mean “development”, as defined in Section 41 of the Planning Act.

### **683.1.3 Site plan approval- all development- exception**

Any person owning land within the boundaries of The Corporation of the City of Kitchener, except for those lands or land use designations as described in Sections 683.1.1 of this Chapter, shall apply for and obtain site plan approval prior to the development of such land.

## **Article 2**

### **AUTHORITY- DELEGATION**

### **683.2.1 Appointed officers- approval- plans- drawings**

The Manager, Development Review, the Manager Customer Experience and Project Management, or the City's Director, Planning or in their absence the Manager, Policy and Research, are hereby delegated as being the appointed officers of the City to exercise City Council's powers or authority under section 41 of the Planning to approve plans and drawings, to impose conditions and to require agreements.

### **683.2.2 Mayor- Clerk- to execute agreements**

The Mayor and Clerk are authorized to execute all agreements required as a result of the exercise of authority delegated to appointed officers with respect to Site Plan Control.

## **Article 3**

### **ENFORCEMENT**

### **683.3.1 Fine- for contravention**

Every person who contravenes section 41 of the Planning Act and any provision of this Chapter, and, if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention, is guilty of an offence and on conviction is liable to fines and/or penalties outlined in Section 67 of the Planning Act.

## **Article 4**

### **PLANS AND DRAWINGS**

### **683.4.1 Approval of plans or drawings**

No person shall undertake any development on land located in the Site Plan Control Area unless an Appointed officer, or a Provincial Land Tribunal, has approved the plans and drawings to be submitted to the City pursuant to subsections (4) and (5) of Section 41 of the Planning Act.

### **683. 4. 2 Maintenance- facilities- works- condition of approval**

As a condition of approval of the plans and/ or drawings referred to in subsections (4) and (5) of section 41 of the Planning Act, the City may require the owner of the lands to:

- a) provide and maintain, to the satisfaction of and at no expense or risk to the City, the facilities, works or matters set out in Section 41(7) of the Planning Act;
- b) enter into one or more agreements with respect to the provision and maintenance of such facilities, works or matters; and

c) enter into one or more agreements to ensure that development proceeds in accordance with the approved plans and drawings as required by subsections (4) and (5) of section 41 of the Planning Act.”

2. By-law 2007-041, as amended by By-law 2012-070 is hereby repealed on the date that this By-law comes into effect.

PASSED at the Council Chambers in the City of Kitchener this \_\_\_\_\_ day  
of \_\_\_\_\_, A.D. 2023.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk