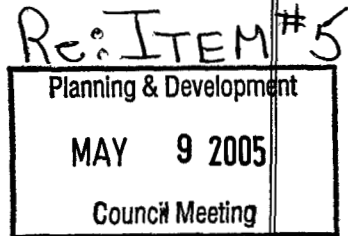


THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2005-062

A by-law to establish site plan control and delegate authority with respect to the approval of site plans within the Town of Oakville



THE COUNCIL ENACTS AS FOLLOWS:

PART I - INTERPRETATION

1. In this by-law:

- (a) **"development"** means development as defined in Section 41 of the *Planning Act* and includes:
- i. the construction, erection or placing of one or more buildings or structures on land;
 - ii. the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof;
 - iii. the laying out and establishment of:
 - (1) a commercial parking lot;
 - (2) sites for the location of three or more trailers as defined in clause (a) of subsection 168(5) of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended;
 - (3) sites for the location of three or more mobile homes as defined in clause 46(1) of the *Planning Act*; or
 - (4) 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*;
- (b) **"Director"** means the Director of Planning Services of the Corporation of the Town of Oakville, or any successor to that position, and in that person's absence includes the acting Director of Planning Services.
- (c) **"Director of Development Services"** means the Director of Development Services of the Corporation of the Town of Oakville, or any successor to that position, and in that person's absence includes the acting Director of Development Services;
- (d) **"site plan application"** means an application for approval of plans and drawings for a development under Section 41 of the *Planning Act*;
- (e) **"Site Plan Committee"** means a Committee of Council established for the purposes of hearing matters with respect to the approval of site plan applications;
- (f) **"Planning Act"** means the *Planning Act*, R.S.O. 1990, c. P.13 as amended from time to time.

2. References to zones in this by-law are references to zones or classes of zones established under the Zoning By-law for the Town of Oakville.

PART II – DEVELOPMENT SUBJECT TO SITE PLAN CONTROL

Designation of Site Plan Control Area

3. The whole of the Town of Oakville is hereby designated as a Site Plan Control Area pursuant to Section 41 of the *Planning Act*.

Classes of Development Requiring Site Plan Approval

4. Subject to Section 5 of this by-law, the following classes of development require site plan approval:
 - (a) all medium and high density residential development, including a residential building containing 25 or more units, and all retrofit apartments added to such development;
 - (b) all development in residential zones comprising 24 dwelling units or less which occurs on:
 - i. a lot upon which site plan approval has been required under a subdivision or other development agreement;
 - ii. a lot upon which site plan approval has been required as a condition of a decision of the Committee of Adjustment with respect to a minor variance under the *Planning Act*;
 - iii. a lot created by a decision of the Committee of Adjustment with respect to a consent granted under the *Planning Act* including the lot remaining as a result of such a decision;
 - iv. a lot zoned R01, R02, R03, R04, R05, R06, R07, R08, or R10; or
 - v. a lot which is subject to subsections (d), (e), (f), (g), or (h) of this Section;
 - (c) all non-residential development in residential zones;
 - (d) all development in commercial zones including residential development in a C3R or other commercial-residential zone;
 - (e) all development on properties within 50 m of the Lake Ontario shoreline;
 - (f) all development within lands designated as Community Improvement Areas under the *Planning Act*;
 - (g) all development in employment or industrial zones; and
 - (h) all development in open space, public use, agricultural or parkway belt zones.

Exemptions from Site Plan Control

5. Notwithstanding Section 4, no site plan approval shall be required for:
 - (a) development of buildings and structures used for agricultural or residential purposes in lands in agricultural or parkway belt zones;
 - (b) development in the form of a temporary structure that will be erected and used for a maximum of six consecutive months, provided the development is located on a property with existing development; and
 - (c) development in the form of residential freehold street townhouse units approved as part of a registered plan of subdivision.

6. Any development which is only subject to site plan control as a result of subsections 4(d) or 4(f) of this by-law, and which is designated or is an existing low density residential development consisting of a single family dwelling, semi-detached dwelling, duplex, converted two-family dwelling or triplex is excluded from the application of Section 41(7) of the *Planning Act* only as it relates to the widening of highways that abut on the land.
7. Any development which is only subject to site plan control as a result of subsection 4(b)(iv) of this by-law shall only be subject to the application of Section 41(7)(a),(b) and (c) of the *Planning Act*, as it relates to the conditions of approval with respect to paragraphs 6, 8, and 9 of Section 41(7)(a) of the *Planning Act*. (See Note attached to this by-law)

PART III - DELEGATION OF POWERS

Delegation to the Director

8. Subject to Sections 9 to 13 of this by-law, Council's powers under Section 41 of the *Planning Act*, are hereby delegated to the Director.

Referral to the Site Plan Committee

9. Notwithstanding Section 8 of this by-law, the Director shall not grant or deny approval of a site plan application, other than a site plan application meeting the criteria described in Section 10 of this by-law, without first referring the application to the Site Plan Committee for consideration if the site plan application is with respect to the following classes of development:
 - (a) where the property that is the subject of an application for site plan approval is for a residential use or mixed commercial and residential use;
 - (b) where the property that is the subject of an application for site plan approval abuts a residential use, or is within 26 metres of a residential use that is separated from the property by a non-residential use, such as a public road, land, walkway, creek or park;
 - (c) where site plan approval is a condition of approval of a variance or consent pursuant to a decision of the Committee of Adjustment; or
 - (d) where site plan approval by the Site Plan Committee is required by Council.
10. Notwithstanding Section 9, the Director may exercise his or her authority under Section 8 of this by-law with respect to site plan applications or amendments to site plan applications which are limited to changes meeting one or more of the following criteria without referring the site plan applications to the Site Plan Committee:
 - (a) changes to specific features of existing buildings such as windows, doors, and architectural detailing;
 - (b) changes involving the relocation of garbage containers, fencing, landscaping details, parking layout, driveway accesses, and other ancillary site facilities;

- (c) changes limited to increases in floor area increases to a maximum of the greater of:
 - i. 25 m²; or
 - ii. 5% of the existing or approved floor area to a maximum of 500 m².
- 11. In addition to the site plan applications described in Section 9 of this by-law, any site plan application may be referred to the Site Plan Committee by the Director if, during the processing of the application, it is determined by the Director that the possible impacts of the application warrant consideration by the Site Plan Committee.
- 12. Where an application for site plan approval has been reviewed by the Site Plan Committee, the Director shall only exercise his or her discretion under Section 8 of this by-law in a manner consistent with the recommendations of the Site Plan Committee.

Delegation to the Director of Development Services

- 13. Notwithstanding Sections 8 and 9 of this by-law, where the approval of a site plan application with respect to a development is only required as a result of subsection 3(b)(iv) of this by-law, the authority to approve or deny the site plan application and, subject to Section 7 of this by-law, impose conditions of approval, is hereby delegated to the Director of Development Services who may exercise that authority without referring the site plan application to the Site Plan Committee.

PART IV - ADMINISTRATION

Expiry and Extensions of Site Plan Approvals

- 14. Approvals of site plan applications shall expire two (2) years from the date of final approval.
- 15. The Director may grant one extension of the approval of a site plan application for a period of up to a maximum of two years, the extension period to commence from the date of the original approval.
- 16. Any application for extension of the site plan approval must be received prior to the expiry of the approval.

Applications

- 17. In order for a site plan application to be considered under this by-law, the applicant must submit the following to the Director:
 - (a) a completed Site Plan Application, in a form approved by the Director;
 - (b) the required fees;
 - (c) 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 to the satisfaction of the Director; and
 - (d) for all site plan applications except applications which are subject to section 12 of this by-law, drawings to the satisfaction of the Director showing plan, elevation and cross-section views for each building to be erected, 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.
18. Applications for amendments to approved site plan applications shall be made by letter explaining the proposed change, and shall be accompanied by the required fee as determined by Council from time to time and such plans as are required, showing the proposed change, but any application that changes the concept as opposed to detail shall be considered a new application.

Partial Release of Site Plan Agreements

19. Upon the release of any securities held by the Town Treasurer as a condition of site plan approval, the Director shall, upon request, grant partial releases of site plan agreement for the security requirement portion of the said site plan agreement.

Severability

20. If a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, it is the intention of Council that the remainder of the By-law shall continue to be in force unless the court makes an order to the contrary.

Limit on Delegation of Powers

21. The delegation under this by-law of Council's powers under Section 41 of the *Planning Act* does not include a delegation of the power to establish a site plan control area under Section 41(3) or the power to define classes of development with may be undertaken without approval under 41(13)(a) of the *Planning Act*.

Repeal

22. By-law 2002-077 is hereby repealed.

PASSED by the Council this 9th day of May, 2005.

MAYOR

CLERK

NOTE TO BY-LAW 2005-062
This note is attached to By-law 2005-062 for reference
but does not form part of the by-law

Paragraphs 6, 8 and 9 of Section 47(7)(a) of the *Planning Act* provide as follows:

S. 47(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

(a) provide to the satisfaction of and at no expense to the municipality any or all of the following:

...

6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.

...

8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.

9. 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;

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