



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2022-093

A by-law to establish site plan control, delegate authority with respect to the approval of site plans within the Town of Oakville, repeal By-law 2019-114 and amend By-law 2021-077.

COUNCIL ENACTS AS FOLLOWS:

PART I – INTERPRETATION

1. In this by-law:

- (a) “**authorized person**” means the person appointed by Council under section 4.0.1 of the *Planning Act* to process and approve site plan applications.
- (b) “**development**” means development as defined in Section 41(1) 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 164(4) 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*;
 - (c) “**Director of Planning Services**” 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.
 - (d) “**Director of Transportation and Engineering**” means the Director of Transportation and Engineering of the Corporation of the Town of Oakville, or any functional successor to that position as it relates to the review of grading plans, and in that person’s absence includes the acting Director of Transportation and Engineering;
 - (e) “**site plan application**” means an application for approval of plans and drawings for a development under Section 41 of the *Planning Act*;
 - (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 applicable 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*.
- 4. Every person who undertakes development within a Site Plan Control Area without the approval of the required plans and drawings required by this by-law or other than in accordance with the approved plans and drawing and any conditions of approval is guilty of an offence under section 67 of the *Planning Act*, 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.

Classes of Development Requiring Site Plan Approval

- 5. Subject to Section 7 of this by-law, the following classes of development require site plan approval:

- (a) all medium and high density residential development;
- (b) all development in residential zones 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 with respect to a minor variance under the *Planning Act*;
 - iii. a lot created by a decision with respect to a consent granted under the *Planning Act* including both the severed lot and the lot remaining as a result of such a decision;
 - iv. a separate building lot created through a conveyance of one or more lots by a municipality following the deposit of a reference plan under Section 50(3)(c) or 50(5)(b) of the *Planning Act*.
- (c) all non-residential development in residential zones;
- (d) all development in mixed use or urban core zones.
- (e) all development in commercial or employment zones;
- (f) all development in institutional or community use zones; and
- (g) all development in open space, environmental, natural heritage system or future development zones other development for residential or agricultural purposes.

Additional Lots subject to Partial Site Plan Approval

- 6. The following classes of development shall, if not already subject to site plan approval under section 5 of this by-law, be subject to a requirement for partial site plan approval consisting of the approval of plans referred to in subsection 41(4)1 of the *Planning Act* and paragraph 15(c) of this By-law, but not including drawings referred to in subsection 41(4)2 of the *Planning Act* and paragraph 15(d) of this by-law:
 - (a) Development of lots which are zoned RL1.0, RL2.0, RL3.0, RL4.0, RL5.0, RL7.0, RL8.0, or RL10.0.

- (b) Development on lots that are wholly or partly located within 50 metres of the Lake Ontario shoreline;
- (c) Development for residential or agricultural purposes in open space, environmental, natural heritage system or future development zones.

Exemptions from Site Plan Approval

- 7. Site shall not be required for:
 - (a) 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;
 - (b) development in the form of residential freehold street townhouse units approved as part of a registered plan of subdivision; and,
 - (c) development that is 50m² or less in area for a building or structure that is either accessory to, or an addition to, an existing building or structure, provided this exemption shall not apply to development referred to in section 4(b) or 5 of this by-law.

PART III - DELEGATION OF POWERS

Delegation to the Authorized Person

- 8. The Director of Planning Services is hereby appointed as the authorized person referred to in subsection 41(4) of the *Planning Act*, for all site plans applications with the exception of those referred to in Section 5 of this By-law.
- 9. The Director of Transportation and Engineering is hereby appointed as the authorized person referred to in subsection 41(4) of the *Planning Act* for applications for partial site plan approval referred to in Section 5 of this By-law. The authority of the Director of Transportation and Engineering may be sub-delegated to an employee of the Town.
- 10. The authority delegated under section 8 and 9 of this by-law includes the authority to grant conditional or final approval, impose conditions, establish the obligations of the owner under a site plan agreement, determine requirements for complete applications, deem applications to be complete or incomplete.

Where an appeal to the Ontario Land Tribunal relates solely to a site plan application, the authority includes the authority to settle or oppose the appeal.

PART IV – ADMINISTRATION

Expiry and Extensions of Site Plan Approvals

11. Approvals of site plan applications shall expire two (2) years from the date of final approval.
12. The authorized person 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.
13. Any application for extension of the site plan approval must be received prior to the expiry of the approval.

Applications

14. Prior to submitting a site plan application required under section 4 of this By-law, the applicant shall engage in a pre-consultation process with the Director of Planning Services or designate.
15. In order for a site plan application to be considered under this by-law, the applicant must submit the following:
 - (a) a completed Site Plan Application, in a form approved by the authorized person;
 - (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; and
 - (d) for all site plan applications required under section 4 of this By-law, drawings 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.
- 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.

Partial Release of Site Plan Agreements

- 16. 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

- 17. 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.

Short Title

- 18. This by-law may be referred to as the "Site Plan By-law"

Repeal

19. By-law 2019-114, as amended, is hereby repealed.

Amendment of By-law 2021-077

20. Schedule “A” to By-law 2021-077 A By-law to delegate certain powers and duties under the *Municipal Act, 2001, S.O. 2001, c. 25*, the *Planning Act, R.S.O. 1990, c. P.13*, and other Acts, is hereby amended by deleting Item 25 and replacing it with a new Item 25 as follows:

	Delegation	Delegate	Limitation
25	Delegation of Authority under section 41 of the <i>Planning Act</i> .	Director of Planning Services (for development described in section 4 of By-law 2022-093) or Director of Transportation and Engineering (for development described in section 5 of By-law 2022-093)	To be exercised in accordance with By-law 2022-093.

PASSED this 11th day of July, 2022

Rob Burton

Mayor

Kathy Patrick Acting Town Clerk