



THE CORPORATION OF THE TOWN OF OAKVILLE

BY-LAW NUMBER 2025-033

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 2022-093 and amend By-law 2023-021

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*.
 - (c) “**Director of Planning and Development**” means the Director of Planning and Development or any successor to that position, and includes the acting Director of Planning and Development or his/her designate.
 - (d) “**site plan application**” means an application for approval of plans and drawings for development under Section 41 of the *Planning Act*,
 - (e) “**Planning Act**” means the *Planning Act*, R.S.O. 1990, c. P.13 as amended from time-to-time.
 - (f) references to land use designations in this by-law shall be interpreted in accordance with the provisions of the zoning by-law passed under section 34 of the *Planning Act* that is applicable to the lands.

PART II - DEVELOPMENT SUBJECT TO SITE PLAN CONTROL

Designation of Site Plan Control Area

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

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) medium and high-density residential developments containing 11 dwelling units or more;
 - (b) residential development within 300 m of a railway line;
 - (c) residential development within 120 m of:
 - i. a wetland;
 - ii. the shoreline of the Lake Ontario;
 - iii. an inland lake; or
 - iv. a river or stream valley that has depressed features associated with a river or stream, whether or not it contains a watercourse
 - (d) all non-residential development;
 - (e) all other types of development;
 - (f) a temporary sales office for the sale of new homes within a draft approved plan of subdivision or condominium; and,
 - (g) a commercial parking lot.

Exemptions from Site Plan Approval

5. Site plan approval is not required for:

- (a) development which is located outside of a wetland, river or stream valley that has depressed features associated with a river or stream, whether or not it contains a watercourse or woodland, and consists of:
 - i. a building or structure that is 50 square metres or less in size that is either accessory to or in addition to, an existing building or structure;
 - ii. a new non-residential building or structure on town-owned land, provided that the building or structure is less than 100 square metres;
 - iii. a temporary building or structure erected and used for a maximum of six consecutive months, provided the structure is located on a property with existing development;
 - iv. a temporary building or structure on public lands allowed through a municipal permit; or
 - v. a building or structure accessory to an existing agricultural use north of Highway 407.
- (b) residential freehold street townhouse units approved as part of a registered plan of subdivision unless a specific condition in the subdivision agreement requires site plan approval;
- (c) up to 2 additional dwelling units within an existing detached dwelling, semi-detached dwelling or townhouse dwelling;
- (d) development in the form of a single-detached or semi-detached dwelling within five years of subdivision registration north of Dundas Street, unless a specific condition requires site plan approval;
- (e) the placement of a portable classroom on a school site of a district school board if the school site was in existence on January 1, 2007; or
- (f) in accordance with section 62.0.2 of the *Planning Act*, an undertaking of the following post-secondary institutions for the objects of the institution:
 - i. publicly-assisted universities, as defined in section 1 of the *Ministry of Training, Colleges and Universities Act*; or

- ii. colleges and universities federated or affiliated with a publicly-assisted university referred to in paragraph i.

PART III - DELEGATION OF POWERS

Delegation to the Authorized Person

- 6. The Director of Planning and Development is hereby appointed as the authorized person referred to in subsection 41(4) of the *Planning Act*, for all site plans applications referred to in Section 4 of this By-law
- 7. The authority delegated under Section 6 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 and delegate all or part of such authority to that person's designate in writing. 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

- 8. Approvals of site plan applications approvals shall expire three years from the date of the earlier of conditional or final approval.
- 9. The authorized person may grant one extension of the conditional or final approval of a site plan application for a period of up to a maximum of one year. The extension period shall commence from the date of expiry of the approval.
- 10. Any application for an extension of the site plan approval must be received prior to the expiry of the conditional or final approval.
- 11. The expiry of approvals granted prior to the passing of this by-law shall, subject to any extensions granted under this by-law, be determined in accordance with the conditions of those approvals.

Applications

- 12. In order for a site plan application to be considered under this by-law, the applicant must submit the required fees and materials as listed in accordance with the Town's Official Plan, as may be amended from time-to-time.

Partial Release of Site Plan Agreements

13. 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

14. 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

15. This by-law may be referred to as the “Site Plan By-law”

Repeal

16. By-law 2022-093 is hereby repealed.

Amendment of By-law 2023-021, as amended

17. Schedule “A” to By-law 2023-021, 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, as amended, is hereby further amended by deleting Item 48 and replacing it with a new Item 48 as follows:

| | Delegation | Delegate | Limitation |
|----|--|---|---|
| 48 | Delegation of Council’s powers section 41 of the <i>Planning Act</i> . | Director of Planning and Development or delegate. | To be exercised in accordance with By-law 2025-033. |

18. Schedule “A” to By-law 2023-021, 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, as amended, is hereby further amended by deleting Items 58 and 59, which delegated powers and authority under section 41 of the *Planning Act* to the Chief Building Official as it related to temporary structures and sales offices.

PASSED this 22nd day of April, 2025

MAYOR

CLERK