



## THE CORPORATION OF THE TOWN OF OAKVILLE

### BY-LAW NUMBER 2019-114

A by-law to establish site plan control and delegate authority with respect to the approval of site plans within the Town of Oakville and repeal By-law 2005-062, as amended

#### 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 Engineering”** means the Director of Development Engineering 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 Engineering;
  - (d) **“site plan application”** means an application for approval of plans and drawings for a 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.
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*.
- 3.1 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**

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;

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- 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 RL1-0, RL2-0, RL3-0, RL4-0, RL5-0, , RL7-0, RL8-0, or RL10-0;
  - v. a lot which is subject to subsections (e), (f), (g) or (h) of this Section; or
  - vi. 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 commercial development including residential development in mixed use or urban core zones.
  - (e) all development on properties within 50 metres of the Lake Ontario shoreline;
  - (f) all development within lands designated as Community Improvement Areas under the *Planning Act*;
  - (g) all development in commercial or employment 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;

- (c) development in the form of residential freehold street townhouse units approved as part of a registered plan of subdivision; and,
  - (d) development that is 50m<sup>2</sup> or less in area for a building or structure that is either accessory to, or an addition to, a building or structure that is a class of development in section 4.
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*.

### **PART III - DELEGATION OF POWERS**

#### **Delegation to the Director**

8. Council's powers under Section 41 of the *Planning Act*, are hereby delegated to the Director, to be exercised in accordance with this by-law..
9. Notwithstanding the delegation of authority to approve site plans, the Director may present site plans to Council at any time prior to final approval and shall do so if requested by Town Council.
10. Where the Director refuses to approve the plans or drawings referred to in Section 3.1 or where the owner of the land is not satisfied with any of the requirements or conditions imposed by the Director, the owner of the land may refer the matter to Town Council for a decision.

#### **Delegation to the Director of Development Engineering**

11. Notwithstanding Section 8 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 4(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 Engineering.

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## **PART IV – ADMINISTRATION**

### **Expiry and Extensions of Site Plan Approvals**

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

### **Applications**

15. 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 where are subject to section 11 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.
16. 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**

17. 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**

18. 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**

19. 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 which may be undertaken without approval under 41(13)(a) of the *Planning Act*.

### **Repeal**

20. By-law 2005-062, as amended, is hereby repealed.

### **Effective Date**

21. This by-law shall come into full force and effect on December 1, 2019.

PASSED by the Council this 4<sup>th</sup> day of November, 2019

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MAYOR

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CLERK