

THE CORPORATION OF THE  
TOWN OF TILLSONBURG  
BY-LAW NUMBER 4151xxxx

**SITE PLAN CONTROL BY-LAW**

WHEREAS Section 41 of the Planning Act, R.S.O. 1990, as amended, provides in part that, where in an Official Plan an area is shown or described as a proposed site plan control area, the Council of the local municipality in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a site plan control area and may delegate to either a Committee of the Council or to an appointed officer of the municipality, any of the Council's powers or authority under that section;

AND WHEREAS in the County of Oxford Official Plan, the whole of the Town of Tillsonburg is described as a site plan control area and the Council of the Town of Tillsonburg considers it appropriate to designate the whole of the Town of Tillsonburg as a site plan control area;

AND WHEREAS under Section 41 (4.0.1)(13)(b) of the Planning Act, R.S.O. 1990, as amended, the Council of the Town of Tillsonburg deems it desirable to delegate Council's site plan control powers to appointed officers in this by-law;

AND WHEREAS the Town of Tillsonburg requires applications for building construction permits to be accompanied by plans and drawings referred to under Section 41(4) of the Planning Act, R.S.O. 1990, and by one or more agreements with the Corporation that deal with or ensure the provision and maintenance of any facilities, works or matters to be provided in conjunction with all buildings and structures to be erected and any facilities, works or matters mentioned in Subsection 41(7) of that Act.

AND WHEREAS the Council of the Town of Tillsonburg hereby repeals By-Law No. 3513-4151 in its entirety, and replaces it with this by-law.

THEREFORE, the Council of the Corporation of the Town Tillsonburg enacts as follows:

**Commented [MD1]:** Check with Clerks on the repeal and replacement of the old by-law for their preference

**Commented [AH2R1]:** Emailed Clerks 01-23

## 1.0 DEFINITIONS

In this By-law, unless a contrary intention appears:

- 1.1 "Act" means the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 1.2 "Appointed Officers" "Delegated Officials" means the appointed officersdelegated officials of the Corporation identified in Schedule 'B' to this by-law either by name or position occupied;
- 1.3 "Development Coordinating Committee" means the Development Coordinating Committee appointed by the Council of the Town of Tillsonburg. The members of the Development Coordinating Committeeas are outlined in Schedule 'C' to this by-law;
- 1.4 "Corporation" means the Corporation of the Town of Tillsonburg;
- 1.5 "Council" means the Municipal Council of the Corporation;
- 1.6 "Development" means:
  - 1.6.1 The construction, erection or placing of one or more buildings or structures on the land; or
  - 1.6.2 An interior or exterior addition or alteration to a building or structure on a property that has the effect of increasing the usability of the property; or
  - 1.6.3 An addition or alteration to a building or structure on a property that has the effect of increasing the size of the building or structure in an industrial zone by more than 30% of the gross floor area or increasing the size of the building or structure in all other zones by more than 20% of the gross floor area, subject to the review of the proposal by the Development Coordinating Committee; or
  - 1.6.4 The laying out and establishment of a commercial, institutional or industrial parking lot resulting in five (5) or more spaces; or
  - 1.6.5 The laying out and establishment of sites for the location of three or more trailers as defined in the Municipal Act or of the sites for the location of three or more mobile homes as defined in Subsection 46(1) of this Act or of sites for the construction, erection or location of three or more land lease community homes as defined in Subsection 46(1) of this Act; or
  - 1.6.6.6 Sites for the construction, erection or location of three or more land lease community homes; or
  - 1.6.6.7 An amendment to an existing site plan, elevation plan, landscape plan, and/or servicing plan or an amendment to an existing site plan agreement with the Town of Tillsonburg;
- 1.7 "Official Plan" means the County of Oxford Official Plan as amended from time to time;
- 1.8 "The Corporation of the Town of Tillsonburg Development and Site Plan Design CriteriaSite Plan Approval GuidelinesGuidelines" means Schedule 'A' to this by-law;

### **DEVELOPMENT SUBJECT TO SITE PLAN CONTROL**

## 2.0 SITE PLAN CONTROL AREA

The whole of the Town of Tillsonburg as constituted from time to time is hereby designated as a site plan control area.

### 2.1 EXEMPT CLASSES OF DEVELOPMENT

The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Subsection 41(4) or 41(5) of the Planning Act, and this by-law does not apply to such classes:

- 2.1.1 A building which is constructed, erected or placed for the purpose of a single detached, semi-detached, duplex, triplex or freehold street fronting townhouse dwelling units on a public street and converted dwelling containing a maximum of two (2) dwelling units, as well as all residential accessory buildings;
- 2.1.2 An addition or alteration to a building or structure mentioned in Section 2.1.1;
- 2.1.3 Agricultural and farm-related buildings, building additions, building alterations or structures that are utilized in farming operations, but not including agricultural-commercial or industrial operations such as farm equipment sales and service, farm supply sales and agricultural storage, service or supply establishments;
- 2.1.4 The placement of a portable classroom on a school site of a district school board ~~if the school was in existence on January 1, 2007~~;
- 2.1.5 Residential development, redevelopment or intensification with ten (10) or fewer residential units per property.

## **APPROVAL OF PLANS AND DRAWINGS**

### 3.0 APPLICATION FOR APPROVAL

Every application for a permit to construct a building or structure or an addition or alteration to a building or structure shall be accompanied by the following plans, specifications, documents and information:

- 3.1 ~~The~~ the plans referred to in Paragraph 1 of Subsection 41(4) of the Act, showing the
- 3.2 location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction with the building or structure and all the facilities, works and matters referred to in Clause 41(7)(a) of the Act in accordance with ~~the Site Plan Design Guidelines the Corporation of the Town of Tillsonburg Development and Design Criteria Site Plan Approval Guidelines~~, attached as Schedule 'A' to this by-law;
- the drawings referred to in Paragraph 2 of Subsection 41(4) of the Act in

accordance with ~~T~~[the Site Plan Design Manual](#)[Corporation of the Town of Tillsonburg Development Guidelines and Design Criteria](#);

3.1

~~3.3~~ 3.2

One or more agreements with the Corporation dealing with the provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in Subsection 41(7) of the Act in accordance with the plans and drawings approved pursuant to the Act and this by-law and in accordance with The [Site Plan Design Guidelines](#)[Corporation of the Town of Tillsonburg Development Guidelines and Design Criteria](#);

3.4[3.2](#)

3.3 Where required under an agreement referred to in Section [3.32](#), security, in the form of certified cheque, letter of credit, or development bond to protect the Corporation in respect of its liability for holdback and costs under Subsection 17(4) of the [Construction Lien Act](#), R.S.O. 1990, c. C.30. as amended, and to

assure satisfactory provision and maintenance of the facilities and works to be provided in conjunction with the building or structure and the facilities, works and matters mentioned in Subsection 41(7) of the Act in accordance with the plans and drawings approved pursuant to the Act and this by-law and in accordance with The [Site Plan Design Guidelines](#)[Corporation of the Town of Tillsonburg Development Guidelines and Design Criteria](#).

#### 4.0 PROVISION AND MAINTENANCE OF FACILITIES

As a condition to the approval of the plans and drawings referred to in Subsection 41(4) of the Planning Act, the owner of the land is hereby required to:

4.1 ~~P~~rovide in accordance with ~~T~~[the Site Plan Design Guidelines](#)[Corporation of the Town of Tillsonburg Development Guidelines and Design Criteria](#) and at no expense to the Corporation the facilities, works or matters mentioned in ~~Section~~[Section](#) 41(7)(a) of the Act approved in accordance with ~~Section~~[Section](#) 41 of the Act and shown of the plans and drawings; and

4.4[4.2](#) ~~M~~aintain in accordance with ~~T~~[the Site Plan Design Guidelines](#)[Corporation of the Town of Tillsonburg Development Guidelines and Design Criteria](#) and at the sole risk and expense of the owner the facilities or works mentioned in paragraphs 2 to 9 (inclusive) of Section 41(7)(a) of the Planning Act and shown on the plans and drawings, approved in accordance with Section 41 of the Act, including the removal of snow from access ramps and driveways, parking and loading areas and walkways.

#### **DELEGATION OF COUNCIL'S POWERS TO APPOINTED OFFICERS**

#### 5.0 DELEGATION TO APPOINTED OFFICERS

Whereas Section 41(4.0.1)~~13~~[\(4\)](#) of the Act, permits the delegation of the site plan control function to either ~~an officer, employee or agent~~[Committee of Council](#)~~or an appointed officer~~ of the municipality, the function to approve plans and drawings

required for any site plan control area in the Town and to impose necessary conditions of approval are hereby delegated to the appointed officers of the Corporation identified in Schedule 'B' to this by-law either by name or position:

5.1 The Town of Tillsonburg Building and Planning Services Department shall consult with and circulate copies of all site plans and drawings, to the appropriate municipal departments, ~~the County of Oxford~~ and agencies to ensure compliance of plans and drawings and other facilities and works proposed with the requirements of the by-laws and/or statutes administered by such departments and agencies;

~~5.1 the Town of Tillsonburg Building and Planning Services Department shall report all site plan applications received and all decisions rendered to the Council of the Town of Tillsonburg;~~

5.2 The appointed officers shall determine the conditions of approval to the site plan in accordance with the standing policies of Town of Tillsonburg;

5.3 In the event of a dispute between the appointed officers and an applicant, the applicant may request referral of the decision of the appointed officers to the Town of Tillsonburg Development Coordinating Committee regarding site plans, drawings or conditions of approval.

5.4 The applicant may ~~also appeal the decision of the Development Coordinating Committee to Town Council regarding site plans, drawings or conditions of approval~~ appeal or make a motion for direction to have the Tribunal determine a dispute regarding site plan scope, drawings or conditions of approval.

~~The Council of the Town of Tillsonburg may, by resolution, require that the appointed officers not approve plans or drawings of a proposed development and shall refer such plans or drawings directly to Council;~~

6.0 ~~6.15.5~~ The site plans and drawings approved by the appointed officers shall be stamped and signed as approved ~~by the Town Chief Administrative Officer~~ and by the County Development Planner responsible for Planning services within the Town.

## 6.0 EXERCISE OF POWER

The exercise of the powers, authority or appointment delegated or made under Section 5.0 of this by-law is subject to the following:

6.1 The appointed officers shall approve the plans and drawings referred to in Subsection 41(4) of the Act except where,

6.1.1 The proposed facilities, works or matters shown on the plans and drawings do not comply with any applicable Zoning By-law or are not substantially in accordance with ~~The Site Plan Design Guidelines~~ ~~Corporation of the Town of Tillsonburg Development Guidelines and Design Criteria~~ Site Plan Approval Guidelines attached as Schedule 'A' to this by-law, or

6.1.2 The Site Plan application under Section 3.0 of this by-law for approval of the plans and drawings is incomplete.

6.2 As a condition to the approval of plans and drawings referred to in Subsection 41(4) of the Act, the appointed officers may require that the owner of the land enter into one or more agreements referred to in Section

6.36.2 3.3-2 of this by-law.

6.3 The powers or authority under Sections 41(7)(b) and (c) of the Act with respect to any of the facilities, works or matters mentioned in Section 41(7)(a) of the Act shall be exercised by the appointed officers on the advice of the officer of the Corporation holding the position from time to time of Director of Operations or his/her delegate.

6.4 The provisions of Tthe [Site Plan Design Guidelines](#)Corporation of the Town of Tillsonburg Development Guidelines and Design Criteria be applied in each circumstance as it arises with such variations or modifications as the circumstances may require so long as each applicable provision is given effect according to its true intent and purpose.

6.46.5 The form or wording of the agreement shall be used with such variations or modifications as circumstances may require so long as the substance is not changed or affected and any variance, not being in manner of substance, does not affect the regularity of any agreement.

#### 7.0 LAPSING OF APPROVAL

An approval by the appointed officers of plans and drawings referred to in Subsection 41(4) of the Act lapses,

7.1 Where a building permit is required for the development:

7.1.1 At the expiration of one year from the date of approval if, within the one year period, no building permit is issued for the development;

7.1.27.1.1

7.1.2 And a building permit is issued for the development but the owner has not started construction within one year of date of issuance of the

building permit or the construction of the development has not been completed within three years of the date of issuance of the building permit; or

7.1.3 Upon the revocation at any time of any building permit issued for the development; and;

7.2 Where no building permit is required for the development, but the owner has not started construction within one year of date of site plan approval or the construction of the development has not been completed within three years of the date of site plan approval.

7.3 The lapse of an approval is effective upon written notice revoking the approval by the appointed officers to the owner or, where an agreement has been registered, upon the registration of a notice that the approval is revoked and the agreement is terminated.

Commented [MD3]: Incorporate language from Site Plan Guidelines for extension requests to this Section.

#### FAILURE TO ACT/ APPEAL

#### 8.0 FAILURE TO ACT/ APPEAL TO TOWN COUNCIL/THE TRIBUNAL

Where the appointed officers do not approve the plans and drawings referred to in Subsectionsection 41(4) of the Act within thirty (30) days after they are submitted to the Municipality for approval or where the owner of the land is not satisfied with any

of the requirements made by the appointed officers under Subsection 41(7) ~~or by the upper-tier municipality under subsection (8)~~ of the Act or with any part thereof, including the terms of any agreement required, the owner ~~of the land~~ may, appeal the unsatisfactory requirements, or parts thereof, including terms of any agreement required, to the Tribunal by filing with the Clerk of The Corporation of the Town of Tillsonburg a notice of appeal accompanied by the fee charged by the Tribunal, by written notice to the Clerk of the Town of Tillsonburg and submission of the application fee as per the Town's current Rates and Fees By Law, request that the plans or drawings or the unsatisfactory requirements or parts thereof or the agreement, be referred to Council, and

~~Council shall hear the owner or afford the owner an opportunity to be heard as soon as practicable after the decision of the appointed officers, and;~~

~~Shall consider the report and recommendation of the appointed officers and determine the matter in issue, settle and determine the details of the plans or drawings and approve the same, settle and determine the requirements, including the provisions of any agreement.~~

#### APPROVAL BY TOWN COUNCIL

##### 9.0 COUNCIL APPROVAL AT TIME OF REZONING

~~In respect of any specific development, at the time Council recommends the approval of any zoning or rezoning by law for the development, Council may on its own initiation:~~

~~— Take over the powers of the appointed officers to approve the plans and drawings and impose requirements pertaining to the development, and thereafter the appointed officers shall not approve such plans and drawings or impose requirements pertaining to the development, except as provided by this clause;~~

~~— Hold one or more public meetings, at which the owner shall be afforded an~~

~~opportunity to be heard, for the purpose of considering the plans and drawings and requirements pertaining to the development, and as soon as practicable thereafter make a recommendation concerning the approval of the plans and drawings pertaining to the development and any requirements under Subsection 41(7) of the Act, including the provision of any agreement required;~~

##### 10.0 EXECUTIVE ACTS AUTHORIZED

The ~~Chief Administrative Officer~~Town Clerk and Director of Operations ~~or their~~ designate are hereby authorized to execute on behalf and under the seal of the Corporation any document necessary to give further effect to the provisions of this by-law.

#### ENFORCEMENT

##### 11.0 DEVELOPMENT WITHOUT APPROVED PLANS

Every person who, without having plans or drawings approved in accordance with Section 41 of the Act, undertakes any development in the site plan control area designated by this by-law is pursuant to Section 67 of the Act, is guilty of contravening Section 41 of the Act.

**12.0 FAILURE TO PROVIDE OR MAINTAIN FACILITIES, ETC.**

Every person who undertakes any development in the site plan control area designated by this by-law without providing or maintaining any of the facilities, works or matters that are mentioned in Clause 41(7)(a) of the Act and that are required by the Corporation under that clause as a condition to the approval of plans or drawings in accordance with Section 41 of the Act is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

**13.0 FAILURE TO ENTER INTO AGREEMENT**

Every person who undertakes any development in the site plan control area designated by this by-law without entering into one or more agreements with the Corporation that deal with or ensure the provision or maintenance of any of the facilities, works or matters and that the person is required by the Corporation to enter into under that subsection as a condition to the approval of plans and drawings in accordance with Section 41 of the Act is, pursuant to Section 67 of the Act, guilty of contravening Section 41 of the Act.

**14.0 PENALTY UPON CONVICTION**

Every person who contravenes any provision of this by-law, upon conviction, is guilty of an offence and is liable to any penalty as provided in the Planning Act.

**15.0 FACILITIES, ETC. PROVIDED BY THE TOWN**

In default of an owner of land, in the future, providing or maintaining any of the facilities, works or matters that are to be provided in conjunction with all buildings and structures to be erected or that are mentioned in Section 41(7)(a) of the Act and that are required by the Corporation as a condition of the approval of plans or drawing referred to in Section 41(4) of the Act, the Council may by by-law direct that such facilities, works or matters shall be provided or maintained by or on behalf of the Corporation at the expense of the owner and the expense incurred in doing so shall be recovered:

**15.1** By use of any cash or security bonds furnished to the Corporation under Section 3.43 of this by-law;

**15.2** By action in a like manner as municipal taxes; or

**15.3** In annual instalments payable by the owner, with interest, not exceeding ten years.

**16.0 MINOR CORRECTIVE AMENDMENTS**

Minor grammatical, cross referencing or formatting amendments to the schedules and appendices of this By-law may be undertaken at the discretion of the delegated officials, without amendment to the By-law.

**17.0 REPEAL**

By-law 35134151, entitled "Site Plan Control By-law", passed by Council on September 26 November 2, 2011 2017, and all amendments are hereby repealed.

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18.0 COMMENCEMENT

This by-law comes into force on the day it is passed.

READ a first and second time this 2xx indh day of  
Novemberxxxxx, 20172025. READ a third time and finally passed  
this 2xx indh day of Novemberxxxxx, 20172025

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Mayor – Deb Gilvesy

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Acting Clerk – Amelia Jaggard

**Schedule 'A'**

To Site Plan Control By-law No. [4151](#)

[xxxx](#)

[The Site Plan Approval Guidelines](#)[Site Plan Control Guidelines](#).

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**Schedule 'B'**

To Site Plan Control By-law No. [4154xxxx](#)

List of appointed officers of the Corporation identified by position occupied to whom Council's powers or authority under Section 41 of the Act have been delegated:<sup>1</sup>

**County Development Planner**, responsible for providing Planning services to the Town of Tillsonburg, or their<sup>his/her</sup> designate; and

Town of Tillsonburg Director of Operations, or their designate

Town Chief Administrative OfficerTown of Tillsonburg Clerk, or their<sup>his/her</sup> designate.

### **Schedule 'C'**

To Site Plan Control By-law No. [4151](#)

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#### Development Coordinating Committee

##### 1. Purpose/Mandate

(a) The Development Coordinating Committee will primarily function as the decision authority for minor additions or alterations to existing buildings and site plan approvals. Where a minor amendment proposal is received by the Corporation, the Committee shall meet in accordance with Section 2 of Schedule 'C', review the proposal, and decide whether a site plan amendment application is required, or whether the existing approval can be red-lined for the proposed addition or alteration. The Committee's decision shall be recorded and maintained within the associated site plan approval file.

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(b) The Development Coordinating Committee may meet to discuss ~~to~~ disputes between an appointed officer and the applicant. Where a dispute is referred to the Committee, the Committee shall provide a decision in writing to the applicant. If a resolution between the applicant and the Committee cannot be resolved, the applicant shall be directed to Section 8 of By-law 4151.

##### 2. Quorum

Where a meeting of the Committee is required, quorum for the Committee shall comprise of a majority of the members listed in Section 3 of Schedule 'C'. Provide that quorum is met, the absence of a member, or inability of a member to act, does not impair the authority of the Committee.

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#### 3. List of the mMembers of the Development Coordinating

##### Committee:

- County Development Planner, responsible for providing Planning services to the Town of Tillsonburg;
- Town Chief Administrative Officer;
- Town Director of Operations and Development; and
- Town Chief Building Official;
- Town Manager of Engineering;
- Development Engineering Technologist