

**THE CORPORATION OF THE TOWN OF TILLSONBURG
BY-LAW NUMBER 2026-029**

A BY-LAW to authorize a Site Plan Control By-Law and to repeal By-Law 4151

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 shall delegate 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) 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. 4151 in its entirety, and replaces it with this by-law.

BE IT THEREFORE ENACTED by the Council of the Corporation of the Town Tillsonburg as follows:

DEFINITIONS

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

- 1.0 "Act" means the Planning Act, R.S.O. 1990, c.P.13, as amended;
- 1.1 "Appointed Officers" means the delegated officials of the Corporation identified in Schedule 'B' to this by-law either by name or position occupied;
- 1.2 "Development Coordinating Committee" means the Development Coordinating Committee as outlined in Schedule 'C' to this by-law;
- 1.3 "Corporation" means the Corporation of the Town of Tillsonburg;
- 1.4 "Council" means the Municipal Council of the Corporation;
- 1.5 "Development" means:
 - 1.5.1 The construction, erection or placing of one or more buildings or structures on the land; or
 - 1.5.2 An addition or alteration to the interior or exterior of a building or

structure on a property that has the effect of increasing the usability of the property; or

- 1.5.3 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
 - 1.5.4 The laying out and establishment of a commercial, institutional or industrial parking lot resulting in five (5) or more spaces; or
 - 1.5.5 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
 - 1.5.6 Sites for the construction, erection or location of three or more land lease community homes as defined in Subsection 46(1) of the Act; or
 - 1.5.7 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;
- 1.6 "Official Plan" means the County of Oxford Official Plan as amended from time to time;
 - 1.7 "Site Plan Approval Guidelines" 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;
- 2.1.5 Residential development, redevelopment or intensification with ten (10) or fewer residential units per property unless the parcel of land includes any land in a prescribed area.

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 plans referred to in Paragraph 1 of Subsection 41(4) of the Act, 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 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 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 The Corporation of the Town of Tillsonburg Development Guidelines and Design Criteria;
- 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 Corporation of the Town of Tillsonburg Development Guidelines and Design Criteria;
- 3.3 Where required under an agreement referred to in Section 3.2, 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 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 Provide in accordance with The 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 41(7)(a) of the Act approved in accordance with Section 41 of the Act and shown on the plans and drawings; and
- 4.2 Maintain in accordance with The 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) of the Act, requires the delegation of the site plan control function to either an officer, employee or agent 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, 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;
- 5.2 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 appeal or make a motion for direction to have the Ontario Land Tribunal determine a dispute regarding site plan scope, drawings or conditions of approval.
- 5.5 The site plans and drawings approved by the appointed officers shall be

stamped and signed as approved 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 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 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 The 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.
- 6.5 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 three years from the date of approval or as prescribed in the Planning Act, as amended.
- 7.2 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.

FAILURE TO ACT/ APPEAL

8.0 FAILURE TO ACT/ APPEAL TO THE TRIBUNAL

Where the appointed officers do not approve the plans and drawings referred to in Subsection 41(12) of the Act within thirty (60) 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 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.

APPROVAL BY APPOINTED OFFICERS

9.0 APPROVAL AUTHORITY DELEGATED

The County Development Planner, Town Clerk and Director of Operations and Development or their designate are hereby authorized to sign final site plans for the purpose of indicating that final approval has been granted and is acceptable for registration purposes.

10.0 EXECUTIVE ACTS AUTHORIZED

The 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 3.3 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 4151, entitled "Site Plan Control By-law", passed by Council on November 2, 2017, and all amendments are hereby repealed.

18.0 COMMENCEMENT

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

READ A First, Second, Third and Final time and passed this 13th of April 2026.

MAYOR – Deb Gilvesy

CLERK – Trisha McKibbin