

# The Corporation of the Municipality of Leamington

## By-law 54-26

By-law to Designate a Site Plan Control Area and Exempt Certain Development from the Requirement for Site Plan Approval

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**Whereas** subsection 41(2) of the Planning Act, R.S.O 1990, c. P.13 (the “Act”) provides 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 may, by by-law, designate the whole or any part of such area as a site plan control area;

**And whereas** the Corporation of the Municipality of Leamington Official Plan (the “Official Plan”) provides that all the lands within the Municipality are proposed to be site plan control areas;

**And whereas** subsection 41(13) of the Act indicates that where the council of a municipality has designated a site plan control area under Section 41, the council may, by by-law, define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection 41(4) or 41(5);

**And whereas** subsection 41(5) of the Act indicates that despite the fact that paragraph 2 of subsection 41(4) of the Act exempts the requirement for drawings to be provided in connection with a building to be used for residential purposes containing fewer than twenty-five (25) dwelling units, the council of the municipality may require such drawings if the proposed building is to be located in an area specifically designated in the official plan as an area wherein such drawings may be required;

**And whereas** in accordance with subsection 41(5) of the Act, the Official Plan has designated all lands within the boundaries of the Municipality as an area where drawings in connection with a building to be used for residential purposes containing fewer than twenty-five (25) dwelling units are required;

**And whereas** subsection 41(4.0.1) of the Act indicates that a council that passes a by-law under subsection 41(2) shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of approving the plans and drawings described in subsection 41(4) of the Act;

**And whereas** Council through By-law 79-25 has approved an employee as an authorized person for the purpose of subsection 41(4.0.1) of the Act;

**Now therefore** the Council of the Municipality of Leamington enacts as follows:

## Definitions

1. For the purpose of this by-law:

- a) "Accessory" means "accessory" as defined in the Zoning By-law.
- b) "Act" means the Planning Act, R.S.O 1990, c. P.13.
- c) "Additional Dwelling Unit" means a "dwelling unit, additional" as defined in the Zoning By-law.
- d) "Additional Residential Unit" means an "additional residential unit" as defined in the Zoning By-law.
- e) "Agricultural Uses" means "agricultural uses" as defined in the Zoning By-law.
- f) Agricultural Restricted Zone means the "agricultural restricted zone" in the Zoning By-law.
- g) "Authorized Person" means the person approved by Council for the purpose of subsection 41(4.0.1) of the Act and named in By-law 79-25, a by-law to delegate powers and duties.
- h) "Cannabis Facilities" means "cannabis facilities" as defined in By-law 35-28, a by-law to regulate certain matters related to cannabis.
- i) "Converted Dwelling" means "dwelling, converted" as defined in the Zoning By-law
- j) "Council" means the Council of the Municipality of Leamington.
- k) "Development" means "development" as defined in Section 41 of the Act.
- l) "Duplex Dwelling" means "dwelling, two unit", as defined in the Zoning By-law.
- m) "Fire Route" means any highway, private road, driveway, lane, ramp or other means of access or egress to or from a building or structure designated as a Fire Route pursuant to By-law 95-25, a by-law to regulate traffic and the parking of vehicles.
- n) "Greenhouses" means "greenhouses" as defined in the Zoning By-law.
- o) "Gross Floor Area" means "gross floor area" as defined in the Zoning By-law.
- p) "Group Home" means "dwelling, group home" as defined in the Zoning By-law.
- q) "Land" means any real property within the geographic boundaries of the Municipality of Leamington.

- r) "Landscaped Open Space" means "landscaped open space" as defined in the Zoning By-law.
- s) "Loading Space" means "loading space" as defined in the Zoning By-law.
- t) "Materially Advanced" means providing to the Municipality the plans and/or drawings or amended plans and/or drawings as described in Section 41 of the Act and/or the studies or calculations required pursuant to Section 17 of this by-law to support an application for Pre-consultation.
- u) "Municipality" means The Corporation of the Municipality of Leamington.
- v) "Mushroom Farm" means "mushroom farm or mushroom operation" as defined in the Zoning By-law.
- w) "Nurseries, Wholesale and Retail Floral Shops or Tree Farms" means "nurseries, wholesale and retail floral shops or tree farms" as defined in the Zoning By-law.
- x) "Office" means "office" as defined in the Zoning By-law.
- y) "Official Plan" means the Municipality's Official Plan adopted pursuant to subsection 14.7(3) of the Act.
- z) "Owner" means the person that is the registered owner of the land pursuant to the laws of the Province of Ontario. For sections 14 to 20, the Owner may provide authorization for persons to make a site plan application under the Act on their behalf.
- aa) "Parking Lot" means "parking lot" as defined in the Zoning By-law.
- bb) "Pre-consultation" means the pre-consultation required by By-law 838-08, a by-law to require pre-consultation prior to submission of development applications.
- cc) "Semi-detached Dwelling" means "dwelling, semi-detached" as defined in the Zoning By-law.
- dd) "Sign" means a sign as defined in By-law 55-22, a by-law to regulate the size, use, location, construction and alteration of signs within the Municipality.
- ee) "Single Unit Dwelling" means "dwelling, single unit detached" as defined in the Zoning By-law.
- ff) "Site Plan Approval" means the approval of plans and drawings as described in subsection 41(4) of the Act by the Authorized Person or the

Ontario Land Tribunal, as the case may be.

- gg) “Storm Water Management Area” means those areas designed for overland storm water conveyance and storm water retention areas, including but not limited to storm water retention ponds, swales, or hard surfaced retention areas.
- hh) “Vehicle Maneuvering Area” means an area within a parcel of land that is sufficient to ensure that vehicles, including but not limited to trucks, have the necessary space to safely turn, reverse, park and access Loading Spaces.
- ii) “Zoning By-law” means Comprehensive Zoning By-law 890-09.

### **Generally**

- 2. Unless otherwise defined, the words and phrases used in this by-law have their normal and ordinary meaning.
- 3. Unless a contrary intention appears herein, the provisions of this by-law are intended to be gender neutral and gender inclusive and the singular also implies the plural, and vice versa.
- 4. Where a Court of competent jurisdiction declares any section or part of a section of this by-law invalid, the remainder of this by-law shall continue in force unless the Court makes an order to the contrary.
- 5. Any reference in this by-law to any statute or any section of a statute or regulation shall, unless expressly stated, be deemed to be reference to the most current state of the statute or regulation as it may be amended, restated or re-enacted from time to time.
- 6. Any reference to a policy or by-law of the Municipality shall, unless expressly stated, be deemed to be a reference to the most current state of the policy or by-law as it may be amended or replaced from time to time.

### **Site Plan Control Area**

- 7. All lands within the boundaries of the Municipality be and are hereby designated as a site plan control area pursuant to Section 41 of the Act.
- 8. No development shall be undertaken by any person within the designated site plan control area, unless plans and drawings as provided for in subsection 41(4) of the Act are approved by the Municipality through a fully executed site plan agreement which has been registered on title of the subject lands.
- 9. If any application for site plan approval is granted, the Municipality may impose

any of the conditions contained in subsection 41(7) and subsection 42 of the Act.

### **Exemptions from Site Plan Approval**

10. Notwithstanding section 7 and subject to section 11, the following Development is exempt from the requirement for Site Plan Approval:
  - a) A Single Unit Dwelling.
  - b) A Duplex Dwelling.
  - c) An Additional Dwelling Unit.
  - d) An Additional Residential Unit.
  - e) A Semi-detached Dwelling.
  - f) A Group Home.
  - g) A Converted Dwelling.
  - h) A Sign.
  - i) A use, building or structure that is Accessory that meets the following criteria:
    - i) it does not cause a reduction to the Landscaped Open Space;
    - ii) it does not reduce the number of parking spaces required by the "Parking Area Requirements" of the Zoning By-law;
    - iii) the location is not within, nor does it impact:
      - 1) a Fire Route;
      - 2) a Loading Space;
      - 3) a Storm Water Management Area; or
      - 4) a Vehicle Maneuvering Area.
  - j) Development associated with Agricultural Uses and/or uses permitted in an Agricultural Restricted Zone except:
    - i) Cannabis Facilities;
    - ii) Nurseries, Wholesale and Retail Floral Shops or Tree Farms;

- iii) Mushroom Farm; and
  - iv) Greenhouses, including any associated Office.
- k) An addition to a building or structure that does not exceed twenty percent (20%) of the Gross Floor Area of said building or structure up to a maximum of two hundred and fifty (250) square metres Gross Floor Area, that meets the following criteria:
- i) it does not cause a reduction to the Landscaped Open Space;
  - ii) it does not reduce the number of parking spaces required by the “Parking Area Requirements” of the Zoning By-law;
  - iii) the addition is not within, nor does it impact:
    - 5) a Fire Route;
    - 6) a Loading Space;
    - 7) a Storm Water Management Area; or
    - 8) a Vehicle Maneuvering Area.

Such maximum shall be calculated as the cumulative area of all additions to the building or structure since the effective day of this By-law.

- l) An addition to, or the reconfiguration of a Parking Area that meets the following criteria:
- i) it does not cause a reduction to the Landscaped Open Space;
  - ii) the addition is not within, nor does it impact:
    - 1) a Fire Route;
    - 2) a Loading Space;
    - 3) a Storm Water Management Area; or
    - 4) a Vehicle Maneuvering Area.
- m) An underground storage tank or an underground sewage system designed in accordance with Part 8 of the Building Code, O.Reg. 332/12, unless the proposed underground storage tank or underground sewage system would cause a change to surface grade or is located within a Storm Water Management Area.

- n) A building or structure used for flood control, and preservation or conservation of natural resources that is the result of an order, an approval or specific advisement of an authority established under the Conservation Authorities Act, R.S.O. 1990, c. C.27.
- o) A development consisting of municipal works or construction on municipal lands; including development of or an extension to a municipal building or structure.
- p) A building or structure damaged or destroyed by fire or natural hazard or natural causes, may be rebuilt without the need for site plan approval provided it is within the same building envelope that existed before damages occurred, and the use remains the same.
- q) A portable classroom placed on a school site of a district school board.
- r) A development consisting of ten (10) or fewer residential units on a single parcel of land, except in the prescribed areas where a municipality requires site plan control through provincial regulation.

#### **Application of Other By-laws, Including Zoning By-law**

- 11. Subject to section 10, if Development that is exempt from Site Plan Approval pursuant to this by-law is subject to Site Plan Approval pursuant to any other by-law of the Municipality, the by-law requiring Site Plan Approval shall prevail.
- 12. If Development that is exempt from Site Plan Approval pursuant to this by-law is subject to Site Plan Approval pursuant to the Zoning By-law, this by-law shall prevail.
- 13. Notwithstanding section 12, this by-law shall not be construed so as to reduce or mitigate any other provision or regulation in the Zoning By-law applicable to any Development.

#### **Application for Pre-consultation**

- 14. An Owner for Pre-consultation shall submit an application to the Municipality in such form as may be required by the Authorized Person.

#### **Abandoned Pre-consultation Applications**

- 15. In the event that an applicant for Pre-consultation has not Materially Advanced the application for Pre-consultation for a period of six (6) months, the Authorized Person, or their designate, shall provide notice to the Owner that the application for Pre-consultation may be deemed abandoned and a new

application for Pre-consultation shall be required in the event the Owner wishes to further the Development, unless:

- a) the application for Pre-consultation is Materially Advanced by the Owner within three (3) months of receipt of the notice; or
  - b) such Development has been determined to be exempt from the requirement for Site Plan Approval pursuant to section 8.
16. Any notice required to be given in accordance with section 15 shall be in writing and shall be either delivered personally; sent by way of regular mail; or sent by email to the Owner at the address contained within the application for Pre-consultation. Any notice given shall be deemed to have been received as follows:
- a) If delivered personally, on the day of delivery.
  - b) If sent by mail, on the fifth (5th) business day following the date of mailing.
  - c) If sent by email, on the first (1st) business day following the date of transmission, unless the sender received notice that the email was undeliverable.
  - d) For the purposes of this section, the term “business day” shall mean Monday to Friday, inclusive, excluding days which are statutory holidays in the Province of Ontario.
17. In the event that an Owner for Pre-consultation has not Materially Advanced the application for Pre-consultation within three (3) months following the receipt of the notice described in section 13 and the Development is not exempt from the requirement for Site Plan Approval, the Authorized Person may deem the application for Pre-consultation abandoned and a new application for Pre-consultation shall be required in the event the Owner wishes to further the Development.

### **Application for Site Plan Approval**

18. An applicant for Site Plan Approval shall submit an application to the Municipality in such form as may be required by the Authorized Person.

### **Review Fees and Security Deposits**

19. The Municipality will collect fees for review of Site Plan applications and will collect a financial security deposit from the Owner as set out in the Fees By-law.

### **Studies or Calculations**

20. The Municipality may require an Owner for Pre-consultation or Site Plan Approval to produce studies or calculations that validate the location, dimensions and nature of the buildings, structures, facilities and works proposed in the plans and drawings submitted with an application.

### **Execution of Agreements**

21. After approval of a Site Plan application or amendment to a site plan or amendments to conditions by the Authorized Person, the Authorized Person has authority to sign agreements or instruments required to implement the conditions of approval. Such agreements or instruments will be registered on title.

### **Lapsing of Approval**

22. A lapsing provision may be imposed to approved site plan agreements unless a building permit is issued prior to expiration, as per the provisions of subsections 41 (7.1), (7.2), or (7.3) of the Act.

### **Repeal**

23. By-law 96-25 and any amendments thereto, be and is hereby repealed.
24. This by-law shall come into full force and effect on the date of enactment.

Read a first, second and third time and finally enacted this 12<sup>th</sup> day of May, 2026.



Hilda MacDonald, Mayor



Roberta Baines, Deputy Clerk

This By-law was approved by Leamington Council on May 12, 2026. Written approval of the by-law was given by Mayoral Decision MD-009-2026 dated May 12, 2026.