

THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON

BY-LAW NO. 632-05

Being a by-law to designate a site plan
control area for the
Municipality of Leamington.

WHEREAS Section 41 (2), of the Planning Act R.S.O. 1990, c.P.13 (herein the 'Act') authorizes a municipality to pass a by-law to designate a site plan control area where the area is referred to in the Municipality's Official Plan;

AND WHEREAS Section 7.4.1 of By-law 468-03, being the Official Plan for the Municipality of Leamington, proposes that all of the lands within the limits of the Municipality of Leamington be established as a site plan control area;

AND WHEREAS Section 41(4) of the Act provides no person shall undertake development within a site plan control area unless the municipality has approved certain plans and drawings;

AND WHEREAS Section 41(7) and Section 42 of the Act provide for conditions of approval that the municipality may require;

AND WHEREAS Section 41(13)(6) authorizes council to delegate authority under section 42 to an officer of the municipality;

NOW THEREFORE THE CORPORATION OF THE MUNICIPALITY OF LEAMINGTON BY ITS COUNCIL ENACTS AS FOLLOWS:

1. The whole of the area within The Corporation of The Municipality of Leamington is hereby designated as a site plan control area.
2. No development shall be undertaken by any person, including any building to be used for residential purposes containing less than twenty-five (25) dwelling units, within the designated site plan control area, unless plans and drawings as provided for in Section 41(4) of the Act are approved by the Municipality.
3. If any application for site plan approval is granted, Council may impose any of the conditions contained in section 41(2) and section 42 of the Act.
4. Notwithstanding Section 2, the following classes of development may be undertaken without the approval of plans otherwise required under Section 41(4) of the Act;
 - (1) all single unit residential development, and
 - (2) development for agricultural uses, other than greenhouse and mushroom operations.
5. The Council of the Municipality of Leamington delegates to the Director of Development Services the power and authority to exempt from site plan control any property proposing construction alterations within the site plan control area which do not change the occupancy use of the building or premises and have a construction value of less than \$25, 000.00

6. The Council of the Municipality of Leamington delegates to the Director of Development Services the power and authority to approve site plans, and to determine if a site plan agreement is required, for any property where there is to be an addition to an existing structure and the estimated size of said addition is not greater than 25% of the size of the existing structure.
7. If the provisions of this by-law and any other Municipality of Leamington by-law conflict, then the provisions of this by-law shall prevail.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY ENACTED THIS 12th DAY OF SEPTEMBER, 2005.

Signature on file

John Adams, MAYOR

Signature on file

Brian R. Sweet, CLERK