



**Table of Contents**

**Part I. Short Title, Purpose, Scope and Designation..... 1**  
 Short Title ..... 1  
 Purpose..... 1  
 Scope and Designation ..... 1

**Part II. Interpretation ..... 1**  
 Headings ..... 1  
 Gender and Number ..... 2  
 References to Applicable Law ..... 2  
 Schedules ..... 2  
 Definitions ..... 2

**Part III. General Provisions ..... 3**  
 Requirement for approval..... 3  
 Requirements of drawings ..... 3  
 Exempt classes..... 4  
 Exception – subdivisions and condominium developments..... 4  
 Delegation of authority ..... 4

**Part IV. Offence and Penalty..... 5**

**Part V. Conflict and Transition ..... 5**  
 Conflict..... 5  
 Terms Severable..... 5  
 Enactment ..... 5

**Consolidated Version**

*Last revised on June 28, 2022*

<b>Revision History:</b>	<b>Passed On:</b>	<b>Description of Amendment</b>
2019-185 (Original)	November 18, 2019	
2022-075	June 27, 2022	Remove staff delegation; add approval authority

**Consolidated for Convenience Only**

This is a consolidation copy of a City of Owen Sound By-law for convenience and information. While every effort is made to ensure the accuracy of this by-law, it is not an official version or a legal document. The original by-law should be consulted for all interpretations and applications on this subject. For more information or to view by-laws please contact the Clerks Department.

# The Corporation of the City of Owen Sound

## By-law No. 2019-185

### A By-law to establish a site plan control area within the limits of The Corporation of the City of Owen Sound

---

WHEREAS section 41 of the *Planning Act*, R.S.O. 1990, c. P.13 (the "Planning 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 in which the proposed area is situate 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 City of Owen Sound (the "City") has in effect an Official Plan which deems the whole of the City as a site plan control area; and

WHEREAS section 41 of the Planning Act provides that no person shall undertake any development in an area designated under a by-law passed under that section without first having received approval; and

WHEREAS section 41 of the Planning Act provides that City Council may define any class or classes of development that may be undertaken without approval; and

WHEREAS section 41 of the Planning Act provides that City Council may delegate to an appointed officer of the municipality any of Council's power or authority under that section; and

WHEREAS City Council deems it advisable to repeal Site Plan Control By-law No. 2011-034 and enact a new Site Plan Control By-law pursuant to section 41 of the Planning Act to designate all lands within the geographic limits of the City as a site plan control area; and

WHEREAS on October 28, 2019, City Council passed Resolution No. R-191028-015 directing staff to bring forward a revised Site Plan Control By-law, in consideration of staff report CS-19-137;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF OWEN SOUND HEREBY ENACTS AS FOLLOWS:

#### **Part I. Short Title, Purpose, Scope and Designation**

##### **Short Title**

1. This by-law shall be known as the "Site Plan Control By-law".

##### **Purpose**

2. This by-law has been enacted to designate all lands within the geographic limits of the City as the "Site Plan Control Area" and to subject the Site Plan Control Area to the provisions of this by-law and section 41(4) of the Planning Act.

##### **Scope and Designation**

3. This by-law applies to all lands within the geographic limits of the City, which together are designated as the Site Plan Control Area, and all classes of development save and except those classes exempted under section 12 of this by-law.

#### **Part II. Interpretation**

##### **Headings**

4. The division of this by-law into parts and insertion of headings are for convenient reference only and shall not affect interpretation of the by-law.

### **Gender and Number**

5. In this by-law, unless the contrary intention is indicated, words used in the singular shall include the plural and words used in the male gender shall include the female gender or vice versa, where applicable.

### **References to Applicable Law**

6. All references to applicable law are ambulatory and apply as amended, extended or re-enacted from time to time.

### **Schedules**

7. Schedules A-1, A-2 and A-3 form part of this by-law.

### **Definitions**

8. For the purposes of this by-law:

"Accessory" means a use, building or structure subordinate and incidental to and functionally associated with the main use, building or structure located on the same lot therewith, and when applied to buildings or structures, also means a building or structure separate from the main building on the same lot otherwise provided for in this by-law.

"Approval Authority" means the Director of Community Services or their designate;

"Development" means development as defined under section 41 of the Planning Act, including the exclusion of portable classrooms on school sites as required by section 41(1.1) of the Planning Act. A change of use may be deemed to increase the usability of a building or structure when one or more of the following factors are present:

- i. interior alterations designed to accommodate a more intensive use;
- ii. the need for increased parking or loading facilities;
- iii. the need to reconfigure access, loading, or parking areas; and
- iv. the establishment of an Industrial use, including Cannabis Production Facility and Food/Beverage Production Facility (only as a primary use) as those terms are defined in the City's Zoning By-law.

"Dwelling Unit" means a room or group of rooms designed, occupied or intended to be occupied as a single housekeeping unit, for one or more persons, providing kitchen and sanitary facilities and sleeping accommodations for the exclusive use of the occupants.

"Dwelling Converted" means:

- i. a detached or attached dwelling originally designed to contain one dwelling unit, the interior of which has been altered to provide one or more additional dwelling units; or
- ii. a building originally designed to contain a non-residential use, the interior of which has been altered to provide one or more dwelling units;

provided however that no dwelling or building shall be converted unless the gross floor area within the said dwelling or building which is to be used to calculate density has been used for a minimum period of ten (10) years in the manner for which the said dwelling or building was originally constructed.

"Dwelling, Duplex" means a residential building containing two dwelling units, but shall not include a semi-detached dwelling.

“Dwelling, Semi-detached” means one of two attached dwelling units, divided in whole or in part by a common vertical wall, each of which has an independent entrance directly from the outside or through a vestibule. Each dwelling unit shall be designed having access to and frontage on a street.

“Dwelling, Single Detached” means a residential building that is detached and permanent, consisting of one dwelling unit.

“Dwelling, Townhouse” means a residential building divided vertically into three or more attached dwelling units by common walls which prevent internal access.

### **Part III. General Provisions**

#### **Requirement for approval**

9. No person shall undertake any development in the designated Site Plan Control Area unless the Approval Authority has first approved in writing one or both of the following, at their discretion:
  - a. Plans showing:
    - i. the location of all buildings and structures to be erected;
    - ii. the location of all facilities and works to be provided in conjunction therewith; and
    - iii. the facilities and works required by City Council from those listed in Section 41(7)(a) of the Planning Act.
  - b. Drawings showing plan, elevation and cross-section views for each building to be erected, except buildings which constitute classes of development exempted by Section 12 of this by-law, and which drawings are sufficient to display the details set out in Section 11 of this by-law.
10. As a condition of approval of the plans and drawings referred to in sections 9(a) and 9(b) above, the Approval Authority may, in accordance with the provisions of section 41(7) of the Planning Act, require the owner of the land proposed for development to enter into one or more agreements with the municipality to:
  - a. provide any or all of the facilities or works listed in section 41(7)(a) of the Planning Act;
  - b. maintain to the satisfaction of the City of Owen Sound and at the sole risk and expense of the owner all of the said facilities or works including the removal of snow from access ramps, driveways, parking and loading areas, and walkways on the said lands;
  - c. ensure that the development proceeds in accordance with the plans and drawings approved by the Approval Authority; and
  - d. provide any other facilities, works or matters set out in Section 41 of the Planning Act.

#### **Requirements of drawings**

11. Unless expressly exempt in writing by the Approval Authority, the drawings required to be provided by the owner pursuant to section 9 above, in accordance with section 41(4) of the Planning Act, shall display the following:
  - a. the massing and conceptual design of the proposed building;
  - b. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;

- c. 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 building, but which exclude the layout of interior areas other than the interior walkways, stairs, elevators and escalators;
- d. matters relating to exterior design, including but not limited to the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design in accordance with the urban design policies of the City's Official Plan;
- e. the sustainable design elements on any adjoining highway under the City's jurisdiction, including but not limited to trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities in accordance with the urban design policies of the City's Official Plan; and
- f. facilities designed to have regard for accessibility for persons with disabilities.

### **Exempt classes**

- 12. The provisions of this by-law do not apply to the following classes of development:
  - a. single detached dwellings;
  - b. semi-detached dwellings;
  - c. duplex dwellings;
  - d. converted dwellings containing a total of four (4) or less units;
  - e. an addition to a building or structure, located outside the shaded areas of Schedules A-1, A-2 and A-3, which is less than sixty square metres (60m<sup>2</sup>) of floor area and that does not increase the floor area of the existing building or structure by more than ten percent (10%);
  - f. buildings and structures accessory to single detached, semi-detached, duplex, townhouse and converted dwellings; and
  - g. where a proposed change of use is deemed not to meet the definition of 'development' as per this by-law.

### **Exception – subdivisions and condominium developments**

- 13. Notwithstanding the exemptions from site plan control of the classes of development described in section 12 above, the City, as a condition of draft plan approval of any plan of subdivision or plan of condominium, reserves the right to require that site plan approval shall apply to any class of development to be included in the plan of subdivision or plan of condominium when registered.

### **Delegation of authority**

- 14. Repealed by By-law No. 2022-075.
- 15. Repealed by By-law No. 2022-075.
- 16. Repealed by By-law No. 2022-075.
- 17. Repealed by By-law No. 2022-075.

**Part IV. Offence and Penalty**

- 18. Every person who contravenes Section 41 of the Planning Act or the provisions of this by-law is guilty of an offence and upon conviction is liable to the penalties set out in sections 67(1) and 67(2) of the Planning Act.

**Part V. Conflict and Transition**

**Conflict**

- 19. In the event the provisions of this by-law are inconsistent with the provisions of the Planning Act, its regulations or any other act and the regulations thereunder, the provisions of the act or regulation shall apply.
- 20. If there is a conflict between a provision in this by-law and a provision of any other applicable municipal by-law, the more stringent provision shall apply.

**Terms Severable**

- 21. The terms and provisions of this by-law shall be severable and should any term or provision be found by a court of competent jurisdiction to be legally unenforceable, inoperative or invalid, the remainder of the by-law shall continue to be in full force and effect.

**Enactment**

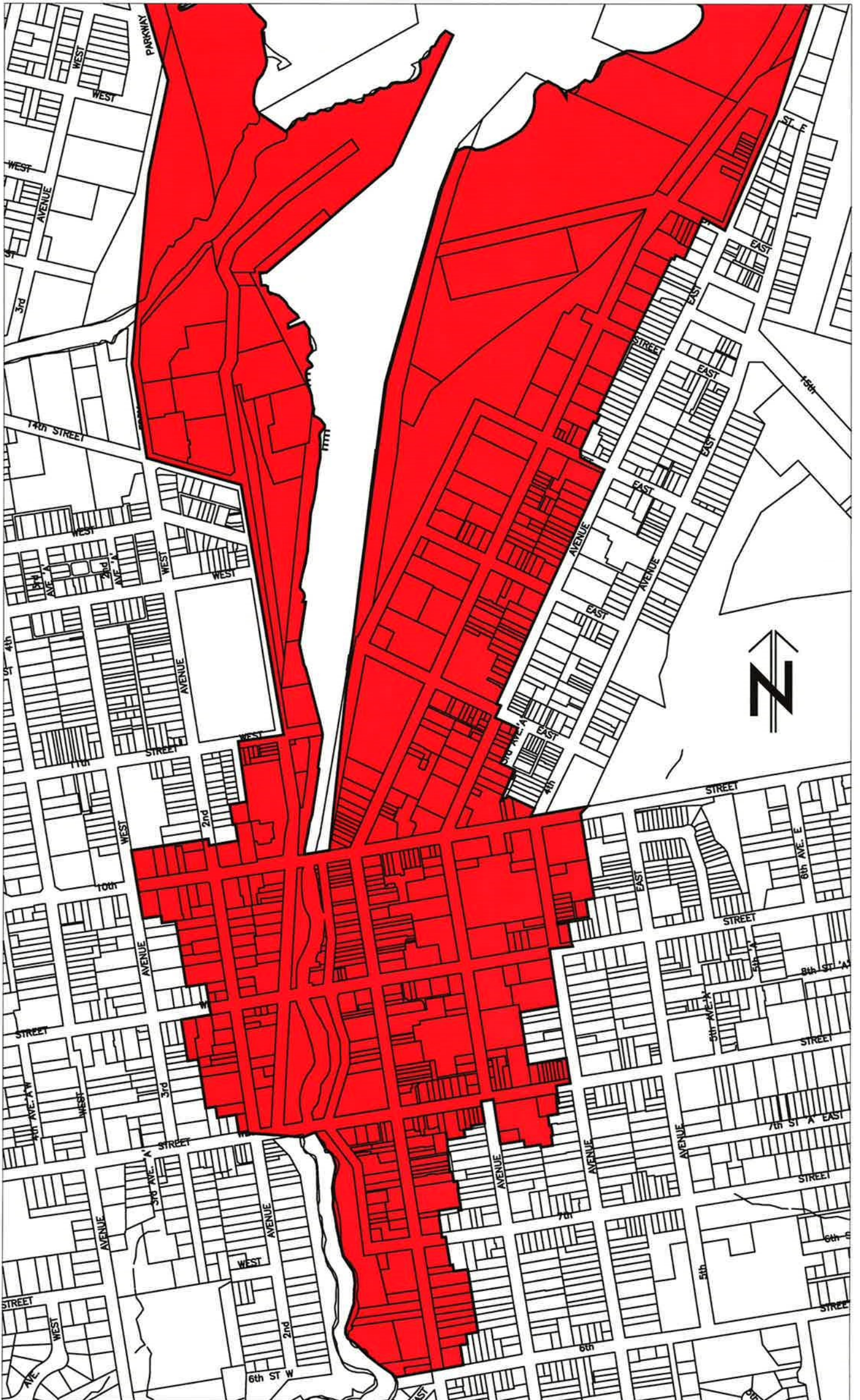
- 22. This by-law shall come into full force and effect on the date it is passed, at which time By-law No. 2011-034 is repealed and all by-laws, policies and resolutions that are inconsistent with the provisions of this by-law are hereby amended or repealed insofar as it is necessary to give effect to the provisions of this by-law.

FINALLY PASSED AND ENACTED this 18<sup>th</sup> day of November, 2019.

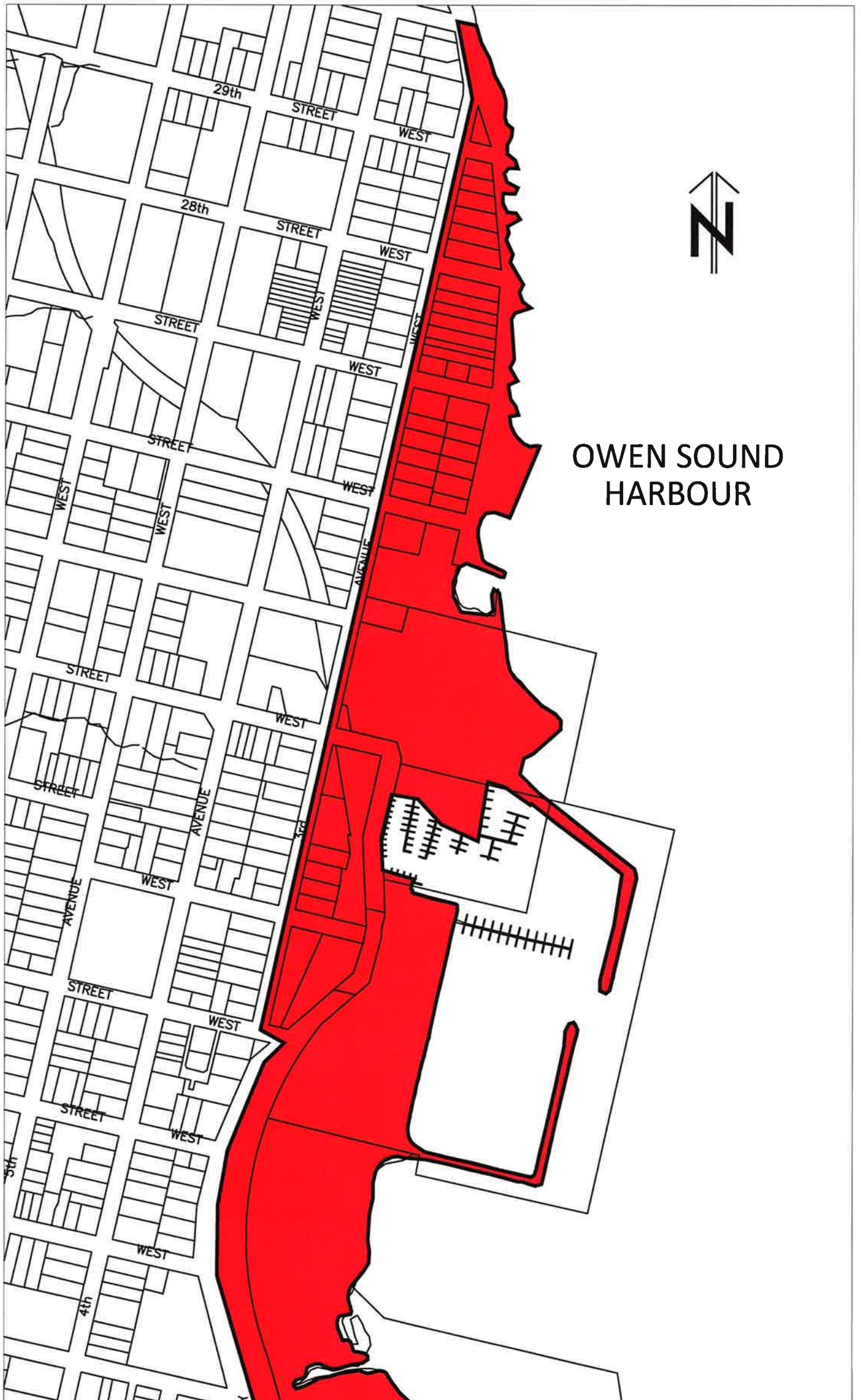
Signature on file \_\_\_\_\_  
 Mayor Ian C. Boddy

Signature on file \_\_\_\_\_  
 Briana M. Bloomfield, City Clerk

# Schedule 'A-1' to By-law 2019-185



Schedule 'A-2' to By-law 2019-185



OWEN SOUND  
HARBOUR



Schedule 'A-1' to By-law 2019-185

