THE COPORATION OF THE CITY OF ST. THOMAS
BY-LAW NO. 56 **-2026**

A By-law to establish certain Site Plan Control operations under Section 41 of the Planning Act.

WHEREAS Section 41 of the *Planning Act* R.S.O. 1990, as amended, provides that where an area is described in the Municipality's Official Plan as a Site Plan Control Area, Council may, by By-law, designate such area as a Site Plan Control Area;

AND WHEREAS the Official Plan of the Corporation of the City of St. Thomas describes the whole of the City of St. Thomas as an area subject to site plan control;

AND WHEREAS Section 41(4) of the Planning Act provides that no person shall undertake any development in an area designated by By-law as a Site Plan Control Area without having first received approval of plans and drawings by an authorized person;

AND WHEREAS Section 41(4.0.1) requires 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 subsection (4).

AND WHEREAS Section 41(13) of the *Planning Act* R.S.O 1990, as amended authorizes Council to 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 Council deems it advisable to exempt certain classes of Development from Site Plan Control, and further to delegate certain powers and authority to an appointed officer of the Municipality.

NOW THEREFORE the Council of the Corporation of the City of St. Thomas enacts as follows:

1. In this By-law:

"Authorized Person" means the Director of Planning and Building Services or their designate;

"City" means the Corporation of the City of St. Thomas;

"Commercial Parking Lot" - means a building, structure or an open area, including any related aisles, parking spaces, ingress and egress lanes, other than a public street, used for the temporary parking of five or more motor vehicles and available for the public and/or private use, whether or not for compensation or as an accommodation for tenants, employees, clients or customers, other than a parking lot which is accessory to a permitted use on the same lot. A commercial parking lot shall have its principal access to a public street and shall constitute the main use of the lot;

"Committee" means the **Site Plan Control Committee,** appointed by Council pursuant to this By-law, comprising of staff holding the following positions within the City; City Manager, Manager of Planning Services, Director, Environmental Services and City Engineer, Chief Building Official, Director of Parks and Recreation; and Fire Chief.

"Consult" means consultation with the City by an applicant or body prior to submitting an application for Site Plan Approval in accordance with By-Law No. 30-2015, as amended, or any successor thereto;

"Council" means the Council of the Corporation of the City of St. Thomas or a Committee of Council or staff delegated under Section 41 of the Planning Act to act on Council's behalf;

"**Development**" means:

i. the construction, erection or placing of one or more buildings or structures on land, or

ii. the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or

iii. the laying out and establishment of

- a commercial parking lot, or
- sites for the location of three or more trailers as defined in Subsection 164(4) of the *Municipal Act, 2001* or
- sites for the location of three or more mobile homes as defined in Subsection 46(1) of this Act or
- sites for the construction, erection or location of three or more land lease community homes as defined in Subsection 46(1) of the Planning Act. R.S.O. 1990, c. P.13; and
- includes the construction, erection or placing of a land lease community home, as defined in subsection 46 (1), on a parcel of land that will contain any number of residential units

"Director" means the Director of Planning and Building Services or their designate;

"Employment Use" means lands, buildings or structures used or designed or intended for use for manufacturing, processing, fabricating or assembly of raw goods, warehousing or bulk storage of goods, excluding self-storage facilities and including office uses and the sale of commodities to the general public where such uses are accessory to an Employment Use;

"Owner" means the owner of the lands or an applicant authorized to act on behalf of the owner;

"Official Plan" means the Official Plan of the Corporation of the City of St. Thomas;

"Planning Act" means the Planning Act, R.S.O. 1990, C.P.13, as amended;

"Site Plan Application" means an application for approval of plans and drawings for a development under Section 41 of the Planning Act;

"**Zoning By-law**" means the Zoning By-law(s), as amended, of the Corporation of the City of St. Thomas that may be in effect from time to time.

2. Site Plan Control Area

All of the land within the corporate limits of the City of St. Thomas, as shown on the attached Map Schedule "A" is hereby designated as a Site Plan Control Area pursuant to Section 41(2) of the Planning Act, R.S.O. 1990 c.P.13.

3. Exempted Classes of Development

The following Classes of Development are hereby exempted from Site Plan Control and may be undertaken without the approval of plans and drawings otherwise required under the *Planning Act*:

i. A building or structure which is constructed, erected, placed, altered or enlarged and used for residential use containing 10 or less dwelling units which fronts onto an open Public Street and is not located on a lot within a Hazard Land Use Designation or a Natural Heritage Land Use Designation as identified on Schedule "A" of the City's Official Plan and does not meet the criteria of 3(ii).

ii. A development of 3 or less dwelling units where any part of the lot is adjacent to an active railway line, unless it is for the addition of an additional residential unit(s) to a detached dwelling, semi-detached dwelling, or townhouse dwelling already containing a dwelling unit.

iii. A building or structure, which is constructed, erected, placed, altered or enlarged and used for an Employment Use as defined within this By-law.

iv. A building or structure which is constructed, erected, placed, altered or enlarged and used for the purpose of agricultural uses, but excluding any ancillary commercial or industrial uses, nurseries, fruit stands or commercial greenhouses, and is not located within a Hazard Land Use Designation or a Natural Heritage Land Use Designation as identified on Schedule "A" of the City's Official Plan.

v. The placement of a portable classroom on a school site owned by the Thames Valley District School Board or the London District Catholic School Board.

vi. Development in the form of temporary buildings and structures incidental to and necessary for active construction work being carried on. This exemption is only for said buildings and structures which are necessary for the construction work in progress which has neither been finished nor abandoned.

vii. Buildings and structures accessory to those exempted classes of development described above.

viii. Any proposed facilities, works or matters undertaken by the City.

ix. Tents, marquees, trailers and similar temporary structures to be erected for a period not exceeding 120 consecutive days.

x. Underground storage tanks and septic systems.

4. Requirements for Site Plan Approval

4.1 No person shall undertake any Development on land located in the Site Plan Control Area unless the Authorized Person, or where a referral has been made under Section 41(12) of the Planning Act, the Ontario Land Tribunal, has approved the plans and drawings to be submitted to the City pursuant to Subsections (4) and (5) of Section 41 of the Planning Act.

4.2 All submissions for Approval of plans and drawings pursuant to Subsections (4) and (5) of Section 41 of the Planning Act, where applicable, are to include the following:

a) a Site Plan Application, in a form approved by the Director;

b) payment of the required fees;

c) plans, 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 therewith and of all facilities and works required including facilities designed to have regard for accessibility for persons with disabilities;

d) drawings showing plan, elevation and cross-section views for each building to be erected, except a building to be used for residential purposes containing fewer than 25 dwelling units, which drawings are sufficient to display:

i. the massing and conceptual design of the proposed building;

ii. the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access;

iii. 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 buildings;

iv. matters relating to exterior design, including without limitation 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, as provided by the City of St. Thomas Official Plan, as amended;

v. the sustainable design elements on any adjoining highway under a municipality's jurisdiction, including without limitation, trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities, as provided for by the City of St. Thomas Official Plan as amended; and

vi. facilities designed to have regard for accessibility for persons with disabilities.

4.3 As a condition of the approval of the plans and drawings required under Subsection 4.2 of this By-law, the City may require the owner of lands to provide to the satisfaction of and at no expense to the City any or all of the following:

a) Widenings of highways that abut on land designated for widening as described and shown on a Schedule to the City of St. Thomas Official Plan.

b) Subject to the Public *Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbing and traffic direction signs.

c) Off-street vehicular loading and parking facilities, either covered or uncovered access driveways, including driveways for emergency vehicles and the surfacing of such areas and driveways.

d) Walkways and walkway ramps including the surfacing thereof, and all other means of pedestrian access.

e) Facilities designed to have regard for accessibility for persons with disabilities.

f) Facilities for the lighting, including floodlighting of the land or any building or structures thereon.

g) Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.

h) Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.

i) Easements conveyed to the City for the construction, maintenance or improvement of watercourses, ditches, land drainage works and sanitary sewage facilities and other public utilities of the Corporation or local board thereof on the land.

j) Grading or alteration in elevation or contour of the land and provision for disposal of storm, surface and wastewater from the land and from buildings or structures thereon.

The owner shall maintain to the satisfaction of the City and at the sole risk and expense of the owner any or all of the facilities or works mentioned in Paragraphs a), b), c), d), e), f), g), h), i) and j) of this Subsection 4.3, including the removal of snow from access ramps and driveways, parking and loading areas, and walkways.

5. Site Plan Application Review

Pursuant to Subsection 41(3.1) of the Act, applicants are encouraged to consult with the City prior to submitting plans and drawings for approval. The City's requirements with respect to consultation are set out in By-Law No. 30-2015. Consultation with the City on the proposed development prior to filing an application for approval of plans and drawings is encouraged to ensure the application is complete in accordance with the Planning Act and City requirements.

Site Plan review shall be coordinated by the Municipality's Planning and Building Services Department under the direction of the Director.

Determination of forms and documents that may constitute a complete application will be at the discretion of the Director, or their designate, in accordance with By-Law No. 30-2015.

All Plans submitted in accordance with this By-law or as a requirement of a Site Plan

agreement shall be reviewed by the Committee and comments resulting from said review shall be provided in writing to the Authorized Person, who shall distribute the material to the Owner and/or Applicant.

6. Appointment of a Site Plan Control Committee

Council shall appoint a Site Plan Control Committee comprising the individuals holding the following positions within the City, to provide technical review of applications and submit comments/recommendations to the Authorized Person.

i. City Manager.

ii. Manager of Planning Services or designate.

iii. Director, Environmental Services and City Engineer or designate.

iv. Chief Building Official or designate.

v. Director of Parks and Recreation or designate.

vi. Fire Chief or designate.

7. Delegation of Council's Authority

Council hereby delegates:

a) its powers and authorities under Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended, to approve plans and drawings, with the exception of the approval of agreements and amendment of approved agreements, to the Authorized Person; and

b) the authority for the administration of the Site Plan Control approval process, the preparation and administration of agreements and amendments to approved agreements entered into, in accordance with this By-law, to the Director.

8. General Provisions of Delegation

The exercise of the powers, authority or appointment delegated in this By-law is subject to the following:

a) The delegation under this By-law of Council's powers under Section 41 of the *Planning Act* does not include a delegation of the power to establish a Site Plan Control Area under Section 41(2) or the power to define classes of development which may be undertaken without approval of plans and drawings under 41(13) of the *Planning Act.*

b) The Authorized Person shall provide to the Owner and/or Applicant, in writing, the decision of the Committee, in respect of the application that is either:

Approval;

Approval with Conditions; or

Refusal.

c) The Authorized Person shall approve the plans and drawings referred to in Section 41(4) of the Act except where, in the opinion of the Authorized Person the proposed buildings, structures, facilities and works shown on the plans and drawings are not consistent with the Provincial Policy Statement, the Official Plan of the Municipality, and other policy and By-laws approved by Council, including but not limited to, the Zoning By-law.

d) The Authorized Person may request that Council review and comment on any given Site Plan application, either at the request of the Committee, an applicant, or on the Authorized Person's own volition.

e) The Authorized Person shall consider all requests for refunds of fees in accordance with Subsection 41(11.1) of the *Planning Act* and, where applicable, authorize the issuance of refunds.

f) The Director shall inform Council of all Site Plan Control applications that are approved from time to time in the form of a Report to Council.

9. Conditions of Site Plan Approval

As a condition of the approval of the plans and drawings required under Subsection 4.2 of this By-law, the Director may require the owner of lands to:

a) provide at no cost to the Municipality, any or all of the facilities and works required under Section 41(7)(a) of the Act and listed in Subsection 4.3 of this By-law;

b) maintain to the satisfaction of the Municipality and at the sole risk and expense of the Owner any or all of the facilities or works mentioned in Subsection 4.3 including the removal of snow from access ramps and driveways, parking and loading areas and walkways;

c) enter into one or more agreements with the Municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in Subsection 4.3 of the By-law or with the provision and approval of the plans and drawings referred to in Subsection 4.2 of this by-law;

d) enter into one or more agreements with the Municipality ensuring that Development proceeds in accordance with the approved plans and drawings;

e) convey part of the land to the Municipality to the satisfaction of and at no expense to the Municipality for a public transit right of way.

10. General

That if any provision or requirement of this By-law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-law or the application of such provision or requirement to all persons other than those to which it is held to be invalid or unenforceable, shall not be affected thereby and each provision and requirement of this By-law shall be separately valid and enforceable to the fullest extent permitted By-law.

11. Appeals

Pursuant to Subsection 41(12) of the Act an appeal to the Ontario Land Tribunal related to a decision, timing of a decision, or terms and requirements of any approval or agreement may be filed in accordance with the Planning Act.

12. Administration

12.1 Issuance of Building Permits

a) Notwithstanding any provisions of the Building By-law, or any other By-law of the Corporation to the contrary, no building permit shall be issued until the plans and drawings and any such agreements required by the City for such development have been approved by Council, its delegate, or where a referral has been made to the Ontario Land Tribunal or so ordered by a Court of competent jurisdiction.

b) Nothing in this By-law shall prevent development on any lands subject to this By-law where such development is proceeding in accordance with a valid building permit which was issued by the Corporation prior to the passing of this By-law.

12.2 Violations and Penalties

Any person who contravenes any of the provisions of Section 41 of the Planning Act, or its successors thereto, or the provisions of this By-law, is guilty of an offence and on conviction is liable to the penalties provided for in Section 67(1) and (2) of the Planning Act, or its successors thereto, as follows:

i) Where a person is convicted, and, if the person is a Corporation, every Director or Officer of the Corporation who knowingly concurs in the contravention, the maximum penalty that may be imposed is:

a) on a first conviction, to a fine of not more than $25,000; and

b) on a subsequent conviction, to a fine or not more than $10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.

ii) Where a corporation is convicted, the maximum penalty that may be imposed is:

a) on a first conviction, to a fine of not more than $50,000; and

b) on a subsequent conviction, to a fine or not more than $25,000 for each day or part thereof upon which the contravention has continued after the day on which the corporation was first convicted.

13. Severability

If any section, clause or provision of this By-law is, for any reason, declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the By-law as a whole or any part hereof other than the section, clause or provision so declared to be invalid. It is hereby declared to be the intention that the remaining sections, clauses provisions of this By-law shall remain in full force and effect until repealed, notwithstanding that one or more provisions hereof shall have been declared to be invalid.

14. Interpretation

For the purposes of this By-law, words used in the present tense also include the future; words in the singular also include the plural and words in the plural also include the singular; words in the neutral gender include the masculine and the feminine; and the word "shall" is mandatory.

15. This By-law shall come into force and take effect upon the final passing thereof.

16. That By-Law No. 11-2026 be and the same is hereby repealed.

Read a first and second time this 4th day of May, 2026

Read a third time and finally passed this 4th day of May, 2026

Jon Hindley, Deputy City Clerk

Joe Preston, Mayor