

**THE CORPORATION OF  
THE MUNICIPALITY OF STRATHROY-CARADOC**

**BY-LAW NO. 46-22**

**BEING A BY-LAW TO DESIGNATE THE MUNICIPALITY OF STRATHROY-  
CARADOC AS AN AREA OF SITE PLAN CONTROL**

**WHEREAS** Subsection 41 of the Planning Act, R.S.O. 1990, c.P. 13, permits the Council of a municipality to designate the whole or any part of such a municipality as a site plan control area when such provisions are included in the Official Plan and may delegate to either a committee of the council or to an appointed officer of the municipality any of the council's power or authority under that section.

**AND WHEREAS** Subsection 23.1 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides a municipality may delegate its powers and duties under the Municipal Act or any other Act to a person or body

**AND WHEREAS** Subsection 23.2 (4) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that no delegation of a legislative power shall be made to an individual unless, in the opinion of the council of the municipality, the power being delegated is of a minor nature and, in determining whether or not a power is of a minor nature, the council, in addition to any other factors it wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power;

**AND WHEREAS** the Official Plan includes policies that permit the municipalities to adopt a site plan control by-law specifying the lands and types of development where site plan approval shall be required.

**NOW THEREFORE BE IT ENACTED BY THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF STRATHROY-CARADOC AS FOLLOWS:**

**1. Short Title**

1.1 This by-law may be referred to as the "Site Plan Control By-law".

**2. Definitions**

2.1 "Development" shall mean the following:

- a) The construction, erection, or placing of one or more buildings or structures on land; or,
- b) Making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof; or,
- c) The laying out and establishment of a commercial parking lot or of sites for the location of: three or more trailers as defined in clause (a) of subsection 164(4) of the Municipal Act, 2001 or of site for three or

more mobile homes as defined in subsection 46(1) of the Planning Act, R.S.O 1990 c.P.13; or,

- d) They laying out of site 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;
- e) The laying out and establishment of commercial outdoor recreational facilities, including but not limited to golf courses, driving ranges, sports fields, etc.; or,
- f) The laying out and establishment of permanent outdoor patios associated with restaurants.

2.2. "Usability" shall mean a change in the use of a property which would result in one or more of the following and would not be subject to an exemption under Clause 4 below:

- a) Result in an increase in the amount of noise, lighting, odour and / or vibration which is generated on the property;
- b) Alter the ingress / egress of the property;
- c) Alter the traffic flow on or around the subject property, including the installation of a drive-through;
- d) Increase the parking requirements beyond the percent increase allowed for in Section 4(1)h(b) below; and,
- e) Alter the grading and drainage on the property;

2.3 "Stable" shall mean the use of land, buildings or structures for the purpose of riding, training, showing and boarding horses and where persons are given instructions in the riding of horses and other aspects of horsemanship.

2.4 "Commercial greenhouse" shall mean a building or structure greater than 500 m<sup>2</sup> (5,382 ft<sup>2</sup>) used for the growing of flowers, fruits, vegetables, plants, shrubs, trees, cannabis which are not necessarily transplanted outside on the same lot containing such greenhouse, and are sold, at wholesale directly from the lot and may include a 'nursery' as defined by the Zoning By-law.

2.5 "Animal Kennel" shall mean lands, buildings or structures designed, used or intended for use on or within which animals are, in return for a fee, housed, groomed, bred, boarded, trained or sold which may offer provisions for minor veterinary treatments.

2.6 "Seasonal Farm Worker Dwelling" shall mean a dwelling that is used for more than 9-months within a 12-month period in any given year for the housing of seasonal farm labour, and their families, who are employees of the owner or operator of a farm and may include a mobile home, bunkhouse or similar dwelling.

2.7 "On-farm diversified use" shall mean a use that is secondary to the principal agricultural use of the property, are limited in area, and are permitted by the Zoning By-law. On-farm diversified uses includes, but is not limited to, farm-related tourism uses and uses that produce value-added agricultural products.

- 2.8 "Delegated Official" shall mean any of the appointed officers of the Corporation identified in Section 6(2) to this by-law either by name or position occupied.

### **3. Application and Scope**

- (1) All lands situated within the boundaries of the Municipality of Strathroy-Caradoc are hereby designated as an Area of Site Plan Control.
- (2) No persons shall undertake any development on land located in the Site Plan Control Area unless Council, or where referral to the Ontario Lands Tribunal has been made under Section 41(12) or (12.0.1) of the Planning Act R.S.O. 1990, c.P.13 has approved the plans and drawings as provided for in Section 41(4) of the Planning Act R.S.O. 1990, c.P.13
- (3) As provided under Section 41(5) of the Planning Act R.S.O. 1990, c.P.13, Delegated Official may require drawings to be submitted for approval showing plan, elevation and cross-section views for a building to be used for residential purposes containing less than twenty-five (25) dwelling units, as set out in this by-law.
- (4) Where applicable development is located on lands within the "Downtown Core" designation of the Official Plan, the site plan application shall also include the completion of a 'Guidelines Compliance Report' at the discretion of the Municipality
- (5) No persons shall submit an application until the applicant has pre-consulted with the Municipality. A submission will only be accepted by the Municipality if the submission is consistent with the policies outlined in the Official Plan.
- (6) For the purposes of Section 41 (3.5) and (3.6) of the Planning Act, R.S.O. 1990, an application is considered submitted at the point that the Delegated Official has confirmed the application to be complete.

### **4. Exemptions**

- (1) The following types of development may be undertaken without the approvals referred to in Section 3 of this by-law:
  - a) Buildings or structures used for agricultural or farming operations, except for any commercial mushroom farm, stable, commercial greenhouse, winery, on-farm diversified use, commercial grain drying and handling and storage facility, farm chemical fertilizer storage, seasonal farm worker dwelling, or animal kennel.
  - b) Single and semi-detached dwellings, a secondary suite, and accessory buildings and structures thereto.
  - c) Accessory buildings or structures, not exempted in Subsection 3(1) (a) or (b) and not exceeding a total gross floor area of less than fifty (50) square metres.
  - d) Additions or alterations to buildings and structures not exempted in Subsection 3(1) (a) or (b), and which have a total gross floor area of less than fifty (50) square metres.
  - e) Tents, marquees and similar structures to be erected for a temporary

- period not exceeding twelve (12) weeks.
- f) Buildings or structures, additions or alterations to buildings and structures, used for the purpose of enclosing mechanical equipment, staircases, passageways, entrances, porches, verandahs and similar structures.
  - g) Development undertaken by the Corporation of the Municipality of Strathroy-Caradoc.
  - h) Additions or alterations to an existing building or structure provided that:
    - a. The enlargement, improvement or modification is contained wholly within the existing building or structure provided the changes do not increase the usability of the building; and,
    - b. The number of required parking spaces is not increased by more than ten (10) percent relative to the amount of parking currently provided on the lands; and,
    - c. The total area of open space on a lot used exclusively for landscaping is not decreased by more than ten (10) percent.
  - i) Buildings or structures destroyed or damaged by fire, explosion or other natural causes, provided that:
    - a. The reconstructed building or structure is used for the same purpose as the former building or structure; and,
    - b. The gross floor area and height of the reconstructed building or structure generally do not exceed those of the former building or structure; and,
    - c. The reconstructed building or structure is generally not located closer to any lot lines than the former building or structure.
  - j) Industrial equipment, machinery and storage tanks:
    - a. That are not located closer than six (6) metres to any lot line; and,
    - b. That are located a minimum of fifteen (15) metres from any lot line of any lot zoned or used for residential purposes; and,
    - c. Where the height does not exceed nine (9) metres.
  - k) Temporary outdoor patios associated with restaurants and structures accessory thereto.

## **5. Heritage Properties**

- (1) Notwithstanding Section 4 of this by-law, development located:
- a. On properties designated under Part IV of the Ontario Heritage Act R.S.O 1990, c.O.18; or,
  - b. On properties within the boundaries of a Heritage Conservation District designated under Part V of the Ontario Heritage Act R.S.O 1990, c.O. 18; or,
  - c. On those properties listed on the Municipality of Strathroy-Caradoc inventory of Heritage Buildings for which Council has passed an Intention to Designate Notice pursuant to the Ontario Heritage Act R.S.O 1990, c.O. 18,

Shall be subject to the approvals in Section 3 of this by-law.

- (2) Notwithstanding Subsection 5(1), the following type of development is exempted:
- a. Buildings or structures and additions and alterations to buildings

and structures which have a total gross floor area of less than twenty (20) square metres, provided the addition does not materially alter any building elevation that fronts onto a public or private street.

**6. Delegated Officials**

- (1) Subject to the provision of this by-law, all of the Council's powers or authority under Section 41 of the Planning Act, except the authority to define any class or classes of development as mentioned in Clause 41(13)(a) of the Planning Act, are hereby delegated to and may be exercised by one or more of the delegated officials of the Corporation identified in section 6(2) of this by-law either by name or position occupied.
  
- (2) List of appointed delegated officials of the Corporation identified by position occupied to whom Council's powers or authority under Section 41 of the Planning Act have been delegated.

Chief Administrative Officer  
Director, Building and Planning

7. By-law No 68-19 shall be and are hereby repealed

**Read a FIRST, SECOND AND THIRD TIME AND FINALLY PASSED IN OPEN COUNCIL this 20<sup>th</sup> day of June, 2022.**

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Mayor

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Clerk

Ontario Lands Tribunal