

Attachment-1 Proposed By-law Number (2026) – 21217

The Corporation of the City of Guelph

By-law Number (2026) - 21217

A By-law to establish Site Plan Control, and to delegate authority with respect to the approval of site plans within the City of Guelph under Section 41 of the Planning Act, R.S.O. 1990, c.P.13, as amended, and to repeal By-laws (1986) – 12024, (1995) – 14866 and (2026) – 21219.

Whereas Section 41(2) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, provides in part 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 there is an Official Plan in effect for the City of Guelph and all lands within the City of Guelph are included in the Official Plan;

AND WHEREAS Section 41(4.0.1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, shall appoint an officer, employee or agent of the municipality as an authorized person for the purposes of approval of Site Plan Applications.

The Council of the Corporation of the City of Guelph enacts as follows:

1. Title
 - a. This By-law shall be known and cited as the "Site Plan Control By-law".
2. Definitions
 - a. In this By-law, the following words have the following meanings:
 - "**Authorized Person**" means the person appointed by Council under Section 4.0.1 of the *Planning Act* to process and approve Site Plan Applications;
 - "**Building Code Act**" means the *Building Code Act*, 1992 S.O. 1992, c. 23 as amended from time-to-time;
 - "**City**" means The Corporation of the City of Guelph and/or the geographical limits of the City of Guelph, depending on the context of the provision in which the term appears;
 - "**Community Planning Permit Area**" means an area within a municipality that is subject to the regulations and provisions of a Community Planning Permit By-law as adopted by Council;
 - "**Community Planning Permit By-law**" means a Community Planning Permit By-law as adopted by Council;
 - "**Development**" means development as defined in Section 41(1) of the *Planning Act*;
 - "**General Manager of Planning and Building Services**" means the General Manager of Planning and Building Services or any successor to that position, and includes the acting General Manager of Planning and Building Services or their designate;
 - "**Planning Act**" means the *Planning Act*, R.S.O. 1990, c. P.13 as amended from time-to-time;
 - "**Site Plan Control Area**" means lands subject to an application of approval of plans and drawings for Development under Section 41 of the *Planning Act*;
 - "**Site Plan Agreement**" means an agreement for Site Plan Approval made under Section 41 of the *Planning Act*.
 - "**Site Plan Application**" means an application for approval of plans and drawings for Development under Section 41 of the *Planning Act*;
 - "**Site Plan Approval**" means approval of plans and drawings for Development under Section 41 of the *Planning Act*.

3. Designation of Site Plan Control Area

- a. All lands within the limits of the City of Guelph shall be and are hereby designated as a Site Plan Control Area pursuant to Section 41 of the *Planning Act*, except for lands within a designated Community Planning Permit Area which as of the effective date of this By-law did not have a complete Site Plan Application or scope of work within a registered Site Plan Agreement.
- b. Notwithstanding 3a. of this By-law, for lands within a Community Planning Permit Area only minor amendments to an in force Site Plan Agreement will be permitted under this By-law at the discretion of the Authorized Person. More substantial amendments will require approval through the applicable Community Planning Permit By-law.
- c. Every person who undertakes Development within a Site Plan Control Area without the approval of the required plans and drawings required by this By-law or other than in accordance with the approved plans and drawing and any conditions of approval is guilty of an offence under section 67 of the *Planning Act*, and if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention is guilty of an offence under that section.

4. Classes Requiring Development

- a. Subject to Section 5 of this By-law, the following classes of Development require Site Plan Approval at the discretion of the Authorized Person:
 - i. residential Development containing 11 dwelling units or more;
 - ii. residential Development within 300 m of a railway line,
 - iii. residential Development within 120 m of:
 1. a wetland;
 2. an inland lake; or
 3. a river or stream valley that has depressed features associated with a river or stream, whether or not it contains a watercourse
 - iv. all non-residential Development;
 - v. all mixed-use Development;
 - vi. all other types of Development;
 - vii. a temporary real estate sales office for the sale of new homes within a draft approved plan of subdivision or condominium; and,
 - viii. a parking area.

5. Exemptions from Site Plan Approval

- a. The following classes of Development may be undertaken without the approval of plans and drawings otherwise required under Subsections 4 and 5 of Section 41 of the *Planning Act*:
 - i. Development which is located outside of a wetland, river or stream valley that has depressed features associated with a river or stream, whether or not it contains a watercourse or woodland, and consists of:
 1. a temporary building or structure on public lands allowed through a municipal permit;
 - ii. residential single detached and semi-detached dwellings;
 - iii. residential freehold on-street townhouse units approved as part of a registered plan of subdivision unless a specific condition in the subdivision agreement requires Site Plan Approval;
 - iv. additional dwelling units accessory to a detached dwelling, semi-detached dwelling, duplex, or townhouse dwelling;
 - v. any building or structure used in connection with livestock based agriculture or vegetation based agriculture, excluding any indoor agricultural based manufacturing uses, nurseries, commercial greenhouses or any building or structure that is used or is to be used for a commercial or industrial purpose;
 - vi. a building or structure used for flood control or conservation purposes; and,

- vii. minor Developments not listed above, as determined by the Authorized Person.
 - b. Notwithstanding Section 4.a.ii and iii of this By-law, the Authorized Person may exempt the requirements of a Site Plan Application.
- 6. Delegation to the Authorized Person
 - a. The General Manager of Planning and Building Services is hereby appointed as the Authorized Person referred to in subsection 41(4) of the *Planning Act*, for all Site Plan Applications referred to in Section 4 of this By-law.
 - b. The authority delegated under Section 6 of this By-law includes the authority to grant conditional or final approval, impose conditions, establish the obligations of the owner under a Site Plan Agreement, determine requirements for complete applications, deem applications to be complete or incomplete and delegate all or part of such authority to the Authorized Person's designate in writing. Where an appeal to the Ontario Land Tribunal relates solely to a Site Plan Application, the authority includes the authority to settle or oppose the appeal.
- 7. Site Plan Approval Expiry and Extensions
 - a. In accordance with Section 41(7.1-7.3) of the *Planning Act*, approvals of Site Plan Applications shall expire three years from the date that the earlier of the conditional or final approval was issued but will not lapse if, before the expiration date, an extension is granted under this section or permits are issued under the *Building Code Act* to implement the Site Plan Approval. For further clarity, on lands with multiple phases of Development approved through one Site Plan Application, a permit must be issued for each building or phase that was given conditional or final approval.
 - b. The Authorized Person may grant two extensions of the conditional or final approval of a Site Plan Application for a period of up to a maximum of one year each. The extension period shall commence from the date of expiry of the approval.
 - c. Any application for an extension of the Site Plan Approval must be received prior to the expiry of the earlier of conditional or final approval.
 - d. An extension of the Site Plan Approval shall not be granted if an amendment to the City's Official Plan or Zoning By-law renders the proposed use of the site to be non-conforming.
 - e. The expiry of approvals granted prior to the passing of this By-law shall, subject to any extensions granted under this By-law, be determined in accordance with the conditions of those approvals.
 - f. Application fees shall not be refunded for Site Plan Applications which have expired.
- 8. Applications
 - a. In order for a Site Plan Application to be considered under this By-law, the applicant must submit the required fees and materials as listed in accordance with the City's Official Plan, as may be amended from time-to-time.
- 9. Security Release
 - a. Upon the release of any securities held by the City as a condition of Site Plan Approval, the General Manager of Planning and Building Services or their designate shall, upon request, grant partial or full releases of the Site Plan Agreement for the security requirement portion of the said Site Plan Agreement.
- 10. Severability
 - a. If a court of competent jurisdiction declares any provision, or any part of a provision, of this By-law to be invalid, or to be of no force and effect, it is the intention of Council in enacting this By-law that each and every other provision of this By-law, authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

11. Interpretations

- a. Unless otherwise specified, references to land uses in this By-law shall be interpreted in accordance with the provisions of the Zoning By-law passed under section 34 of the *Planning Act* that is applicable to the lands.

12. Repeal

- a. This By-law replaces By-laws (1986) – 12024, as amended by (1995) – 14866 and (2026) – 21219, and By-laws (1986) – 12024, (1995) – 14866, and (2026) – 21219 are hereby repealed.

13. Effective Date

- a. This By-law comes into force on the day it is passed.

Passed this fifteenth day of April, 2026.

Cam Guthrie, Mayor

Dylan McMahon, City Clerk