

The Corporation of the City of Burlington By-law ##-2026

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A By-law to establish Site Plan Control and designate all lands in the City of Burlington as a site plan control area, and to repeal By-law 35-2017, as amended.

Whereas section 41 of the *Planning Act*, permits the Council of a municipality to designate the whole or any part of the municipality as a Site Plan Control Area where in the Official Plan the area is shown or described as a Site Plan Control Area;

And whereas the City of Burlington Official Plan designates all lands in the City of Burlington as a Site Plan Control Area;

And whereas Council has delegated to the Director of Community Planning, the powers and authority conferred upon the Council under section 41 of the *Planning Act* to declare a site plan application complete or incomplete and refuse to accept incomplete site plan applications; approve site plan applications with or without conditions including a condition to require the approval of minor variances for the project by the Committee of Adjustment becoming final and binding; amend conditions of site plan approval; and grant extensions to site plan approvals, through City delegation by-law 71-2023 “A by-law to delegate approvals to staff and to repeal by-laws 07-2022, 53-2022 and 197-1990”;

Now therefore the Council of the Corporation of the City of Burlington hereby enacts as follows:

**Definitions**

1. Terms used in this By-law have the same meaning as corresponding terms used in the applicable zoning by-laws in effect for the lands.
2. In this By-law:
  - (a) **“Agricultural Use”** means the growing of crops, including nursery, biomass, and horticultural crops; raising of livestock; raising of other animals for food, fur or fibre, including poultry and fish; aquaculture; apiaries; agro-forestry; maple syrup production; and associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities, and housing for farm workers, when the size and nature of the operation requires additional employment.
  - (b) **“Agriculture-Related Use”** means those farm-related commercial and farm-related industrial uses that are directly related to farm operations in the area, support agriculture, benefit from being in close proximity to farm operations, and provide direct products and/or services to farm operations as a primary activity.

- (c) **“City”** means the Corporation of the City of Burlington;
- (d) **“Council”** means the Council of the Corporation of the City of Burlington;
- (e) **“Development”** has the same meaning as in subsection 41(1) of the *Planning Act*, R.S.O. 1990, c. P. 13.
- (f) **“Director”** means the Director of Community Planning, or any successor to that position, and includes the acting Director of Community Planning or his/her designate.
- (g) **“Planning Act”** means the *Planning Act*, R.S.O. 1990, c. P.13 as amended from time-to-time.

### **Area of the City Subject to Site Plan Control**

- 3. The whole of the City of Burlington is hereby designated as a Site Plan Control area, except for any areas subject to an in-force community planning permit system by-law passed under Ontario Regulation 173/16.

### **Authority for Director to Define and Exempt Classes of Development from Site Plan Control**

- 4. Subject to section 7 and in addition to the exemptions identified in section 6, Council delegates authority to the Director to define any class or classes of Development that may be undertaken without the approval of plans and drawings.

### **Requirement for Approval**

- 5. Subject to sections 6 and 7 of this By-law, no person shall undertake any Development in the Site Plan Control Area without approval of plans and drawings in accordance with section 41(4) of the *Planning Act*, by the Director.

### **Exemptions from Site Plan Control**

- 6. The following classes of Development are exempt from the requirement for approval of plans and drawings set out in section 5:
  - (a) Any single detached dwelling, duplex dwelling or semi-detached dwelling used solely for residential use;
  - (b) Any building or structure accessory to the uses described in subsection 6(a) of this By-law;
  - (c) Any agricultural building or structure intended for Agricultural Use or Agriculture-Related Uses, save and except large scale agricultural buildings or structures used for, or in association with food processing and manufacturing;

- (d) Projects listed in *Ontario Regulation 828: Development Within the Development Control Area* under the *Niagara Escarpment Planning and Development Act, R.S.O. 1990, c. N.2* within the Niagara Escarpment Planning Area that are exempt from the requirement to obtain a development permit;
- (e) *Outdoor patios* on private property where no building permit is required;
- (f) Electric vehicle charging stations;
- (g) Portable classrooms on a school site of a district school board, or on a school site owned by a private school that meets the requirements set by the *Education Act* but is independent of the Ministry of Education;
- (h) Public park infrastructure, including the construction of park structures or facilities by the municipality for the purpose of building, expanding, or renewing public parks, including but not limited to playgrounds, splashpads, recreational trails, shade structures, sports fields, courts, lighting, skateparks, landscape features and other park-related amenities;
- (i) Projects that consist solely of the installation or upgrading of mechanical equipment such as emergency generators, HVAC systems and other mechanical equipment;
- (j) Exterior building alterations with no increase in gross floor area;
- (k) Construction, erection or placing of a residential building on a parcel of land if that parcel of land will contain no more than 10 units; and
- (l) Despite subsection 6(k), the approval of plans and drawings in accordance with section 5 is required where the Development falls within prescribed areas under O. Reg. 254/23.

### **Classes of Development Eligible for Exemption if Criteria Met**

7. The classes of Development set out in section 8 may be exempt from the requirement for approval of plans and drawings set out in section 5, if an exemption is granted by the Director. The Director may grant such an exemption if the Director is satisfied that one or more of the following criteria are met:
  - (a) There are no health, safety or nuisance impacts to neighbouring properties or future occupants of the property;
  - (b) The project does not require a building permit;
  - (c) A road widening is not required; or
  - (d) The project is not located on a property that contains a portion of the Natural Heritage System or a Conservation Halton regulated area.
8. The classes of Development that may be exempt from site plan control in accordance with section 7 are:

- (a) a mixed-use building with 10 residential units or fewer, if in addition to the criteria under section 7, all the following criteria are met:
  - i. The non-residential component occupies the ground floor only;
  - ii. The non-residential component comprises no more than 50% of the Gross Floor Area of the building; and
  - iii. The project is not located in a prescribed area under O. Reg. 254/23.
- (b) Play areas, play equipment and fencing associated with daycare uses provided they do not encroach into existing parking areas or drive aisles;
- (c) A seasonal garden centre in a parking lot;
- (d) Site alterations for outdoor recreation uses such as the construction of trails, walking paths, or open-air recreational facilities and associated infrastructure, such as tennis, basketball or pickleball courts; and
- (e) Projects where the gross floor area of the structure or building is the lesser of 5% of the total Gross Floor Area of the building or 30 square metres.

#### **Undertakings of Post-secondary Institutions Exempt from Site Plan Control**

- 9. In accordance with Part VII, section 62.0.2 of the *Planning Act*, any undertaking of a post-secondary institution described in subsection 10 is not subject to Site Plan Control.
- 10. Section 9 applies to the following post-secondary institutions:
  - (a) Publicly-assisted universities, as defined in section 1 of the *Ministry of Training, Colleges and Universities Act*, except as otherwise prescribed.
  - (b) Colleges and universities federated or affiliated with a publicly-assisted university.

#### **Site Plan Agreements and Financial Securities**

- 11. The Director may require an owner enter into a site plan agreement satisfactory to the Director.
- 12. The Director may require that securities be posted by the owner to the Director's satisfaction, and may permit public interest agencies and entities to provide alternatives to security, where it is appropriate in the Director's opinion.

#### **Site Plan Application Requirements**

- 13. An application for Site Plan Control approval shall include the submission of plans and drawings showing the location of all buildings, structures and related facilities, and all matters applicable to the Development under sections 41(4) and 41(7) of the *Planning Act*, including the following:

- (a) the sustainable design elements on any adjoining highway under the City or Region'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.

### **Minor Changes**

- 14. Minor revisions or changes to a Development that has received Site Plan Control approval are permitted without revision to an existing site plan agreement where written permission is provided by the Director or designate, and provided the change meets the following criteria:

- (a) The change implements administrative or technical corrections or adjustments to approved plans

### **Enforcement and Penalties**

- 15. Any person or corporation who uses land contrary to any provision of this By-law and any person who owns land which is used contrary to any provision of this By-law is guilty of an offence.
- 16. Any person convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in section 67(1) of the *Planning Act*, or its successor, as amended.
- 17. Any corporation convicted of an offence under any provision of this By-law shall be liable to a penalty as set out in section 67(2) of the *Planning Act*, or its successor, as amended.

Enacted and passed this ##<sup>th</sup> day of March, 2026

Mayor Marianne Meed Ward

City Clerk Michael De Rond