



560 Wellington Street, 2nd Floor  
London, ON  
N6A 3R4

November 27, 2024

Chair Lehman and Members of Planning and Environment Committee  
City of London  
300 Dufferin Avenue  
London, ON  
N6B 1Z2

**RE: Z-9084 SITE PLAN CONTROL BY-LAW UPDATE**

---

Chair Lehman:

We appreciate the City undertaking an update to the Site Plan Control By-law (the by-law) as a result of the reduction in scope of municipal authority for Site Plan Approval (SPA) enacted as part of Bill 23. However, we have concerns that the proposed revisions do not accurately reflect the full reduction in scope of approval for the City.

The City has accurately captured the change exempting projects of 10 or fewer units from the SPA process. However, Bill 23 included much more significant changes to the scope of Site Plan Approval for all other projects which are not reflected in the City's by-law.

As part of Bill 23, the Province specifically excluded exterior design from the SPA process. This is spelled out clearly in sections 41(4.1) and 41(4.1.1) of the Planning Act.

Planning Act s. 41(4.1), Exclusions from site plan control, states:

The following matters related to buildings described in paragraph 2 of subsection (4) are not subject to site plan control:

1. Interior design.
2. Exterior design, except to the extent that it is a matter relating to exterior access to a building that will contain affordable housing units or to any part of such a building or is a matter referred to in subparagraph 2(d) of subsection (4).
3. The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2(c) of subsection (4).
4. The manner of construction and standards for construction.

Planning Act s. 41(4.1.1), states:

The appearances of the elements, facilities and works on the land or any adjoining highway under a municipality's jurisdiction is not subject to site plan control, except to the extent that the appearance impacts matters of health, safety, accessibility, sustainable design or the protection of adjoining lands.

These two sections confirm that interior design, exterior design, manner and method of construction and the general appearance/design of a site are not subject to site plan control, save and except exclusions to allow for regulation of access to a building with affordable housing units.

The by-law currently includes many regulations seeking to control aspects of development which are no longer permitted. Approval of landscape design is limited to the City's right-of-way, not within the development site itself. Exterior (architectural) design is similarly not within the scope of Site Plan Approval.

Section 41(7) of the Planning Act identifies the Conditions that may be imposed on a Site Plan Approval. An applicant is required to provide drawings for the site including landscaping, however, the landscape design itself is not subject to approval by the City. It is only required that the drawings be provided.

This precludes the City from dictating any aspect of landscape design including plant selection and location. The same exclusion applies to the architecture of a building; the City cannot comment on or seek to regulate architectural design. The City may regulate the massing of a building through the Zoning By-law if applicable provisions exist.

We request Committee endorse a motion directing Staff to bring forward a revised Site Plan Control By-law which implements the wording but also the spirit of the Provincial changes to Site Plan Approval. The Province's intent is to expedite development approvals with the ultimate goal of accelerating housing. The City's By-law needs to reflect the scope of authority it enjoys regarding Site Plan Approval.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Vandersluis', written in a cursive style.

Alex Vandersluis

*Development Manager, Auburn Developments*  
avandersluis@auburndev.com | 519-434-1808 x 275