

Bill No. 332
2011

By-law No. A.-

A by-law to amend Council Policy 19(25A) related to the Appendix to the Site Plan Approval and Enforcement Policy

WHEREAS the Council of the Corporation of the City of London wishes to amend the Council Policy related to (Site Plan Approval and Enforcement);

AND WHEREAS section 5(3) of the Municipal Act, 2001, as amended, provides that a municipal power shall be exercised by by-law:

NOW THEREFORE the Municipal council of The Corporation of the city of London enacts as follows:

1. Council Policy 19(25A) is hereby amended by repealing the existing Council Policy 19(25A) and enacting the attached revised Policy in its place.
2. This By-law comes into force on the day it is passed.

PASSED in Open Council on August 29, 2011.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading - August 29, 2011
Second Reading - August 29, 2011
Third Reading - August 29, 2011

19(25A) Appendix to Site Plan Approval and Enforcement Policy

Pursuant to section 41 of the *Planning Act*, R.S.O. 1990, Chapter P.13 and By-law No. C.P.-1455-541 the following procedures will apply to the Pre-Consultation of Site Plans, the approval of site plans and the enforcement of site development in accordance with approved site plans.

Approval Procedure

The Development Approvals Business Unit (DABU) is responsible for administration of the site plan approval process including the co-ordination of requirements by other municipal departments and outside agencies, the preparation of development agreements and the granting of approval.

1. Consultation

Before submitting an application for Site Plan Approval, applicants are required to submit for consultation in accordance with the City's Pre-Consultation Action By-law.

Applicants are required to complete and submit the application for Site Plan Consultation along with a detailed site plan, building elevations and a design summary to the Site Plan Control Section of DABU.

The application is reviewed by Development Approvals Business Unit staff with respect to information provided, sufficient drawings for review, zoning compliance, requirement for a site plan public participation meeting, demolition control and any prior approvals or existing development agreements. The applicant is advised of the need for any additional information and/or drawings.

The request for consultation supported by all required information and in compliance with the zoning by-law is received by the Development Approvals Business Unit, liaised to the appropriate municipal departments and concerned agencies.

A meeting is scheduled to review the requirements of the Record of Consultation as required.

Where it is determined a site plan public meeting is required, the applicant is required to conduct a neighborhood meeting before the application is submitted.

In cases where a proposal requires an Urban Design Brief and is also required to go to Urban Design Peer Review Panel. This would occur before the application is submitted and will address how the application incorporates the comments from the Panel.

Where it is determined that an Environmental Impact Study (E.I.S.) is required, once it is prepared the EIS be circulated to EEPAC for its review and comment.

Consultation ends when the applicant receives the Record of Consultation specifically outlining the requirements for a complete Site Plan Application.

2. Application Review

The applicant completes and submits the application fee, all plans, drawings and studies required on the Record of Consultation.

Site Plan staff will confirm that all information requested at the Consultation stages has been submitted. Where all information has been submitted the drawings are submitted to the appropriate divisions or agencies. Where all information has not been submitted, the application package will be returned to the owner.

An internal meeting & external meeting are based on the submission date/meeting schedule.

Comments are received, reviewed and coordinated by site plan staff.

Staff prepare the response, with any marked plans and a draft development agreement.

A draft copy of Conditions for Site Plan Approval is provided to the applicant several days before the scheduled Site Plan Review Group Meeting.

If satisfied with the draft copy, the Applicant may wish to forgo the Applicant Meeting and proceed to release of the final copy. Alternatively, the Applicant can attend the scheduled meeting to discuss the comments/conditions and resolve any issues prior to release of the final copy of the Conditions for Site Plan Approval.

Conditions for Site Plan Approval may include:

- a) conditional site layout approval subject to the receipt and approval of detailed site servicing and landscape plan, security, road widening, etc.; or
- b) if the application is subject to a public participation meeting as required by City Council, staff will make a recommendation to Built and Natural Environment Committee. The staff recommendation is considered by the built and Natural Environment Committee at a public participation meeting and a recommendation of the Built and Natural Environment Committee is forwarded to City Council for their decision; or

where the application is subject to a public participation meeting where Council is not the approval authority, staff will request Built and Natural Environment Committee to conduct a public meeting on the subject site and report to the Approval Authority on any issues raised at the public meeting, Council advise the Approval Authority on any advice they may have regarding the proposed plans and drawings and the proposed Development Agreement; or
- c) revisions requested to the site layout; servicing, building elevations and/or landscape plans; or
- d) request for additional information; in circumstances where special conditions apply such as impacts upon municipal services, traffic systems or environmentally significant areas (based upon information previously received); or
- e) deferral of the application; in particular when complex or extenuating circumstances require further municipal review;

Note: Approvals may be granted subject to further approvals by agencies having jurisdiction such as the Upper Thames River Conservation Authority, Ministry of the Environment and/or Ministry of Transportation. These further approvals would be required prior to issuance of a building permit.

3. Site Plan Approval

Approval is granted:

- a) by Development Approvals Business Unit Staff on the advice of the City Engineer without the requirement of a Development Agreement in which case the drawings are stamped as approved and provided to the applicant either as a separate approval or as part of approved building permit drawings; or
- b) by Development Approvals Business Unit staff on the advice of the Environmental Services Department conditional upon the owner fulfilling all municipal requirements such as security, road widening conveyances, acoustical/methane studies, and/or easements and upon the owner entering into a Development Agreement with the City. The Development Agreement is provided to the applicant for execution, returned to the City for execution, registered on title by the owner and the duplicate registered copy is then provided to the City. Site Plan Approval is not final until the duplicate registered Development Agreement is accepted by the City. Building permits are not issued until the Development Agreement is registered and accepted by the City; or
- c) by City Council in the case where Council has removed the authority from the appointed officers and a public participation meeting is required, subject to any conditions or requirements by City Council and the entering into the development agreement.

4. Construction

Once Site Plan Approval is finalized and the Development has been executed Applicants can move on to obtaining building permits and/or any other necessary approvals and begin constructing their site.

Enforcement Procedures

The Development Approvals Business Unit is responsible for inspections to ensure that the requirements of any approved site plan, with or without a development agreement are compiled with.

A copy of the Approved site plan and any application development agreement are forwarded to a Site Plan Approval Officer for a site plan enforcement file.

Inspection of Site Development

When the site work is complete, the site is inspected for compliance with the approved plans. If there are deficiencies to the approved plans, the owner is notified in writing of the deficiencies and a re-inspection is conducted upon notification by the owner that the deficiencies have been corrected.

The inspection staff may direct the Finance Division of Development Approvals Business Unit to release a portion of any security held while maintaining adequate security for the deficiencies.

Compliance with Approved Plans/Development Agreement

If all site development is complete in accordance with approved plans and all requirements of a Development Agreement are satisfied, the owner is notified that the site has been accepted as being in general conformity with approved site plans. If the City holds security for performance of the work, the Development Approvals Business Unit notifies the Finance Division to release the security. Off-site or external works that may be required by a Development Agreement are inspected and certified complete by the Owner's consultant. The Environmental Services Department provides copies of Certificates of Completion of Work and written direction to the Development Approvals Business Unit for the release of security held for the performance of any external work.

Continued Non-compliance

After the specified time allowed for completion of the site development has lapsed, Development Approvals Business Unit staff in consultation with the Legal Services Department will ensure that the work is completed within a reasonable period of time in accordance with the approved plans. The time allowed for completion of the site development shall be as specified in a Development Agreement, or where there is no Development Agreement shall be determined by the Director of Building Controls. City initiated compliance shall include action such as:

- a) calling security, if any is held and contracting the work to City or outside forces;
- b) pursuing action through the courts to ensure compliance with a Development Agreement or approved site plan.

Maintenance

Staff in the Development Approvals Business Unit respond to complaints concerning the maintenance of facilities in accordance with approved plans by conducting inspections, notifying owners of deficiencies and following up on continued non-compliance in consultation with the Legal Services Department.