

TO:	CHAIR AND MEMBERS BUILT AND NATURAL ENVIRONMENT COMMITTEE
FROM:	D. AILLES, P.ENG. MANAGING DIRECTOR, DEVELOPMENT APPROVALS BUSINESS UNIT
SUBJECT:	PROPOSED AMENDMENTS TO THE SITE PLAN APPROVAL PROCESS AND THE SITE PLAN CONTROL AREA BY-LAW PUBLIC PARTICIPATION MEETING ON AUGUST 15, 2011 at 4:20 P.M.

RECOMMENDATION

That, on the recommendation of the Managing Director of the Development Approvals Business Unit, the following actions be taken with respect to revisions to the site plan approval process; the Site Plan Control Area By-law and Council Policy as it pertains to Site Plan Approvals:

- (a) the attached reference document (Appendix 'A') for information regarding the additions/deletions of the Site Plan By-law **BE RECEIVED**;
- (b) the attached by-law amending the Site Plan Control Area By-law (Appendix 'B') **BE INTRODUCED** at the Municipal Council meeting on August 29, 2011; and,
- (c) the attached by-law amending Council Policy 19 (25A) **BE REFERRED** to the Civic Administration for a legal review of Appendix 'C' and the associated Appendix 19(25A) to Site Plan Approval and Enforcement Policy.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- February 24, 2010 – Development Approvals Update
- September 27, 2010 – Development Approvals Activity and Progress Update
- October 18, 2010 – Site Plan Approvals Process Review
- May 16, 2011 – Public Meeting to Consider Amending the Site Plan Approval By-law

BACKGROUND

Purpose

Further to consultation with Council in May 2011 on a revised process for Site Plan, Council directed that changes to the by-law be withheld until public consultation could be undertaken. This report is provided in association with that consultation and includes the by-law changes proposed in May and an addition with inclusion of a standard application form.

Introduction

The steps to process site plans are very different than that for subdivisions. Site plans vary considerably in scope, scale and complexity. Legislation is basic in its requirements. The development industry has long asked for some revision to the site plan process to reflect the differences in complexity. With nearly half of site plans being simple in nature, without adverse changes to existing uses or form, staff recognizes the need to differentiate between applications.

However, staff need a mechanism to differentiate between an application that can be processed efficiently and one that has missing or conflicting information. With the ongoing changes in the organizational makeup of the development approvals staff in the City to improve efficiency, the proposed changes to the existing process are timely.

Metric

3. Wherever Metric measure is used in the Design Manual, the inclusion in parenthesis of Imperial measure is for convenience only and, in the event of any discrepancy between the Metric measure and the corresponding Imperial measure, the Metric measure applies.

DEVELOPMENT SUBJECT TO SITE PLAN APPROVAL

Site Plan Control Area

4. The whole of the City of London as constituted from time to time is hereby designated as a site plan control area.

Exempt Classes of Development

5. The following classes of development may be undertaken without the approval of plans and drawings otherwise required under Subsection 41(4) or (5) of the Act, and this by-law does not apply to such classes:
 - (a) A building or structure which is constructed, erected or placed on a freehold lot for the purpose of a single detached dwelling unit or a semi-detached dwelling unit or a duplex dwelling, except a single sideyard dwelling unit and except where the approval of plans or drawings is required as a condition of provisional consent or a condition of a Minor Variance decision or otherwise required by the Official Plan.
 - (b) An addition or alteration to a building or structure mentioned in Clause (a) except a single side yard dwelling unit and except where the approval of plans or drawings is required as a condition of provisional consent or a condition of a Minor Variance decision or otherwise required by the Official Plan.
 - (c) Agricultural and farm related buildings, building additions, building alterations or structures that are utilized in farming operations but not including agricultural-commercial or industrial operations such as farm equipment sales and service, farm supply sales and agricultural storage, service or supply establishments.
 - (d) Sand and gravel pits located in the City.

Provision and Maintenance of Facilities, etc.

6. As a condition to the approval of the plans and drawings referred to in subsection 41(4) of the Act, the Owner of the land shall hereby:
 - (a) provide at no expense to the Corporation the facilities, works or matters mentioned in clause 41(7)(a) of the Act approved in accordance with Section 41 of the Act and shown on the approved plans and drawings and in the development agreement; and
 - (d) maintain at the sole risk and expense of the Owner the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause 41(7)(a) of the Act and shown on the approved plans and drawings and in the development agreement, approved in accordance with Section 41 of the Act, including the removal of snow from access ramps and driveways, parking and loading areas and walkways.

(i) the proposed facilities, works or matters shown on the plans and drawings are not consistent with the Provincial Policy Statement, are not consistent with the policies of the Official Plan and other Council approved policy, do not comply with the zoning by-law and any other applicable by-law.

(ii) where submission requirements of the application under Section 7 of this by-law are incomplete.

(b) As a condition to the approval of plans and drawings referred to in Subsection 41(4) of the Act, the appointed officer may require that the Owner of the land enter into one or more agreements referred to in Paragraph (7)(c) of this by-law.

(c) The powers or authority under Clauses 41(7)(b) and (c) of the Act with respect to any of the facilities, works or matters mentioned in Paragraphs 1, 2, 3, 7, 8 and 9 of Clause 41(7)(a) of the Act shall be exercised by an appointed officer on the advice of the City Engineer or his delegate.

(d) The provisions of the Site Plan Design Manual shall be applied in each circumstance as it arises with such variations or modifications as the circumstances may require so long as each applicable provision is given effect according to its true intent and purpose.

(e) The form or wording of the agreement in Schedule 2 shall be used with such variations or modifications as circumstances may require so long as the substance is not changed or affected and any variance from Schedule 2, not being in manner or substance, does not affect the regularity of any agreement. In addition to this, other clauses may be added as required by the appointed officer.

(f) (i) At the time of considering a zoning or rezoning of a property or properties, the Built and Natural Environment Committee may as part of their recommendation to City Council require that a site plan public meeting be held to receive comments regarding the site plan, building elevations, landscape plan and any requirements of the development agreement by placing a holding provision with the proposed zone without further notice or by adding a direction for staff to hold a public meeting at Built and Natural Environment Committee and based on the one or more public meetings Council should advise the appointed officer of any items to consider in their reviews as raised by the public and/or as advised by Council; or

(ii) In some cases, Official Plan Policies may require a site plan public meeting. In these cases the appointed officers will request that the Built and Natural Environment Committee convene a public meeting on behalf of the appointed officers to obtain input from the public and receive advice from Council and subsequently report to the appointed officers the results of the public meeting and any comments of Council; or

(iii) When, in connection with a specific application, City Council passes a by-law to revoke the powers under Section 8 of this By-law, a public site plan meeting shall be convened by the Built and Natural Environment committee and the Owner shall be afforded an opportunity to be heard at a public meeting of the Built and Natural Environment Committee, for the purpose of considering the plans and drawings and requirements pertaining to the development. The Built and Natural Environment Committee shall provide a recommendation to Council concerning the approval of the plans and drawings pertaining to the development and any requirements under Subsection 41(7) of the Act, including the provision of any agreement required; or

5. This by-law comes into force on **October 1, 2011**.

Passed in Open Council on _____, 2011.

Joe Fontana
Mayor

Catharine Saunders
City Clerk

First Reading –
Second Reading –
Third Reading –