

**March 29, 2010
(originally February 26, 2010)**



City Council Committee Report

To: Mayor & Council
Fr: Tara Rickaby, Planning Administrator
Re: Site Plan Control By-law

Recommendation:

THAT the City of Kenora adopts a by-law to establish site plan control areas, adopt certain procedures for the processing of site plan control applications and to exempt certain classes of development from approval of plans and drawings and to repeal By-law No. 5-2003.

Background:

Site plan control is a site specific, specialized form of land use control, enabled by section 41 of the *Planning Act*. The purpose of site plan control is to apply specific conditions to certain types of development which complement existing zoning. These conditions may be applied to encourage development to preserve or enhance existing site characteristics and those of abutting land uses; conditions could include matters relating to road widening, off-street loading areas or parking lots, sidewalks, lighting, landscaping, easements, lot grading etc. Site plan control is another tool to ensure orderly development within the City.

The Official Plan currently permits site plan control, as will the updated Official Plan.

It is proposed that all commercial, industrial and institutional lands be subject to site plan control under the by-law, in addition to certain types of residential development. The by-law includes exemptions.

It is proposed that site plan approvals be delegated to the Chief Building Official and/or the Planning Administrator, with the input from a team made up of staff from Operations (Building, Engineering, Sewer and Water, Roads), Fire and Emergency Services. Kenora Hydro would also be consulted; this is the same process that is currently in place for site plan review.

The by-law includes a mechanism for referral of the agreement back to Council if requested by the applicant or any member of Council. This mechanism ensures a semi-appeal process for any developer, and to give Council a high degree of comfort in the process. The Mayor and Clerk remain as the authority to enter into any site plan agreement, on behalf of the City.

Section 41(12) of the *Planning Act* prescribes an appeal process if the municipality fails to approve the plans or within 30 days after they are submitted to the municipality or if the owner of the land is not satisfied with any requirement made by the municipality including the terms of any agreement required, the owner may require the plans or drawings or the unsatisfactory requirements, or parts thereof, including the terms of any agreement required, to be referred to the Municipal Board by written notice to the secretary of the Board and to the clerk of the municipality or upper-tier municipality, as appropriate. 2002, c. 17, Sched. B, s. 14 (5).

The draft by-law has been reviewed by the Municipal Solicitor and changes made accordingly.

Budget: Review by Municipal Solicitor \$2000 from operating budget

Communication Plan/Notice By-law Requirements: Notice by agenda of Property and Planning Committee and Council, Finance Department, Municipal Solicitor