

October 8, 2010



City Council Committee Report

To: Mayor & Council

Fr: Tara Rickaby, Planning Administrator, Kevin Robertson, Chief Building Official

Re: Housekeeping Amendments to Site Plan Control By-law No. 63-2010 and associated policy

Recommendation:

That Site Plan Control By-law 63-2010 be amended as follows:

2. GENERAL PROVISIONS

Addition of : Subject to Section 3(a) Exemptions the following residential, commercial, industrial and institutional developments shall be subject to Site Plan Control:

Deletion of: (1) New non-residential developments or additions to existing non-residential developments which contain over 300 square metres of gross floor area.

Deletion of ~~(2) New non-residential development or redevelopment or additions to existing non-residential developments located along an arterial, collector or local roads as classified in the applicable Official Plan or Zoning By-law.~~

Deletion of ~~(16) Any development along any road within the City of Kenora.~~

Deletion of ~~(17) Any development of more than three (3) portable classrooms (or trailers !)~~ accessory to a school.

Addition of 3. EXEMPTIONS

The following classifications of development shall be exempt from Site Plan Control:

- (a) Developments which upon, preliminary review by the City of Kenora's Planning Administrator and/or the Chief Building Official, or in their absence, or in conjunction with, the Operations Manager, determine that the development complies with Municipal By-laws and is beyond the intent of this By-law or the scope of Section 41 of The Planning Act, R.S.O. 2001, Chapter P-13.

And that City Policy No. PP-05-1 be amended as follows:

Addition of "and to determine whether or not an agreement will be required" to Section 2.1.2.

Background:

Over the five months since By-law 063-2010 was adopted, Building and Planning staff have been working with the document and recommend that, in order to implement the by-law's intent 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. There have been several examples of developments to which site plan control does not make sense. Such an example is an interior renovation project in the Harbourtown Centre area. If there are to be no changes to the exterior of the building, and the use does not change, there should be no reason for site plan control. Parking requirements do not apply as the property is located within the Harbourtown Centre. Requiring an applicant in this type of scenario to apply for site plan control seems punitive and works against Council's intent when the by-law was originally adopted. Section 41 (3)(1) of the *Planning Act* states that "The council, (a) shall permit applicants to consult with the municipality before submitting plans and drawings for approval under subsection (4); and (b) may, by by-law, require applicants to consult with the municipality as described in clause (a). 2006, c. 23, s. 16 (2). The intent of the *Planning Act* is to allow some discretion.

The major recommended amendment would result in Staff being able to review each building permit and determining whether or not a site plan agreement is required. If the applicant disagrees with Staff's determination, the file would be forwarded to the Planning and Property Committee/Council for a decision.

The removal of Section 1 (16) is being recommended for removal because it is redundant; Section 1, General Provisions adequately addresses the conditions for when site plan control may be required (subject to Section 3(a)) without the need to refer to roads/streets.

Section 1 (17) is counter to the Section 41 (1) of the *Planning Act*.

The addition of Section 3 (a) gives Staff the authority to screen building permit applications to determine the need for a site plan control agreement.

The City policy amendment, to complement the By-law, would include the amendment of Section 2.1.2.