

MEMORANDUM



**J.L. Richards
& Associates Limited**
314 Countryside Drive
Sudbury, ON Canada
P3E 6G2
Tel: 705 522 8174
Fax: 613 728 6012

Page 1 of 3

To: By-Law and Planning Committee
City of Elliot Lake

Date: November 3, 2022

JLR No.: 27355-002 (11)

CC: Ms. Natalie Bray, Director of Clerks and
Planning Services, City of Elliot Lake

From: Sarah Vereault, MCIP, RPP

Re: City of Elliot Lake Site Plan Control By-law and
Guidelines

Background

J.L. Richards & Associates Limited (JLR) has been working with the City of Elliot Lake (City) to review and update the City's Site Plan Control (SPC) process.

The City's current SPC By-law 00-53 was passed in 2000 and applies to:

- all land uses within the Central Commercial, Industrial, Neighborhood Commercial, Highway Commercial and Institutional designations;
- other uses including medium and high density housing, innovative housing; and
- rural uses other than residential, conservation, natural heritage features and resource uses (except aggregate operations)

Specifically, the by-law applies to *"new lot development and any further development on the lot representing an increase of more than double the size of the existing structures."*

Since passage of this By-law, the City has updated their Official Plan which recommends additional areas and land uses for SPC and there are no present guidelines for the Site Plan process, which may lead to inconsistency in how the current process is being implemented. As such, JLR, City Staff, and engineering Staff at Tulloch Engineering, on behalf of the City, have contributed to the process to develop a new SPC By-law and Guidelines for the City.

Site Plan Control

Under Section 41 of the Planning Act, municipalities have the authority to pass a By-law to establish a site plan control area. A SPC By-law is a tool used by municipalities to establish control over how a particular property is developed through regulating various features on the site such as:

- Building design and location including access to the building
- Overall site design
- Landscaping, fencing
- Drainage, grading, and stormwater management
- Lighting
- Parking, loading, vehicular access, drive-throughs, fire routes and maneuvering areas
- Access, movement, and barrier-free design for pedestrians
- Signage
- Waste management
- Impact on surrounding land uses

The following aspects of development are not subject to SPC:

- Interior design
- The layout of interior areas, excluding interior walkways, stairs, elevators and escalators

- The manner of construction and standards for construction

Through SPC the City is able to ensure that the proposed development will be compatible with adjacent or nearby properties, have safe and easy access for pedestrians and vehicles, meet specific standards of quality and appearance, and be built in a manner by which the proposal was approved.

City of Elliot Lake Official Plan

The City of Elliot Lake Official Plan (OP) empowers the City to designate various areas for SPC. Specifically, the OP provides the following direction:

- Site plan approval required for medium and high density residential (Section 5.1.3)
- Central commercial, highway commercial, and neighbourhood commercial uses are subject to site plan control (Section 5.3)
- Industrial and light industrial areas are subject to site plan control (Section 5.5.3)
- Institutional uses are subject to site plan control (Section 5.6.3)
- Shoreline residential uses are subject to site plan control to include buildings, structures, well, septic, or other technology, and to protect the natural shoreline (Sections 5.7.3.4 and .8)
- Aggregate operations are subject to Site Plan Control (Section 5.7.6.3)
- Salvage yards in rural areas (Section 5.7.10.3)

Further, the OP directs that Site Plan may be required for the following areas:

- Rural commercial and industrial uses (Section 5.7.9.4.i)
- Lands determined to be of high to extreme risk for wildland fire (Section 6.4.1.2)
- Contaminated lands (Section 6.4.2.7.6)
- Single detached dwellings to protect natural heritage features (Section 8.12)

Section 8.12 also indicates the information to be provided on site plans and agreements made with the City in respect of proposed development.

Based on the direction provided in the City's OP, JLR has prepared a SPC By-law and guidelines that the City can use to implement SPC in the municipality.

Public Consultation and Process

The Planning Act does not require public consultation for passing of a Site Plan Control By-law or review of individual site plan applications.

On a site plan application, the Act sets out the approval timeframe as being 60 days from receipt of a complete application. The municipality undertakes circulation to various technical agencies to obtain their comments on applications. The applicant can appeal a non-decision or any proposed conditions to the Ontario Land Tribunal (OLT).

Recommended Updates

The proposed SPC By-law will:

- Implement a new SPC By-law for the City;
- Designate areas and types of development subject to Site Plan Control;
- Exempt certain classes of development;
- Require pre-consultation with the Planning Staff and other authorities as applicable;
- Provide requirements for approval of Plans, and conditions of approval;
- Provide requirements of a Complete application;
- Provide requirements for securities and release of securities;

- Designate the Clerk as the approval authority for site plans; and,
- Set out provisions for Enforcement and Penalty.

The proposed SPC By-law has been attached to this document.

It is recommended that the SPC By-law be accompanied by Guidelines to be utilized by the City and members of the public to fully understand the process and requirements. The guidelines prepared include recommendations for the following:

- Pre-consultation
- Application requirements
- Additional plans and/or studies that may be required
- Reference to Municipal Standards
- Site Plan review process
- Standard Agreement
- Letter of credit or deposit requirements
- Proof of Insurance Requirements
- Amendments and deviations

The proposed SPC Guidelines have been attached to this document.

As a condition of Site Plan approval, proponents typically to enter into an agreement with the City. The agreement is legally binding and describes the manner in which a property is to be developed. It contains site plans illustrating the proposed development, terms of the agreement, and financial guarantees to ensure compliance. The City has a standard SPC agreement (SPCA) that has been used for a number of years.

Following concurrence of the proposed By-law and Guidelines, JLR will work with staff to identify any required amendments to the City's standard SPCA.

Should you have any questions regarding the above, or if additional information is required, please contact the undersigned.

J.L. RICHARDS & ASSOCIATES LIMITED

Prepared by:



Sarah Vereault, MCIP, RPP
Associate, Senior Planner