

Municipality of Lakeshore – Report to Council

Growth and Sustainability

Planning Services



To: Mayor and Members of Council
From: Tammie Ryall, Corporate Leader – Growth and Sustainability
Date: October 25, 2024
Subject: Site Plan Control By-law Update

Recommendation

Direct the Clerk to read By-law 106-2024, being a by-law to establish a site plan control area within the Municipality and to adopt rules for the processing of site plan development applications, during the Consideration of By-laws, as presented at the November 19, 2024 Council meeting.

Strategic Objectives

5b) Modernize Citizen-Centered Services - Bylaw Modernization (including a calendar of bylaw review and effective enforcement strategies/capabilities)

Background

The last amendment to the Site Plan Control By-law (By-law 62-2022) took place in June 2022 to reflect the Planning Act changes through Bill 109, *More Homes for Everyone Act*.

The *More Homes for Everyone Act, 2022* (Bill 109), which received Royal Assent on April 14, 2022, requires site plan approval to be delegated to staff for applications made on or after July 1, 2022. This is reflected in the *Planning Act* with the addition of section 41(4.0.1). Along with these other amendments were made to provide significant changes intended to significantly improve approval timelines and reduce staff time required to support.

The previous amendment to the Site Plan Control By-law also included enforcement and penalty provisions.

Comments

The update to the Site Plan Control By-law is largely a consolidation with some minor additions that will provide clarity of interpretation for both staff and the applicant,

resulting in increases in efficiency, understanding, and enforceability.

The proposed amendments include the following changes:

Major and Minor Site Plan Definitions

The addition of the definition of Major and Minor Site Plans helps to clearly identify how each development application is categorized and processed. This provides a framework for residents and staff to refer to while processing applications. The definitions were previously included only in the User Fee By-law; however, this proposed amendment enables the definitions to be contained in both By-laws for easier access.

Approval Authorities

Administration is recommending adding both the Chief Administrative Officer and Corporate Leader, Growth and Sustainability as approval authorities to both Site Plan Control and Site Plan Amendment applications. Currently, the delegated authority for Site Plan Control approvals is limited to the Division Leader. This narrow approval authority requires update to ensure redundancy and for higher-level staff to be able to sign off on applications.

Financial Fees and Security Deposit

The Financial Fees and Security Deposit section more clearly states that the Municipality will collect fees for review of Site Plans and will collect a security deposit from the Owner as set out in the User Fee By-law.

Execution of Agreements

This section has updated verbiage that states that the Site Plan Agreements or other planning instruments will be registered on title.

Lapsing of Approval – “use or lose it”

The changes to the Planning Act which came into effect on June 6, 2024 through Bill 185, state that the Municipality may impose a lapsing provision to approved applications for site plan approval. The approval shall lapse at the end of the expiration period, unless a building permit is issued prior to the expiration. Administration is including a section into the Site Plan By-law to reflect this change to allow for expiration.

Developments which are Excluded from Site Plan

Schedule A to the By-law sets out the types of development which are excluded from site plan control. The following revisions are noted:

Generally, farm buildings and operations are exempt from site plan control. The types of farm operations and buildings which do require site plan (e.g. and agriculture-related use) are updated in this By-law to match the wording in the Official Plan.

A new provision in the By-law states that site plan control does not apply to municipal facilities and operations.

Site plan control does not apply to any accessory building that is a maximum of 43.1 m² (465.0 ft²) in size.

The By-law states that site plan approval does not apply to the development of 10 or fewer residential units on a parcel of land, as set out in the provincial changes through Bills 23 and 97. The exemptions where site plan does apply are included. These were introduced through Ontario Regulation 254/23, August 9, 2023 (site plan does apply if the development is close to a wetland, lake or river and close to a rail line).

The final exemption permits rebuilding of buildings that are damaged or destroyed by fire or by natural causes.

Financial Impacts

There are no additional fees that will be collected as a direct result of this by-law; however, the updated Site Plan Control By-law does clarify the list of fees applicable through the associated User Fee By-law.

The process improvements identified in the body of this report do not amount to a significant time-saving that has financial considerations.

Attachments

Attachment 1 – track changes version of the Site Plan Control By-law

Report Approval Details

Document Title:	Site Plan Control By-law Update.docx
Attachments:	- Attachment 1 - track changes version of the Site Plan Control By-law.docx
Final Approval Date:	Nov 12, 2024

This report and all of its attachments were approved and signed as outlined below:

Prepared by Tammie Ryall

Approved by the Corporate Leadership Team