



## MUNICIPALITY OF **West Elgin**

### Staff Report

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**Report To:** Council Meeting

**From:** Bryan Pearce, Planner

**Date:** 2021-04-08

**Subject:** Initial Draft of the Site Plan Control Area By-law – Preliminary Report

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#### **Recommendation:**

That West Elgin Council hereby receives the report from Bryan Pearce, Planner re: Initial Draft of the Site Plan Control Area By-law – Preliminary Report;

And that West Elgin Council directs Administration to publicize the draft by-law with Stakeholders and on the Municipal website for public engagement opportunities until April 30, 2021, in order to bring a final draft of the Site Plan Control Area By-law, for consideration of enactment at the May 13, 2021 Council Meeting.

#### **Purpose:**

To present Council with an initial draft of the Site Plan Control Area By-law that would regulate development within the Municipality of West Elgin, in order to promote and direct attractive and functional development throughout the municipality.

#### **Background:**

##### **Introduction**

Section 41 of the *Planning Act* provided for a planning tool to municipalities, through enactment of a by-law, to establish a site plan control area within its jurisdictional boundary, provided there are Official Plan policies on implementing it.

The Site Planning process is designed to ensure that developments are constructed in a way that is aligned with the Municipality's responsibility to provide services, plan for public safety and continue to guide our communities toward growth and prosperity. It is largely a review of the layout and functionality of a site from a technical perspective and therefore involves various departments within the Municipality as well as some external agencies such as the Road Authority's, being Ministry of Transportation and County of Elgin, and/or the Lower Thames Valley Conservation Authority.

Site Planning is a tool used when property is being developed to coordinate the developer's needs as well as the interests of the community and use of public resources. It is extremely valuable in implementing West Elgin's goals and objectives, found in the Official Plan.

## By-law Development

In considering By-law development, the following approach has been utilized:

- Identify: Official Plan policies considers this under the *Planning Act*
- Research: Review Municipalities and abutting Municipalities for best practices in Ontario.
- Engage: Internal Staff engagement on the draft has occurred.
- Assess: Review of the engagement feedback and revisions of regulations accordingly.
- Draft: A public draft has been developed, as attached to this Report
- Re-Engage: Expand the consultation to include public, prior to finalization.
- Finalize: A final draft would come back to Council for enactment.
- Promote: Planner to communicate with the parties and use as a resource tool.

Administration is at the re-engagement stage of the process, in order to obtain inputs from Council, stakeholders and the public, in order to finalize the by-law and then promote it.

The draft by-law is broken down into the following section, for user-friendliness:

1. Definitions
2. Interpretation
3. Scope of By-law
4. Exemptions
5. Requirements for Site Plan Approval
6. Site Plan Procedures Review and Approval
7. Administration of Approved Site Plans
8. General Provisions
9. Repeals, Amendments, Transition and Enactment

## **Financial Implications:**

None, Site Plan Review is an applicant-based process and Administration's time is considered through the collection of fees in accordance with the Municipality's Fees & Charges By-law, as amended time to time.

## **Policies/Legislation:**

### County of Elgin Official Plan

Section F5 of the County of Elgin Official Plan has Site Plan Control implementation policies which states:

County Council shall encourage the use of site plan control provisions of the Planning Act, to implement the policies and provisions of this Plan and the local Official Plans, and to coordinate and enhance the physical development of the local municipality. Provisions for site plan control shall be detailed in the local Official Plans.

## **Municipality of West Elgin Official Plan**

Section 10.7 of the Official Plan has implementation policies for Site Plan Control, as detailed below:

### **10.7.1 Scope**

To ensure a high standard of development and to provide appropriate protection to adjacent uses, the entire Municipality shall be deemed to be a site plan control area. Within this area, development as defined by the Planning Act shall be subject to site plan control with the exception of low-density residential uses and agricultural uses. A site plan control by-law shall be adopted by the Municipality which specifies the lands and type of development for which site plan approval shall be required.

### **10.7.2 Site Plan**

Where site plan control applies, a site plan shall be submitted, satisfactory to the Municipality, describing the proposed development and showing the location of all buildings and structures, ingress and egress, parking areas and loading areas, landscaping, grading and drainage, external lighting, access for persons with physical disabilities, and buffering and other measures to protect adjacent lands. The location of any required water well and private sanitary waste disposal system shall also be shown on the site plan. Where development is proposed adjacent to a County Road, the Municipality shall request the comments of the County of Elgin on the site plan. Where development is proposed adjacent to Highway No. 401 or within the access control radius of a Highway No. 401 interchange, the Municipality shall request the comments of the Ministry of Transportation on the site plan. Permits from the Ministry may be required.

### **10.7.3 Building Drawings**

The submission of drawings showing plan, elevation and cross-section views for new buildings, including residential buildings containing more than three dwelling units shall be required in areas that are subject to site plan control.

### **10.7.4 External Design**

Drawings showing plan, elevation and cross-section views sufficient in detail to illustrate the external design (i.e. character, scale, appearance, features and similar features) of a proposed building or building addition shall be submitted for non-residential buildings and for residential buildings containing more than three dwelling units in areas specifically designated for such purposes by this Plan.

### **10.7.5 Streetscape Elements**

On any adjoining street or highway, plans may also be required showing plantings, paving materials, sidewalks, street furniture, curb ramps and similar elements adjacent to the development.

### **10.7.6 Land Dedications for Road Widening**

As a condition of site plan approval, the owner may be required to dedicate lands to the Municipality, as the case may be, for road widening purposes.

**10.7.7 Site Plan Agreement**

A site plan agreement pursuant to the Planning Act shall be required in most instances. Financial security shall be required to ensure due performance.

**10.7.8 Site Plan Guidelines**

The Municipality may prepare and adopt guidelines to assist proponents in obtaining site plan approval.

**10.7.9 Public Input**

Upon receipt of an application for site plan approval, the Municipality shall provide an opportunity for review and comment by adjacent owners unless, in the opinion of the Municipality, the development or redevelopment being proposed is minor and without significant adverse impact on adjacent owners.

Administration has incorporated the implementation policies of the Official Plan into the draft regulations of the Site Plan Control Area By-law, subject to further consultations as mentioned above in this report.

**Summary**

Planning Staff advises that the by-law is in compliance with the Planning Act and conforms to the policies of the County of Elgin Official Plan and Municipality of West Elgin Official Plan.

Planning Staff recommends that the draft by-law proceed forward with public engagement with stakeholders and through the website for a period until April 30, 2021; and that a final draft of the bylaw be considered at the May 13, 2021 Council Meeting.

Respectfully Submitted,

Bryan Pearce, HBA, CPT, MCIP, RPP  
Planner  
Municipality of West Elgin

Appendices:

1. Appendix One: Site Plan Control Area By-law – Initial Draft for Council Consideration April 8, 2021

**Report Approval Details**

Document Title:	Draft Site Plan Control Area By-law - Preliminary Report - 2021-14-Planning.docx
Attachments:	- SPCA By-law - Initial Draft for Council - dated 04082021.pdf
Final Approval Date:	Apr 4, 2021

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

Jana Nethercott