

Site Plan Control Information Session

January 13, 2020



FORTFRANCES
BOUNDLESS

What is Site Plan Control?

- ▶ A tool provided to municipalities through section 41 of the Planning Act allowing the municipality to have additional input on exterior project aspects in excess of the Zoning By-law
- ▶ Historically it has been conducted through an agreement registered on title with multiple provisions that save harmless the municipality (and tax payers) from incurring cost of damages related to construction
- ▶ Development proceeds and is maintained in a manner approved by Council
- ▶ New developments meet certain standards of quality and appearance that property standards cannot apply
- ▶ There is safe and easy access for pedestrians and vehicles
- ▶ There is adequate landscaping, parking, drainage and storm water management, and
- ▶ Neighbouring properties are protected from incompatible development

Who/where is subject to Site Plan Control?

- ▶ 5.7.1 Site Plan Control Area (Town of Fort Frances Official Plan)
 - ▶ Council shall adopt a By-law to designate the entire area of the Town as a Site Plan Control Area. All types of development or redevelopment shall be subject to Site Plan Control provisions with the exception of the operation of licensed pits and quarries, single-detached, semi-detached, or duplex dwellings, and additions or renovations thereto.
- ▶ 5.7.2 Development or Redevelopment(Town of Fort Frances Official Plan)
 - ▶ For the purposes of the Plan, development or redevelopment shall be defined as the construction, erection, or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability, or the laying out and establishment of a commercial parking lot.
- ▶ Historical records show that a By-law designating a Site Plan Control area has not been passed in the Town of Fort Frances. This provides PDEC and Council the opportunity to decide on a case by case basis to enact site plan control

Classes of Development Subject to Site Plan Control

Classes of development, delegation (Section 41(13) of the Planning Act)

- ▶ (13) Where the council of a municipality has designated a site plan control area under this section, the council may, by by-law,
 - ▶ (a) define any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required under subsection (4) or (5); and
 - ▶ (b) delegate to either a committee of the council or to an appointed officer of the municipality identified in the by-law either by name or position occupied, any of the council's powers or authority under this section, except the authority to define any class or classes of development as mentioned in clause (a). R.S.O. 1990, c. P.13, s. 41 (13).

Why do we use Site Plan Control?

- ▶ It allows us to ensure projects are completed from start to end
- ▶ A project value-based letter of credit is provided to the Municipality until the terms of the agreement are fulfilled (typically 5%)
- ▶ It allows us to implement storm water control measures to reduce the stress on the current town infrastructure
- ▶ It allows us implement standards of streetscape and appearance (aesthetics)
- ▶ Key driver to implementing the Official Plan
- ▶ Cost recovery setup

Exclusions from Site Plan Control

- ▶ Section 41(4.1) of the Planning Act excludes the following Site Plan Control:
 - ▶ Interior Design
 - ▶ The layout of interior areas, excluding interior walkways, stairs, elevators and escalators referred to in subparagraph 2.(c) of subsection (4) of the Planning Act
 - ▶ The manner of construction and standards for construction

Allowable Inclusions to Site Plan Control

Conditions to approval of plans (Section 41(7) of the Planning Act)

(7) As a condition to the approval of the plans and drawings referred to in subsection (4), a municipality may require the owner of the land to,

- ▶ (a) provide to the satisfaction of and at no expense to the municipality any or all of the following:
 - ▶ 1. Subject to the provisions of subsections (8) and (9), widenings of highways that abut on the land.
 - ▶ 2. Subject to the *Public Transportation and Highway Improvement Act*, facilities to provide access to and from the land such as access ramps and curbings and traffic direction signs.
 - ▶ 3. Off-street vehicular loading and parking facilities, either covered or uncovered, access driveways, including driveways for emergency vehicles, and the surfacing of such areas and driveways.
 - ▶ 4. Walkways and walkway ramps, including the surfacing thereof, and all other means of pedestrian access.
 - ▶ 4.1 Facilities designed to have regard for accessibility for persons with disabilities.
 - ▶ 5. Facilities for the lighting, including floodlighting, of the land or of any buildings or structures thereon.
 - ▶ 6. Walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands.
 - ▶ 7. Vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material.
 - ▶ 8. Easements conveyed to the municipality for the construction, maintenance or improvement of watercourses, ditches, land drainage works, sanitary sewage facilities and other public utilities of the municipality or local board thereof on the land.
 - ▶ 9. Grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon;
- ▶ (b) maintain to the satisfaction of the municipality and at the sole risk and expense of the owner any or all of the facilities or works mentioned in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of clause (a), including the removal of snow from access ramps and driveways, parking and loading areas and walkways;
- ▶ (c) enter into one or more agreements with the municipality dealing with and ensuring the provision of any or all of the facilities, works or matters mentioned in clause (a) or (d) and the maintenance thereof as mentioned in clause (b) or with the provision and approval of the plans and drawings referred to in subsection (4);
 - ▶ (c.1) enter into one or more agreements with the municipality ensuring that development proceeds in accordance with the plans and drawings approved under subsection (4);
- ▶ (d) subject to subsection (9.1), convey part of the land to the municipality to the satisfaction of and at no expense to the municipality for a public transit right of way. R.S.O. 1990, c. P.13, s. 41 (7); 1996, c. 4, s. 24 (1, 2); 2006, c. 23, s. 16 (6, 7).

Potential Fees

The following may serve as an examples of related fees structured into the agreement on a cost recovery basis. All are typically included in agreement, though not always required or charged.

- ▶ Application Fee - \$1034.10 (2020)
- ▶ Agreement Preparation
- ▶ Agreement registration on title
- ▶ All legal/lawyer fees and disbursements
- ▶ Engineer/engineering fees and disbursements
- ▶ Planning/planner fees and disbursements
- ▶ Municipal staff time
- ▶ All land title fees and charges
- ▶ Any other costs or charges in any way related to the application, the development, or this agreement
- ▶ HST and any other taxes on or to any of the above
- ▶ 5% letter of credit (typically released upon satisfaction of agreement terms)

Reduction or Release of Security

The following items are typically requested prior to releasing part of the letter of credit:

- ▶ Letter of application for reduction/release
- ▶ Consultants certificate confirming that services are completed (i.e. structural, electrical, building services, etc.)
- ▶ As-constructed drawings
- ▶ Satisfactory evidence of no construction liens filed
- ▶ Workplace safety certificate (WSIB)
- ▶ Statutory declaration as to accounts (ensure contractor payments)
- ▶ Surveyors certificate and real property report
- ▶ Composite utility plan

Site Plan Control Timeline

It is always the recommendation of administration to consult with us prior to being shovel ready to mitigate delays.

- ▶ Pre-consultation
- ▶ Application received accompanied by application fee and supporting documentation
 - ▶ Application reviewed and circulated for comments
- ▶ Comments, if any, are discussed with applicant
- ▶ Draft agreement is prepared
- ▶ Planning report to PDEC for recommendation to Council on whether Site Plan Control is required
 - ▶ Applicant may make presentation regarding development
- ▶ Recommendation from PDEC brought to Council for decision on Site Plan Control Application
- ▶ By-law and agreement passed at next council meeting deeming project under Site Plan Control
- ▶ Agreement finalized and registered on title
- ▶ Assuming building plans were submitted at time of application, review would be completed and ready to issue building permit

Historical SPC Projects (Sample Only)

- ▶ Senic River Mall
- ▶ Wal-mart
- ▶ 1305 Mill Rd - Trailer Park
- ▶ Canadian Tire
- ▶ New Beginnings Fellowship Church
- ▶ Evangelical Fellowship Church - Former Bingo Hall
- ▶ Youth Detention Centre
- ▶ Boston Pizza
- ▶ Robert Moore School
- ▶ Wahkaihganun Futures 8th Street
- ▶ 301 Nelson Street - RFP
- ▶ St. Mary School
- ▶ UNFC Daycare
- ▶ OPP Station



6th St W

Wright Ave N

6th St W

6th St W

6th St W

6th St W

Doug Kitowski Trucking

Piston Ring Fort Frances

Keating Ave

Keating Ave

Keating Ave N