

A dark, high-contrast topographic map of a coastal area, likely Kingston, Ontario, serves as the background. The map shows intricate details of the coastline, including numerous bays, peninsulas, and islands. A dense grid of streets is visible in the urban areas, particularly on the right side of the map. The overall tone is dark, with the map details rendered in a lighter gray against a black background.

SITE PLAN CONTROL & COMMITTEE OF ADJUSTMENT

**OEMC CONFERENCE
KINGSTON, ON
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FOTENN
PLANNING+DESIGN

WHO IS FOTENN?

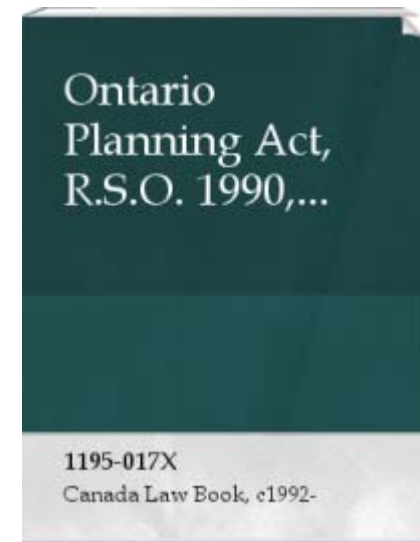
- / Planning, Urban Design and Landscape Architecture firm
- / Offices in Ottawa, Kingston and Toronto
- / Committed to a responsive and personal approach, fostering excellence and innovation through balanced and sustainable solutions
- / We work with many of Ottawa's largest private and public sector clients

PRESENTATION OVERVIEW

- / The Ontario Planning Act
- / What is Site Plan Control?
- / Typical Site Plan Control Conditions
- / What is the Committee of Adjustment?
- / Consents and Minor Variances
- / Typical Consent and Minor Variance Conditions
- / Sample Timeline of SPC and C/MV
- / Lessons Learned

ONTARIO PLANNING ACT

- / The powers of the Committee of Adjustment are granted under Section 45 of the Ontario Planning Act
- / Section 41 of the Act defines Site Plan Control area
- / Consents (Section 53) can be granted under the criteria described in Section 51(24) of the Planning Act (Plan of Subdivision Approval)



SITE PLAN CONTROL

- / Official Plans establishes 'areas' subject to SPC
- / Planning Act defines the 'plans' subject to municipal approval
- / Identifies exclusions from SPC (i.e. interior design)
- / ROW widenings and dedications
- / Can only be appealed to the OMB by the applicant should the municipality fail to make a decision within prescribed timeline
- / Site Plan Agreements are required prior to development

SITE PLAN CONTROL

- / After the pre-application consultation, the municipality will provide a list of required studies/plans. Some may include:
 - / Stormwater Management Plan/Study
 - / Erosion and Sediment Control Plan
 - / Noise and Vibration and/or Wind Study
 - / Transportation Study
 - / Geotechnical Study
 - / Architectural Site Plan and Building Elevations
 - / Landscape Plan
 - / Environmental Site Assessment
 - / Archaeological Assessment
 - / Cultural Heritage Impact Study
 - / Minimum Distance Separation (Rural)

TYPICAL SITE PLAN APPROVAL CONDITIONS

- / SPA will register all approved reports, plans and drawings on title
- / Grading and Drainage Plans
- / Joint Use and Maintenance Agreements
- / Easements for Utilities (i.e. hydro, gas)
- / Cash-in-lieu of Parkland
- / Development Charges
- / Waste and Recycling Collection
- / Road Widening
- / Additional conditions may be identified in the Site Plan Control By-law
 - / i.e. Sidewalk to be constructed in the public right-of-way

COMMITTEE OF ADJUSTMENT

- / The Municipal Council will appoint members to the Committee of Adjustment (Section 44 of Planning Act)
- / Quasi-judicial tribunal, usually made up of 5 members, that is independent and autonomous from the City administration
- / Many larger municipalities will appoint 'citizen members', some smaller municipalities can appoint a mix of staff, Council and the Public
- / Must hold regular Public Hearings to consider applications for Minor Variances, Permission and Consents
- / Upper-tier municipalities (i.e. Counties) can delegate its approval for consents (land severance, lot additions and/or easements) to local municipalities

CONSENTS & MINOR VARIANCES

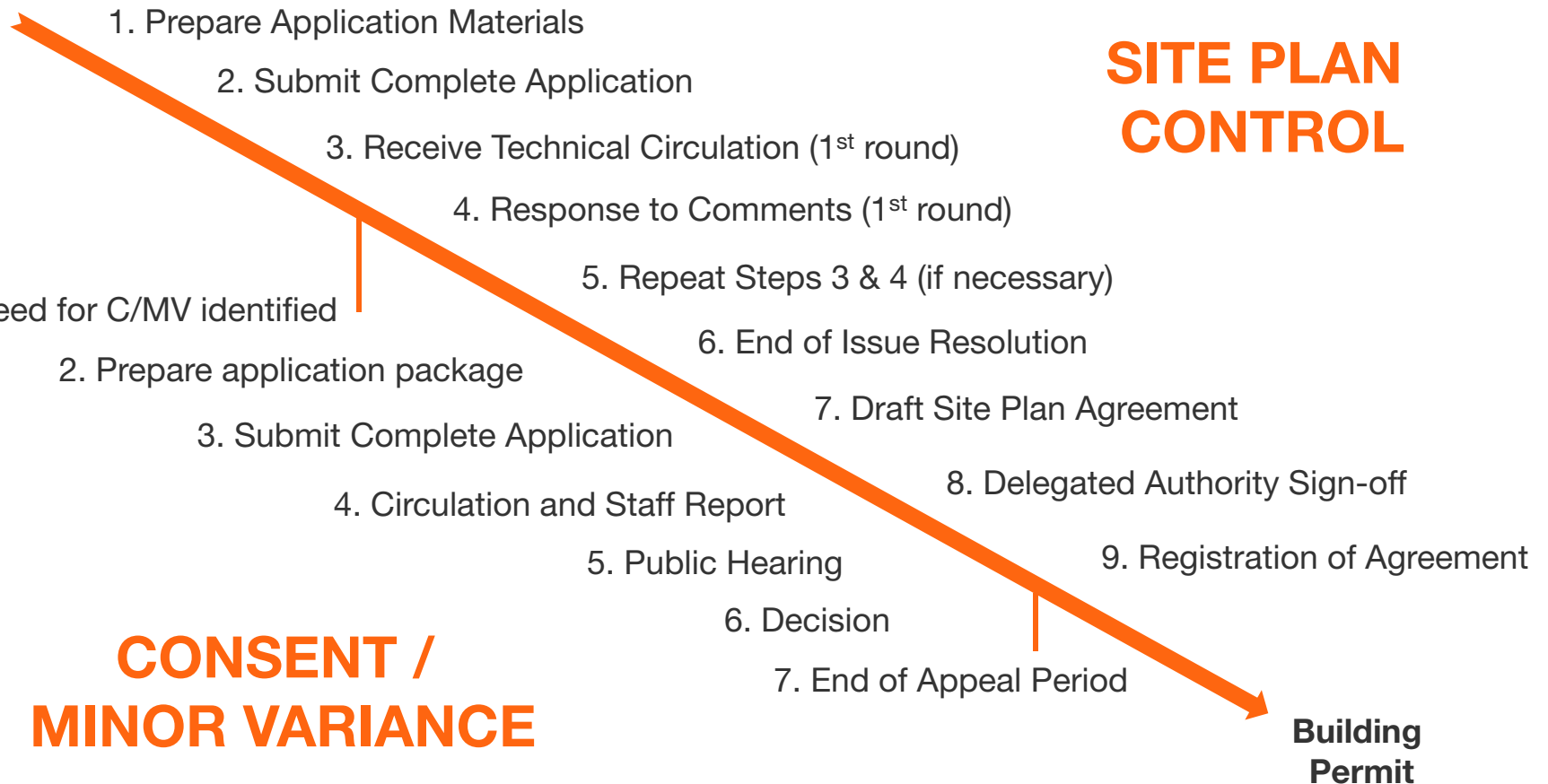
- / Minor Variances: Majority of Committee members must opine the development meets the 4 tests:
 1. desirable for the appropriate development or use of the land
 2. maintains the intent of the Official Plan
 3. maintains the intent of the By-law
 4. variance(s) being sought are minor
- / Consents: Majority of Committee members must agree the Consent has regard for the criteria related to Plans of Subdivisions. Not all criteria will be applicable, nor equally evaluated
- / A Public process with an opportunity for the public to appeal a Decision
- / Committee may grant permission subject to terms and conditions; and may require the owner to enter into one or more agreements.

TYPICAL CONDITIONS

- / Grading and Drainage Plans (approved by the Municipality)
- / Joint Use and Maintenance Agreements (i.e. catch basins)
- / Proof that each parcel is serviced independently and do not cross severance lines
- / Cash-in-lieu of Parkland
- / Evidence that a 1 foot reserve has been lifted
- / Conveyance of a sight triangle
- / Registered Reference Plan prepared by an OLS
- / Conditions must be fulfilled within 1 year period

SAMPLE TIMELINE

Pre-Application Consultation



LESSONS LEARNED

- / The need to consult early in the project; prior to initiating either of the processes
- / Need for better integration and coordination between the two separate processes
- / Public vs. Private
- / The need for flexibility
- / Need for public education about the process

PLANS TO PLACES

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