

STAFF REPORT: Planning & Building Services



REPORT TO: Planning & Building Committee
MEETING DATE: September 8, 2010
REPORT NO.: PL.10.84
SUBJECT: Site Specific Rezoning Applications & Site Plan Control
PREPARED BY: David Finbow, Director, Planning & Building Services

A. Recommendations

THAT Council receive Staff Report PL.10.84 respecting "Site Specific Rezoning Applications and Site Plan Control" for information purposes

B. Background

Over the past number of years, Planning Services has received a number of inquiries, and applications, related to site specific zoning requests in advance of a formal, detailed site plan application. This, at times, has been problematic for Planning Services as in many instances it precludes a comprehensive, detailed consideration prior to Planning Services, and Council, making a determination as to whether it is appropriate in establishing the applicable zoning category and standards. In this regard, Planning Services conducted a review of the Town's Official Plan and note the following:

Official Plan Section 11.9.7

(1) Site Plan Control is intended to be exercised in conjunction with the land use regulations established under the Zoning By-law. The principle of development, as described under Section 11.2, can be more uniquely adapted on a site-specific basis by means of site plan control, especially with regard for aesthetic and land use compatibility concerns. In certain cases, where a proposed development requires rezoning, it may be appropriate in the public interest to give detailed consideration to site plan control matters prior to establishing the applicable zoning category under the rezoning

(2) Council shall ensure that consideration is given to site plan control measures prior to finalization of a site-specific rezoning, including approval of final or preliminary site plans and drawings, the adequacy of proposed buffering, landscaping, servicing, parking, and other pertinent matters, as well as conditions to be incorporated in a site plan agreement.

(3) Where an agreement is entered into as a condition of a site-specific rezoning, the signed agreement shall be registered against the land title to which it applies, at the developer's expense, after the rezoning is finalized, and prior to any development taking place.

(4) Notwithstanding the above, where the zoning category is to be established in conjunction with the holding symbol as provided under Section 11.4, or in certain other unique situations where Council is satisfied that specified details cannot or need not in

the public interest be provided at the time of rezoning, Council may require only preliminary consideration of certain site plan control measures prior to rezoning and/or defer consideration of site plan control measures to a later date. In this regard, Council may require, as deemed necessary to be a condition of a site specific rezoning, only a preliminary site plan control agreement which shall contain provisions for a subsequent agreement. Where the holding symbol is applied, Council may also require a site plan control agreement as a condition to the removal of the holding symbol.

Official Plan Section 11.2 (4)

(4) The principle of development shall be applied by means of a variety of implementation tools. In addition to conventional zoning, Council may consider the use of holding zones, deferred development zones, temporary use by-laws, bonus zoning, parking agreements, and master development agreements. Site plan control is especially useful to deal with some of the more unique site-specific issues related to the principle of development, as further described under Section 11.9.7. Council may also consider other by-laws, including minimum standards of maintenance and occupancy by-law, sign by-law, and development charges by-law, amongst others. In all cases, such implementation tools shall comply with the principle of development as established under this Plan.

As Council will note, the Official Plan at 11.9.7(1) indicates that *"it may be appropriate in the public interest to give detailed consideration to site plan control matters prior to establishing the applicable zoning category under the rezoning"*.

Planning Services are of the opinion that our operating practices should reflect a more comprehensive approach when considering site specific rezoning applications and therefore are advising Council that in the instance of site specific zoning applications that Planning Services will require, in the majority of instances, that same be supported by a formal site plan application. Planning Services believe that this operational procedure will ensure that the public interest is better addressed as it relates to site specific rezoning applications.

A copy of this Report has been forwarded to the Georgian Triangle Development Industry and to local land use planning consultants who frequently do business with the Town.

C. The Blue Mountains' Strategic Plan

"Managing growth to ensure the ongoing health and prosperity of the Town."

D. Environmental Impacts

N/A

E. Budget Impact

N/A

F. Attached

N/A

Respectfully submitted,

David Finbow,
Director Planning & Building Services
dfinbow@thebluemountains.ca
519-599-3131 Ext. 246