

Subject: Delegated Authority for Minor Re-zoning

File Number: ACS2024-PDB-PS-0107

**Report to Planning and Housing Committee on 5 November 2024, Agricultural and Rural Affairs on November 7 2024
and Council 13 November 2024**

Submitted on October 25, 2024 by Derrick Moodie, Director, Planning Services, Planning, Development and Building Services

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Ward: City Wide

Objet : Pouvoirs délégués pour la modification mineure

Dossier : ACS2024-PDB-PS-0107

**Rapport au Comité de la planification et du logement le 5 novembre 2024, Comité de l'agriculture et des affaires rurales le 7 novembre 2024
et au Conseil le 13 novembre 2024**

Soumis le 25 octobre 2024 par Derrick Moodie, Directeur, Services de la planification, Direction générale des services de la planification, de l'aménagement et du bâtiment

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Quartier : À l'échelle de la ville

REPORT RECOMMENDATIONS

That Planning and Housing Committee and Agricultural and Rural Affairs Committee recommend Council:

1. Approve the amendments to the Official Plan of the City of Ottawa, attached as Document 1 to this report and proposed to be effective on January 1, 2025;
2. Approve the amendments to the Planning Fees By-law, attached as Document 2 to this report and proposed to be effective on January 1, 2025;
3. Approve the amendments to the Delegated Authority By-law, attached as Document 3 to this report and proposed to be effective on January 1, 2025;
4. Approve the amendments to the Public Notification and Consultation Policy, attached as Document 4 to this report and proposed to be effective on January 1, 2025; and
5. That Planning and Housing and Agriculture and Rural Affairs Committee approve the Consultation Details Section of this report be included as part of the 'brief explanation' in the Summary of Written and Oral Public Submissions, to be prepared by the Office of the City Clerk and submitted to Council in the report titled, "Summary of Oral and Written Public Submissions for Items Subject to the Planning Act 'Explanation Requirements' at the City Council Meeting of November 13th, 2024 subject to submissions received between the publication of this report and the time of Council's decision.

RECOMMANDATIONS DU RAPPORT

Que le Comité de la planification et du logement et le Comité de l'agriculture et des affaires rurales recommande ce qui suit au Conseil :

1. Approuver les modifications du Plan officiel de la Ville d'Ottawa, jointes au présent rapport en tant que document 1 et dont l'entrée en vigueur est proposée le 1^{er} janvier 2025;
2. Approuver les modifications du *Règlement sur les droits d'aménagement*, jointes au présent rapport en tant que document 2 et dont l'entrée en vigueur est proposée le 1^{er} janvier 2025;
3. Approuver les modifications du *Règlement sur la délégation de pouvoirs*,

jointes au présent rapport en tant que document 3 et dont l'entrée en vigueur est proposée le 1^{er} janvier 2025;

4. Approuver les modifications de la Politique d'avis et de consultation publique, jointes au présent rapport en tant que document 4 et dont l'entrée en vigueur est proposée le 1^{er} janvier 2025; et
5. Que le Comité de l'urbanisme et le Comité de l'agriculture et des affaires rurales donnent leur approbation à ce que la section du présent rapport consacrée aux détails de la consultation soit incluse en tant que « brève explication » dans le résumé des observations écrites et orales du public, qui sera rédigé par le Bureau du greffier municipal et soumis au Conseil dans le rapport intitulé « Résumé des observations orales et écrites du public sur les questions assujetties aux 'exigences d'explication' aux termes du projet de la *Loi sur l'aménagement du territoire*, à la réunion du Conseil municipal prévue le 13 novembre 2024 », à la condition que les observations aient été reçues entre le moment de la publication du présent rapport et le moment de la décision du Conseil.

EXECUTIVE SUMMARY

Staff Recommendation

Staff recommend approval of this Official Plan Amendment and amendments to related by-laws and planning policies to delegate 'minor' zoning applications to staff for decision. This report details which zoning applications will be considered 'minor'.

Approving the recommendations of this report implements the City's Housing Accelerator Fund Contribution Agreement with the Federal Government to streamline approvals by setting out the application types that will be considered minor re-zonings to be delegated to staff.

Delegating Minor Re-zoning applications to staff for consideration will reduce planning approval timelines. Councillors will retain the ability to withdraw delegated authority if necessary, in a manner similar to the existing process for Plans of Subdivision and Plans of Condominium.

RÉSUMÉ

Recommandation du personnel

Le personnel recommande l'approbation de cette modification du Plan officiel et des modifications proposées aux règlements et politiques de planification connexes, de manière à déléguer au personnel les pouvoirs décisionnels relatifs aux demandes de

modification de zonage « mineures ». Le présent rapport décrit en détail les demandes de modification de zonage considérées comme « mineures ».

L'approbation des recommandations du présent rapport met en œuvre l'accord de contribution du Fonds pour accélérer la construction de logements de la Ville conclu avec le gouvernement fédéral afin de rationaliser les approbations, en définissant les types de demandes qui seront considérées comme des modifications de zonage « mineures » à déléguer au personnel.

La délégation au personnel de l'examen des demandes de modification de zonage mineures permettra de réduire les délais d'approbation des projets d'aménagement. Les conseillers conserveront la possibilité de retirer au besoin les pouvoirs délégués, de la même manière qu'avec la procédure en vigueur pour les plans de lotissement et les plans de copropriété.

BACKGROUND

Following recent amendments to the Municipal Act and the Planning Act, municipalities now have the legal authority to delegate zoning amendments “of a minor nature” to City staff. Recommendation 7 of the Bill 109 Implementation Phase 2 Report passed by Council on June 14, 2023, directed City Staff to “Report back to Council with an Official Plan Amendment to define the types of applications that can be classified as a minor zoning by-law amendment to set the stage for a future delegation of authority.” This recommendation clarified that the Official Plan does not currently contain the required language to delegate minor zoning by-law amendments to staff, nor language classifying the criteria applicable to a “major” or “minor” zoning by-law amendment. Pursuant to the report, staff were due to report back to Council with a recommendation on the types of applications that can be delegated to staff.

On July 12, 2023 Council approved the City's Action Plan to finalize the application for the Canada Mortgage and Housing Corporation's (CMHC) Housing Accelerator Fund. On December 21, 2023, the City entered into a contribution agreement with CMHC for the City's successful application of their Housing Accelerator Fund. The agreement outlines the City's Action Plan that establishes 10 initiatives that the City undertook to complete. Initiative seven relates to “Streamlining Planning Approvals” and includes three milestones, the first two of which are complete. The third milestone is “delegated authority to staff for minor zoning by-law amendments” with a completion date of November 20, 2024.

Planning Services currently has a process for minor re-zoning and a list of those applications type considered minor. This current application type is not delegated to staff for approval, but is processed at a lower fee than major re-zonings reflecting that

such applications that meet the criteria for minor re-zoning are less complex. As with major re-zonings, applications for minor re-zonings are reviewed by staff for compliance with the Official Plan and other applicable policies, the planned context for the site, and the existing context to determine if requests to amend the zoning by-law can be permitted. These applications require signs to be posted on the site with a link to the Development Applications site that shows the requested changes and details applicable appeal rights, a notification process for local community associations and the Ward Councillor, and the requirement for a public meeting in the form of Planning and Housing Committee or Agricultural and Rural Affairs Committee, depending on the location of the site.

DISCUSSION

Overview

This is a report to grant delegation of authority to staff for the approval of Minor Re-zoning By-law applications with the goal of simplifying and shortening the process for these application types.

The *Supporting People and Business Act, 2021*, SO 2021, c 34 amended subsection 23.3(1) of the *Municipal Act, 2001* and added a new subsection 39.2 to the *Planning Act* RSO 1990, c P.13 to give municipalities the authority to delegate those by-laws considered “minor” to staff for decision. The legislation does not specify what can be considered “minor” except that the types of re-zonings that can be considered minor must be listed in the Official Plan, the municipality can set conditions on those applications, and that two examples of re-zonings that are considered minor includes a by-law to remove a holding symbol and a by-law to authorize the temporary use of land, buildings or structures.

Criteria for ‘Minor’ Zoning By-law Amendments

The following applications are currently considered as ‘minor’ re-zoning applications in the Planning Fees By-law 2024:

1. Modifications to performance regulations only (not adding a new use to the zone, but only requesting a change to regulations such as height, floor space index, density, yards etc.), without a maximum height threshold
2. Extension of a zoning boundary to reflect addition of lands to existing property
3. Establishment of a group home by adding it as a permitted use
4. Lifting of interim control for one use only

5. Temporary rezoning
6. Any zoning changes required as a condition of severance
7. A change in use that is wholly contained within an existing buildings envelope, where no building permit has been issued within the previous two years to increase the size of the building and which is not located within a residential zone, as defined by Zoning By-law 2008-250, to introduce one new non-residential use. No additional amendments to performance standards may be sought and the change in use cannot result in the establishment of any of the following uses:
 - Amusement centre or amusement park, Automobile body shop , Automobile dealership, Automobile rental establishment, Automobile service station, Heavy equipment and vehicle sales, rental and servicing, Drive-through facility, Bar, Kennel, Nightclub, Payday loan establishment

Staff propose using the existing criteria for minor re-zoning applications with one change for delegation of approval to staff.

Applications that request additional height will have the following maximum threshold:

- Maximum building heights, including the requested increase, of 3 storeys in the Neighbourhood designation, or 4 storeys within the Evolving Overlay,
- In all other designations, a height increase of up to five storeys (15 metres) or 25 per cent of the permitted building height, rounding to the nearest half-metre, whichever is the lesser

This new height threshold ensures that requests for height increases are proportionate to the existing permissions of the applicable zone for the lot. Some areas of the city without a secondary plan may have a maximum building height of 40 storeys as set out in the Official Plan. Without a maximum threshold for height in the current criteria, an applicant could request significant additional height through a minor re-zoning application. This new condition scales the height and establishes a limit of what is considered 'minor' for staff delegation. Table 1 below shows how much additional height can be requested based on the permitted height in the zone through this process.

Table 1 – Sample Maximum Height Increases for Minor Re-zonings

Sample Maximum Height Increases for Minor Re-zonings		
#	Permitted Height In Zone	Maximum Height Increase to be Considered 'minor'
1	8.5 metres	2 metres
2	14.5 metres	4 metres
3	25 metres	6 metres (2 additional storeys)
4	30 metres(10 storeys)	7.5 metres
5	45 metres	11.25 metres
6	50 metres	12.5 metres
7	60 metres (20 storeys)	15 metres (approximately 5 additional storeys)

In either scenario, changes to performance standards do not allow an applicant to add denser residential typologies through a minor re-zoning. For example, an application to add an apartment, mid-rise, or apartment, high-rise, to a low-density zone that does not permit those building heights is not allowed through a minor re-zoning application and requires a regular zoning by-law amendment and potentially an official plan amendment application.

In no case can a height increase exceed maximum buildings heights established in the Official Plan, including Secondary plans and area-specific policies. This includes changing height categories if the next higher category is not permitted. Similarly, even though the Official Plan includes policies that allow for the consideration of height increases through a zoning by-law amendment without an official plan amendment, such applications are not considered minor if the required height increases exceed the height thresholds within the Neighbourhood designation.

A further amendment to the criteria for minor is to clarify that surplus farm dwelling applications are considered within the criteria of “zoning changes as a condition of severance” in the existing minor re-zoning process. They occur when the purchaser of a farm property decides to sever off the portion of the lot where the residence is located, which requires a zoning change to prohibit further residential development. Such applications are currently processed as minor re-zoning applications and this

clarification is required to delegate them to staff through this process, improving efficiencies in the approval process.

A municipal scan revealed that other Ontario municipalities that have implemented this process include the City of Toronto, City of Brampton, City of Guelph, and City of London. Other municipalities such as the City of Mississauga and City of Kingston have not amended their Official Plan as set out in Section 39.2 of the *Planning Act*. Of those municipalities, all of them have determined that removal of hold applications are to be delegated to staff. Other than Guelph, the three other comparator municipalities determined that temporary re-zonings are to be considered minor. These comparators, other than Guelph, also allow for some combination of housekeeping amendments, such as to amend titles of departments within the by-law, minor revisions to clarify the intent of a provision, and other minor errors and omissions in the by-law. The City of Toronto and City of Guelph have also delegated to staff the authority to process re-zonings that remove site specific zoning that is more restrictive than the parent zone.

Staff's opinion is that the current minor re-zoning criteria are largely in keeping with the comparator municipalities except for those applications that amend performance regulations. Amending performance regulations with a maximum height threshold is, however, in the opinion of staff still 'minor'. Such applications will still need to comply with applicable Official Plan and Secondary Plan policy, and will be reviewed by Planning Services staff for compatibility with the planned and existing context. Zoning by-law amendment applications such as changing the parent zone or adding multiple uses or height in excess of the threshold for 'minor' will still be processed as regular re-zonings.

In summary, this report recommends using the existing list of application types considered 'minor' with new maximum height thresholds and a clarification to specify that surplus farm severances are considered minor. Applications that do not meet these criteria will be processed as regular re-zonings. These applications are reasonably considered minor and are generally limited to amending the performance regulations of a site.

New Delegated Authority for Minor Re-zoning Process

To implement the process for delegated authority for minor re-zoning, staff recommend the following changes to balance a streamlined process against the need to allow for proper consultation with the community and sufficient Councillor oversight. These changes are intended to provide a similar processing time for minor re-zoning applications as for site plan control applications, while allowing for a minor re-zoning to

be reviewed and deliberated on by the appropriate Committee at the request of the Ward Councillor.

The proposed changes are as follows:

- Reduce comment period from 28 days to 14 days.
- Make minor re-zoning applications subject to the alternative notification policies outlined in the Official Plan and remove the requirement for a public meeting if Ward Councillor concurrence is obtained.
- Create a Ward Councillor concurrence mechanism in which when prior to staff making a decision on a file, they must send a memo to the Ward Councillor detailing the requested changes and staff's position on the application. The Ward Councillor will have seven days to issue their concurrence, in which case the by-law will be placed on the next bulk consent agenda at Council. If the Ward Councillor does not grant concurrence, staff will be required to schedule a meeting with the councillor to determine if concurrence will be granted. If that meeting does not result in the Ward Councillor granting concurrence, the Ward Councillor can withdraw delegated authority and have the application deliberated on at the next Planning and Housing Committee meeting or the next Agricultural and Rural Affairs Committee meeting, as applicable and in accordance with the Public Notification Policies.

The result of these changes will be a minor re-zoning application process that will review for the same substantive implementation of City policy in a shorter time and will remove the requirement for a public meeting and deliberation at Planning and Housing Committee or Agricultural and Rural Affairs Committee if concurrence is granted by the Ward Councillor. Where the Ward Councillor chooses instead to withdraw delegated authority, the report will be added to the agenda of the next appropriate Committee, whether Planning and Housing Committee or Agricultural and Rural Affairs Committee before Council being the same process as happens for regular re-zoning applications. In both instances, staff will circulate the application to agencies and provide public notification for review and comments.

To illustrate this process, Table 2 shows the difference in procedural steps for when Ward Councillor Concurrence for delegated authority is obtained and when delegated authority is withdrawn. When delegated authority is withdrawn, the report is sent to the appropriate Committee retaining oversight for the application for review.

Table 2 – Proposed Delegated Authority for Minor Re-zonings Process

Table 2- Proposed Delegated Authority for Minor Re-zonings Process		
Step	Ward Councillor Concurs with Delegated Authority	Ward Councillor Withdraws Delegated Authority
1	Application submission	Application submission
2	Circulation (14-day public comment period)	Circulation (14-day public comment period)
3	Delegated Authority Report + Draft By-law Amendment submitted to Ward Councillor for concurrence for seven days	Delegated Authority Report + Draft By-law Amendment submitted to Ward Councillor for concurrence for seven days
4	Ward Councillor concurrence obtained	Delegated authority withdrawn
5	If staff recommend approval, by-law submitted to next Council for enactment with the by-laws. If Staff recommend refusal, report added to the next available applicable committee meeting in accordance with Public Consultation Policy.	Report and draft by-law added to the next available applicable committee meeting in accordance with Public Consultation Policy
		Staff report deliberated on at Committee
		Committee recommends approval or refusal of report to next Council meeting

Summary of changes to affected policies and By-laws

Official Plan

Staff recommend amending Section 11 - Implementation of the Official Plan of the City of Ottawa.

The amendments will affect section 11.4 – Establish the Public Notification and Consultation procedures required for development and Section 11.6 – Provide direction around processes needed to implement the Plan.

Section 11.4(3)(c) is to be amended to specify minor zoning by-law amendments as a delegated approval authority to a municipal officer or employee and to remove the words “submitted before the adoption of the New Zoning By-law,” to clarify that this process will continue after the implementation of the new zoning by-law.

Section 11.4(4) is to be amended to specify that a public meeting is not required for a minor zoning by-law amendment if the Ward Councillor concurs with delegation of approval authority.

Section 11.6 is to be amended to add a new subsection policy that outlines criteria to what constitutes a minor zoning by-law amendment for the delegation of approval authority to include the application types considered to be minor as required by Section 39.2 of the *Planning Act* and as shown on Document 1.

Planning Fees By-law

Staff recommend an amendment to the Planning Fees by-law to amend the definition of ‘minor zoning by-law amendment application’ to match the application types that will be listed in the Official Plan as shown in Document 2.

Delegated Authority By-law

Staff recommend amending the Delegated Authority by-law to add a new section including the provisions that apply to minor zoning applications that are delegated to staff and how that approval authority will be exercised by staff as shown in Document 3.

Public Notification and Consultation Policy

Staff recommend amending the Public Notification and Consultation Policy to implement the public notice procedures for minor re-zoning amendment applications, including;

- a. Reducing the comment period to 14 days for minor zoning amendment applications;
- b. Removing the requirement for community information and comment session so that minor zoning amendment applications have similar requirements to site plan control amendments.

- c. Adding the requirement for Ward Councillor concurrence for minor re-zoning amendments as currently exists for Plan of Subdivision and Plan of Condominium; and
- d. Other minor amendments as shown in Document 4.

Otherwise, Minor Zoning By-law Amendment applications will be subject to the requirements for the posting of signs on the property, Pre-consultation Community heads up, notice to property abutting property owners, and Ward Councillor's concurrence.

RURAL IMPLICATIONS

Minor re-zoning applications will be available for properties in the rural area and processed the same way as in the urban area in accordance with applicable Official Plan Policies for the Rural area.

A specific change that affects only the Rural area is the clarification that surplus farm severances will be considered minor re-zonings and delegated to staff. Surplus farm severance applications are a specific type of planning application that occurs in the rural area in situations where the purchaser of a lot containing agricultural land seeks to sever the part of the lot that contains the residence from the rest of the lot. While minor and generally uncontroversial, such applications currently require the full committee process. By delegating such applications to staff, this will reduce the timelines for processing such applications.

CONSULTATION

Staff solicited comment through a website for this project that outlined the objectives and proposed amendments and provided a contact e-mail address.

Additionally, staff attended the standing meeting with the Federation of Community Associations on September 28th, 2024 to solicit feedback for this project and to circulate additional information to members of that meeting.

Comments received by e-mail and at the meeting are show in Document Details of Public Consultation.

Consultation details are provided in Document 5 to this report.

LEGAL IMPLICATIONS

The recommendations in this report, and the Documents attached to this report, are in the opinion of Legal Services, consistent with the Planning Act, s. 39.2 and the

provisions of the Municipal Act with respect to the matter of the delegation of authority. Should Council adopt the recommendations in this report, the Official Plan Amendment, being of a City-wide nature, will be subject to the possibility of being appealed. With respect to any zoning by-laws enacted by Council through the proposed minor zoning amendment process, the nature of the criteria for eligibility for this process is that it is anticipated that any eligible rezoning will be site specific in nature. As such, it is not likely that there would be third party appeal rights, other than for the persons specifically identified in the Planning Act.

FINANCIAL IMPLICATIONS

There are no direct financial implications.

ASSET MANAGEMENT IMPLICATIONS

There are no direct asset management implications related to water resources and related infrastructure. Future minor zoning by-law amendments that involve changes that increase the demand for water or sanitary servicing or increase stormwater runoff may have asset management implications. Minor zoning by-law amendments that involve modifications to performance regulations, extension of zoning boundaries, or changes required as a condition of severances may increase the demand for or impact on water services.

TERM OF COUNCIL PRIORITIES

This project addresses the following Term of Council Priorities:

- Has affordable housing and is more liveable for all

SUPPORTING DOCUMENTATION

Document 1 Official Plan Amendment

Document 2 Planning Fees By-law Amendment

Document 3 Delegated Authority By-law Amendment

Document 4 Public Notification and Consultation Policy

Document 5 Consultation Details

DISPOSITION

Planning, Development and Building Services Department will prepare an implementing by-law and forward it to Legal Services.

Legal Services, City Manager's Office to forward the implementing by-law to City Council.

Planning Operations, Planning Services to undertake the statutory notification.

Official Plan Amendment XX
to the
Official Plan for the
City of Ottawa

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THE STATEMENT OF COMPONENTS

PART A – THE PREAMBLE introduces the actual amendment but does not constitute part of Amendment No. XX to the Official Plan for the City of Ottawa.

PART B – THE AMENDMENT constitutes Amendment XX to the Official Plan for the City of Ottawa.

PART A – THE PREAMBLE

Purpose

Location

Basis

PART B – THE AMENDMENT

Introduction

Details of the Amendment

Implementation and Interpretation

PART A – THE PREAMBLE

1. Purpose

The purpose of this amendment to the Official Plan of the City of Ottawa is to define which re-zoning applications are considered “minor” in accordance with Section 39.2 of the *Planning Act*. Adding this policy will to the Official Plan will allow such re-zoning applications to be processed under delegated authority by City Planning Services staff.

2. Location

The policies proposed in this amendment are intended to apply city-wide.

3. Basis

Section 23.3(1) of the *Municipal Act* bars municipalities from delegating the “power to pass a zoning by-law under the *Planning Act*, except as provided under section 39.2 of that Act.” Section 39.2 of the *Planning Act* allows by-laws of a minor nature to be passed under delegated authority provided that the official plan in effect in the local municipality specifies the types of by-laws in respect of which there may be a delegation of authority.

This amendment will use the above authorities to specify which applications are considered to be of a minor nature to reduce timelines by delegating such applications to staff for decision.

Background

The City of Ottawa currently has in effect an application type for minor re-zoning by-laws that are not delegated to staff for approval. These applications are processed for a lower fee reflecting that limited nature of what changes can be requested compared to a major re-zoning. These applications are specified in the *Planning Fees By-law* and are as follows:

“minor zoning by-law amendment application” means an application for a zoning by-law amendment that seeks only one or more of the following:

- (i) modifications to performance regulations only,
- (ii) the extension of a zoning boundary to reflect the addition of lands to existing property,
- (iii) the establishment of an accessory apartment or a special needs/group home,
- (iv) the lifting of interim control for one use only,
- (v) temporary amendment,
- (vi) any zoning changes required as a condition of severance,
- (vii) A change in use that is wholly contained within an existing buildings envelope, where no building permit has been issued within the previous two years to increase the size of the building and which is not located within a residential zone, as defined by Zoning By-law 2008-250, to introduce one new non-residential use. No Additional amendments to performance standards may be sought and the change in use cannot result in the establishment of any of the following uses:

- a. Amusement centre or Amusement park;
- b. Automobile body shop;
- c. Automobile dealership;
- d. Automobile rental establishment;
- e. Automobile service station;

- f. Heavy equipment and vehicle sales, rental and servicing;
- g. Drive-through facility;
- h. Bar;
- i. Kennel;
- j. Nightclub;
- k. Payday loan establishment;

The above application are either technical, such as the extension of a zoning boundary to reflect the addition of lands to an existing property, or are of a minor nature, such as for adding one use to an existing building that meets a number of conditions.

Included in the minor zoning application type are those that amend the performance regulations of a site, which includes provisions related to front yard setback minimums, maximum permitted building heights, and other amendments to various provisions expressed in numbers. The criteria for minor re-zonings does not currently specify a maximum limit of how much these provisions can change by.

Applications to change the parent zone of a property (for example, from an R1 zone to an R2 zone) or to add uses to a property would be considered major re-zoning.

Rationale

The amendment will add a new policy in Part 11.6 of the Official Plan of the City – Provide direction around processes needed to implement the Plan to specify that the current applications considered minor will be listed as those application types delegated to staff for approval.

Adding the above list of minor re-zonings to the Official Plan and specifying that these applications are considered ‘minor’ will fulfill the requirement of Section 39.2 of the *Planning Act* to delegate these application types to staff.

The modifications to this list includes adding a height limit to the application type that is limited to performance regulations. Under the existing application criteria, any increase in height can be considered a minor re-zoning. To ensure that any height increases for applications delegated to staff will be considered minor, this amendment will add a maximum height increase threshold as a condition of minor zoning applications that seek to increase height. That threshold will be a maximum of 5 storeys and 15m, or 25 per cent of the permitted building height rounded down to the nearest half-metre, whichever is the lesser.” This height threshold is intended to scale up depending on the maximum heights permitted in the zone, such that any height request for a minor zoning application will be minor within the context of that zone’s permissions. Up to five storeys of additional height in a zone that already permits 20 or more storeys (or at least 60 metres of height) may be considered minor. In a low-rise residential zone that permits a maximum of 8.5 metres, the maximum height increase that can be considered would be 2 metres. This list will also add the words “and includes a surplus rural farm severance application” to the words “any zoning required as a condition of a severance.” This would clarify that surplus rural farm severance applications are delegated to staff for decision. These applications are already processed as minor re-zonings, but this amendment is proposed to clarify that they will be considered as such to be delegated to staff under Section 39.2 of the *Planning Act*.

PART B – THE AMENDMENT

1. Introduction

All of this part of this document entitled Part B – The Amendment consisting of the following text constitutes Amendment No. XX to the Official Plan for the City of Ottawa.

2. Details

The following changes are hereby made to the Official Plan for the City of Ottawa:

- i. Section 11.4, Policy 3), identified as deletions with a strikethrough (~~text~~), and additions with the bold font (**text**): with the following text:

3) Despite Subsection 11.4 Policy 1), the following amendments are permitted to proceed with alternative notification requirements defined in Policy 4) below, as permitted under the *Planning Act*:

- a) Applications for Official Plan Amendments, Zoning By-law Amendments, Consent (to sever) or Plan of Subdivision approval by non-profit housing providers; **and**
 - b) Applications for which Council has delegated approval authority to a municipal officer or employee, including consents to sever **and minor zoning by-law amendments as per Section 11.6, policy 5.**; **and**
 - ~~c) Minor Zoning By-law Amendment applications submitted before the adoption of the New Zoning By-law, which meet the intent of the official plan.~~
- ii. Amend the text in Section 11.4, Policy 4 with the following text addition identified in bold font (**text**):

4) The alternative notification requirement for the matters referred to in Policy 3), for development where notice of application or notice of a public meeting is required, is limited to publishing notice of a proposed amendment in one English-language and one French-language daily newspaper or a newspaper having general circulation in the city, a minimum of five calendar days before the scheduled public meeting; or, posted on the City of Ottawa's website, or posting a sign in both official languages on the affected site which provides opportunity for public comment for a time period of no less than 5 business days before a public meeting and/or a decision is rendered, whichever comes first. **No public meeting is required for a minor zoning by-law amendment application if the Ward Councillor for the subject lands concurs with the exercise of the delegation of approval authority to a municipal officer or employee.** The alternative notification requirements are intended to reduce City process while allowing opportunity for public comment on minor thresholds of development.

- iii. Add a new policy 5 to Section 11.6 that reads as follows and renumber the subsequent policies and cross-referencing across all Volumes as required:

5) The following applications to amend the Zoning By-law will be considered minor pursuant to Section 39.2 of the *Planning Act* for the purposes of being delegated approval authority to a municipal officer or employee:

- a) Modifications to performance regulations only, provided no request results in
 - i) a maximum building height exceeding 3 storeys within a Neighbourhood designation; or 4 storeys within the Evolving Overlay;
 - ii) In all other designations, exceeds the lesser of five storeys, 15 metres, or 25 per cent of the permitted building height rounded down to the nearest half-metre;
- b) The extension of a zoning boundary to reflect the addition of lands to existing property;
- c) The establishment of an accessory apartment or a special needs/group home;
- d) The lifting of interim control for one use only;
- e) Temporary amendment;
- f) Any zoning changes required as a condition of severance, including an application for a severance of a surplus farm dwelling;
- g) A change in use:
 - i) that is wholly contained within an existing buildings envelope;
 - ii) where no building permit has been issued within the previous two years to increase the size of the building;
 - iii) which is not located within a residential zone (as defined by Zoning By-law 2008-250) to introduce one new non-residential use; and
 - iv) No Additional amendments to performance standards may be sought and the change in use cannot result in the establishment of any of the following uses:
 - i) Amusement centre or Amusement park;
 - ii) Automobile body shop;
 - iii) Automobile dealership;
 - iv) Automobile rental establishment;
 - v) Automobile service station;
 - vi) Heavy equipment and vehicle sales, rental and servicing;
 - vii) Drive-through facility;
 - viii) Bar;
 - ix) Kennel;
 - x) Nightclub; or
 - xi) Payday loan establishment.

3. Implementation and Interpretation

Implementation and interpretation of this Amendment shall be in accordance with the policies of the Official Plan for the City of Ottawa.

Document 2 - Planning Fees By-law Amendment

Planning Fees By-law 2024-33 is proposed to be amended with provisions similar in effect to the following:

1. In section 1, replace the definition of “minor zoning amendment application” with the following:

“minor zoning amendment application” means an application for a zoning by-law amendment that seeks only one or more of the following:

- (i) Modifications to performance regulations only, provided no request results in
 - a) a maximum building height exceeding 3 storeys within a Neighbourhood designation; or 4 storeys within the Evolving Overlay;
 - b) In all other designations, exceeds the lesser of five storeys, 15 metres, or 25 per cent of the permitted building height rounded down to the nearest half-metre;
- (ii). Extension of a zoning boundary to reflect addition of lands to existing property
- (iii). The establishment of an accessory apartment or a special needs/group home,
- (iv). Lifting of interim control for one use only
- (v). Temporary rezoning
- (vi). Any zoning changes required as a condition of severance, and that includes a surplus farm severance
- (vii). A change in use that is wholly contained within an existing buildings envelope, where no building permit has been issued within the previous two years to increase the size of the building and which is not located within a residential zone, as defined by Zoning By-law 2008-250, to introduce one new non-residential use. No additional amendments to performance standards may be sought and the change in use cannot result in the establishment of any of the following uses:
 - a. Amusement centre or amusement park,
 - b. Automobile body shop,
 - c. Automobile dealership,
 - d. Automobile rental establishment,
 - e. Automobile service station,

- f. Heavy equipment and vehicle sales, rental and servicing,
- g. Drive-through facility,
- h. Bar,
- i. Kennel,
- j. Nightclub,
- k. Payday loan establishment

Document 3 - Delegated Authority By-law Amendment

1. Delegated Authority By-law 2024-265 Schedule "I" is proposed to be amended with provisions similar in effect to the following:

b. Add a new section 9.1 which reads as follows:

"The Managers of Development Review individually are authorized to approve minor zoning amendment applications.

The exercise of delegated authority pursuant to subsection (1) shall be reported to the appropriate Standing Committee at least once in each calendar year."

c. Add a new section 9.2 which reads as follows:

"Where the Ward Councillor has indicated in writing that such Councillor desires that delegated authority granted pursuant to Section 9.1 of this Schedule be removed from a Manager of Development Review, all authority under Section 34 of the Planning Act for any actions not taken to the date of the receipt of the written request to remove delegated authority shall rest with Council through recommendation from the appropriate Standing Committee."

Document 4 - Public Notification and Consultation Policy Amendment

The Public Notification and Consultation Policy is proposed to be amended with provisions similar in effect to the following:

1. Amend Section 8 by adding the words “, Minor Zoning amendment,” after the words “Plan of Subdivision”.
2. Amend Section 17 by adding the words “Minor zoning amendment applications and” before the words “Site Plan Control applications.”
3. Amend Section 19 by adding the words “Minor Zoning Amendment applications and” before the words “Site Plan Control”.
4. Amend Section 22 by adding the words “Minor Zoning Amendment, due to their nature as minor or technical amendments to the zoning by-law, are applications are not subject to this section.

Document 5 - Consultation Details

Notification and Consultation Process

Notification and public consultation was undertaken in accordance with the Public Notification and Public Consultation Policy approved by City Council for Official Plan amendments. Staff met with the Federation of Community Associations at their standing meeting on September 28th, 2024 to present the proposals in this report and to take feedback.

Numerous comments were received on this file. Where comments from different members of the public were similar, they have been grouped together into the same response.

Public Comments and Responses

Comment:

Will this proposal remove the opportunity for community consultation in minor re-zoning applications?

Response:

Applications for minor re-zonings are proposed to be subject to a different public notification procedure as outlined in Document 4 – Public Notification and Consultation Policy. Applications for minor re-zoning are required to post signs on the property and publishing notice in a local newspaper, or on the City's website and to allow comments for 14 days. Staff will notify the Ward Councillor when staff have reached their decision and would have seven days to grant their concurrence. If concurrence is not granted by the ward councillor, then delegated authority is withdrawn and the appropriate standing committee will consider the application through a full committee process with the opportunity for public delegations.

This proposal requires community notification and opportunities to receive public comments and ward councillor concurrence with a staff decision. Ward Councillors can decide if a standing committee that is open to the public should consider an application.

This proposal does not allow for city staff to approve a file without councillor concurrence, nor for applications to be processed without community notification and the opportunity for comment. Whether a file goes to committee is proposed to be at the discretion of the ward councillors, who will have specific notification about each file processed this way.

Comment:

Why does this proposal allow for increase in height or changes to the zoning while the new zoning by-law project is in progress?

Applicants are permitted to apply to change the zoning on their property at any time, whether through the existing minor or regular re-zoning processes, or through a minor variance application to the Committee of Adjustment. All such applications must meet other policies including the Official Plan, any applicable Secondary plan, the planned context and existing context of the site, as well as any applicable design guidelines. This proposal is related to the process for amending zoning, not directly to the zoning by-law itself. It is not affecting the new zoning by-law project, which will create a new comprehensive zoning by-law for the City of Ottawa. Applications are required to conform to the Official Plan.

Comment:

Height increases should not be permitted beyond what Zoning By-law 2008-250 permits.

Response:

The *Planning Act* allows for applications to request for site-specific amendments from a zoning by-law passed by a municipality. The current minor re-zoning process does not contain any limit on how much height can be requested. Applicants seeking to amend the zoning provisions beyond what is proposed for new minor re-zonings can do so through a regular re-zoning application.

The proposed delegated authority for minor re-zoning process includes a new height threshold to ensure that any height requested through this process is minor within the context of the property's existing zone and the Official Plan. All applications to amend the zoning by-law will be reviewed by professional planning staff to determine if the request complies with City policies like the Official Plan, any applicable Secondary Plans, design guidelines, and the planned context and existing context of the site.

Comment:

Why are you using the existing definition of "minor re-zoning" as a basis for this new process?

Response:

The proposal uses these existing criteria as a starting point, and after analysis, staff recommend modifications specifically with respect to height provisions so that they may

be considered 'minor.' The *Planning Act* allows municipalities to could define 'minor'. The criteria for minor re-zonings reflect the cost of processing said applications, but also the complexity of files based on the provisions requested to be amended as well as the potential impact of changes requested through that process. Minor re-zonings are criteria contemplate that such applications will have a less major impact than those applications processed as regular re-zonings. Regular re-zoning applications can change the zone to a different zone (e.g., from residential to mixed-use) or add multiple uses (such as low-rise apartment buildings if they are not permitted in the zone), among other requested amendments that are unavailable in a minor re-zoning.

Comment:

Will this procedural change to the minor re-zoning process affect the Committee of Adjustment?

Response:

Minor re-zonings and applications to the Committee of Adjustment are parallel processes that applicants may choose for different reasons. The existing minor re-zoning process allows for the similar amendments to the zoning by-law's performance regulations that an applicant could seek from the Committee of Adjustment. There are differences, however, in terms of the costs (\$16,344.78 for a Minor Re-zoning, \$3196 for Minor Variance / Permission based on 2024 fees), timelines, and how minor variances operate relative to re-zonings. Comment:

Is there sufficient public comment and oversight through this process to ensure that staff can process such applications without undue influence from developers?

Response:

Staff are subject to both the City of Ottawa's Employee Code of Conduct and the Ontario Professional Planners Institute's Professional Code of Practice. Professional planning staff apply these codes of conduct to all the work they perform within the Planning Services department, which includes processing applications, whether delegated to staff or the regular committee process.

The process proposed in this report provides notification to the community through posting of signs on the property, posting on the City's Development Applications website, notification of the ward Councillor and applicable community association, the opportunity to submit comments, and a ward Councillor concurrence mechanism. Planning Services processes other applications or applications with steps processed under delegated authority, such as site plan control review applications, plans of subdivision, plans of condominium, and removal of zoning holding provisions.

As such, staff propose the administration of this process will be similar to other existing delegation processes with notice to residents and mechanisms for oversight by fashion to similar processes delegated to staff and with oversight committee and Council.

Comment:

Can the threshold for height under this process be “up to five storeys” in all cases?

Response:

Not in all cases. This process limits the total building height to three storeys within the Neighbourhood designation and four storeys in the Evolving Overlay. In other designations the threshold for height is the lesser of three measurements: five storeys, 15 metres, or 25 per cent of the existing height maximum. Table 1 in this report shows that for existing building height maximums less than 20 storeys, additional height increases are required to be less than 5 storeys for consideration under this process. This proposed threshold ensures that applications for height changes will be minor within the context of a property’s permitted height and context. In the opinion of staff, low-rise residentially zoned properties are not suitable locations for requests of up to five storeys in additional height to be processed under delegated authority. The alternative threshold of 25% of the permitted height in the zone will ensure that there is flexibility through this process to request additional height while ensuring that such height increases will be minor.