

**Subject: Amendments to Site Plan Control By-law to Comply with Legislative Changes to the *Planning Act***

**File Number: ACS2024-PDB-PS-0029**

**Report to Planning and Housing Committee on 5 November 2024  
and Agriculture and Rural Affairs Committee on 7 November 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 : Modifications du *Règlement régissant la réglementation du plan  
d'implantation* afin de se conformer aux changements apportés à la *Loi sur  
l'aménagement du territoire***

**Dossier : ACS2024-PDB-PS-0029**

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

**le 5 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 Agriculture and Rural Affairs Committee recommend Council approve the amendments to Site Plan Control By-law 2014-256 as shown in Document 1.

## RECOMMANDATIONS DU RAPPORT

Que le Comité de la planification et du logement et Comité de l'agriculture et des affaires rurales recommande Conseil approuver les modifications apportées au *Règlement régissant la réglementation du plan d'implantation 2014-256* indiquées dans le document 1.

## EXECUTIVE SUMMARY

This report recommends approval of amendments to the Site Plan Control By-law 2014-256 to ensure it complies with recent amendments to the *Planning Act*. Recent amendments to the *Planning Act* include:

- A new subsection to Section 41 was added to qualify the definition of 'development' to exclude "the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than ten residential units."
- Section 41 was further amended to allow for site plan control for any number of residential units in "prescribed areas", which include, generally, areas within 300 metres of certain rail lines or within 120 metres.

The existing Site Plan Control By-law 2014-256 has not complied with the Act since these changes came into effect on November 28<sup>th</sup>, 2022. This report proposes to amend the Site Plan Control By-law to comply with the changes to the *Planning Act*, as well as a number of other changes to streamline approvals or add new requirements for site plan control, including:

The changes to comply with the *Planning Act* include:

- Amendments concerning residential buildings having ten units or less and the Sandy Hill Special Site Plan Control Area
- Amendments concerning O.Reg. 254/23
- Amendments concerning rooming units
- Amendments concerning required studies.

The administrative changes to streamline approvals and new requirements for site plan control approval include:

- Amendments concerning small mixed-use buildings
- Exemption for adding units to an existing building
- Administrative and technical changes concerning securities
- Battery energy storage systems, natural gas generation facilities and renewable energy generation facilities
- Requirement for site plan control for adding buildings to certain uses.

### **SYNTHÈSE ADMINISTRATIVE**

Le présent rapport recommande d'approuver les modifications au *Règlement sur la réglementation du plan d'implantation 2014-256* afin de s'assurer qu'il se conforme aux modifications apportées récemment à la *Loi sur l'aménagement du territoire*, à savoir :

- Un nouveau paragraphe a été ajouté à l'article 41 pour préciser la définition du terme « aménagement » afin d'exclure « la construction, l'édification ou l'implantation d'un bâtiment ou d'un ouvrage destiné à des fins d'habitation sur une parcelle de terrain si la parcelle en question contient au plus 10 logements ».
- L'article 41 a également été modifié pour permettre la réglementation de plans d'implantation, sans égard au nombre de logements, dans les « zones prescrites », qui comprennent généralement des zones situées à un maximum de 300 mètres de certaines lignes de chemin de fer ou à un maximum de 120 mètres.

Le *Règlement sur la réglementation du plan d'implantation 2014-256* existant ne se conformait pas à la loi depuis que ces changements sont entrés en vigueur le 28 novembre 2022. Le présent rapport propose de modifier le *Règlement sur la réglementation du plan d'implantation* afin de se conformer aux changements apportés à la *Loi sur l'aménagement du territoire*, ainsi qu'à un certain nombre d'autres changements afin de simplifier les approbations ou d'ajouter de nouvelles exigences pour la réglementation du plan d'implantation, notamment :

Les changements apportés pour se conformer à la *Loi sur l'aménagement du territoire* incluent ce qui suit :

- Modifications ayant trait aux immeubles résidentiels de 10 logements ou moins et zone de réglementation spéciale du plan d'implantation de Côte-de-Sable
- Modifications ayant trait au Règlement de l'Ontario 254/23
- Modifications ayant trait aux chambres
- Modifications ayant trait aux études requises.

Les changements administratifs visant à simplifier les approbations et les nouvelles exigences pour l'approbation de la réglementation du plan d'implantation incluent ce qui suit :

- Modifications ayant trait aux petits immeubles polyvalents
- Dérogation pour l'ajout de logements à un immeuble existant
- Changements administratifs et techniques concernant les garanties
- Systèmes de stockage d'énergie par accumulateurs, installations de production de gaz naturel et installations de production d'énergie renouvelable
- Exigence de la réglementation du plan d'implantation pour l'ajout de bâtiments destinés à certaines utilisations.

## **Public Consultation**

Staff solicited comment through a website on Ottawa.ca 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 28, 2024 to solicit feedback concerning the proposed amendments and to circulate additional information to those attending the meeting. The Greater Ottawa Home Builders Association is aware of the proposed amendments.

A full list of comments received by email and at the meeting with the responses from staff is included in Document 2 - Details of Public Consultation.

## **BACKGROUND**

Learn more about [link to Development Application process - Zoning Amendment](#)

For all the supporting documents related to this application visit the [link to Development Application Search Tool](#).

**Site location**

Citywide

**Applicant**

City-initiated

**DISCUSSION****What is Site Plan Control?**

Site Plan Control By-law 2014-256 authorizes Planning Services staff to undertake a comprehensive review of all issues related to a site plan for development proposals subject to the by-law. Under the *Planning Act*, the City is authorized to establish a Site Plan Control Area and undertake a comprehensive review of all issues related to a site plan including but not limited to: building location, parking, access, landscaping, traffic, grading, drainage, and servicing. This review enables the City to influence land development to ensure it is functional, safe and compatible, and to implement city building goals contained within City policies and guidelines. As part of this process, the City can require conditions that may need an agreement to be registered on title and take securities to ensure requirements and conditions will be fulfilled by the owner. Unlike zoning by-law amendments, the Site Plan Control process does not address what uses are permitted on a property.

**Legislative Context**

On November 22, 2022, Bill 23 *More Homes Built Faster Act* received royal assent, and on May 18, 2023, the *Helping Homebuyers, Protecting Tenants Act* received royal assent. These Acts made numerous amendments to *Planning Act* RSO 1990, c P.13, including changes to the scope of a Site Plan Control by-law that can be passed by a municipality contained in Section 41 of that Act. The City's Site Plan Control By-law has required amendments to comply with these legislative changes.

These Acts made the following changes to the scope of site plan control:

- A new subsection to Section 41 was added to qualify the definition of 'development' to exclude "the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than ten residential units."
- Section 41 was further amended to allow for site plan control for any number of residential units in "prescribed areas", which include, generally, areas

within 300 metres of certain rail lines or within 120 metres of various watercourses as specified in O.Reg 254/23.

- Amended Section 41 of the *Planning Act* to narrow the scope of plans and studies a municipality can require for site plan control applications.

The existing Site Plan Control By-law 2014-256 has not complied with the Act since these changes came into effect on November 28<sup>th</sup>, 2022. This report proposes to amend the Site Plan Control By-law to comply with the changes to the *Planning Act* affecting Site Plan Control, as well as a number of other minor changes to streamline approvals.

### **Proposed Changes to Site Plan Control By-law 2014-256**

This report recommends two broad types of changes to Site Plan Control By-law No. 2014-256: changes to comply with the amended *Planning Act* and changes to simplify and make minor updates to the by-law.

The changes to comply with the *Planning Act* include:

- Amendments concerning residential buildings having ten units or less and the the Sandy Hill Special Site Plan Control Area
- Amendments concerning O.Reg. 254/23
- Amendments concerning rooming units

The administrative changes to streamline approvals and new requirements for site plan control approval include:

- Amendments concerning small mixed-use buildings
- Exemption for adding units to an existing building
- Administrative and technical changes concerning securities
- Battery energy storage systems, natural gas generation facilities and renewable energy generation facilities
- Requirement for site plan control for adding buildings to certain uses.

### **Amendments to comply with the *Planning Act***

Amendments concerning residential buildings having ten units or less and the Sandy Hill Site Plan Control Area

The existing By-law requires site plan control approval for proposals exceeding six dwelling units in a residential building on public services, and for proposals exceeding three units in a residential building on privately-serviced lots. Additional thresholds for site plan control including limits to parking, gross floor area maximums, municipal servicing, and other thresholds.

The *More Homes Built Faster Act* removed the authority of municipalities to require site plan control for residential buildings of up to ten units, as well as narrowed the scope of required plans and studies that may be requested by a municipality. The changes to the *Planning Act* do not allow for thresholds other than the number of residential dwelling units to be used in requiring site plan. Accordingly, the proposed amendments to the Site Plan Control By-law aim to eliminate non-applicable thresholds like Gross Floor Area and Parking Maximums, to delete the distinction between how proposals for residential dwellings are treated within the Inner Area and Outer Area in Schedule C, distinctions between the threshold for serviced and unserviced lots, and to increase the threshold at which Site Plan Control review applies to ten residential dwelling units in order to comply with the Act.

The result will be a simplified threshold for residential buildings as follows:

“Section 4(1)(b)(vi) when on a lot serviced by municipal drinking water and sanitary sewer systems located within the Site Plan Control Area: the lot contains a maximum of ten residential units or oversize dwelling units.”

And for privately serviced lots, the provision will read as follows:

“when on a lot serviced by private individual services it contains a maximum of ten dwelling units or oversize dwelling units.”

Staff explored whether a lower threshold for Site Plan Control could be implemented for unserviced lots, a particular issue within the rural area where properties are less likely to be serviced. Previously, unserviced lots required additional review for servicing capacity at lower thresholds of residential units (three dwelling units or oversize dwelling unit, or a maximum of six rooming units and no dwelling units or oversize dwelling units) to ensure that any private services proposed for the residential dwellings on the lot were adequate for the residences on the lot. The amendment to the *Planning Act* did not provide any authority to implement a lower threshold based on servicing as it is based on the number of residential dwelling units.

A related amendment is required for the Sandy Hill Special Site Plan Control Area in Section 3.1 of the by-law. The Sandy Hill Special Site Plan Control area requires site plan control review for three-unit residential buildings and additional plans and studies

specific to proposals in the area specified in Schedule B to the by-law. The additional regulation and review required by Section 3.1 has been rendered non-operative by the changes to the *Planning Act* described above. Staff recommend deleting this section to comply with the Act.

#### Amendments concerning O.Reg. 254/23

Staff recommend an additional new section to include areas listed in O.Reg 254/23 where the ten unit threshold for site plan control in the Act does not apply. O.Reg 254/23 refers to areas within 120 metres of water courses and within 300 metres from certain freight lines. In those areas, the municipality may require site plan control below the ten unit threshold otherwise in effect. For those areas, site plan control will apply unless written permission is obtained by the General Manager of Planning Development and Building Services.

#### Amendments concerning rooming units

The Site Plan Control By-law includes a threshold for when site plan control approval is required for a rooming house based on the number of rooming units (bedrooms) in the rooming house.

However, the wording of the *Planning Act* at Section 41 applies the threshold for site plan control based on the number of “residential units.” Section 1 of the *Planning Act* defines a residential dwelling unit as

“a unit that,

- (a) consists of a self-contained set of rooms located in a building or structure,
- (b) is used or intended for use as residential premises, and
- (c) contains kitchen and bathroom facilities that are intended for the use of the unit only”

A rooming house is considered to be one residential unit for the purposes of the *Planning Act*, given the entirety of a rooming house is a self-contained set of rooms with kitchen and bathroom facilities that are intended for the use of the occupants of the rooming house only. It is staff’s opinion that this definition of “residential unit” would mean that regardless of the number of rooming units (bedrooms) in a rooming house, each rooming house is considered a single residential dwelling unit. As a result, the current threshold for site plan control based on the number of rooming units (bedrooms) in a rooming house would not comply with the *Planning Act*. For this reason, it is no longer possible to require site plan control for a rooming house.

## **Administrative changes to streamline approvals and add new requirements for site plan control for certain uses**

### Amendments concerning small mixed-use buildings

The Act's exemption for residential use buildings of up to ten units creates an incentive to propose residential buildings in mixed-use zones. Proposals for residential buildings of up to ten dwelling units will be exempt from site plan control while, in the absence of an amendment to the Site Plan Control By-law, mixed use buildings of any size would be subject to Site Plan Control. Accordingly, staff recommend creating an exemption for mixed-use buildings of a similar size to the Act's residential exemption in order to promote the implementation of the City's Official Plan policies for mixed-use zones of having mixed-use buildings.

This proposed exemption from site plan control for mixed-use buildings is intended to allow small, mixed-use buildings to be exempt from site plan if they meet certain conditions related to a maximum gross floor area unit count, storey maximum, and parking maximums. Thresholds other than dwelling unit counts can be applied to mixed-use buildings as the Act's exemption of up to ten residential dwelling units applies to residential use buildings.

The proposed amendment to exempt similarly sized mixed-use buildings is as follows:

1. "A building containing both residential and non-residential units that is:
  - (i) is four storeys or less
  - (ii) is serviced by municipal drinking water and sanitary services
  - (iii) is on a lot zoned AM, GM, LC, MC, MD, TD, TM, -c suffix, or VM;
  - (iv) is not on a lot located within the Development Zone of Influence, unless written permission is obtained by the General Manager
  - (v) the lot has up to ten dwelling units or a rooming house with up to ten dwelling units
  - (vi) the buildings on the lot have a combined gross floor area of no more than 1,000 square metres
  - (vii) has no more than ten outdoor parking spaces

These provisions are intended to exempt a mixed-use building from site plan control that would be of a similar size to a ten unit residential building that is exempt from Site

Plan Control pursuant to the *Planning Act*. Mixed-use proposals that do not meet these conditions will be subject to site plan control and review by Planning Services staff.

#### Exemption to Site Plan Control for adding units to an existing building

A new section is recommended by staff to exempt the requirement for site plan control for adding units to an existing building that is limited to changes internal to the building. It occurs in an uncommon, but regular basis that applicants seek to add residential units to an existing building by converting internal areas of the building to new residential units. Where such proposals are for a building that has sufficient units to require site plan control, the addition of new units to the building would trigger a new site plan control application. From the perspective of Development Review staff, an additional site plan control review for an existing building where there are no changes happening beyond the interior of the building does not present any additional issues for review. The current Site Plan Control By-law does not contain any exemption for this situation.

The proposed new exemption seeks to allow for the addition of up to five units to a building in these situations, with appropriate limitations to ensure that there are no substantive changes happening to the exterior of the building, the lot, or changes that require increased servicing capacity. Further, the permit for the construction of the original building could not have been issued within the four years before this exemption is sought by an applicant. The rationale behind this provision is to ensure that buildings are not proposed as ten unit buildings that would be exempt from Site Plan Control under the Act, but have added internal space that they could attempt to convert to additional units through this exemption. It is staff's opinion that if an applicant seeks to construct a 12 unit building that it should be reviewed under site plan control. The four year 'cooling off' period before the exemption to add units to a building becomes available is intended to achieve that goal.

#### Administrative and Technical Changes concerning Securities

Staff recommend amending the total amount of securities that can be provided under a letter of undertaking. Letters of undertaking are permitted as an alternative to site plan control under certain conditions, such as where no further action is required by the applicant after the issuance of the building permit. A requirement for letters of undertaking is that the applicant must provide up to \$200,000 in securities to the City. This maximum number of securities has not been amended since 2019. Staff recommend increasing this number to \$1,000,000 to better reflect the amount of securities required for a letter of undertaking. In addition, staff recommend delegating authority to the General Manager of Planning, Development, and Building Services to

increase that amount on a site specific basis in writing if a particular application would require more than that new limit.

### Battery energy storage systems, natural gas generation facilities and renewable energy generation facilities

The design of sites containing these uses can be complex. To ensure that technical considerations relating to access, landscaping, traffic, grading, drainage, stormwater management and servicing are safely and properly addressed as part of a proposed development, it is proposed to require site plan control approval for these uses.

### Requirement for site plan control for adding a building to certain uses

Site plan control applies to growth that includes the development of a building. However, some uses can be established without the construction of a building or structure, such as a storage yard. The current Site Plan Control By-law is intended to require site plan control review for certain uses listed in section 4(c)(iv) that may be established without a building, including campgrounds, cemeteries, golf courses, snow disposal facilities, storage yards and waste facilities. The by-law is currently worded to apply only when such uses are established. Under the *Planning Act*, Site Plan Control can only be required for the construction of a building or structure, therefore, establishing a use without an associated building or structure does not trigger the requirement for site plan control.

To close this gap in the by-law, staff recommended revising this section so that the uses listed above will be required to go through site plan control if they are established or if a building or structure is added to an existing use, unless written permission is obtained from the General Manager of Planning, Development and Building Services. This way, if one of these uses has never been through site plan control review and the owner wishes to add a building or structure, staff will have the discretion to require site plan control review. This is intended generally for situations where, for example, a storage yard was established without a building and never went through site plan control review, not for situations where a use that has already undergone site plan control review seeks to add small buildings or structures to the existing site. The flexibility in this proposed revision is intended to allow staff to distinguish between the two scenarios.

### **Public consultation**

Staff created a website outlining the proposals related to this report and solicited feedback based on that website.

In addition, staff attended the Federation of Community Associations Meeting on September 28, 2024 to meet with representatives of that organization, make a

presentation on this report's proposals. In accordance with the public notification policy, applicable community associations were circulated on this report's proposals.

Public input was largely supportive, with some residents expressing concern over a provision for exempting the requirement for site plan control for adding units to an existing residential building. That proposed amendment to the by-law includes a requirement that the building permit for original construction of the building had not been obtained within the previous three years from when the exemption from site plan control is applied. This provision is intended to ensure that, for example, what will ultimately be 12-unit residential building is not initially proposed as ten-unit building, and then later converted internally to add two additional units under this exemption. Members of the community expressed concern that this length of time was insufficient to prevent construction of a building of up to ten residential units with space that can be converted into additional units once the cooling-off period lapses. To address this concern, the length of time was increased to four years from three.

For this proposal's consultation details, see Document 3 of this report.

### **Provincial Policy Statement**

Staff have reviewed this proposal and have determined that it is consistent with the 2020 Provincial Policy Statement.

### **RURAL IMPLICATIONS**

The proposed amendments to the Site Plan Control By-law would be applicable to all rural areas.

### **LEGAL IMPLICATIONS**

There are no legal impediments to the adoption of the recommendation in this report. The proposed changes to the Site Plan Control By-law are as required by Bill 23 and within the jurisdiction of Council.

### **FINANCIAL IMPLICATIONS**

The proposed changes, including site plan control exemptions for small mixed-use buildings and adding units to an existing buildings do not represent a material revenue loss for Planning Services as the Planning Act raised the threshold exempting site plan control of up to 10 residential units since November 2022. In the event that revenues are inconsistent with past trends and are not achieved, volumes are reviewed annually and fees adjusted through future budget process(es).

## **ASSET MANAGEMENT IMPLICATIONS**

There are no direct Asset Management Implications resulting from recommendations of this report. For each development site where increased density will result, there may be no discernable change / impact on residual servicing capacity. On a cumulative basis, however, there will be an increase in demand which will impact residual capacity to some extent in collector and trunk sanitary systems and the broader water distribution system. Programs are being initiated through the IMP to manage this issue

## **SUPPORTING DOCUMENTATION**

Document 1 Details of Amendment to Site Plan Control By-law 2014-256

Document 2 Consultation Details

## **CONCLUSION**

Staff recommend approving these changes to Site Plan Control so that the by-law will comply with the *Planning Act*, introduce new sections to create synergies with the changes required by legislation, and to make other changes to simplify the by-law, make administrative changes, and update sections of the By-law.

## **DISPOSITION**

Zoning and Interpretations Unit, Policy Planning Branch, and Planning Services to prepare the implementing by-law and forward 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.

*\*Note: A Minor correction was made to this report further to the City Clerk's Delegated Authority, as set out in Schedule C, Section 8 of Delegation of Authority By-Law 2024-265 as reference to the Agriculture and Rural Affairs Committee was inadvertently omitted on the cover page as well in the recommendations, identified with underlining.*

**Document 1 – Details of Recommended Amendment to Site Plan Control By-law 2014-256**

'Site Plan Control By-law 2014-256 is proposed to be amended with provisions similar in effect to the following:

1. Amend Section 2(d)(iv) by deleting the words "secondary dwelling unit."
2. Replace the text of Section 2(e) with the following: "design priority area means an area identified in Policy 2 of Section 4.6.1 under the heading "Promote design excellence in Design Priority Areas" of the Official Plan for the City of Ottawa as identified on Schedule C7A and C7B."
3. Replace the text of Section 2(g) with the following: "General Manager means the General Manager Planning, Development and Building Services Department of the City of Ottawa, or their designate. (2019-39)(By-law 2022-255)."
4. Delete Section 3.1.
5. Replace the text of Section 4(1)(b)(vi) with the following text: "when on a lot serviced by municipal drinking water and sanitary sewer systems located within the Site Plan Control Area: the lot contains a maximum of 10 dwelling units or oversize dwelling units."
6. Replace the text of Section 4(1)(b)(vii) with the following text: "when on a lot serviced by private individual services it contains a maximum of 10 dwelling units or oversize dwelling units."
7. Delete Section 4(1)(b)(viii).
8. Re-letter Section 4(1)(c) as Section 4(1)(d).
9. Add a new Section 4(1)(c) with the following text: " A building containing both residential and non-residential units that is:
  - (i) is four storeys or less
  - (ii) is serviced by municipal drinking water and sanitary services
  - (iii) is on a lot zoned AM, GM, LC, MC, MD, TD, TM, -c suffix, or VM;
  - (iv) is not on a lot located within the Development Zone of Influence, unless written permission is obtained by the General Manager

- (v) the lot has up to 10 dwelling units or a rooming house with up to 10 rooming units
- (vi) the buildings on the lot have a combined gross floor area of no more than 1,000 square metres;and
- (vii) has no more than 10 outdoor parking spaces

10. Delete the following words from Section 4(1)(d)(iv) “Campground”, “Cemetery”, “Golf Course”, “Snow disposal facility”, “Storage Yard”, and “Waste facility” and re-number the remaining provisions accordingly.

11. Add the following words to Section 4(1)(d)(iv) numbered 12-14: “Renewable energy generation facility”, “Battery Energy Storage System”, and “natural gas utility”.

12. Renumber Section 4(1)(d)(v) as Section 4(1)(d)(vi).

13. Add a new section 4(1)(d)(v) with the following words “Does not establish any of the following or add a new building to the following unless written permission is obtained from the General Manager: 1. Campground 2. Cemetery 3. Golf Course 4. Snow Disposal Facility 5. Storage yard and 6. Waste Facility”.

14. Amend Section 5(3)(d)(ii) by adding the words “or Section 4(1)(c)(v)” after the words “Section 4(1)(c)(iv)”.

15. Amend Section 5(3)(d)(iii) by replacing the number “600” with “1,000” wherever it appears.

16. Amend Section 5(4) by replacing the word “nine” with “ten”.

17. Renumber Section 7(3) as 7(5).

18. Add a new Section 7(3) with the following words: “Notwithstanding sections 4 and 5, site plan control approval will be required for any building or structure used as part of a Renewable Energy Facility or Battery Energy Storage System.

19. Add a new Section 7(4) with the following words: “Notwithstanding section 4(1), site plan control will be required for development on lands prescribed for the purpose of Section 41(1.2) of the *Planning Act* as set out in O.Reg 254/23, unless written permission from the General Manager is obtained, including the construction of a residential building on a lot that is:

- a. Within 300 metres of a railway line other than a railway line that is:

- i. A railway line to which the *Canadian Transportation Act* (Canada) applies and whose operations have been discontinued under Section 146 of the Act;
  - ii. An abandoned railway line to which the *Canadian Transportation Act* does not apply; and
  - iii. A railway line on which the only railway that operates is an urban rail transit system.
- b. Within 120 metres of:
  - i. A wetland;
  - ii. The shoreline of the Great Lakes-StLawrence System,
  - iii. An inland lake; or
  - iv. A river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse
- c. 7(3)(a) and 7(3)(b), above, do not apply to any development for which a building permit has been issued on or before August 9, 2023.

20. Add a new Section 7(5) with the following words: (1) The General Manager may give written permission to waive the requirement for site plan control under Section 4 of this by-law for an existing residential building for the addition of up to 20% of the existing number of units in the building or five additional units, whichever is the lesser, if:

- a. No changes to the building footprint are proposed;
- b. No reductions to the bedroom counts of the existing dwelling units are proposed;
- c. No reduction to the soft landscaping on the lot is proposed;
- d. No additional parking spaces are created;
- e. No changes to the grading are required to accommodate additional units;
- f. No additional parking spaces are proposed to be added to the lot;
- g. No changes to the grading are required to accommodate the additional units;

- h. No additional servicing capacity or other City design guidelines requirements for municipal water, sewer, and/or draining systems is required to accommodate the additional units;
  - i. The building code permit for the original construction of the associated structure was not issued within the last four years; or
  - j. Engagement with the City through the pre-consultation process is required to determine if the conditions for this exemption have been met.
21. In Section 8, replace the words “Manager of Planning Services” with the words “General Manager.”
22. Replace the words of Section 9(7) with the following words “any sustainable design features to be incorporated, such as green roofs or walls, sun traps, reflective or permeable surfaces consistent with Section 10 of this by-law.
23. Replace the words of Section 11(1)(e) with the following words: “the total amount of securities to be provided to the City does not exceed \$1,000,000.00 or, on a site-specific basis, a larger amount specified in writing by the General Manager (By-law 2019-30).
24. Amend Schedule A by adding the words “battery energy storage system” after the words “automobile service station”, and the words “renewable energy generation facility” after the words “rapid transit network.”

## Document 2 – 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 Zoning By-law amendments.

### Public Comments and Responses

#### Comment

Will the thresholds for site plan control fees be amended?

#### Response

Additional analysis will be required to determine if the fee structure for site plan control applications should be amended and will be explored as part of next year's budget process. Fees are set during the annual budget process. The existing fee thresholds for different levels of complexity for site plan control applications reflect staff time to process reports of various levels of complexity. The changes to the thresholds in the Site Plan Control By-law 2014-256 for when site plan control review will be required are proposed to comply with the *Planning Act*, and are unrelated to the financial analysis required to see if the fee thresholds need to be changed.

#### Comment

Is three years a sufficient period from the initial building permit issuance for the construction of a building for the exemption from site plan control?

#### Response

The intention for this provision is to allow the addition of units to an existing building that may have already been through the site plan control review process before its initial construction. To meet the conditions for the waiver, new units can only be added internally without substantive changes to the exterior of the building, the requirement for additional servicing capacity, or to the grading on the site, the requirement for an additional site plan control review would be unnecessary. This exemption is not intended to allow the construction of a building over the threshold for site plan control review that might otherwise be subject to it. Staff initially proposed a three-year interval between the issuance of the original building permit and request for the waiver, but after additional consideration it was determined that four years would be more appropriate.