

Document 4 – Updated Site Plan Control By-law

BY-LAW NO. 2014 - 256

As amended by By-laws 2015-142, 2016-271, 2016-355, 2017-320, and 2019-xxx

A by-law of the City of Ottawa designating the area within the territorial limits of the City of Ottawa as an area of site plan control.

WHEREAS Section 41 of the *Planning Act* provides that, where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situated may, by by-law, designate the whole or any part of such area as a site plan control area;

AND WHEREAS the Official Plan for the City of Ottawa describes the entire territorial limits of the City of Ottawa as a proposed Site Plan Control Area;

AND WHEREAS Section 41 of the *Planning Act* provides that no person shall undertake any development in an area designated under a by-law passed under that section without first having received approval;

AND WHEREAS Section 41 of the *Planning Act* provides that the Council of the City of Ottawa may define any class or classes of development that may be undertaken without approval;

THEREFORE the Council of the City of Ottawa, pursuant to Section 41 of the *Planning Act*, enacts as follows:

INTERPRETATION

1. The following rules apply to this by-law:

- (1) Unless otherwise defined, the words, terms and phrases used in this by-law have their normal and ordinary meaning.
- (2) The *Legislation Act, 2006* applies to this by-law.
- (3) Despite the tense used in a provision,
 - (a) every provision of this by-law is to be applied to the circumstances as they exist at the time in question; and
 - (b) every obligation imposed by this by-law is a continuing one so long as either the use, the circumstances, the reason for the obligation,

or the events which caused, precipitated or gave rise to the obligation continue.

- (4) This by-law may be cited by its long title, its short title, or by its by-law number, and any such citation is to be taken as meaning the by-law as amended.

DEFINITIONS

2.

- (1) In this by-law:
 - (a) “automotive establishment” means one or more of the following land uses as defined by the Zoning By-law: automobile body shop, automobile dealership, automobile rental establishment, automobile service station, heavy equipment and vehicle sales, rental and servicing, or parking garage.
 - (b) “Council” means the Council of the City of Ottawa.
 - (c) “design priority area” means an area identified in Policy 2 of Section 2.5.1 under the heading “Design Priority Areas” of the Official Plan for the City of Ottawa.
 - (d) “development” means development as defined by Section 41 of the *Planning Act*, but does not include a portable classroom on a school site of a district school board.
 - (e) “Development Zone of Influence” means the Development Zone of Influence shown in Annex 17 of the Official Plan for the City of Ottawa.
 - (f) “General Manager” means the General Manager of the Planning, Infrastructure, and Economic Development Department of the City of Ottawa, or his or her designate.
 - (g) “Site Plan Control Inner Area” means the area as shown in Schedule C of this By-law.
 - (h) “parking area” means an area containing one or more parking spaces.
 - (i) “waste facility” means a solid waste disposal facility, waste processing and transfer facility, and waste processing and transfer facility (non-putrescible).

- (2) Where a word or term used in this by-law is listed in Schedule A, the word or term has the same meaning as defined under Section 54 of the City of Ottawa Zoning By-law No.2008-250 as amended.

DESIGNATED AREA

3 (1) The whole of the area located within the territorial limits of the City of Ottawa is hereby designated as an area of site plan control.

(2) The approval of plans and drawings in accordance with subsection 41(4) of the *Planning Act* is required before development is undertaken within the area described in subsection 3(1), unless otherwise exempt from approval as set out in this by-law.

3.1 (1) This section applies to the Sandy Hill Special Site Plan Control Area of the City identified on Schedule B.

- (2) Despite any other provision of this by-law, the following classes of development shall be subject to site plan control:
 - (a) A residential use building that contains a detached dwelling, linked-detached dwelling, semi-detached dwelling, duplex dwelling, three unit dwelling, group home, a townhouse containing no more than three dwelling units where each dwelling unit of the townhouse dwelling is located on a separate conveyable lot, or a rooming house with a maximum of six rooming units and no dwelling units;
 - (b) Residential development which constitutes an addition to that identified in (a) above;
 - (c) Development which introduces one or more additional dwelling units in development identified in (a) above; and
 - (d) Development which introduces one or more additional rooming units in development identified in (a) above.
- (3) Any development that would have been subject to full site plan review prior to the enactment of this section will continue to be subject to such review in accordance with existing practice and fees, as such may be amended.
- (4) The applicant may be required to submit building elevations in support of an application for site plan control pursuant to this section to show exterior architectural details and design features as outlined in subsections 9 (3) to 9(10) of this by-law.
- (5) The applicant may be required to provide the following information and

documentation in support of an application for site plan control pursuant to this section:

- (a) A one-page planning rationale providing a summary of the nature and intent of the proposed development or redevelopment;
 - (b) A site plan showing site layout, the location of the building and all its entrances, details of landscaping, and the layout/location of any on-site motor vehicle and bicycle parking;
 - (c) In the case of additions resulting in buildings of 275 square metres gross floor area and greater, a grading and drainage plan prepared by a certified professional engineer licensed to work in Ontario;
 - (d) Elevation drawings and three-dimensional colour renderings (at a scale of 1:50) of the building before (in the case of redevelopment or additions) and after development or redevelopment;
 - (e) Details on cladding materials, windows, and other architectural elements proposed or, in the case of an existing building proposed to be modified, details on how these materials are being changed or replaced;
 - (f) Floor plans of each floor of the building showing the use of all space, consistent with Building Permit application, including all rooms with their intended purpose, vaults, central storage and collection areas and other facilities and enclosures for the storage of garbage and other waste material;
 - (g) Information required to address the Planning Act, paragraph 41(7)(a)(7).
- (6) The requirement for site plan control approval pursuant to this section may be waived by the General Manager, Planning, Infrastructure and Economic Development or the Chief, Development Review Services subject to the concurrence of the Ward Councillor.

CLASSES OF DEVELOPMENT EXEMPT

4. Subject to Section 7, the following classes of development may be undertaken without site plan control approval where there is no site plan agreement registered on title to the lot:

- (1) The construction, erection or placing on land of:
 - (a) a residential use building that contains a townhouse dwelling approved through a plan of subdivision; or

- (b) a residential use building other than identified in subsection 4(1)(a) that:
- i. is not on a lot wholly or partially zoned Environmental Protection (EP) or a subzone thereof, unless written permission is obtained from the General Manager;
 - ii. is not located within a Mobile Home Park;
 - iii. is not part of a planned unit development;
 - iv. is not on a lot located within the Development Zone of Influence, unless written permission is obtained from the General Manager; and
 - v. is four storeys or less;
 - vi. when on a lot located within the Site Plan Control Inner Area, as shown on Schedule C:
 - A. is serviced by municipal drinking water and sanitary sewer systems;
 - B. contains a maximum of three dwelling units or oversize dwelling units, or a maximum of six rooming units and no dwelling units or oversize dwelling units;
 - C. has a gross floor area of no more than 600 square metres; and
 - D. has no more than three outdoor parking spaces; or
 - vii. when on a lot located outside the Site Plan Control Inner Area, as shown on Schedule C:
 - A. is serviced by municipal drinking water and sanitary sewer systems;
 - B. contains a maximum of six dwelling units or oversize dwelling units, or a maximum of six rooming units and no dwelling units or oversize dwelling units;
 - C. has a gross floor area of no more than 600 square metres; and
 - D. has no more than seven outdoor parking spaces; or
 - viii. when on a lot serviced by private individual services:

- A. contains a maximum of three dwelling units or oversize dwelling units, or a maximum of six rooming units and no dwelling units or oversize dwelling units; and
 - B. has no more than seven outdoor parking spaces; and
- (c) A building containing only non-residential uses that:
 - i. is not on a lot wholly or partially zoned Environmental Protection (EP) or a subzone thereof, unless written permission is obtained from the General Manager;
 - ii. is not on a lot located within:
 - A. a Design Priority Area, or
 - B. the Development Zone of Influence, unless written permission is obtained from the General Manager;
 - iii. Does not exceed a gross floor area of:
 - A. 600 square metres when serviced by municipal drinking water and sanitary sewer systems;
 - B. 300 square metres when serviced or partially serviced by private individual services; or
 - C. 300 square metres when un-serviced;
 - iv. Does not establish any of the following:
 - A. Amusement park;
 - B. Automotive establishment;
 - C. Drive-through facility;
 - D. Campground;
 - E. Cemetery;
 - F. Crematorium;
 - G. Emergency service;
 - H. Funeral home;
 - I. Gas bar;

- J. Golf course;
 - K. Heavy industrial use;
 - L. Kennel;
 - M. Marine facility;
 - N. Snow disposal facility;
 - O. Storage yard; or
 - P. Waste facility; and
- v. The associated parking area does not exceed nine spaces.

5. Subject to Section 7 the following classes of development may be undertaken without site plan control approval:

- (1) The construction, erection or placing on land of:
 - (a) An outdoor commercial patio;
 - (b) A seasonal garden centre in a parking lot;
 - (c) A building or structure used as part of a:
 - i. forestry operation;
 - ii. mineral extraction operation;
 - iii. agricultural use; or
 - iv. equestrian establishment

where the lot is not partially or wholly zoned Environmental Protection, or a subzone thereof, unless written permission is obtained from the General Manager.
 - (d) A temporary building or structure if it is:
 - i. part of a special event or construction on the lot;
 - ii. part of construction, staging and repair works to support a rapid transit network;
 - iii. a garden suite;

- iv. used as an office for the sale of residential lots or dwelling units and does not exceed a gross floor area of 300 square metres; or,
- v. a mobile home used as temporary accommodation;
- (e) A building or structure forming part of a rapid transit network;
- (f) An accessory building or structure provided:
 - i. It is accessory to a rapid transit network or a utility installation; or,
 - ii. The lot is not partially or wholly zoned Environmental Protection, or a subzone thereof, unless written permission is obtained from the General Manager; and,
 - iii. After the addition of the accessory building or structure, the total cumulative gross floor area of all accessory buildings and structures on the lot does not exceed 600 square metres;
- (g) A utility installation;
- (h) A seasonal dome over an existing outdoor field or court; and
- (i) A park associated with an approved plan of subdivision or site plan.
- (j) A coach house, where
 - i. the coach house is connected to public or communal water and wastewater services, or where the coach house is connected to a communal or public water service with the primary home, or where the coach house is located on a lot smaller than 0.4 hectares located within the rural area of Ottawa. (By-law 2016-355) (By-law 2017-320); or
 - ii. other planning applications are required for the establishment of the coach house.

(2) The making of an addition to:

- (a) A residential use building:
 - i. where the addition enlarges a semi-detached or townhouse dwelling, the size of the addition does not exceed 30% of the existing gross floor area of the unit; and
 - ii. where a site plan control or approval of townhouses through a plan of subdivision:

- A. was never undertaken:
 - 1) provided that the total number of dwelling units or rooming units, total gross floor area, and the number of parking spaces is undertaken in accordance with clause 4(1)(b); or
- B. was previously undertaken:
 - 1) the size of the addition does not exceed 30% of the existing gross floor area, to a maximum of 300 square metres;
 - 2) the addition is undertaken in accordance with clauses from 4(1)(b)i through 4(1)(b)v inclusively and 7(1)(a);
 - 3) the addition of any outdoor parking spaces is no more than three spaces; and
- (b) A building or structure described in subsection 5(1) provided after the addition the applicable criteria of subsection 5(1) continue to be met.
- (c) A building other than a building described in clauses 5(2)(a) and 5(2)(b):
 - i) where the total gross floor area of the existing building:
 - A. is 460 square metres or less, and the size of the addition does not exceed 100% of the existing gross floor area, to a maximum of 140 square metres;
 - B. is more than 460 square metres, and the size of the addition does not exceed 30% of the existing gross floor area, to a maximum of 600 square metres;
 - ii) the addition does not accommodate the establishment on the lot of a new use as listed under section 4(1)(c)iv, or expand a drive-through facility on the lot;
 - iii) the building is not on a lot located within the Development Zone of Influence, unless written permission is obtained from the General Manager; and
 - iv) no more than three additional parking spaces are added.
- (3) Alterations to a building where:
 - (a) dwelling units or rooming units are added to a residential building

or converted to a group home, and after the alteration the building complies with subsection 4(1)(b);

- (b) A coach house is added to the building, the establishment of the coach house is in accordance with 5(1)(j); (By-law 2016-355)
 - (c) a non-residential building is altered to add other non-residential uses where:
 - i. The uses are entirely contained within the existing building;
 - ii. The alteration does not result in the establishment of a new use as listed under section 4(1)(c)iv or expand a drive-through facility;
 - iii. the building is not on a lot located within the Development Zone of Influence, unless written permission is obtained from the General Manager; and
 - iv. The addition of any associated parking spaces does not add more than nine spaces.
 - (d) the result is a building containing both residential and non-residential uses, provided that:
 - i. the uses are entirely contained within the existing building;
 - ii. The alteration does not result in the establishment of a new use as listed under section 4(1)(c)iv or expand a drive-through facility;
 - iii. after the alteration, the building contains:
 - A. no more than three dwelling units with a total gross floor area of 300 square metres or less, and the rest of the building being non-residential uses; or
 - B. no more than 300 square metres total gross floor area of non-residential uses with the rest of the building being residential uses;
 - iv. the building is not on a lot located within the Development Zone of Influence, unless written permission is obtained from the General Manager; and
 - v. no new parking spaces have been added.
- (4) The establishment or enlargement of a surface parking area does not

add more than nine spaces.

REPLACE OR REBUILD

6. Despite Sections 4 and 5, any development subject to site plan control that is damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that existed before the damages occurred, the use remains the same and no new dwelling and rooming units are added.

REQUIREMENT FOR SITE PLAN APPROVAL

7. (1) (a) Development without site plan control approval in accordance with clauses under subsections 5(2) and 5(3) is only permitted once every 24 months, unless written permission is obtained from the General Manager.

(b) Clause 7(1)(a) does not apply with respect to an addition to a school operated by a district school board.

(2) In addition to the authority delegated to the General Manager as set out in this by-law, the General Manager may require site plan control approval for a class of development otherwise exempt under Sections 4, 5 and 6.

MINOR DEVIATIONS

8. Minor deviations to a development which has received site plan control approval may take place without further approval where written permission is provided by the General Manager.

APPROVAL OF PLANS AND DRAWINGS

9. To ensure that the design provisions contained in Section 5.2.1 of the Official Plan for the City of Ottawa are addressed, building elevations submitted in support of an application for site plan control approval may be required to show exterior architectural details and design features, including the following information:

- (1) treatment of the public realm;
- (2) views of the entire block, so that proposed buildings may be seen in their context;
- (3) finish, texture, materials, patterns and colours of all building exteriors, including roofs;
- (4) location, size, colour, and type of all building exterior signage and lighting;

- (5) number, placement, type and finishing of all exterior doors and windows;
- (6) finish, texture, materials patterns and colours of functional elements attached to or forming part of the exterior of buildings such as entrance elements, walls, stairs, gates, railings, balconies, planters, awnings, alcoves, canopies, bays, seating, parking decks and ramps;
- (7) any sustainable design features to be incorporated, such as green roofs or walls, sun traps, reflective or permeable surfaces;
- (8) placement, finish, colour, size of any exterior mechanical systems such as heating and air conditioning, electronic transmission / receiving devices, and all above ground utilities (whether stand-alone or attached to the building) including any screening materials associated with the foregoing;
- (9) integration of elements such as mechanical equipment, elevator machine rooms, communication devices and visible temporary devices (window washing equipment), together with any building parapet that constitute the roofscape design; and

LIENS

10. (1) When Council causes any work to be done pursuant to any approval provided for in this by-law, the City shall have a lien for any amount expended by or on behalf of the City and for an administrative fee of ten percent of any amount expended by or on behalf of the City, and the certificate of the City Clerk as to the total amount expended shall be admissible in evidence as prima facie proof of the total amount expended and such total amount together with the administrative fee shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

(2) Before the certificate of the City Clerk is issued under subsection (1), an interim certificate shall be delivered to the owner of the property that is subject to the lien, as well as to all prior mortgagees or other encumbrancers and the affected owner, mortgagees or other encumbrancers shall have two weeks from the date of receipt of the interim certificate to appeal the amount shown thereon to Council.

LETTER OF UNDERTAKING

11. A letter of undertaking may be provided as an alternative to a site plan control agreement where:

- (a) easements or conveyances are not required to be made to the City after issuance of the building permit;

- (b) special measures for the protection of existing private trees, including a requirement for the submission of a tree compensation deposit, and the submission of a post construction tree evaluation report are not required;
- (c) the owner is not required to enter into other related development agreements with the City after the issuance of the building permit;
- (d) special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions; and
- (e) the total amount of securities to be provided to the City does not exceed \$200,000.

SCHEDULE

12. Schedule A, B, and C form part of this by-law.

REPEAL

13. By-law Number 2002-4 entitled "A by-law of the City of Ottawa designating the area within the limits of the City of Ottawa as an area of site plan control" is hereby repealed.

SHORT TITLE

14. This by-law may be cited as the Site Plan Control By-law.

ENACTED AND PASSED this 25th day of June, 2014.

CITY CLERK

MAYOR

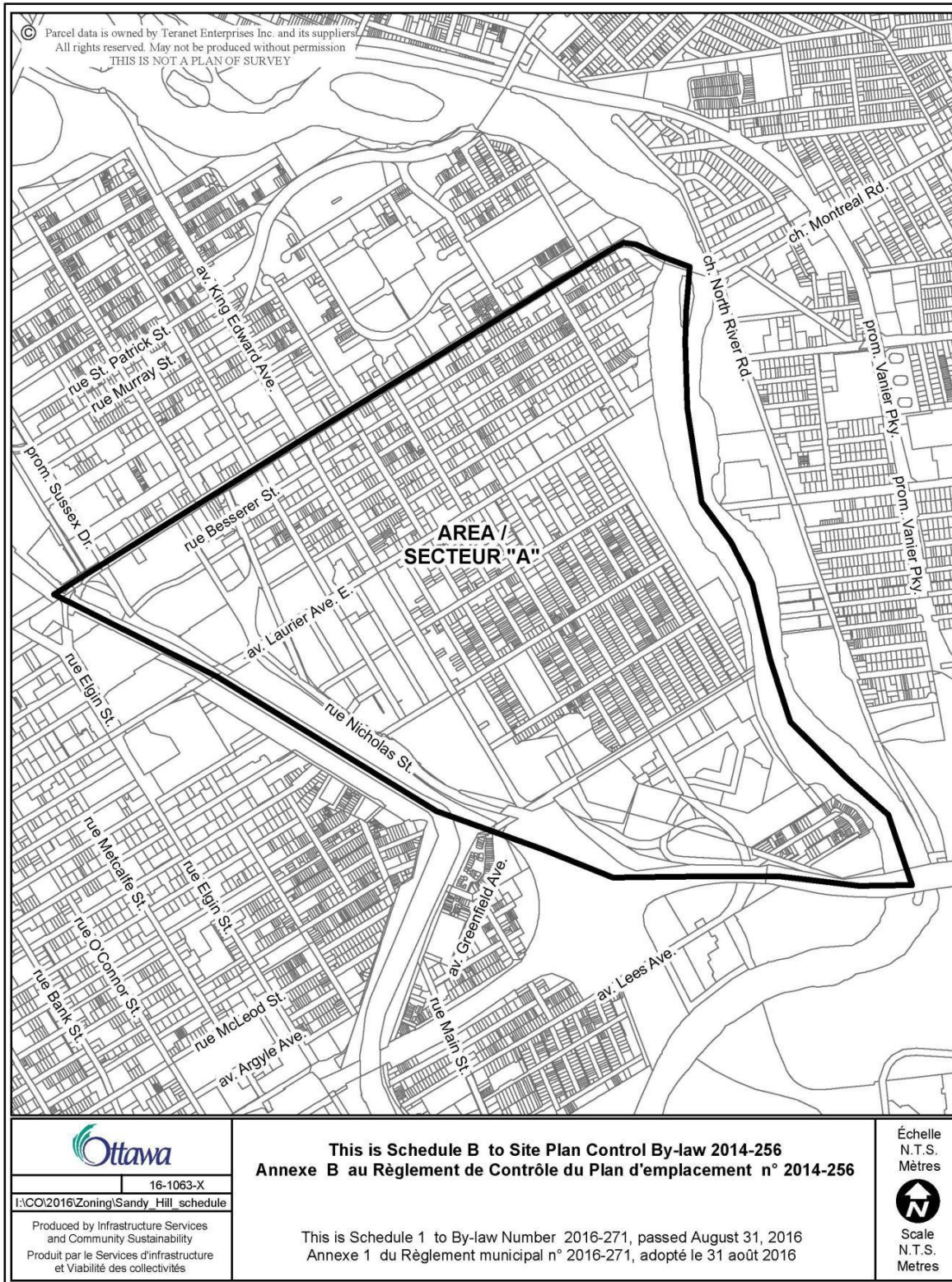
SCHEDULE A

Terms Defined in City of Ottawa Zoning By-law No.2008-250, as amended

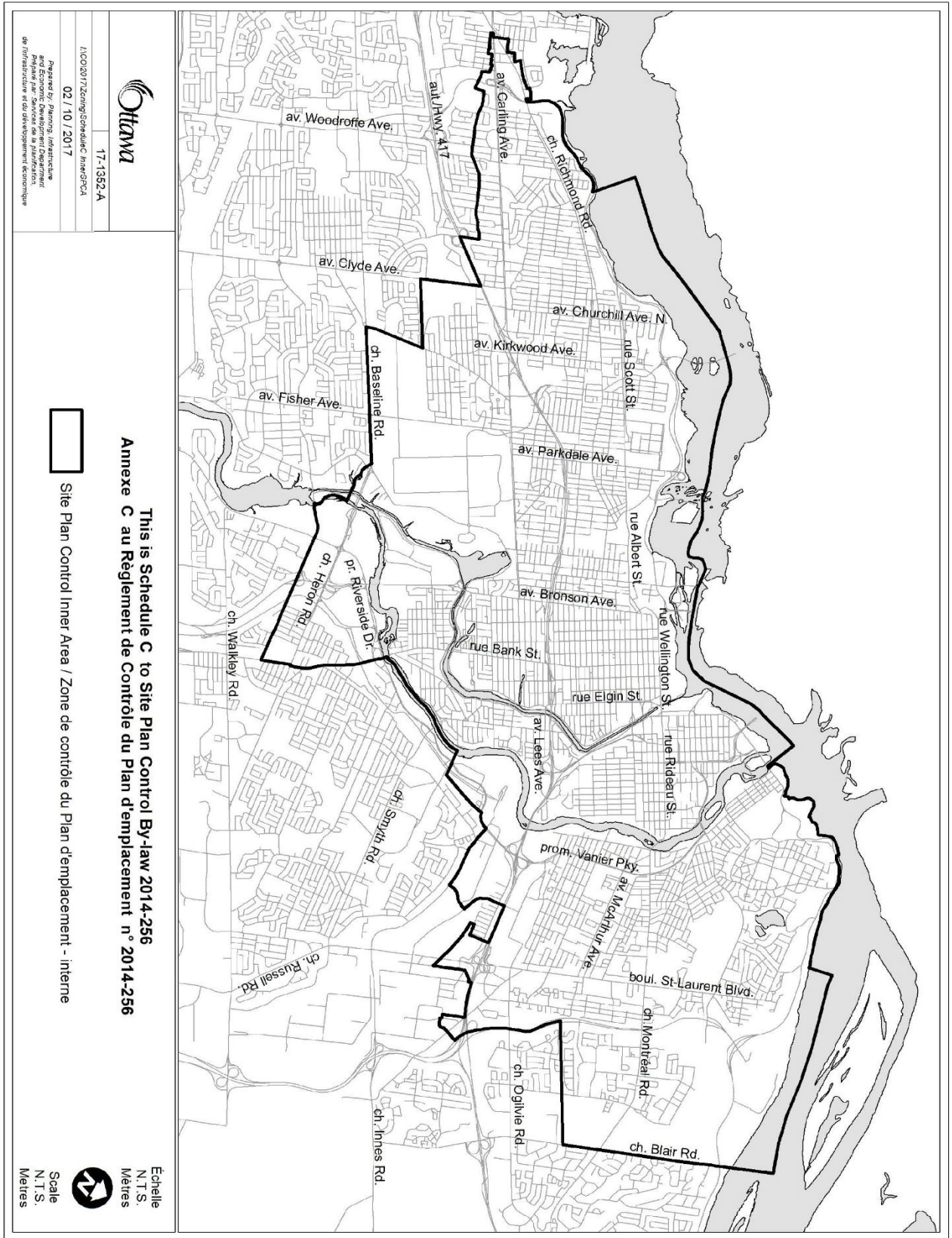
accessory;
agricultural use
amusement park;
automobile dealership;
automobile rental establishment;
automobile service station;
building;
campground;
cemetery;
coach house;
crematorium;
detached dwelling;
drive-through facility;
duplex dwelling;
dwelling unit;
emergency service;
equestrian establishment;
forestry operation;
funeral home;
garden centre
garden suite;
gas bar;
golf course;
gross floor area;
heavy equipment and vehicle sales, rental and servicing;
heavy industrial use;
kennel;
linked-detached dwelling;
lot;
marine facility;
medical facility;
mineral extraction operation;
mobile home;
office;
outdoor commercial patio;
oversize dwelling unit
park;
parking lot;
parking space;
planned unit development;
rapid transit network;
residential use building;

rooming house;
rooming house, converted;
rooming unit;
secondary dwelling unit;
semi-detached dwelling;
snow disposal facility;
solid waste disposal facility;
storage yard;
three-unit dwelling;
townhouse dwelling;
utility;
utility installation;
waste processing and transfer facility;
waste processing and transfer facility (non-putrescible)

Schedule B



Schedule C



17-1352-A
 Prepared by Planning, Infrastructure and
 Services
 02 / 10 / 2017
 L10020171ZoningScheduleC InterSICA
 Préparé par Services de la planification,
 de l'infrastructure et du développement économique

This is Schedule C to Site Plan Control By-law 2014-256
Annexe C au Règlement de Contrôle du Plan d'emplacement n° 2014-256

Site Plan Control Inner Area / Zone de contrôle du Plan d'emplacement - interne

Echelle
 N.T.S.
 Mètres

Scale
 N.T.S.
 Metres