

**6. SITE PLAN CONTROL BY-LAW - UPDATE**

**RÈGLEMENT SUR LA RÉGLEMENTATION DU PLAN D'IMPLANTATION –  
MISE À JOUR**

**COMMITTEE RECOMMENDATIONS AS AMENDED**

That Council:

1. The repeal of Site Plan Control By-law 2002-4, as amended, and replacement of it with the draft by-law contained in Document 1, as amended by the following:

a. Add the words “residential-use” to section 5(3) such that it now reads:

“The number of dwelling units or rooming units in a residential-use building is decreased”

b. Add as a new section 10 entitled “LIENS” consisting of the following:

**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.

- c. Renumber the current sections 10, 11 and 12 accordingly; and**
- 2. The amendments to the Council-approved Public Notification and Consultation Policy for Development Applications in support of the proposed Site Plan Control By-law, and recent changes to the Zoning By-law, contained in Document 2.**

### **RECOMMANDATIONS MODIFIÉES DU COMITÉ**

Que le Conseil approuve :

- 1. L'abrogation du *Règlement sur la réglementation du plan d'implantation* (2002-4), tel que modifié, et son remplacement par la version provisoire du Règlement municipal figurant dans le document 1, tel que modifiée par ce qui suit :**

- a. Ajoute les mots « à utilisation résidentielle » au paragraphe 5 (3) de sorte qu'il se lise comme suit :**

**« Le nombre de logements ou de chambres d'un bâtiment à utilisation résidentielle est réduit »**

- b. Ajoute le nouvel article 10 intitulé « PRIVILÈGES », que voici :**

#### **PRIVILÈGES**

**10.(1) Lorsque le Conseil exige la réalisation de travaux conformément à toute approbation prévue dans le présent règlement, la Ville a un privilège sur tout montant dépensé par la Ville ou au nom de celle-ci et sur des frais administratifs de 10 % de tout montant dépensé par la Ville ou au nom de celle-ci, le certificat du greffier municipal indiquant le montant total dépensé est admissible à titre de preuve *prima facie* du montant total dépensé, et un tel montant total ainsi que les frais administratifs sont considérés comme des impôts**

fonciers municipaux, sont ajoutés au rôle de taxes foncières du percepteur devant être prélevées, se voient imposer les mêmes pénalités et frais d'intérêt que les impôts fonciers et sont perçus de la même manière et avec les mêmes recours que les impôts fonciers.

(2) Avant que le certificat du greffier municipal ne soit délivré conformément au paragraphe (1), un certificat provisoire est délivré au propriétaire de la propriété faisant l'objet d'un privilège, de même qu'à tous les créanciers hypothécaires précédents et autres bénéficiaires de charge, et le propriétaire concerné, les créanciers hypothécaires et autres bénéficiaires de charge ont deux semaines à partir de la date de réception du certificat provisoire pour contester le montant qui y figure auprès du Conseil.

c. Renumeroter les articles 10, 11 et 12 en conséquence.

2. les modifications à la Politique d'avis et de consultation publique approuvée par le Conseil pour les demandes d'aménagement en appui au *Règlement sur la réglementation du plan d'implantation* proposé et les récents changements au *Règlement de zonage* contenus dans le document 2.

#### DOCUMENTATION / DOCUMENTATION

1. Deputy City Manager's report, Planning and Infrastructure, dated 15 May 2014 (ACS2014-PAI-PGM-0125).  
  
Rapport de la directrice municipale adjointe, Urbanisme et Infrastructure, daté le 15 mai 2014 (ACS2014-PAI-PGM-0125).
2. Extract of Draft Planning Committee Minute, 27 May 2014.  
  
Extrait de l'ébauche du procès-verbal du Comité de l'urbanisme, le 27 mai 2014.

**Report to  
Rapport au:**

**Planning Committee  
Comité de l'urbanisme**

**and Council  
et au Conseil**

**May 15, 2014  
15 mai 2014**

**Submitted by  
Soumis par:**

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**Ward: CITY WIDE / À L'ÉCHELLE DE LA VILLE      File Number: ACS2014-PAI-PGM-0125**

**SUBJECT: Site Plan Control By-law - Update**

**OBJET: Règlement sur la réglementation du plan d'implantation – Mise à jour**

**REPORT RECOMMENDATIONS**

**That the Planning Committee recommend Council approve:**

- 1. The repeal of Site Plan Control By-law 2002-4, as amended, and replacement of it with the draft by-law contained in Document 1; and**

2. **The amendments to the Council-approved Public Notification and Consultation Policy for Development Applications in support of the proposed Site Plan Control By-law, and recent changes to the Zoning By-law, contained in Document 2.**

## **RECOMMANDATIONS DU RAPPORT**

**Que le Comité de l'urbanisme recommande au Conseil d'approuver :**

1. **l'abrogation du Règlement 2002-4 sur la réglementation du plan d'implantation, modifié, et son remplacement par la version provisoire figurant dans le document 1;**
2. **les modifications à la politique sur les avis publics et les consultations approuvée par le Conseil pour les projets d'aménagement, afin d'appuyer le Règlement proposé sur la réglementation du plan d'implantation et les récents changements apportés au Règlement de zonage contenus dans le document 2.**

## **EXECUTIVE SUMMARY**

The task of renewing the Site Plan Control (SPC) By-law is a term of Council priority. SPC approval is a legislated tool under the *Planning Act*, that allows a municipality to review a development proposal to ensure that it is safe, functional and minimizes potential impacts on neighbouring properties. It is not a tool to prevent or restrict a building from being constructed. Its purpose is to facilitate the evaluation and implementation of development that is permitted in accordance with the Zoning By-law (ZBL).

The SPC By-law establishes classes of development that are exempt from or subject to review. A key objective of the proposed by-law is to ensure that the review consistently adds value where the requirement is imposed. Classes of development that do not typically benefit from SPC review are exempt in the proposed by-law.

The current by-law was passed shortly after amalgamation and requires updating. Policies that inform the SPC By-law, including the *Planning Act*, Official Plan (OP), and ZBL have all been amended in the last decade. Compatibility, intensification and sustainability continue to be prominent themes. The proposed SPC By-law incorporates the current policy and regulatory framework by expanding the criteria used to determine whether a class of development is exempt from SPC review. In addition to building size,

site location, parking supply and land use may trigger SPC review. The use of these additional criteria in support of an exemption ensures that the impacts of development proceeding without SPC review are minimal.

Key changes to the proposed by-law include the exemption of a three unit townhouse, provided the lots are legally divided before the issuance of a building permit. The exemption for new non-residential buildings has been increased to 300 square metres. Parking maximums must be met, and buildings containing certain land uses are not exempt from SPC review. Buildings on lots considered to have high design or environmental importance are also subject to SPC review in the proposed by-law.

Residential additions are exempt from SPC if no more than three dwelling units or six rooming units are proposed. For all other building additions, the trigger for SPC review has been changed from a maximum of 199 square metres to a maximum of 30 per cent of the original building. Up to 300 square metres is permitted for residential additions and 600 square metres for other additions. Associated parking lot expansions that contain 10 or more spaces are subject to SPC review.

New requirements for residential conversions are proposed in the by-law. Currently, SPC review applies to converted buildings in Sandy Hill that contain two or more units. It also applies to conversions that supply more than 10 new parking spaces. In the proposed by-law any new, expanded or converted residential building is subject to SPC if more than three dwelling units or six rooming units are proposed. Parking requirements are consistent with those applied to additions.

This report proposes minor changes to the Council-approved Public Notification and Consultation Policy for Development Applications. It recommends that the notification requirement for new developments be five or more dwelling units, to ensure that the public are notified of more substantial proposals. This increase encourages the review of four unit buildings before the issuance of a building permit. It also ensures that small projects remain viable, without the loss of SPC review.

## **RÉSUMÉ**

Le renouvellement du Règlement sur la réglementation du plan d'implantation (RPI) constitue une priorité du mandat du Conseil. L'approbation de la RPI est un outil prévu par la loi qui permet à une municipalité d'examiner les aménagements afin de s'assurer qu'il sont sûrs et fonctionnels, et de minimiser les répercussions possibles sur les propriétés avoisinantes. Il ne s'agit pas d'un outil destiné à empêcher ou à limiter la

construction d'un bâtiment. La RPI a plutôt pour objet de faciliter l'évaluation et la mise en œuvre des aménagements autorisés en vertu du Règlement de zonage.

Le Règlement sur la RPI établit des catégories d'aménagement devant être soumis à un examen ou à en être exemptées. L'un des principaux objectifs du règlement proposé consiste à s'assurer que les examens sont invariablement bénéfiques s'ils sont exigés. Les catégories d'aménagement qui ne font habituellement pas l'objet d'un examen de la RPI sont exemptées en vertu du règlement proposé.

Le règlement actuel a été adopté peu après la fusion des municipalités et doit être actualisé. Les documents de politique qui influent sur le Règlement sur la RPI, notamment la *Loi sur l'aménagement du territoire de l'Ontario*, le Plan officiel et le Règlement de zonage, ont été mis à jour au cours de la dernière décennie. Les questions entourant la compatibilité, la densification et la durabilité continuent d'être des thèmes majeurs. Le règlement sur la RPI proposé intègre le cadre politique et réglementaire actuel en élargissant les critères servant à déterminer si une catégorie d'aménagement doit ou non être exemptée d'un examen de la RPI. Outre la taille des bâtiments, l'emplacement, le nombre de places de stationnement et l'utilisation du sol peuvent également justifier un examen de la RPI. L'utilisation de ces critères supplémentaires pour appuyer une exemption permet de s'assurer que les répercussions du traitement des demandes d'aménagement sans examen de la RPI sont minimales.

Les principaux changements apportés au règlement proposé comprennent l'exemption des maisons en rangée de trois unités d'habitation, à condition que les lots soient légalement divisés avant la délivrance d'un permis de construire. L'exemption des nouveaux bâtiments non résidentiels a été augmentée à 300 mètres carrés. Le nombre de places de stationnement maximal doit être respecté et les bâtiments abritant certaines utilisations du sol ne sont pas dispensés d'un examen de la RPI. Les bâtiments situés sur des lots considérés comme ayant une grande importance au plan conceptuel ou environnemental sont également assujettis à un examen de la RPI, selon le règlement proposé.

Les annexes résidentielles sont dispensées de RPI si l'aménagement de trois unités d'habitation ou de six chambres au maximum est proposé. Les critères de stationnement et de zonage s'appliquent également. Pour toutes les autres annexes, le seuil de déclenchement d'un examen de la RPI a été modifié pour passer d'un maximum de 199 mètres carrés à un maximum de 30 pour cent du bâtiment d'origine.

Une superficie maximale de 300 mètres carrés est autorisée pour les annexes résidentielles, et de 600 mètres carrés dans le cas des autres annexes.

L'agrandissement connexe des aires de stationnement contenant au moins dix places est assujéti à un examen de la RPI.

De nouvelles exigences pour les conversions résidentielles sont proposées dans le règlement. Actuellement, l'examen de la RPI s'applique à un bâtiment converti dans le secteur Sandy Hill et contenant deux unités d'habitation ou plus. Il s'applique également aux conversions impliquant la création de plus de dix nouvelles places de stationnement. Dans le règlement proposé, tout immeuble résidentiel nouveau, agrandi ou converti est assujéti à une RPI si l'aménagement de trois unités d'habitation ou de six chambres au maximum est proposé. Les exigences de stationnement sont les mêmes que celles s'appliquant aux annexes.

Le présent rapport propose des changements mineurs à la politique sur les avis publics et les consultations approuvée par le Conseil pour les projets d'aménagement. Il recommande que le nombre d'unités d'habitation justifiant l'émission d'avis passe de quatre à cinq unités, afin que les membres du public soient avisés des projets plus importants. Cette hausse du seuil favorise l'examen des immeubles de quatre unités d'habitation avant la délivrance d'un permis de construire. Elle permet par ailleurs de s'assurer la viabilité des projets plus modestes, sans exemption d'un examen de la RPI.

## BACKGROUND

The authority for a municipality to pass a site plan control (SPC) By-law and require approval is set out in Section 41 of the *Planning Act*. As part of the approval, the municipality completes a comprehensive assessment of the proposal known as the SPC review. The review allows a municipality to influence land development, to ensure that it is functional, safe and compatible.

Building location, parking design, and landscaping are a few of the items addressed during review. In 2008, the *Planning Act* was amended to grant municipalities the authority to consider building exteriors and sustainable design as part of the SPC review. SPC is not a tool for permitting or preventing the use of land, which is regulated by the ZBL. It is a tool that allows a detailed review of the buildings and structures proposed on land to facilitate use.

The purpose of the SPC By-law is to identify classes of developments and lands that are exempt from or subject to the review. While the *Planning Act* outlines what may be



evaluated through SPC, it is the municipality's role to determine the SPC area, and the classes of development exempt from review. Information related to the authority to approve SPC applications is contained in By-law 2013-71, which outlines the powers Council has delegated to staff. Another related document is the Public Notification and Consultation Policy for Development Applications. As per Council-approved policy, the public is notified of, and provided an opportunity to comment on certain proposals subject to SPC review.

The current by-law has been in place since 2002. A number of amendments to the by-law have been passed in the last decade. In addition to being listed on the Planning and Growth Management (PGM) Department's work plan, updating the by-law has been identified by this Council as a term priority.

## **DISCUSSION**

The proposed by-law reflects current planning policies and changes to the *Planning Act*. Various themes have emerged in the last decade including compatibility, intensification and sustainability. In support of these changes, the criteria for an exemption have been expanded. Building size is no longer the sole determinant; the proposed by-law also considers site location, parking supply, and land use.

Although this report proposes minor changes to the Council-approved public notification and consultation policy, it does not propose to rescind any powers granted to a ward councillor with respect to the removal of delegated authority. Further, this report does not propose any revisions to the fees charged by the City for the SPC review. A comprehensive application fee review is anticipated in 2015.

### Comparison of the by-laws

#### New Buildings

Residential singles, semis, duplexes, triplexes, garden suites, and secondary dwelling units are currently exempt from SPC review. Group homes and bed and breakfasts containing a maximum of three guest bedrooms are also exempt. This exemption has been expanded in the proposed by-law to include a three unit townhouse. It is recommended that SPC review apply to non-residential and accessory buildings greater than 300 square metres. Currently there is no SPC review requirement for a temporary building used to sell residential units, whereas the proposed by-law recommends a limit of 300 square metres for this exemption.

In addition to building size and unit count, the proposed by-law requires that further criteria be met in support of an exemption. The location of a lot may include certain restrictions or require SPC review. For example, a proposal that would ordinarily be exempt from SPC review would require permission for exemption if located in an Environmental Protection (EP) zone. If denied, SPC approval will be required. Regardless of building size, non-residential buildings located in a Design Priority Area (DPA) or within the Confederation Line's Development Zone of Influence are subject to SPC review and approval.

Parking and land use criteria must also be met to qualify for an exemption. With the exception of a single, a new residential use building which is exempt can provide a parking area containing a maximum of three spaces without requiring SPC review. Remaining new buildings that qualify for an exemption can provide a maximum of three spaces, or if more are required, up to six spaces, if the minimum parking rate set out in the ZBL is not exceeded. Certain land uses are not exempt from SPC review regardless of building size. These include buildings or structures containing or supporting a gas station, place of assembly and heavy industrial use.

Several new uses have been added to the list of exemptions in the proposed by-law. These include a seasonal garden centre in a parking lot, a mineral extraction operation, an equestrian establishment, and outdoor commercial patio. An agricultural use, portable classroom, utility equipment, the rapid transit network and forestry operation remain exempt in the proposed by-law. The latter is no longer limited to 5000 square metres.

#### Additions to existing buildings

Except for buildings located in a Heritage Conservation District (HCD), residential buildings exempt from SPC can expand without further review. Additions in a HCD are limited to 30 per cent of the original building, up to 55 square metres for singles. This restriction has been removed in the proposed by-law. Similar to new development, no more than three dwelling units or six rooming units are permitted after an addition, otherwise SPC review is required. The same parking limits outlined for new development will apply to additions as well.

In the current by-law, additions to all other buildings are permitted without SPC review if they are less than 200 square metres in gross floor area. In the proposed by-law, a building can expand by 30 per cent, up to a maximum of 300 square metres for

residential uses, and 600 square metres for all other uses. Accessory buildings may also expand without SPC review, as long as the total of all accessory buildings does not exceed 300 square metres in gross floor area. As with proposals for new buildings, the location of a lot may influence whether SPC review is required, such as in an EP zone.

In the proposed by-law, a parking area may be expanded in support of an addition by up to nine spaces, as long as the ZBL minimum for all uses on the site is not exceeded. Some land uses cannot be introduced through an addition without SPC review. An existing daycare can expand within the limits of the proposed by-law, but an expansion to accommodate a new daycare requires SPC review.

#### Interior conversion to add or change a use

With the exception of Sandy Hill, the current by-law does not require SPC review for residential conversions, unless more than 10 new parking spaces are provided on site. Similar to new buildings and additions, a maximum of three converted dwelling units or six rooming units are exempt from SPC review in the proposed by-law. The provision that requires SPC review for more than two converted units in Sandy Hill has been removed. A conversion resulting in a bed and breakfast is also exempt in proposed by-law. The same parking limits that apply to new development and additions must be met.

A non-residential conversion can proceed without SPC review if no more than 10 new parking spaces are provided on site. Similar to additions, a maximum of nine spaces can be added to a lot without triggering SPC review in the proposed by-law. The minimum rate set out in the ZBL must not be exceeded when establishing new parking spaces in support of an exemption.

In the proposed by-law a residential use can only be converted to a non-residential use without SPC review to accommodate a sales centre or construction office. Certain new land uses, such as a drive-through cannot be introduced through a conversion without SPC review. Unlike new buildings and additions, the location of a lot does not trigger SPC review for conversions.

#### Administrative changes

Currently, a maximum of 200 square metres can be added to a building every 12 months without SPC review. The proposed by-law shall restrict this frequency to 24 months, with the exception of district board schools. The frequency limit is proposed to

apply to new non-residential buildings and additions. The exemption limit will also apply to residential buildings containing more than three dwelling units or six rooming units. There is no frequency limit for internal conversions.

In the current by-law, an exemption is not permitted where a SPC agreement is already registered on title. The proposed by-law permits certain exemptions including accessory and temporary buildings and structures to proceed without an amending agreement. Letter of undertakings will continue to be used in place of agreements where the value of works remains below a certain threshold; however, the specifics will no longer be included in the by-law.

Minor deviations from an approved site plan are currently permitted if the building or structure does not deviate by more than one metre. In the proposed by-law, the General Manager or designate will determine if a deviation is minor, issuing a letter to this effect. Revised plans are required if the deviation is not considered minor. It is recommended that the General Manager or designate be granted the authority to require SPC review for any development proposal, including those listed as exempt.

The proposed by-law also includes a section to authorize the review of exterior building design and sustainable site features in accordance with the OP.

#### Rationale for proposed exemptions

##### Three unit townhouse

It is common for an infill lot to be subdivided for the provision of three new dwellings, typically a single located adjacent to a semi. This configuration does not presently require SPC review. The proposed by-law permits the buildings in this scenario to be joined, resulting in further efficiencies without additional impacts. From a planning perspective, townhouse developments are an important product; they support the OP's intensification policies and are more affordable than a single or semi. The proposed exemption is in line with several other municipalities. For example, Kingston has the same threshold, while Toronto's most recent by-law exempts up to four units.

In addition to the planning rationale, consultations with developers revealed that the requirement for SPC review makes three unit townhouses less feasible. Study preparation, planning fees and the carrying costs associated with an extended review can exceed \$50,000. Internal review of such consultation suggests that the fees collected in support of a staff review do not reflect the actual cost incurred by the City.

Discussions with staff confirm that the time involved in reviewing small residential developments outweighs value added by the process.

Key considerations addressed during SPC review are building size, yard setbacks, landscaped areas and driveway location. The ZBL adequately controls these features on small residential sites. There are few opportunities for staff to impose changes on infill lots where the provisions of the ZBL are met. If the ZBL is not met, an amendment or minor variance is required to ensure that scale and design are appropriate.

Historically, townhouse development has been subject to SPC review to ensure that access easements are secured and registered on title before construction takes place. In the proposed by-law, a three unit townhouse will be permitted to proceed without SPC review only if easements are in place prior to the issuance of a building permit. This also ensures that the public is notified of new lot creation in accordance with the *Planning Act*. Matters related to servicing, site access and cash-in-lieu of parkland also benefit from completing the severance in advance of construction. If a developer wishes to proceed without first subdividing the lots, SPC review will apply as it does today.

#### Unit and building size limits

Similar to new development, dwelling and rooming units permitted through additions and conversions are capped in the proposed by-law. Now, all residential buildings, whether new, expanded, or converted will be subject to SPC review if more than three dwelling units or six rooming units are proposed. Similar to recent infill housing initiatives, the proposed by-law draws a corresponding impact between one dwelling unit and two rooming units. This rate also corresponds with the parking limits permitted in support of a SPC exemption. The maximum number of spaces required for a six unit rooming house is three.

Moving forward, SPC review is no longer required for conversions in Sandy Hill resulting in more than two units. Similar to the rest of the City, up to three dwelling units, or six rooming units are permitted. This change ensures that the rules are applied consistently, where value is shown to be added from the review.

Although more non-residential development is permitted without SPC review in the proposed by-law, the reality is that few buildings will be exempt from SPC review as a result of new parking, land use and location criteria. The new non-residential building exemption is intended to support businesses that are not within DPA's, EP zones or the Confederation Line's Development Zone of Influence. These criteria are not viewed as

excessive since many municipalities require SPC review for all new non-residential development.

The ZBL limits accessory buildings in urban, suburban and village residential zones to 55 square metres. Accessory buildings up to 150 square metres are permitted in remaining rural residential zones. The increased SPC exemption is intended to benefit lots in non-residential zones. Apart from environmental considerations, the value added by imposing SPC review on these structures is minimal.

#### Environmental Protection zone

Requiring written permission in support of an exemption in an EP zone supports Council-approved OP policies that set out to protect Natural Environment Areas (NEA). Permission to proceed with an exemption will be granted if the site design incorporates or protects the NEA. Otherwise SPC will be imposed to safeguard these features.

A similar permission for lots adjacent to the Rideau River and Canal was proposed in recognition of policies that support the UNESCO World Heritage designation, but is not recommended at this time. Further study and consultation with Parks Canada is required prior to implementation.

#### Additions

An addition to a building containing three or fewer dwelling units in a HCD is no longer subject to SPC review on account of the heritage application process. Applying SPC review to these buildings will be redundant, since the application process includes a comprehensive design review aimed at protecting heritage features.

Establishing a percentage exemption rather than metric value ensures that additions are proportionate to existing building mass. Thirty per cent is an appropriate figure because it allows meaningful development, but does not permit a building to expand by half of its size. It is also the threshold used for certain additions in the current by-law.

Currently, non-residential buildings and residential buildings containing more than three units can increase by 199 square metres annually without requiring SPC review. Numerous expansions can be completed over time, resulting in a substantial building that has never benefited from SPC review. Using a percentage increase to trigger SPC review will reduce attempts to evade the process, especially where small buildings are concerned. A 199 square metres building that can currently double in size will be restricted to a 60 square metres increase over a two year period in the proposed by-law.

A maximum residential expansion of 300 square metres is proposed to correspond with the amount of new non-residential development exempt from SPC review. A building must be at least 1000 square metres in size to benefit from the full expansion. For example, a recreation room or indoor swimming pool might be added to an existing apartment complex without SPC review, provided parking limits set out in the SPC by-law are met.

A non-residential building must be at least 2000 square metres to be eligible for a 600 square metres expansion. Warehouses and district board schools serve as examples of uses that may be able to achieve the full expansion since these uses have low parking rates. Allowing large buildings with low parking rates greater expansions makes sense from a land use planning perspective. It also supports unplanned economic development.

#### Parking maximums

Parking can result in visual impacts and compatibility concerns in residential neighbourhoods. From a planning perspective, the over-provision of parking encourages vehicle dependence and can have negative environmental impacts. A SPC limit ensures that developments proceeding with review have minimal impacts. It also provides incentive to reduce parking.

The three-space residential parking limit is fair, and ensures each dwelling unit in a triplex is provided a space. A parking area containing three spaces is not considered a parking lot in the ZBL, and as a result is subject to fewer constraints. The ZBL requires that parking lots containing four or more spaces meet additional aisle and landscaping provisions which merit SPC review in residential areas.

The nine space limit for parking expansions is based on a 600 square metres addition that generates a low rate of 1.5 parking spaces per 100 square metres. Under the proposed by-law, a light industrial building in the suburban or rural area that is eligible to expand by 600 square metres can provide a maximum of five new parking spaces. While the limit is nine, the minimum parking space rate for all uses on the lot cannot be exceeded, otherwise SPC is required.

The proposed by-law considers whether the required parking in support of a use can be accommodated using existing spaces. For example, SPC review is not required for a permitted conversion in a plaza if there is enough parking on the property to accommodate the new use. SPC is only required if the interior space requires more

than nine new parking spaces, or if the use is not exempt from SPC review. The proposed by-law strives to ensure that older sites, designed using higher parking rates are able to expand or convert within the limits of the by-law without SPC review.

#### Exemptions

In the proposed by-law outdoor commercial patios are exempt from SPC review because the ZBL adequately mitigates potential impacts. Location, screening and distance from residential uses are regulated. Any new patio in the right-of-way will continue to trigger a permit in accordance with the private approach by-law. Equestrian establishments are formally listed in the proposed by-law, since they are considered an agricultural use. The building limit on forestry operations has been removed, since these are federally regulated operations. The main concern is their location within an EP zone which is accounted for in the proposed by-law.

#### Buildings and uses not exempt

To ensure that housing stock is not depleted, a residential use can only be converted to a non-residential use without SPC review for a residential sales office or centre. A full list of uses subject to SPC review is contained in Document 1. These are known to pose design challenges, environmental concerns and nuisances that benefit from SPC review. Some of the uses included in the proposed by-law are carried over from the current by-law, for example a drive-through. Uses that generate significant traffic, such as a place of assembly, have also been added to the list.

Kennels and emergency service buildings benefit from SPC review and are therefore not exempt in the proposed by-law. Gas stations and other uses that may qualify for a building exemption but contain expanses of asphalt are also subject to SPC review in the proposed by-law. A use that is not exempt is only subject to SPC review where it is newly introduced. A conversion or addition that expands a use that is not exempt is permitted within the limits of the by-law, since the site has already been designed with impacts in mind.

Newly constructed mixed use buildings are also subject to SPC review because combining exemptions may result in a large building. An addition to, or conversion within a mixed use building, or one that results in the creation of a mixed use building is permitted without SPC review, as long as the proposed by-law requirements are met. For example a second storey containing residential uses might be added to a single storey non-residential building without SPC review.



To help achieve the design policies outlined in the OP, new non-residential buildings, and additions to existing buildings within a DPA or the Confederation Line's Development Zone of Influence are subject to SPC review. DPA's include mainstreets, downtown locations, mixed use centres, and village cores. The Confederation Line's Development Zone of Influence is outlined in Annex 17. Design and safety are of paramount importance in these areas, justifying the need for SPC review.

#### Frequency, deviations and new authorities

Decreasing the frequency of permitted exemptions will help reduce attempts to evade the process. Further, the proposed by-law recommends that the General Manager or designate be granted the authority to require SPC review for a class of development that may be exempt. This authority is sought in recognition that there may be exceptional circumstances not contemplated in this by-law where an exempt building or structure is required to fulfil SPC review.

A district board school is not subject to the frequency rule and will be permitted to proceed with any number of exemptions. This is in recognition of the ongoing, yet minimal expansions implemented in support of program changes, such as full-day kindergarten and population increases.

Minor deviations that occur to an approved site plan as a result of final construction will no longer be limited to one metre. In some situations, for example a large scale commercial development, a greater deviation may preserve the intent of an approval. Conversely, the variation of a metre in the urban area may have great impacts and warrant the need for updated information. Discretion will be left to the General Manager or designate.

OP policies that spell out the City's authority to review and approve features related to building exteriors and sustainable design are included in the proposed by-law. This cross-reference is required in accordance with the *Planning Act*.

#### Public notification and consultation

The intent of the Council-approved Public Notification and Consultation Policy for Development Applications is to ensure that the public is actively engaged in the SPC review process. One of the objectives of the policy is to provide opportunities for the public to contribute input for staff and Council consideration. Another objective is to

ensure that the public understands complex development projects that may impact their community.

Presently, a residential building containing more than three units and any number of townhouses is subject to public notification. New non-residential buildings greater than 250 square metres also include the requirement. Additions over 250 square metres are subject to the policy if the expansion is more than half the size of the original building. Public notification is also mandatory for all buildings that provide more than 10 new parking spaces. A drive-through is also subject to notice.

It is recommended that residential buildings containing five or more dwelling units be subject to public notification. PGM recommends increasing the notification threshold just slightly beyond what would be required under SPC review. This increase is intended to encourage the completion of SPC review prior to the construction of a four unit building. It is possible for an unfinished basement in a triplex to be converted to a fourth unit at a later date without requiring public notification. This change will reduce planning fees and timelines, helping to ensure that small infill projects remain viable, without forfeiting SPC review.

In support of changes to the proposed by-law, it is recommended that non-residential buildings greater than 350 square metres trigger public notification. The notification policy for non-residential additions will remain the same. Drive-throughs will continue to be subject to public notification. In respect of medical marihuana production facilities, a new land use introduced by the ZBL, this use is strictly regulated by the federal government, and as a result, will be exempt from public notification.

Conversions will continue to require public notification where the proposal includes a parking lot expansion consisting of more than 10 new spaces. It is important to note that exemptions that are not in conformity with the ZBL will continue to be subject to public notification, either through an amendment or minor variance process. Similar to today, a Councillor maintains the authority to lift delegation to staff and bring the matter to Committee and Council. A Councillor may also request that a public meeting be held if necessary.

#### Concluding remarks

Flexibility and consistency in application are themes in the proposed by-law. SPC review continues to apply where it has been shown to add value. New criteria must be met in support of an exemption, to ensure that development proceeding without review

is appropriate. The SPC trigger for dwelling and rooming units has been standardized, whether accomplished through new construction, an addition or conversion.

The exemption for building additions has been changed from a value to a percentage to ensure that expansions are proportionate to existing building mass. Large non-residential buildings with low parking rates are afforded more development potential in the proposed by-law.

Changes to the consultation policy strive to ensure that notification is conducted rationally and consistently. A slight increase in the threshold will ensure that small projects remain viable. The public will continue to receive notice if a development amends or varies the ZBL. Ward Councillors will maintain all existing powers with respect to the lifting of delegated authority.

### **RURAL IMPLICATIONS**

The requirement to obtain written permission prior to being granted an exemption in an EP zone will impact rural lots. In the proposed by-law, SPC review is required for all proposals in a Design Priority Area, specifically within village cores. A number of uses and buildings can now establish in the rural area without SPC review. A parking range has been established in the proposed by-law to ensure that rural lots benefit from the exemptions, since parking rate requirements in these areas are higher than the remainder of the City.

### **CONSULTATION**

The draft SPC By-law was circulated to internal City departments and external SPC review agencies. Following the technical circulation, a revised by-law was distributed to Council members, the Federation of Citizens' Associations of Ottawa-Carlton (FCA), and the development industry. The information was also posted online for general viewing. The draft SPC by-law was presented to the Engineering Liaison Sub-Committee, consisting of local consultants and developers. It was also presented to the FCA on March 19, 2014.

Changes to the Council-approved Public Notification and Consultation Policy for Development Applications were not consulted with the public or development industry. These recommendations are a result of the draft by-law and consultations with staff.

## **COMMENTS BY THE WARD COUNCILLORS**

This is a City-wide report – not applicable.

## **LEGAL IMPLICATIONS**

Municipalities have the authority, under Section 41 of the *Planning Act*, to establish an area of site plan control through by-law designation. As the current by-law was issued just after amalgamation, and as several of the legislative instruments which inform the mechanism of site plan control have been amended within the last 10 years, it is appropriate to review and enact a new by-law at this time.

There are no legal impediments to adopting the recommendations of the report.

## **RISK MANAGEMENT IMPLICATIONS**

There are no risk management implications associated with this report.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications.

## **ACCESSIBILITY IMPACTS**

There are no impacts relating to accessibility in this report.

## **ENVIRONMENTAL IMPLICATIONS**

All development proposals in an EP zone require permission to proceed with an exemption. If denied, SPC will serve as a means to safeguard NEA's. New proposals that may have environmental impacts, such as a gas station or heavy industrial use are not exempt from SPC review in the proposed by-law.

## **TECHNOLOGY IMPLICATIONS**

There are no technical implications associated with receiving this report

## **TERM OF COUNCIL PRIORITIES**

This project is identified as a Council term priority.

## **SUPPORTING DOCUMENTATION**

Document 1 Draft site plan control by-law

Document 2 Proposed changes to the public notification and consultation policy for  
development applications

Document 3 Summary of public input

**DISPOSITION**

Not applicable.

**Document 1 - Draft Site Plan Control By-law**

BY-LAW NUMBER 2014 - XX

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 situate 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
    - (b) exist at the time in question; and

- (c) 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) "agricultural use" means the cultivation of the soil to produce crops and the raising of farm animals, and without limiting the generality of the foregoing includes:
  - i. The growing of crops;
  - ii. Nurseries, greenhouses, market gardens, orchards, vineyards, agro-forestry operations and maple syrup production;
  - iii. The keeping and raising of livestock, fowl, fish, bees or fur or wool bearing animals;
  - iv. Farm-based home industry involving the production of value-added or value-retained products from produce grown or raised on-site;
  - v. A farm produce outlet selling agricultural products produced on the premises; or
  - vi. Uses of a farm-tourism nature that are secondary to and subordinate to the agricultural use such as: seasonal or occasional festivals or events, recreational activities, or educational displays;but does not include a medical marihuana production facility.
- (b) "automotive establishment" means an automobile dealership, automobile rental establishment, automobile service station, or heavy equipment and vehicle sales, rental and servicing; or any combination thereof.

- (c) "Confederation Line Development Zone of Influence" means the Development Zone of Influence shown in Annex 17 of the Official Plan for the City of Ottawa.
  - (d) "Council" means the Council of the City of Ottawa.
  - (e) "dwelling unit" means a residential unit that:
    - i. Consists of a self-contained set of rooms located in a building or structure;
    - ii. Is used or intended for use as a residential premises;
    - iii. Contains kitchen and bathroom facilities that are intended for the use of the unit only; and,
    - iv. Is not a secondary dwelling unit, mobile home or any vehicle.
  - (f) "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.
  - (g) "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.
  - (h) "General Manager" means the General Manager of the Planning and Growth Management Department of the Infrastructure Services and Community Sustainability Portfolio of the City of Ottawa, or his or her designate.
  - (i) "parking area" means an area containing one or more parking spaces.
  - (j) "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.

#### 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:
      - 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 to waive this subclause;
      - ii. 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 maximum of six rooming units;
      - iii. Except for a detached dwelling and semi-detached dwelling, has no more than the greater of three associated parking spaces, or the minimum required under the City of Ottawa Zoning By-law No. 2008-250, as amended; and,
      - iv. Does not constitute part of a planned unit development;
    - (b) A townhouse dwelling approved through a plan of subdivision; 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 to waive this subclause;
- ii. Is not on a lot located within a Design Priority Area, or the Confederation Line's Development Zone of Influence;
- iii. Does not exceed a gross floor area of 300 square metres;
- iv. Does not contain any of the following:
  - A. An automotive establishment;
  - B. Day care;
  - C. Drive-through facility;
  - D. Emergency service;
  - E. Gas bar;
  - F. Golf course;
  - G. Heavy industrial use;
  - H. Kennel;
  - I. Medical facility;
  - J. Medical marihuana production facility;
  - K. Place of assembly;
  - L. Place of worship;
  - M. Snow disposal facility;
  - N. Storage yard;
  - O. Waste facility, and,
- v. The associated parking does not exceed the greater of:
  - A. three parking spaces; or

B. the minimum rate set out in the Zoning By-law, up to a maximum of six parking spaces.

5. Subject to Section 7, the following classes of development may be undertaken without site plan control approval whether or not there is a site plan agreement registered on title to the lot:

(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 to waive this subclause.

(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; and

- (f) An accessory building or structure provided:
  - i. It is accessory to a rapid transit network or a utility installation as described in 5(g); 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 to waive this subclause; 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 300 square metres;
- (g) A utility installation other than a pump station or stormwater management facility.
- (2) The making of an addition to:
  - (a) A residential use building containing a detached, linked-detached, semi-detached, three-unit or townhouse dwelling provided the number of dwelling units is not increased;
  - (b) A residential use building other than in subsection 2(a) where:
    - i. The size of the addition does not exceed 30% of the existing gross floor area, to a maximum of 300 square metres;
    - ii. The number of dwelling units and rooming units is not increased; and,
    - iii. The addition of any parking spaces is done in accordance with subsection 5(4).
  - (c) A building or structure described in subsection 5(1) provided after the addition the applicable criteria of subsection 5(1) continue to be met.
  - (d) A building other than a building described in clauses 5(2)(a) through (c) inclusive where:
    - i. 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:
    - A. daycare;
    - B. automotive establishment;
    - C. emergency service;
    - D. gas bar;
    - E. golf course;
    - F. heavy industrial use;
    - G. kennel;
    - H. medical facility;
    - I. medical marihuana production facility;
    - J. place of assembly;
    - K. place of worship;
    - L. snow disposal facility;
    - M. storage yard;
    - N. waste facility; and,
  - iii. the addition does not accommodate a new or expanded drive-through facility on the lot;
  - iv. after the addition, no more than three dwelling units or six rooming units exist; and,
  - v. the addition of any parking spaces is done in accordance with subsection 5(4).
- (3) Interior conversions to an existing building where:
- (a) The number of dwelling units or rooming units in a building is decreased;

- (b) Dwelling units or rooming units are added to the building and after the conversion:
  - i. the building contains no more than three dwelling units or six rooming units, a group home or a bed and breakfast;
  - ii. Except for a detached dwelling and semi-detached dwelling, has no more than the greater of three associated parking spaces, or the minimum required under the City of Ottawa Zoning By-law No. 2008-250, as amended;
- (c) A residential use building is converted to accommodate a temporary sales office and/or temporary construction office;
- (d) A building previously converted from a residential use to a temporary sales office and/or temporary construction office is converted to a residential use building in accordance with 5(3)(b); or,
- (e) A building is converted to add non-residential uses where:
  - i. The uses are entirely contained within the existing building;
  - ii. There is no decrease in the number of dwelling units and rooming units;
  - iii. The conversion does not result in the establishment of a:
    - A. daycare;
    - B. automotive establishment;
    - C. emergency service;
    - D. gas bar;
    - E. golf course;
    - F. heavy industrial use;
    - G. kennel;
    - H. medical facility;

- I. medical marihuana production facility;
  - J. place of assembly;
  - K. place of worship;
  - L. snow disposal facility;
  - M. storage yard; and
  - N. waste facility
- iv. The conversion does not accommodate a new or expanded drive-through facility on the lot; and,
  - v. The addition of any parking spaces is done in accordance with subsection 5(4).
- (4) The enlargement of a surface parking area by up to nine spaces to accommodate development undertaken in accordance with this section, provided the total number of parking spaces on the lot does not exceed the minimum number of parking spaces required by the Zoning By-law for all uses on the lot.

#### 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, and the use remains the same.

#### REQUIREMENT FOR SITE PLAN APPROVAL

7. (1)(a) Development without site plan control approval in accordance with clauses 4(1)(c), 5(2)(b) and 5(2)(d) and are 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
- (10) incorporation of adequate guarantees to maintain the original architectural and design quality as approved and to ensure that inferior details and materials are not substituted at a later date.

#### **SCHEDULE**

10. Schedule A forms part of this by-law.

#### **REPEAL**

11. 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**

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

#### **SCHEDULE A**

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

Accessory;

automobile dealership;

automobile rental establishment;

automobile service station;

bed and breakfast;

day care;

detached dwelling;

drive-through facility;

emergency service;

equestrian establishment;

forestry operation;

garden suite;

gas bar;

golf course;

gross floor area;

heavy equipment and vehicle sales, rental and servicing;

heavy industrial use;

kennel;

lot;

medical facility;

medical marihuana production facility;

mineral extraction operation;

mobile home;

office;

outdoor commercial patio;

parking space;

place of assembly;

planned unit development;

rapid transit network;

residential use building;

rooming;

secondary dwelling unit;

semi-detached dwelling;

snow disposal facility;

solid waste disposal facility;

storage yard;

townhouse dwelling;

utility;

utility installation;

utility line;

waste processing and transfer facility;

waste processing and transfer facility (non-putrescible);

**Document 2 - Proposed Changes to the Public Notification and Consultation Policy for Development Applications**

Minor amendments to the section of the policy that spells out what SPC review applications require public notification and consultation.

Additions to the policy:

- Include a new residential building that contains more than four dwelling units;
- Exclude a medical marihuana production facility.

Amendment to the policy:

- The construction, erection or placing of one or more buildings or structures of 350 square metres or more of gross floor area

### Document 3 - Summary of Public Input

Public comment:

A few concerns have been raised in response to the proposed by-law, specifically the exemption of a three unit townhouse. The following passage is from a letter written by the Overbrook Community Association, dated March 31, 2014:

“Our community is concerned about the proposal to exempt three-unit townhouses from Site Plan Control. Specifically, we are concerned about the loss of the opportunity for community consultation and input. We have had positive experiences when the community has been able to meet with developers, ask questions, provide input, and discuss alternatives to aspects of development proposals. In recent cases, the consultation has resulted in changes to the development proposals that address neighbours’ concerns. We believe that the consultation has fostered positive relationships between the developers, the owners of neighbouring properties, and the community as a whole. We want to continue to enjoy this type of relationship with future developments.

We ask you to seek to include a provision in the process leading to approval of a proposed development that would allow for community consultation and input. In the best case, the community would like to see a process that would include the following elements:

- the developer notifies the Councillor, the community organization, and the owners or occupants of adjacent properties;
- the developer invites comments within a reasonable period;
- the developer hosts an information and comment session at which s\he provides information about the townhouse project (such as a map, a profile of the block showing the scale of the townhouses in relation to the housing on both sides, and a diagram of the footprint of the townhouses in relation to the neighbours)
- the developer provides the City with copies of submissions made by the public and the responses and a record of the information session including comments and responses;
- City staff discusses alternatives or mitigation measures for resolving concerns.”

Response:

In Overbrook, a handful of properties containing singles appear to be large enough to support three unit townhouses without variances from the ZBL. Developments that are unable to meet the provisions of the ZBL will continue to be subject to public notification. In accordance with the proposed by-law, all townhouse lots must be subdivided before the issuance of a building permit. Some of these requests to subdivide the lots will be subject to public notification through the consent application. It should be noted that a consent application deals with the appropriateness of lot creation. Site and building design are not up for debate at this stage unless minor variances from the ZLB are sought.

PGM continues to enhance the ZBL through the Low-Rise Infill Housing Study. Further limits on building mass, patio projections and yard setbacks are expected later this year. As a result of SPC by-law consultations, ZBL Section 138 will be amended to ensure that vertically attached residential units on a corner lot are treated separately when establishing yards. This will ensure that variances to the ZBL are dealt with upfront, and not as a result of a request to sever the property.

The City is unable to force a developer to consult in the absence of a policy or *Planning Act* requirement. Requiring staff involvement is in conflict with the objectives of the proposed SPC by-law which attempts to reduce these efforts where the benefits have proven minimal. Nevertheless, the Overbrook Community Association seems pleased that notice will be provided where a severance application is required, and that an opportunity to discuss the proposal with the developer may be present.

Public Comment:

One commenter suggests that SPC review should apply to all new development, especially infill, to ensure that grading and drainage are completed in accordance with approved plans.

Response:

The same grading and drainage review completed for singles, semis, duplexes and triplexes will apply to three unit townhouses. A townhouse will also have the benefit of a preliminary lot grading review completed as part of the severance process. At the time of a building permit another grading review will be completed for each new lot. A qualified professional prepares and signs a grading and servicing plan that is reviewed

and approved by the City. Final grades must be completed in accordance with the approved plan; otherwise the City may enforce deficiencies. Further enhancements to the City's grading review are underway and will be presented to Planning Committee before year-end.