



STAFF REPORT ACTION REQUIRED

Proposed Zoning By-law Amendment to Permit Renewable Energy Devices and Cogeneration Devices and allow for the Distribution of that Energy.

Date:	January 31, 2008
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	Pg080010

SUMMARY

The purpose of this report is to recommend adoption of a stand-alone city-wide zoning by-law to permit renewable energy devices and co-generation energy devices in all zones of the City, subject to certain regulations, and to permit the distribution of energy from those devices into a distribution network.

The City's Official Plan supports the use of renewable energy devices as part of its intent to improve air quality, reduce greenhouse gas emissions and reduce electricity demand. The Official Plan's intent in this regard is also consistent with the City's initiatives for the Climate Change, Clean Air and Sustainable Energy Action Plan.

RECOMMENDATIONS

The Chief Planner and Executive Director of the City Planning Division recommend that Council:

1. enact the Renewable Energy Zoning By-law for the City of Toronto substantially in accordance with the draft zoning by-law identified as Attachment No. 1

Financial Impact

These recommendations will have **no** financial impact beyond what has already been approved in the current year's budget.

DECISION HISTORY

At its meeting of January 10, 2008, Planning and Growth Management Committee adopted a recommendation from the Chief Planner and Executive Director of City Planning, directing City Planning staff to bring the proposed draft renewable energy by-law to a public meeting, to be held at the February 13, 2008 meeting of Planning and Growth Management Committee.

<http://www.toronto.ca/legdocs/mmis/2008/pg/bgrd/backgroundfile-9501.pdf>

ISSUE BACKGROUND

The 43 separate zoning by-laws in the City are all silent on the use, size, erection and location of renewable energy technologies and the possible distribution of energy from those renewable sources. This issue exists because the existing zoning by-laws were created at a time when the feasibility and viability of on-site power generation, sufficiently innocuous to form part of the principal use, could not have been envisioned. However, under such circumstances, the generating of power that is transferred off site to either the electrical grid or as hot water, in the case of a district heating and cooling system, is interpreted as being a separate use and allowed only if expressly permitted. Provincially sponsored programs, that pay owners a guaranteed rate for electricity produced on their land with renewable energy products, and the increasing interest in district based heating and cooling solutions warrants a general zoning amendment at this time.

COMMENTS

Modifications to Draft By-law

The draft by-law attached to the report submitted to the January 10, 2008 meeting of Planning and Growth Management has been modified. Those modifications are incorporated into the draft by-law in Attachment No. 1 of this report in order to provide:

- a) clarification that by-law zone standards shall not just apply to the body or the propeller of a wind energy device, but rather it shall apply to all parts of a renewable energy device to which apply; and
- b) clarification that a photovoltaic solar energy device shall be subject to by-law requirements similar to those for a thermal solar energy device when located on a building or on the ground.

This 'stand-alone' zoning bylaw is a first step to encourage the broader use of renewable energy technologies. To amend 43 zoning by-laws is a complicated and cumbersome process that will be lengthy and time consuming. When the new City of Toronto Zoning By-law is prepared, the regulations of the stand-alone renewable energy distribution by-law can be incorporated and may be expanded as Council determines.

CONTACT

Joe D'Abramo
Director (Acting)
Zoning By-law and Environmental
Planning
Telephone: (416) 397-0251
Fax: (416) 392-3821
E-mail: jdabramo@toronto.ca

Klaus Lehmann
Manager (Acting)
Zoning By-law and Environmental
Planning
Telephone: (416) 392-0175
Fax: (416) 392-3821
E-mail: klehmann@toronto.ca

SIGNATURE

Ted Tyndorf
Chief Planner and Executive Director
City Planning Division

ATTACHMENTS

Attachment 1: Renewable Energy Draft By-law

[P:\2008\Cluster B\PLN/pg080010]

Proposed Zoning By-law Amendment to Permit Renewable Energy Devices and Cogeneration Devices and allow for the Distribution of that Energy.

Authority: Planning and Growth Management Committee Report No. , Clause No. ,
as adopted by City of Toronto Council on, 2008
Enacted by Council: , 2008

CITY OF TORONTO

BY-LAW No. -2008

A By-Law To Permit The Production And Distribution Of Energy From Specific Renewable And Green Energy Sources.

WHEREAS City Council recognizes the need to allow the production and distribution of energy from renewable and alternative green energy sources within the City; and

WHEREAS City Council recognizes that the integration of renewable and green energy production into the urban fabric of the City is a desirable objective in order to reduce the environmental impact of fossil fuel based energy production; and

WHEREAS authority is given to City Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended to pass this by-law; and

WHEREAS City Council has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. For the purposes of this by-law:
 - (1) “**renewable energy**” means energy obtained from **solar energy, wind energy, or geo energy**;
 - (2) “**cogeneration energy**” means thermal energy and electrical energy simultaneously produced from the same process;
 - (3) “**solar energy**” means energy from the sun that is converted to produce electrical or thermal energy;
 - (4) “**wind energy**” means energy from the wind that is converted to produce electrical energy;
 - (5) “**geo energy**” means energy derived from the temperature of the earth that is used to produce electrical or thermal energy;
 - (6) “**distribution**” means the delivery of energy derived from **renewable energy or cogeneration energy**, to a distribution network connected to the lot.
2. Despite any other general or specific provision in any zoning by-law of the City of Toronto or its former municipalities, enacted under section 34 of the *Planning Act* or its predecessor section:

Proposed Zoning By-law Amendment to Permit Renewable Energy Devices and Cogeneration Devices and allow for the Distribution of that Energy.

- (1) the production of **renewable energy**, and the production of **cogeneration energy** shall be permitted uses in all zones or districts of the City of Toronto, provided that:
 - (a) the production of the **renewable energy** or **cogeneration energy** on a lot is only permitted where that lot also contains a main or principal use, permitted on the lot by the applicable zoning by-law;
 - (b) when a device producing the **renewable energy** or **cogeneration energy** is located on a lot where the applicable zoning by-law permits a dwelling unit:
 - (i) a photovoltaic **solar energy** device
 - (A) when located on a building, it shall be subject to all the requirements of the applicable zoning by-law for the building on which the device is located; and
 - (B) when not located on a building, shall be subject to all the requirements of the applicable zoning by-law for an accessory or ancillary building or structure on a lot in the zone in which the device is located;
 - (ii) a thermal **solar energy** device:
 - (A) when located on a building, shall be subject to all the requirements of the applicable zoning by-law for the building on which the device is located; and
 - (B) when not located on a building, shall be subject to all the requirements of the applicable zoning by-law for an accessory or ancillary, building or structure on a lot in the zone in which the device is located;
 - (iii) all parts of a **wind energy** device shall comply with all requirements of the applicable zoning by-law for a main or principal building on the lot where the device is located;
 - (iv) a maximum of one **wind energy** device is permitted on a lot;
 - (v) any above-ground part of a **geo energy** device shall be subject to the requirements of the applicable zoning by-law for an accessory or ancillary building or structure on a lot in the zone in which the device is located;

- (vi) a **wind energy** device, **solar energy** device and a **geo energy** device shall not be located in a front yard or side yard that abuts a street or public highway;
- (vii) a **cogeneration energy** device shall be located on the lot so that it complies with all requirements of the applicable zoning by-law, for a main or principal building on the lot where the device is located; and
- (c) when a device producing the **renewable energy** or **cogeneration energy** is located on a lot where the applicable zoning by-law does not permit a dwelling unit, all parts of the device shall be subject to all the requirements of the applicable zoning by-law for a main or principal building on the lot where the device is located; and
- (d) the production of the **renewable energy** or **cogeneration energy** and any device used to produce the energy comply with all municipal, provincial and federal, by-laws, statutes and regulations; and
- (2) the **distribution of renewable energy** from **solar energy**, **wind energy** or **geo energy** using wires or pipes, and the **distribution of cogeneration energy** using wires or pipes, shall be permitted uses in all zones or districts of the City of Toronto, provided the energy is produced in compliance with subsection 2(1) of this by-law, and the **distribution** of the energy produced complies with all municipal, provincial and federal, by-laws, statutes and regulations.

ENACTED AND PASSED this day of, A.D. 2008.

DAVID MILLER,
Mayor

(Corporate Seal)

ULLI S. WATKISS

City Clerk