

Authority: Planning and Housing Committee Item PH6.2,
as adopted by City of Toronto Council on October 11, 12
and 13, 2023

CITY OF TORONTO

Bill 905

BY-LAW -2023

To amend City of Toronto Municipal Code Chapter 415, Development of Land, respecting Site Plan Control.

Whereas Council through By-law 774-2012 established Article V, Site Plan Control in Chapter 415 of the Municipal Code; and

Whereas pursuant to subsection 114(2) of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A., as amended, By-law 774-2012 established the entire City of Toronto as an area of site plan control; and

Whereas pursuant to subsection 114(17) of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A., as amended, Article V of Chapter 415 of the Municipal Code, defined classes of development that may be undertaken without the approval of plans and drawings otherwise required in the area the City has designated as a site plan control area; and

Whereas Council continues to retain authority under subsection 114(17) of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A., to define, by by-law, any class or classes of development that may be undertaken without the approval of plans and drawings otherwise required; and

Whereas subsection 114(1.2) of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A., excludes from the definition of "development" in subsection 114(1) the construction, erection or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than 10 residential units, unless the parcel of land includes any land in a prescribed area; and

Whereas Council has determined it is appropriate to amend Article V, Site Plan Control of the Municipal Code to continue to maintain the entire City of Toronto as an area of site plan control, revise the classes of development that may be undertaken without the approval of plans and drawings otherwise required subject to exceptions as may be permitted, ensure clarity and consistency of language within Article V, the City-wide Zoning By-law 569-2013, as amended, and subsection 114(1.2) of the *City of Toronto Act, 2006*, S.O. 2006, c. 11, Sched. A.;

The Council of the City of Toronto enacts:

1. Article V, Site Plan Control of Municipal Code Chapter 415, Development of Land, is deleted and replaced with the following:

**“ARTICLE V
Site Plan Control**

§ 415-42. Definitions.

- A.** Terms used in this article have the same meaning as corresponding terms used in the applicable zoning by-laws in effect for the lands.
- B.** As used in this Article, the following terms shall have the meanings as indicated:
- (1) *ACT – City of Toronto Act, 2006*, S. O. 2006, c. 11, Schedule A., as amended.
 - (2) **APPLICABLE ZONING BY-LAWS** – means the former general zoning by-laws and Zoning By-law 569-2013, whichever are in effect for the lands.
 - (3) **CHIEF PLANNER** - The City's Chief Planner and Executive Director, City Planning Division or their designate.
 - (4) **FORMER GENERAL ZONING BY-LAWS** – shall have the same meaning as set out in Article 1.5.6 and Section 800.50(260) of Zoning By-law 569-2013.
 - (5) *PLANNING ACT – Planning Act*, R.S.O. 1990, c. P. 13., as amended.
 - (6) **RAILWAY LINE** – excludes the following:
 - (a) a railway line to which the Canada Transportation Act, S.C. 1996, c.10 (Canada) applies and whose operations have been discontinued under section 146 of the Canada Transportation Act, S.C. 1996, c.10 (Canada);
 - (b) an abandoned railway line to which the Canada Transportation Act, S.C. 1996, c.10 (Canada) does not apply; and
 - (c) a railway line on which the only railway that operates is an urban rail transit system.
 - (7) **TIER 1 OF TORONTO GREEN STANDARD** – shall mean the Tier 1 performance measures of the Toronto Green Standard, as adopted by City Council, applicable at the time of a complete Site Plan Control Application is made to the City for each building of the development on the lands.

- (8) **WIDENING REQUIREMENT** – shall mean a right-of-way widening required by the Official Plan in one of more the following situations as applicable:
- (a) along a major street on Map 3 of the Official Plan for any development;
 - (b) as an expansion of an existing laneway adjacent to a proposed mixed-use building or non-residential building;
 - (c) along an existing right-of-way identified in Schedule 1 of the Official Plan adjacent to a proposed mixed-use building or non-residential building; or
 - (d) acquiring lands beyond the right-of-way widths shown on Map 3 and Schedule 1 of the Official Plan to accommodate necessary features such as embankments, grade separations, additional pavement or sidewalk widths at intersections, transit and cycling facilities, transit priority measures or to provide for necessary improvements in safety, accessibility or visibility in certain locations adjacent to a proposed mixed-use building or non-residential building.
- (9) **ZONING BY-LAW 569-2013** – City-wide Zoning By-law 569-2013, as amended, enacted pursuant to Section 34 of the *Planning Act*.

§ 415-43. Area of site plan control.

- A. All land within the City of Toronto boundaries is designated as a site plan control area.

§ 415-44. Development subject to site plan control.

- A. The approval of plans and drawings shall be required in accordance with Subsection 114(5) of the *Act* for development as defined in accordance with Subsection 114(1) of the *Act*, unless identified in this Article as a class of development that may be undertaken without the approval of plans and drawings otherwise required.

§ 415-45.1. New Buildings: Classes of development exempted from the approval of plans and drawings otherwise required.

- A. The following new residential building(s) are exempt from the approval of plans and drawings:
- (1) A residential building that contains 10 dwelling units or less.

- (2) A residential building of 4 storeys or less, provided that one or more of the following apply:
 - (a) there is only one residential building of 4 storeys or less proposed and no other buildings are proposed, under construction or existing on the lands, excluding any existing or proposed ancillary building associated with the residential building;
 - (b) the proposed residential building is not part of a larger residential development or mixed-use development, or a phase thereof;
 - (c) there is no adjacent building or development which would utilize, rely on, or integrate the proposed residential building, in whole or in part; and
 - (d) the proposed residential building would not exceed a total of 2,000 square metres in gross floor area.
 - (3) A laneway suite.
 - (4) A garden suite.
 - (5) A boarding or lodging house, converted dwelling and rooming house, rooming house, rooming and/or boarding house, or boarding house as permitted under the applicable zoning by-laws and as licensed under Chapter 285 of the former City of Toronto Municipal Code or former City of Etobicoke Chapter 166, Lodging Houses.
 - (6) An ancillary building associated with a residential building contemplated in Subsections 415-45.1 A. (1) or (2) above.
- B.** The following new mixed-use building(s) are exempt from the approval of plans and drawings:
- (1) A mixed-use building that:
 - (a) contains:
 - i. 10 dwelling units or less;
 - ii. a boarding or lodging house, converted dwelling and rooming house, rooming house, rooming and/or boarding house, or boarding house as permitted under the applicable zoning by-laws and as licensed under Chapter 285 of the former City of Toronto Municipal Code or former City of Etobicoke Chapter 166, Lodging Houses; or

- iii. any combination of (1)(a) i. and ii., above;
 - (b) contains non-residential uses at grade;
 - (c) does not exceed an overall building height of 6 storeys;
 - (d) does not include a drive through facility, entertainment place of assembly, medical office, place of assembly or place of worship; and
 - (e) does not include a permitted non-residential use with conditions under Zoning By-law 569-2013, if the lands are subject to Zoning By-law 569-2013, except for a retail store.
- (2) An ancillary building associated with a mixed-use building contemplated in Section 415-45.1 B. (1) above.
- C. The following new non-residential building(s) are exempt from the approval of plans and drawings:
- (1) An industrial, manufacturing or warehouse building, provided:
 - (a) the proposed building does not include an asphalt plant, cement plant, concrete batching plant, recovery facility, recycling facility, salvage yard, or waste transfer station;
 - (b) the proposed building does not include a permitted use with conditions under Zoning By-law 569-2013, if the lands are subject to Zoning By-law 569-2013; and
 - (c) all existing or proposed industrial, manufacturing or warehouse building(s) on the lands would not exceed a total of 2,000 square metres in gross floor area or the permitted maximum gross floor area as set out in the applicable zoning by-laws, whichever is greater.
 - (2) an ancillary non-residential building associated with a non-residential building provided the ancillary non-residential building is less than 100 square metres in gross floor area.
 - (3) a temporary sales office or model home associated with a new building or building addition that will be constructed on the same property.
 - (4) A new non-residential building on City-owned land designated *Parks and Other Open Spaces* in the Official Plan, provided that the new non-residential building is less than 100 square metres.

§ 415-45.2. Additions to Existing Buildings: Classes of development exempted from the approval of plans and drawings otherwise required.

- A.** An addition attached to the following existing residential building(s) is exempt from the approval of plans and drawings:
- (1) An existing residential building that contains less than 10 dwelling units and, with the addition, would contain a total of 10 dwelling units or less.
 - (2) An existing residential building of 4 storeys or less, where:
 - (a) the existing residential building, with the addition, would not exceed 4 storeys in overall height;
 - (b) the existing residential building is the only building on the lands and no other buildings are proposed, under construction or existing on the lands, excluding any existing or proposed ancillary building associated with the residential building;
 - (c) there is no adjacent building or development which in any way utilizes, relies on, or integrates the residential building, in whole or in part; and
 - (d) the existing residential building, with the addition, would not exceed a total of 2,000 square metres in gross floor area.
 - (3) An existing residential building that, with the addition, will contain:
 - (a) A total of 10 dwelling units or less;
 - (b) a boarding or lodging house, converted dwelling and rooming house, rooming house, rooming and/or boarding house, or boarding house as permitted under the applicable zoning by-laws and as licensed under Chapter 285 of the former City of Toronto Municipal Code or former City of Etobicoke Chapter 166, Lodging Houses; or
 - (c) any combination of (3)(a) and (b), above.
- B.** An addition attached to the following existing mixed-use building(s) is exempt from the approval of plans and drawings:
- (1) An existing mixed-use building that:
 - (a) with the addition, will contain:
 - i. a total of 10 dwelling units or less;

- ii. a boarding or lodging house, converted dwelling and rooming house, rooming house, rooming and/or boarding house, or boarding house as permitted under the applicable zoning by-laws and as licensed under Chapter 285 of the former City of Toronto Municipal Code or former City of Etobicoke Chapter 166, Lodging Houses; or
 - iii. any combination of (a) i. and ii., above;
 - (b) with the addition, contains non-residential uses at grade;
 - (c) with the addition, will not exceed 6 storeys in height;
 - (d) with or without the addition does not include a drive through facility, entertainment place of assembly, medical office, place of assembly or place of worship; and
 - (e) with or without the addition does not include a permitted non-residential use with conditions under Zoning By-law 569-2013, if the lands are subject to Zoning By-law 569-2013, except for a retail store.
- C.** An addition attached to the following existing non-residential building(s) is exempt from the approval of plans and drawings:
- (1) An existing commercial, institutional, office, or other non-residential building, except for an industrial, manufacturing or warehouse building, provided the addition:
 - (a) does not include a drive through facility, entertainment place of assembly, medical office, place of assembly or place of worship;
 - (b) does not include a permitted use with conditions under Zoning By-law 569-2013, if the lands are subject to Zoning By-law 569-2013;
 - (c) is not located in the existing front yard or in the existing side yard abutting a public street on a corner lot; and
 - (d) is less than 600 square metres in gross floor area.
 - (2) An existing industrial, manufacturing or warehouse building provided that the addition:
 - (a) does not include, or is not associated with, an asphalt plant, cement plant, concrete batching plant, recovery facility, recycling facility, salvage yard, or waste transfer station;

- (b) does not include a permitted use with conditions under Zoning By-law 569-2013, if the lands are subject to City-wide Zoning By-law 569-2013; and
- (c) will not exceed the greater of,
 - i. 25 per cent of the total gross floor area of all existing industrial, manufacturing or warehouse building(s) on the lands; and
 - ii. 1,000 square metres in addition to the total gross floor area of all existing industrial, manufacturing or warehouse building(s) on the lands;
- (3) An addition to an existing non-residential building on City-owned land designated *Parks and Other Open Spaces* in the Official Plan, provided that the addition is less than 100 square metres.

§ 415-45.3. Interior Alterations and Use Conversions: Classes of development exempted from the approval of plans and drawings otherwise required.

- A. The following interior alterations to, or conversions of, an existing building, where permitted by the applicable zoning by-laws are exempt from the approval of plans and drawings:
 - (1) the construction of new dwelling units provided that after the interior alteration or conversion, there will not be more than a total of 10 dwelling units in the existing building.
 - (2) the interior alteration or conversion that will create dwelling rooms in a boarding or lodging house, converted dwelling and rooming house, rooming house, rooming and/or boarding house, or boarding house as permitted under the applicable zoning by-laws and as licensed under Chapter 285 of the former City of Toronto Municipal Code or former City of Etobicoke Chapter 166, Lodging Houses.
 - (3) the interior alteration or conversion of part of a residential building to only the following non-residential uses:
 - (a) a day nurse, community centre, recreation use; or
 - (b) a temporary sales office or model home, associated with a new building or building addition that will be constructed on the same lands.

- B.** Interior alterations to an existing building to convert all or part of an existing use to a new use permitted by the applicable zoning by-laws are exempt from the approval of plans and drawings provided that:
- (1) the gross floor area of the portion of the building being altered does not exceed 1,000 square metres in gross floor area of the existing building; and
 - (2) where applicable, the interior alteration consists of a conversion from an existing industrial, manufacturing or warehouse use to a different industrial, manufacturing or warehouse use, and the interior alteration:
 - (a) does not include, or is not associated with, an asphalt plant, cement plant, concrete batching plant, recovery facility, recycling facility, salvage yard, or waste transfer station; and
 - (b) does not include a permitted use with conditions, if the lands are subject to Zoning By-law 569-2013.
- C.** Despite Subsections 415-45.3. A. or B., the interior alteration or conversion will not be exempt from the approval of plans and drawings, if it additionally includes a drive through facility, an entertainment place of assembly, place of assembly, place of worship or transportation use.

§ 415-45.4. Replacement, Reconstruction or Compliance: Classes of development exempted from the approval of plans and drawings otherwise required.

- A.** Where a building or structure, or part of a building or structure, is being replaced or reconstructed as a result of its having been destroyed or damaged by fire, explosion, flood or other similar cause, or in response to an order issued by the City, the replacement or reconstruction is exempt from the approval of plans and drawings, provided that:
- (1) the gross floor area and height of the reconstructed building or structure are no greater than the gross floor area and height of the original building or structure;
 - (2) no setback or separation distance between main walls of a building or structure is reduced; and
 - (3) the use of the land is not changed.

§ 415-45.5 Exceptions to Section 415-45.1 to 415-45.3: Classes of development exempted from the approval of plans and drawings otherwise required.

- A.** Despite Section 415-45.1, Section 415-45.2 and Section 415-45.3, the approval of plans and drawing shall be required under Subsection 114(5) of the *Act* where:

- (1) there is a Widening Requirement.
 - (2) in the opinion of the Chief Building Official, in consultation with the Chief Planner, a development may benefit from one or more of the following, without limitation:
 - (a) Sustainable design features that address exterior building and site matters in Tier 1 of the Toronto Green Standard, including landscaping, on the land or on the City's adjoining highway;
 - (b) Matters pertaining to the protection of adjoining lands, health, safety, or accessibility; or
 - (c) Access to and from the building entrances, including the provision of municipal sidewalks and walkways.
 - (3) the matters addressed in Section 415-45.5. A. (1) or (2) above have not been addressed and/or secured by way of a condition to the approval of a variance under section 45 of the *Planning Act* or a consent to sever under section 53 of the *Planning Act* and where such approval is final and binding.
- B.** Subsection 415-45.5. A. does not apply to a residential building that contains 10 dwelling units or less as exempted from the approval of plans and drawings under Section 415-45.1, Section 415-45.2 and Section 415-45.3, unless Subsection 415-45.5 C. applies.
- C.** Despite Section 415-45.1, Section 415-45.2 and Section 415-45.3, the approval of plans and drawings may be required in accordance with Subsection 114(5) of the *Act* where in the opinion of Chief Building Official, in consultation with the Chief Planner, the development, in whole or in part, falls within,
- (1) any area that is within 300 metres of a railway line.
 - (2) any area that is within 120 metres of,
 - (a) a wetland,
 - (b) the shoreline of the Great Lakes-St. Lawrence River System,
 - (c) an inland lake, or
 - (d) a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse.

D. Where Subsection 415-45.5. A. applies, the Chief Planner will:

- (1) minimize the requirements for completeness of the planning application for site plan control approval to those requirements necessary to facilitate one or more of the matters specified in Subsection 415-45.5. A.; and
- (2) require the prescribed fee pursuant to Chapter 441, Fees and Charges, be paid to the City.

§ 415-46. Offence and penalties.

A. Every person who contravenes a provision of this chapter is guilty of an offence, and if the person is a corporation, every director or officer of the corporation who knowingly concurs in the contravention is guilty of an offence, and on conviction is liable:

- (1) on a first conviction to a fine of not more than \$25,000; and
- (2) on a subsequent conviction to a fine of not more than \$10,000 for each day or part thereof upon which the contravention has continued after the day on which the person was first convicted.”

2. Section 415-45.1. A. (5) of Municipal Code Chapter 415, Development of Land, is deleted and replaced with the following subsections (5) and (6), with existing subsections 415-45.1 A. (6) being sequentially renumbered:

- “(5) A multi-tenant house as permitted by the Zoning By-law 569-2013, Zoning By-law 155-2023, and as licensed under Chapter 575 of the Toronto Municipal Code.
- (6) A muti-tenant house, boarding or lodging house, lodging house, rooming house, converted dwelling and rooming house, or boarding house as permitted under the former general zoning by-laws and as licensed under Chapter 575 of the Toronto Municipal Code.”

3. Section 415-45.1. B. (1)(a) of Municipal Code Chapter 415, Development of Land, is deleted and replaced with the following subsection (a):

“(a) contains:

- i. 10 dwelling units or less;
- ii. any combination of (1)(a) i. above and, iii. or iv. below, as applicable;
- iii. A multi-tenant house as permitted by the Zoning By-law 569-2013, Zoning By-law 155-2023, and as licensed under Chapter 575 of the Toronto Municipal Code; or

- iv. A multi-tenant house, boarding or lodging house, lodging house, rooming house, converted dwelling and rooming house, or boarding house as permitted under the former general zoning by-laws and as licensed under Chapter 575 of the Toronto Municipal Code;”
4. Section 415-45.2. A. (3) of Municipal Code Chapter 415, Development of Land, is deleted and replaced with the following subsection (3):
- “(3) A existing residential building, with the addition, will contain:
- (a) a total of 10 dwelling units or less;
 - (b) any combination of (1)(a) above and, (c) or (d) below, as applicable;
 - (c) a multi-tenant house as permitted by the Zoning By-law 569-2013, Zoning By-law 155-2023, and as licensed under Chapter 575 of the Toronto Municipal Code; or
 - (d) a multi-tenant house, boarding or lodging house, lodging house, rooming house, converted dwelling and rooming house, or boarding house as permitted under the former general zoning by-laws and as licensed under Chapter 575 of the Toronto Municipal Code;”
5. Section 415-45.2. B. (1)(a) of Municipal Code Chapter 415, Development of Land, is deleted and replaced with the following subsection (a):
- “(a) the existing building, with the addition, will contain:
- i. a total of 10 dwelling units or less;
 - ii. any combination of (1)(a) above and, iii. or iv. below, as applicable;
 - iii. a multi-tenant house as permitted by the Zoning By-law 569-2013, Zoning By-law 155-2023, and as licensed under Chapter 575 of the Toronto Municipal Code; or
 - iv. a multi-tenant house, boarding or lodging house, lodging house, rooming house, converted dwelling and rooming house, or boarding house as permitted under the former general zoning by-laws and as licensed under Chapter 575 of the Toronto Municipal Code;”

6. Section 415-45.3. A. (2) of Municipal Code Chapter 415, Development of Land, is deleted and replaced with the following subsections (2) and (3), with existing subsections 415-45.3 A. (3) being sequentially renumbered:
- “(3) the interior alteration or conversion will create dwelling rooms in a multi-tenant house as permitted by the City-wide Zoning By-law 569-2013, Zoning By-law 155-2023, and as licensed under Chapter 575 of the Toronto Municipal Code.
- (4) the interior alteration or conversion will create dwelling rooms in a multi-tenant house, boarding or lodging house, lodging house, rooming house, converted dwelling and rooming house, or boarding house as permitted under the former general zoning by-laws and as licensed under Chapter 575 of the Toronto Municipal Code.”
7. Section 415-20 of Municipal Code Chapter 415, Development of Land, is deleted and replaced with the following:
- “§ 415-20. Authority to enter into municipal infrastructure agreements.**
- The authority to enter into municipal infrastructure agreements with developers to secure the construction of municipal infrastructure required to support developments or redevelopments is delegated to the Chief Engineer and Executive Director, Engineering and Construction Services and their designates.”
8. This By-law, except Sections 2, 3, 4, 5, and 6 shall come into effect on the date it is enacted and passed.
9. Sections 2, 3, 4, 5, and 6 of this By-law shall come into effect on March 31, 2024.
10. Section 1 of this By-law does not apply in respect of any development for which a building permit, excluding permits for demolition, shoring and excavation, has been issued on or before [Clerk to insert enactment date of this By-law] and Article V, Site Plan Control as it read before Section 1 of this By-law comes into force shall continue to apply.
11. Section 2, 3, 4, 5, and 6 of this By-law do not apply in respect of any development for which a building permit, excluding permits for demolition, shoring and excavation, has been issued on or before March 30, 2024 and Article V, Site Plan Control as it read after Section 1 of this By-law comes into force shall continue to apply.

Enacted and passed on October , 2023.

Frances Nunziata,
Speaker

John D. Elvidge,
City Clerk

(Seal of the City)