

Authority: Planning and Growth Management Committee Item 34.4,
adopted as amended, by City of Toronto Council on July 8, 9, 10 and 11, 2014

CITY OF TORONTO

BY-LAW No. 726-2014

**To adopt Amendment No. 258 to the Official Plan for the City of Toronto with respect to
the policies for the implementation of a development permit system.**

Whereas authority is given to Council under the *Planning Act*, R.S.O. 1990, c. P.13, as amended
and Ontario Regulation 608/06 to pass this By-law; and

Whereas Council of the City of Toronto has provided information to the public and held both an
open house and a public meeting in accordance with Section 17 of the *Planning Act*;

The Council of the City of Toronto enacts:

1. The attached Amendment No. 258 to the Official Plan of the City of Toronto is hereby
adopted.

Enacted and passed on July 11, 2014.

Frances Nunziata,
Speaker

Ulli S. Watkiss,
City Clerk

(Seal of the City)

Official Plan Amendment No. 258

1. Section 5.2.3 and Policy 5.2.3.1 are deleted and replaced with the following:

5.2.3 Development Permit System

The Development Permit System provides the City with a land use regulatory power that is an alternative to zoning for the purposes of implementing the Official Plan. The Development Permit System is applied area by area at a neighbourhood scale. The Development Permit System addresses local planning issues and reflects local character and distinctiveness through the creation of a comprehensive vision for a particular area. The Development Permit System ensures predictable planned outcomes and consistency with a planned vision for the area to which it applies.

A development permit by-law will include a list of permitted uses and development standards similar to zoning by-laws. However, in addition to complying with permitted uses and any minimum or maximum standards, development permits may be issued only if the proposed development meets specified evaluation criteria and conditions of approval. Development standards, evaluation criteria and conditions of approval included in a development permit by-law will apply to the entire area subject to the by-law or, to an identified sub-area in order to account for differences in context, character and permitted uses within the by-law area.

The entire City of Toronto is identified by this policy as a development permit area. The Development Permit System will be implemented by by-law in selected areas of the City. This area by area approach will:

- a) reaffirm and support implementation of the Official Plan's vision, principles and policies;
- b) promote strategic, integrated and long-term neighbourhood-based planning for selected areas within the City; and
- c) provide certainty, transparency and accountability when implementing the planned vision for a subject area.

When a development permit by-law comes into force, a development permit will be required for all development within the subject area prior to the issuance of a building permit, unless the proposed use and development is expressly exempted from the permit requirement by the development permit by-law.

Sidebar - Evaluating Development using a Development Permit By-law

Proposed development is measured against a set of standards and criteria. The standards establish hard minimum and maximum limits for development. The criteria work together with the standards to determine the extent of permissible development within these defined limits. The standards and criteria, in combination, achieve optimal building siting, massing and design and relationship to the adjacent public realm that respects and reinforces the surrounding built environment, context and desired character of development in the area.

Policies

1. The goals of the Development Permit System are to:
 - a) implement the vision, principles and policies of the Official Plan;
 - b) engage the community in the creation of the planned vision subject areas;
 - c) establish a comprehensive planning framework that facilitates and shapes development appropriate for subject areas; and
 - d) secure predictable outcomes by ensuring that all approved development is consistent with the planned vision and the comprehensive planning framework for subject areas.
2. The objective of the Development Permit System is to provide for an alternative land use regulatory framework that implements the Official Plan and achieves the Goals stated above.
3. The entire City of Toronto is identified by this policy as a development permit area. However, development permit by-laws will only be prepared for those areas within the City identified by Council, following at least one community meeting in the affected area, in addition to any requirements under the Planning Act.

Permit Required

4. If a development permit by-law is enacted for an area, any use or development of land must comply with the permissible uses, standards and criteria set out in the development permit by-law, as evidenced by the issuance of a development permit, unless the proposed use or development is expressly exempted from the permit requirement by the development permit by-law.

Development Permit By-laws

5. Development permit by-laws will set out permissible uses and development standards with specified minimum or maximum limits.
6. Development permit by-laws may include criteria for determining whether a proposed use or development of land may be permitted.
7. The types of criteria included in a development permit by-law may evaluate the use and development of land in terms of:
 - a) the built environment, such as, patterns of streets and blocks, the mix and location of land uses, the public realm, built form, and heritage resources;
 - b) the human environment, such as, housing, community and recreation services and facilities, parks and open spaces;
 - c) protection, restoration and enhancement of the natural environment;
 - d) Toronto's economic health, competitiveness and cultural capital;
 - e) transportation and municipal infrastructure and servicing; and

- f) the appropriate phasing of development to address the criteria set out above.

Amendments

- 8. A City-initiated amendment or an application to amend a development permit by-law must be considered in the context of all lands within the area subject to the by-law.
- 9. A City-initiated amendment or an application to amend development standards, criteria or conditions in a development permit by-law must be supported by a comprehensive planning rationale within the context of the entire subject area that will include:
 - a) area studies and information;
 - b) a public engagement and consultation strategy involving the City and the community affected by the development permit by-law area; and
 - c) a demonstration of the changes to the subject area that have occurred since the enactment of the development permit by-law so as to support an amendment to the by-law including a review of the matters listed in Policy 7 as they pertain to the subject area.
- 10. A City-initiated amendment or an application to amend the development standards, criteria or conditions in a development permit by-law will only be considered by Council after:
 - a) the comprehensive planning rationale, as described in Policy 9; and
 - b) all additional information listed in Schedule 3A to this Plan have been satisfactorily completed and accepted.

Complete Applications

- 11. Applications for a development permit will comply with the complete application submission requirements for a development permit identified in both Schedule 3 of this Plan and Schedule 1 of Ontario Regulation 608/06.
- 12. Applications for an amendment to a development permit by-law will comply with the complete application submission requirements for a development permit by-law amendment application identified in Schedule 3A of this Plan and the requirements listed in Policy 9.

Public Involvement in Development Permit Applications

- 13. Development permit by-laws will establish the extent and the method of public notification and the means by which Council will confer with the public on applications for a development permit, in a manner that in the opinion of City Council is at least as effective to that available for zoning and minor variance applications in areas where a development permit by-law does not exist.

Delegation

14. Where a development permit by-law has been enacted, Council may delegate its decision making authority respecting development permit applications and its authority to execute, amend and release development permit agreements to a committee or body appointed by Council or an employee of the City of Toronto. However, despite the delegation, the ward councillor may request that the development permit application be submitted to the appropriate Community Council and to Council for a decision.

Conditions***Agreements***

15. The development permit by-law may require an applicant to enter into and register on title an agreement with the City, enforceable against current and future owners, dealing with some or all of the conditions imposed on a development permit.

Financial Security

16. The development permit by-law may require the applicant to provide financial security to ensure the satisfaction of any condition imposed on the permit and/or the completion and/or maintenance of the development.

Provision of Community Benefits

17. A development permit by-law may include a requirement for the provision of community benefits, or cash contribution in lieu thereof, proportionate to and in exchange for, the height or density that is sought.
18. The community benefits provided in accordance with Policy 15 may include conditions for the provision of the following:
- a) the conservation of heritage resources that are designated and/or listed on the City of Toronto Inventory of Heritage Properties;
 - b) fully furnished and equipped non-profit child care facilities, including start-up funding;
 - c) public art;
 - d) other non-profit arts, cultural, community or institutional facilities;
 - e) parkland, and/or park improvements;
 - f) public access to ravines and valleys;
 - g) streetscape improvements on the public boulevard in proximity to but not abutting the site;
 - h) purpose built rental housing with mid-range or affordable rents, land for affordable housing, or, cash-in-lieu of affordable rental units or land;
 - i) local improvements to transit facilities including rapid and surface transit and pedestrian connections to transit facilities;

- j) land for other municipal purposes;
 - k) substantial contributions to the urban forest on public lands; and
 - l) other local improvements identified through Community Improvement Plans, Secondary Plans, Avenue Studies, Development permit by-laws, environmental strategies, sustainable energy strategies, the capital budget, community service and facility strategies, or other implementation plans or studies.
19. The development permit by-law may establish a minimum size of development for the purposes of requiring community benefits or cash contribution in lieu thereof.

Other conditions

20. The development permit by-law may also include any condition that:
- a) with respect to land described in paragraph 3, 3.1 or 3.2 of subsection 34(1) of the Planning Act, is related to matters that would otherwise be prohibited under those paragraphs;
 - b) may be imposed pursuant to sections 34, 40, 41 and 42 of the Planning Act;
 - c) may be imposed pursuant to sections 113 and 114 of the City of Toronto Act, 2006; and
 - d) requires:
 - (i) the provision of sustainable design features;
 - (ii) specified use of building materials, architectural details, window details and colours;
 - (iii) site alteration, including but not limited to, the alteration or restoration of the grade of land and the placing or dumping of fill on the lands;
 - (iv) the conveyance of land to the City, at no expense to the City, for a public transit right of way, a new laneway or the widening of highways or lanes that abut on the land;
 - (v) the protection, maintenance and enhancement of existing trees and other vegetation, and the removal, restoration or replacement of vegetation;
 - (vi) the monitoring of the use of lands, provided the monitoring is necessary for the protection of public health and safety or the protection of the natural environment;
 - (vii) the implementation and maintenance of measures that address impacts related to air quality, water quality and supply, sewer supply, groundwater protection, storm water management, natural heritage features and functions, energy conservation, transportation infrastructure, noise, vibration, and construction phase environmental impacts;
 - (viii) the applicant to obtain or provide easements for the purposes of shared parking or access to other parking lots in the specified area;

- (ix) the securing of existing rental housing or the replacement of rental housing in accordance with the housing policies of the Official Plan;
- (x) that multiple phase development be built out in a specified sequence;
- (xi) the granting of public access easements to the City;
- (xii) the dedication of parking spaces for use of car sharing, bicycle sharing or alternative transportation opportunities;
- (xiii) streetscape improvements on the public boulevard abutting the site; and
- (xiv) an applicant to enter into an agreement with the City requiring that the development be built-out in accordance with all plans and drawings, submitted in accordance with the Complete Application requirements, and finally approved by the City.

2. Schedule 3 is amended by adding an additional column entitled "Development Permit Approval" so that it appears as follows:

SCHEDULE 3

APPLICATION REQUIREMENTS

	Official Plan	Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control Approval	Development Permit Approval
REQUIREMENTS of the CITY OF TORONTO ACT, PLANNING ACT and/or Regulations	•	•	•	•	•		•
<p>ADDITIONAL REQUIREMENTS of the OFFICIAL PLAN</p> <p><i>In addition to the prescribed requirements of the Planning Act, the following non-prescribed information will also be required to evaluate a planning application, unless it is determined that certain studies, plans, drawings and reports are not applicable.</i></p> <p><i>Provision of the additional information indicated under the Official Plan, Zoning By-law, Development Permit Approval, Plan of Subdivision, Plan of Condominium and Consent to Sever headings is mandatory under the Planning Act and this Official Plan.</i></p> <p><i>Provision of the additional information indicated under the Site Plan Control Approval heading is not mandatory but may be requested by the City in order to enable a site plan control application to be evaluated.</i></p>							
<p>Completed Application Form - including Permission to Reproduce and Provision of Requisite Copies. Applicants are required to (a) grant the City permission to reproduce, in whole or in part, any document submitted as part of a complete application for internal use, inclusion in staff reports or distribution to the public for the purpose of application review, and (b) provide a reasonable number of copies of any such document, or parts thereof, in paper and/or electronic form, to the City for internal use and distribution to the public for the purpose of application review.</p>	•	•	•	•	•	•	•
<p>Boundary Survey - showing and quantifying the area(s) of all land parcel(s) relevant to the development proposal.</p>	•	•	•	•	•	•	•
<p>Appropriate Plans and Drawings</p>	•	•	•	•	•	•	•

	Official Plan	Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control Approval	Development Permit Approval
Planning Rationale - containing a description of pre-application consultation, including any community outreach, public meeting(s) and interested persons contact list created by the applicant in accordance with City standards.	•	•	•	•	•		
Avenue Segment Review - when required by the provisions of Section 2.2.3.	•	•					
Topographical Survey - showing the area(s) of all land parcel(s) relevant to the development proposal.	•	•	•	•	•	•	•
Building Mass Model - physical or computer generated.	•	•				•	•
Pedestrian Level Wind Study - for buildings over six storeys/20 metres in height.		•				•	•
Sun/Shadow Study - for buildings over six storeys/20 metres in height.		•				•	•
Architectural Control Guidelines - when warranted by the scale or nature of the proposed development.		•	•			•	•
Urban Design Guidelines - when warranted by the scale or nature of the proposed development.		•	•			•	•
Community Services/Facilities Study - for large development proposals.	•	•	•				
Housing Issues Report - for applications that seek to demolish existing rental properties, intensify existing rental sites, convert existing rental housing to condominiums or that propose residential development in excess of five hectares.	•	•		•			
Contaminated Site Assessment - if any portion of a property is to be conveyed to the City (e.g., parks, roads or lanes).	•	•	•		•	•	•
Natural Heritage Impact Study - if the proposed development is likely to have impacts on the Natural Heritage System shown on Map 9.	•	•	•		•	•	•
Environmental Impact Study - if the proposed development is likely to have impacts on aspects of the environment not adequately assessed in the Natural Heritage Impact Study.	•	•	•			•	•
Archaeological Assessment - for properties in the City's database of lands containing archaeological potential.	•	•	•		•	•	•
Heritage Impact Statement/Conservation Strategy - for properties in the City's Inventory of Heritage Properties, whether listed or designated, or adjacent properties where new development could have an impact on a heritage property.		•	•		•	•	•
Arborist Tree Preservation Report		•	•	•	•	•	•
Green Development Standards Checklist		•	•	•		•	•

	Official Plan	Zoning By-law	Plan of Subdivision	Plan of Condominium	Consent to Sever	Site Plan Control Approval	Development Permit Approval
Accessibility Design Standards Checklist			•	•		•	•
Noise Impact Study		•	•		•	•	•
Vibration Study		•	•		•	•	•
Geotechnical Study - <i>hydrological review to be included where warranted.</i>		•	•		•	•	•
Servicing and Stormwater Management Report(s)		•	•	•	•	•	•
Transportation Impact Study	•	•	•			•	•
Parking Study - <i>when proposal does not comply with City by-law standards.</i>		•		•	•	•	•
Loading Study - <i>when proposal does not comply with City by-law standards.</i>		•			•	•	•
Traffic Operations Assessment - <i>when warranted by the scale or nature of the proposed development.</i>		•	•			•	•
Draft Amendments	•	•					

3. Schedule 3 is further amended by adding a new Schedule 3A as follows:

SCHEDULE 3A

DEVELOPMENT PERMIT BY-LAW AMENDMENT APPLICATION REQUIREMENTS

REQUIREMENTS of the CITY OF TORONTO ACT, PLANNING ACT and/or Regulations	•
ADDITIONAL REQUIREMENTS of the OFFICIAL PLAN <i>In addition to the prescribed requirements of the Planning Act, the following non-prescribed information will also be required to evaluate a development permit by-law amendment application, unless it is determined that certain studies, plans, drawings and reports are not applicable.</i> <i>In addition to the information listed in this schedule, other information or studies may be required if the information or study was provided at the time the development permit by-law was first enacted.</i> <i>Provision of the additional information listed in this schedule is mandatory under the Planning Act and this Official Plan.</i>	
Completed Application Form - including Permission to Reproduce and Provision of Requisite Copies. Applicants are required to (a) grant the City permission to reproduce, in whole or in part, any document submitted as part of a complete application for internal use, inclusion in staff reports or distribution to the public for the purpose of application review, and (b) provide a reasonable number of copies of any such document, or parts thereof, in paper and/or electronic form, to the City for internal use and distribution to the public for the purpose of application review.	•
Comprehensive Planning Rationale - as described in Policy 5.2.3.9	•
Appropriate Plans and Drawings - to support Comprehensive Planning Rationale.	•
Topographical Survey - showing the area of all land parcel(s) relevant to the Development permit by-law area.	•
Massing Model - physical or computer generated for the area.	•
Pedestrian Level Wind Study	•
Sun/Shadow Study	•
Community Services/Facilities Study	•
Housing Study - determine how the range of housing envisioned by the by-law is maintained or replaced in terms of form, tenure and affordability.	•
Natural Heritage Impact Study - if the proposed amendment is likely to have impacts on the Natural Heritage System shown on Map 9.	•
Environmental Impact Study - if the proposed amendment is likely to have impacts on aspects of the environment not adequately assessed in the Natural Heritage Impact Study.	•
Archaeological Assessment - for properties in the City's database of lands containing archaeological potential within the area.	•
Heritage Impact Statement/Conservation Strategy - for properties in the City's Inventory of Heritage Properties, whether listed or designated, within the area where new development could have an impact on a heritage property.	•
Noise Impact Study	•

Vibration Study	•
Geotechnical Study - <i>hydrological review to be included where warranted.</i>	•
Servicing Capacity Review	•
Transportation Impact Studies	•
Stormwater Management Plan	•
District-based Energy Plan	•