

Minor Amendments to the City-wide Site Plan Control By-law

Date:	October 16, 2012
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2012\Cluster B\PLN\ Pg12080

SUMMARY

This report recommends minor amendments to the City-wide Site Plan Control By-law (Municipal Code, Chapter 415 - Development of Land, Article V, Site Plan Control). The proposed amendments provide additional clarity for staff and applicants on the interpretation of the By-law.

RECOMMENDATIONS

The Chief Planner and Executive Director, City Planning Division, recommends that:

1. City Council authorize the City Solicitor to amend Municipal Code, Chapter 415 - Development of Land, Article V, Site Plan Control by making the amendments to Article V substantially in accordance with the draft By-law included as Attachment 1 in the report (October 16, 2012) from the Chief Planner and Executive Director, City Planning Division.
2. City Council authorize the City Solicitor to make stylistic and technical changes to the draft By-law as may be required.

Financial Impact

This report has no financial impact.

Implementation Points

Amendments to Chapter 415 - Development of Land, Article V, Site Plan Control, as recommended in this report will apply to all building permit applications as of the date of enactment of the amending by-law by City Council.

DECISION HISTORY

On June 8, 2012 City Council enacted the City-wide Site Plan Control By-law (SPC By-law), replacing the site plan by-laws of the former area municipalities. The SPC By-law is Chapter 415 - Development of Land, Article V, Site Plan Control of the Municipal Code.

For the decision history refer to:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG14.1>

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COMMENTS

City-wide Site Plan Control By-law

The Site Plan Control By-law designates the entire City as a site plan control area. Structured under three development classes, New Buildings, Additions to Existing Buildings, and Interior Alterations for Use Conversion the By-law identifies development proposals that may be exempt from site plan control approval if conditions stated in the By-law are met. Staff have been collecting feedback since the enactment of the Site Plan Control By-law to identify changes to the wording that may assist in clarifying the intent of the By-law.

Summary of the Technical Amendments

The following table is a summary of the proposed changes.

Municipal Code Section	Proposed Amendment	Rationale
415-45 A(3)	Replace "and" with "or".	To clarify that one of the two qualifications may be satisfied for a townhouse development to be exempt from site plan control approval.
415-45 A(3)(b)	Replace "road" with "street."	To be consistent with the terms in the draft City-wide Zoning By-law and

Municipal Code Section	Proposed Amendment	Rationale
		Official Plan.
415-45 A(4) 415-45 B(4) 415-45 C(5)	Reformat the sentence structure of the exemption clauses.	To clarify the intent of the exemption clauses that a new, an addition to, or an interior alteration to an asphalt plan, cement plant, concrete batching plant, recovery/recycling facility, salvage yard, or waste transfer station do not qualify for the manufacturing building exemptions and may require site plan control approval, if a proposal meets the definition of development in the Planning Act.
415-45 A(5) 415-45 B(1) (2)	Add the phrases "an individual" and "dwelling unit."	To clarify that the exemption clauses relating to a new or an addition to an ancillary building associated with a townhouse and addition to a townhouse refer to an individual townhouse dwelling unit, not to a townhouse building complex that may contain a number of dwelling units.
415-45 A(6)	Add "warehouse" after "manufacturing".	Add a term inadvertently omitted from the SPC By-law.
415-45 A(9)	Add the statement "with one such exemption allowed in one calendar year".	The statement is added to limit the erection of a tent or similar structure exemption to one every calendar year. This will prevent the erection of a structure that would be exempt from site plan control, then being disassembled for a short period of time and then erected again shortly after, thus avoiding the requirement for site plan control approval.
415-45 B(3)	Before "front yard" and "side yard" add "existing" and after "side yard" add "abutting a public street".	To clarify the exemption qualification for additions to non-residential buildings relates to all of the existing front or side yards, not to the required front or side yards in the zoning by-law. To clarify that additions that are only to a side yard abutting a public street may require site plan control approval, not an addition to a side yard that abuts another property.
415-45 B(4)	After "600 square metres" add "in gross floor area".	Add a term inadvertently omitted from the SPC By-law.
415-45 B(5)	Delete the clause in its entirety.	The exemption clause which exempts an addition to a building on a designated

Municipal Code Section	Proposed Amendment	Rationale
		property is redundant since such additions would be exempt from site plan control approval in any event, if they qualify under the other 4 additions to existing buildings exemptions and the Ontario Heritage Act is applicable law.
415-45 C(1)	After "1,000 square metres" add "in gross floor area".	Add a term inadvertently omitted from the SPC By-law.
415-45 C(2)	After "not associated with" add "a drive through facility".	To clarify that an interior alteration associated with a drive through facility may require site plan control approval.
415-45 C(4)	Delete the phrase "that will be the only use in the building".	To clarify that the conversion of a detached house or semi-detached house to a non-residential use that will occupy a portion of the building may require site plan control approval, if the proposal meets the definition of development in the Planning Act.
415-45 D	Change "lot line" to "building" and "changed" to "reduced" and delete the phrase "or the building is on a property designated under Part IV or Part V of the Ontario Heritage Act".	To clarify that a reconstruction proposal may be exempt from site plan control approval if no building setback is reduced. Reference to the Ontario Heritage Act is redundant as the Act is applicable law.
General	Stylistic changes, such as modifying punctuation and conjunctions to improve the readability and intent of the SPC By-law.	

Attachment 1 is the draft By-law to amend Chapter 415 - Development of Land, Article V, Site Plan Control, enacted by Council on June 8, 2012 as the Site Plan Control By-law 774-2012.

This report has been prepared in consultation with Legal Services and Toronto Building.

CONTACT

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SIGNATURE

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ATTACHMENTS

Attachment 1: Draft By-law to amend City of Toronto Municipal Code Chapter 415, Development of Land, Article V, Site Plan Control.

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Attachment 1: Draft By-law to amend City of Toronto Municipal Code Chapter 415, Development of Land, Article V, Site Plan Control.

Authority: Planning and Growth Management Committee Item _____ as adopted by City Council on _____ 2012

CITY OF TORONTO

BY-LAW No.

To amend City of Toronto Municipal Code Chapter 415, Development of Land, Article V, Site Plan Control

WHEREAS under section 114 of the *City of Toronto Act, 2006*, S.O. 2006, CHAPTER 11, Schedule A, the City passed By-law No. 774-2012 and thereby amended the City of Toronto Municipal Code by adding Article V, Site Plan Control, to Chapter 415, Development of Land; and

WHEREAS the City wishes to make minor changes to Chapter 415, Article V of the City of Toronto Municipal Code in order to assist in the interpretation of the By-law;

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

1. Subsection (A) (3) (a) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by replacing the word "and" with "or."
2. Subsection (A) (3) (b) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by replacing the word "road" with "street".
3. Subsection (A) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by deleting subsection (4) in its entirety and replacing it with the following:

"(4) An industrial, manufacturing or warehouse building, except for an asphalt plant, cement plant, concrete batching plant, recovery/recycling facility, salvage yard, or waste transfer station, containing only industrial, manufacturing or warehouse uses, if the building is less than 1,000 square metres in gross floor area."
4. Subsection (A) (5) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by adding the words "an individual" after the words "fourplex, or" and by adding the words "dwelling unit" after the word "townhouse."

5. Subsection (A) (6) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by deleting the word "or" after "industrial" and adding the words "or warehouse" after the word "manufacturing."
6. Subsection (A) (9) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by adding the words "with one exemption allowed in one calendar year" after the word "weeks."
7. Subsection (B) (1) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by adding the words "an individual" after the words "fourplex, or" and by adding the words "dwelling unit" after the word "townhouse."
8. Subsection (B) (2) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by adding the words "an individual" after the words "fourplex, or" and by adding the words "dwelling unit" after the word "townhouse."
9. Subsection (B) (3) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by deleting the word "provided" and replacing it with the word "if."
10. Subsection (B) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by deleting subsection(3) (b) in its entirety and replacing it with the following:

"(b) is not located in the existing front yard, or in the existing side yard abutting a public street on a corner lot; or"
11. Subsection (B) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by deleting subsection(4) in its entirety and replacing it with the following:

"(4) An industrial, manufacturing or warehouse building, except for an asphalt plant, cement plant, concrete batching plant, recovery/recycling facility, salvage yard, or waste transfer station, containing only industrial, manufacturing or warehouse uses, if the addition is less than 20% of the gross floor area of the existing building or 600 square metres in gross floor area, whichever is greater;

with one such exemption allowed every 24 months starting from the date of the issuance of the building permit for the addition."

12. Subsection (B) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by deleting subsection(5) in its entirety.
13. Subsection (C) (1) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by adding the words "in gross floor area" after the words "1,000 square metres."
14. Subsection (C) (2) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by adding the words "a drive through facility" after the words "not associated with."
15. Subsection (C) (4) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by deleting the words "that will be the only use in the building."
16. Subsection (C) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by deleting subsection(5) in its entirety and replacing it with the following:

"(5) Is to an existing industrial, manufacturing or warehouse building, except for an asphalt plant, cement plant, concrete batching plant, recovery/recycling facility, salvage yard, or waste transfer station, containing only industrial, manufacturing or warehouse uses for a use conversion from an existing industrial, manufacturing or warehouse use to any other industrial, manufacturing or warehouse use."
17. Subsection (D) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control is amended by deleting it its entirety and replacing it with the following:

"(D) Replacement or reconstruction of a building or structure, or part of a building or structure, destroyed or damaged by fire, explosion, flood or other similar cause, or replacement, reconstruction, or compliance due to an order of the City of Toronto is exempt from the requirement of the approval of plans and drawings if the gross floor area and height of the building or structure are not increased, no building setback is reduced, or the use of the land is not changed."

ENACTED AND PASSED this day of A.D.

version: October 16, 2012