

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

Date:	May 2, 2014
To:	Planning and Growth Management Committee
From:	Jennifer Keesmaat, Chief Planner and Executive Director, City Planning Division
Wards:	All
Reference Number:	P:\2014\Cluster B\PLN\PGMC\PG14044

SUMMARY

This report recommends 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 application, interpretation and enforcement of the By-law.

RECOMMENDATIONS

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

1. Planning and Growth Management Committee recommend City Council amend Municipal Code, Chapter 415 - Development of Land, Article V, Site Plan Control substantially in accordance with the draft By-law included as Attachment 1 in this report.
2. Planning and Growth Management Committee recommend 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 beyond what has already been approved in this year's budget.

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.

Refer to:

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

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On November 29, 2012 City Council enacted By-law 1583-2012 which made minor amendments to the SPC By-law.

Refer to:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2012.PG19.11>

COMMENTS

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

The SPC By-law designates the entire City as a site plan control area and identifies development proposals that may be exempt from site plan control approval if conditions stated in the By-law are met. The exemptions are grouped under three development classes: New Buildings; Additions to Existing Buildings; and Interior Alterations for Use Conversion the By-law.

Staff have continued to receive feedback on possible changes to the wording that may assist in clarifying the intent of the By-law. The previous enactment of minor amendments to the SPC By-law occurred on November 29, 2012

Summary of the Minor Amendments

The following table is a summary of the proposed changes.

Municipal Code Section	Proposed Amendment	Rationale
415-45 A(3)	Delete this section	This section was intended to exempt townhouse project with more than 4 townhouse dwelling units fronting on a public street. A Townhouse is defined as a building with 3 or more attached units. Experience with townhouse projects of varying sizes suggests there is value in Site Plan Approval for all townhouse projects.
415-45 A(8)	Replace "500 square metres" with "675 square metres"	To increase the size of a temporary sales pavilion, model home, or construction office that may be exempt from site plan control approval in situations where such temporary uses will not be on the same property as the new building.
415-45 B(3)	Add to the end of the subsection: "(d) does not increase the required number of parking spaces by more than 8 parking spaces."	To clarify that site plan control approval may be required for additions to some existing non-residential buildings to address an increase in the parking space requirement of more than 8 parking spaces.
415-45 (C)(2)	Add to the end of the subsection: "or transportation use."	To clarify that some interior alterations to a transportation use (the operation of a mass transit system or a transportation system) that are less than 1,000 square metres may require site plan control approval.
New Penalty Section 415-46	Add a new penalty section.	Reference to the City of Toronto Act, 2006 penalty provisions in the Site Plan Control By-law is required for the City to impose fines on Site Plan Control approval contraventions.

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 and as amended on November 29, 2012 by By-law 1583-2012.

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

CONTACT

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SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning Division

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 _____ 2014

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 amendments 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 enacts:

1. Subsection A (3) (b) of § 415-45 of the City of Toronto Municipal Code Chapter 415, Development of Land, Article V Site Plan Control be deleted.
2. Subsection A (8) 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 "500 square metres" with "675 square metres"
3. 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 adding to end of the subsection the following:

"(d) does not increase the required number of parking spaces by more than 8 parking spaces."
4. 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 deleting the word "or" and adding "or transportation use." after the term "place of worship."
5. Chapter 415 of the City of Toronto Municipal Code, Development of Land, Article V Site Plan Control is amended by adding a new Section 415-46 as follows:

415-46 Offence and Penalties

- (1) Every person who contravenes a provision of this by-law 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,
 - (a) on a first conviction to a fine of not more than \$25,000; and
 - (b) 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.

ENACTED AND PASSED this day of A.D.

(version: April 30, 2014)