

DEVELOPMENT APPLICATIONS

Agenda

6 Most Common Applications
Pre-consultation + Submission
Notification + Review
Break Time
Issue Resolution + Report Writing
The Decision Makers
Ottawa Urban Design Review Panel
Questions + Wrap-up

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DEVELOPMENT APPLICATIONS

Development applications are required to ensure that new development proceeds in a manner that is both reasonable and consistent with the policy framework that was described in Session 1. Development applications are reviewed to ensure that the proposed development

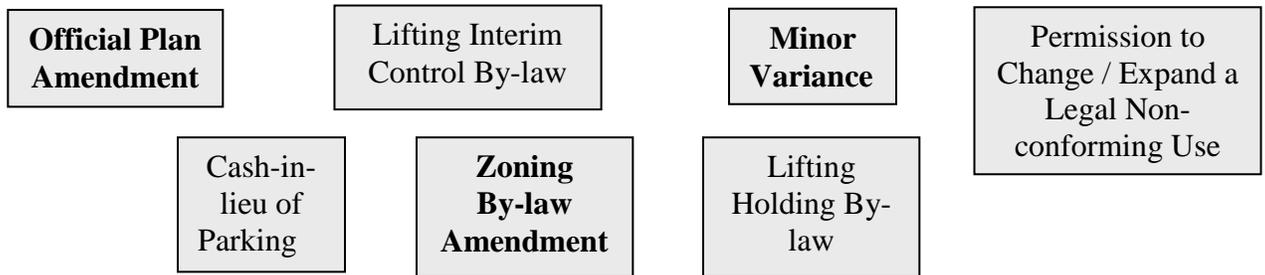
- is consistent with the Provincial Policy Statement;
- conforms to Official Plan and zoning regulations,
- carries out Council policies,
- fits within the community, and
- exhibits the principles of good planning.

There are 16 types of Development Applications that are reviewed by the Planning Branch and the Committee of Adjustment. Some of these applications are much more common than others.

What types of development applications are there?

For discussion purposes, we have divided the development applications into three categories: Land Use, Lot Creation, and Lot Development.

Land Use – This type of application includes applications to modify the uses that are permitted on a parcel of land, the way in which a parcel can be developed, or to seek relief from a zoning provision. The Official Plan and the Zoning By-law, as discussed in Session 1, regulate land use.



Lot Creation – This type of application includes applications to create new lots, or ownership units, or in the case of a common elements condominium, to create common elements that may not include the creation of any lots.



Lot Development – This type of application includes those that may be required in order to proceed with a development on an existing lot that meets the standards of the Zoning By-law.

**Site Plan
Control**

Demolition
Control

Lifting
30 cm
Reserve

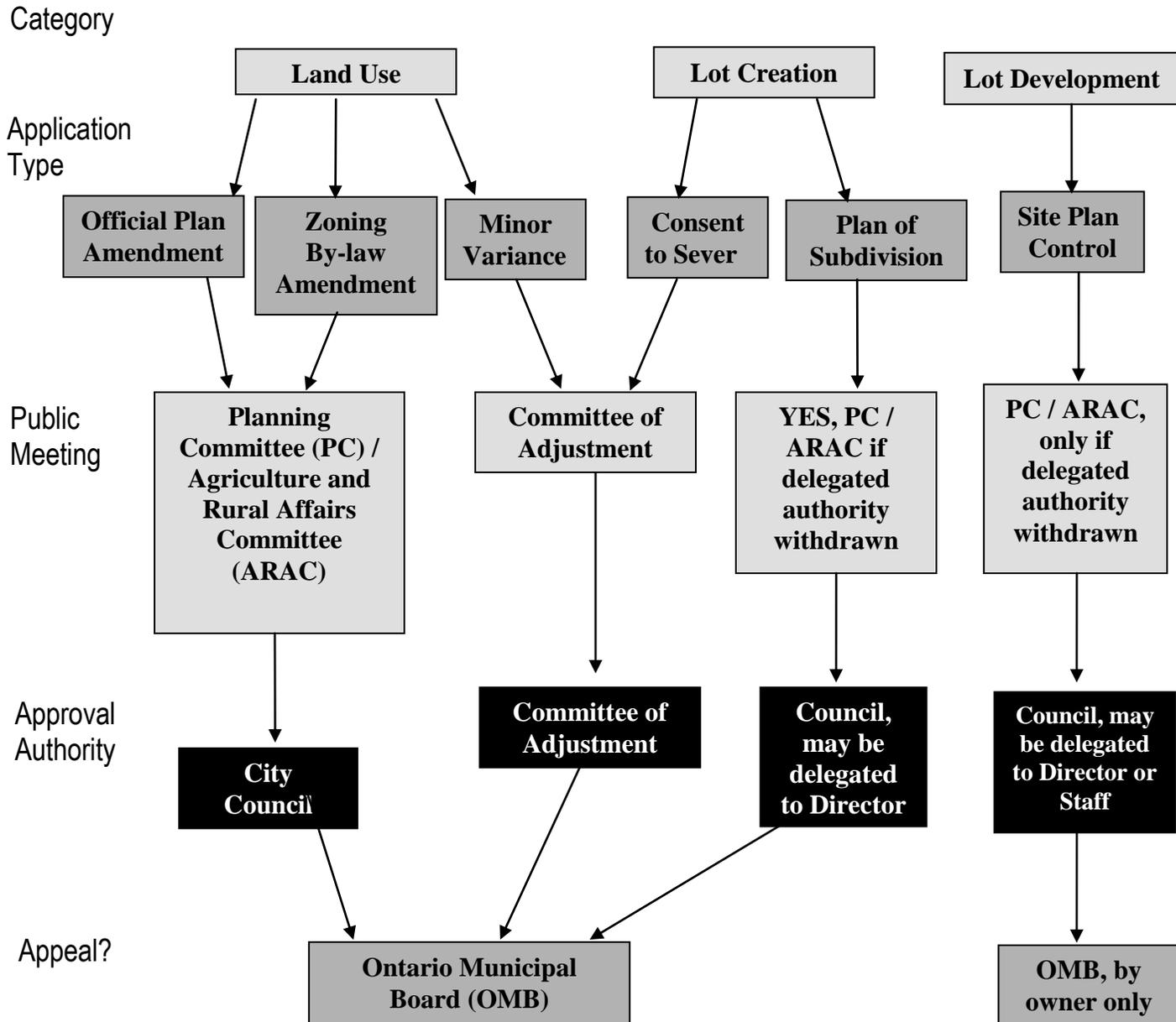
Street/Lane
Opening or
Closing

There are more similarities than differences amongst the processes to be followed for the various development applications. For each application:

- a prescribed application form (some examples are included) and fees are required,
- pre-consultation with planning staff and members of the community is encouraged,
- a certain level of technical and public circulation is required, and
- following a full and open decision making process, most decisions made by staff, City Council, and the Committee of Adjustment can be appealed to the Ontario Municipal Board.

What are the most common development applications?

Copies of the application forms and descriptions of the 6 most common development applications follow, along with a chart that briefly outlines the purpose and process for all of the applications.



Land Use

Official Plan Amendment.

As described in Session 1, the *Planning Act* defines an Official Plan as containing “goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality...” The City of Ottawa Official Plan describes how the city will manage growth and how land in the city should be used.

The Official Plan can be changed by the City (at the direction of Council)

- (a) in order to implement changes in legislation or major studies (such as the Greenspace Master Plan), or
- (b) as a result of a comprehensive review, as required under the *Planning Act*.

The Official Plan can also be changed when an application is filed with the City to amend the plan in support of a development proposal that is not currently permitted by the Official Plan.

The policies contained in the Official Plan are designed to help guide day-to-day decision-making on land-use issues in the city. The Official Plan is developed in consultation with the public, and with technical agencies, and provides the overall vision for development in the city. Development that doesn't conform to the policies of the Official Plan is generally not encouraged. Official Plan Amendments – both City-initiated and application driven - are relatively rare. The City reviews approximately 20 Official Plan Amendments each year.

The length of the process of amending the Official Plan through an application, from the day the application is submitted to the end of the appeal period is 23 weeks (160 days). Before the process begins, Applicants are encouraged to pre-consult with planning staff, with the Ward Councillor, and with their Community Association. The steps in the Official Plan Amendment process are as follows:

- Pre-application Consultation is required.
- Application submitted – together with fee, and all required plans and studies
- Application deemed complete – staff reviews the submission to ensure adequacy
- Community “Heads-Up” sent to Councillor and Registered Community Organizations, usually by e-mail – brief description of the proposal emailed to interested parties, prior to the start of the circulation period
- Circulation to Technical Agencies, Community Organizations and Ward Councillor (28 day circulation period) – summary of the application and copies of the plans are mailed out for review, comments are collected and responded to

- Within 15 days of the application being deemed complete, a Notice of Application is mailed to property owners within 120 metres of the subject lands
- On-site sign posted – sign describing the proposal and indicating the assigned planner to contact for further information
- Community Information and Comment Session (if required)
- Issue Resolution Period – planner reviews the issues that were raised through the circulation period and attempts to foster resolution of all issues
- Report preparation and sign-off by various levels of management – planner prepares Delegated Authority Report – including recommendation – to be signed by Program Manager, Manager, Director and Deputy City Manager prior to submission to Committee
- Committee meeting advertising and report mailed out to public – advertisement in the Ottawa Citizen and Le Droit, copies of the report sent to applicant and all individuals who provided comments during circulation period
- Planning / Agriculture and Rural Affairs Committee meeting – staff presents brief summary of proposal and staff recommendation, applicant and public delegations able to address Committee for 5 minutes, or to submit written comments
- City Council meeting – debate by Councillors, possible questions of staff, no public delegations permitted
- Passage of By-law – Official Plan Amendment enacting by-law passed by Council
- Notice of Decision – Notice of Decision sent to applicant, landowners within 120 metres of the property, and all parties who submitted comments during circulation period or to Committee
- 20-day appeal period - the Applicant, City, or any party that made comments before Committee or Council may, for a fee, file an appeal with the Ontario Municipal Board.

The review process for an Official Plan Amendment, like all development applications, is significant. As part of the Technical Circulation, a summary of the application, as well as copies of any plans, is circulated to internal staff for review. In addition to the Ward Councillor, the information is circulated to: Director of Planning, Manager of Development Approvals, Program Manager of Development Approvals, Program Manager of Area Planning, Program Manager of Infrastructure Approvals, Development Information Officers, Environmental Management, Parks & Recreation, as well as additional staff as determined by the details of the application.

The purpose of this circulation is to ensure that the plans and studies that have been submitted are adequate, and to ensure that the proposed amendment conforms to the applicable planning policies (Official Plan, Provincial Policy Statement), and the general intent of the Official Plan, as well as with good planning principles.

Also as part of the Technical Circulation, the same information is sent to external agencies to provide the opportunity for review, and to provide comments. These external agencies may include: utilities and communication networks, School Boards, The National Capital Commission (NCC), Parks Canada, Conservation Authorities, and Railways. Advisory Committees may also be circulated at this stage, depending on the nature of the application.

The purpose of this circulation is to ensure that the interests of these external agencies are not affected by the proposed Official Plan Amendment, and to determine how a proposed land use change could affect the utilities, school boards, Conservation Authorities, etc. For example, the school boards would be interested in the fact that a land use designation may change from employment to residential, thereby allowing more housing and increasing the demands on local schools. The NCC could be interested in an application to allow an employment use next to a scenic parkway. Agreements exist between the City and many external agencies to ensure adequate access to utilities for maintenance purposes. This circulation also affords the Conservation Authorities the opportunity to review the natural heritage, septic and flood plain issues concerning development proposals.

At the same time that the Technical Circulation is being run, a parallel Public Circulation is undertaken. The same information as that included in the Technical Circulation is forwarded to all registered Community Organizations in the area of the application. These organizations are chosen by using the Department's Public Notification System. It is the responsibility of all Community Organizations to ensure that their information is correct and up to date.

An on-site sign will also be posted for informational purposes. The sign will give a very brief summary of the application, and will include the name, phone number and e-mail of the assigned planner, as well as the assigned French language planner.

The purpose of the public circulation and the on-site sign is to inform community organizations and residents of proposals in their area, and to ensure that the opportunity to comment is provided. Public participation is the way in which planners and decision-makers can acquire information about the public's preferences so they can play a part in decisions about projects, policies, or plans. It also allows the decisions that are made to be improved by incorporating the knowledge of the public, or members of the public, in the decision-making process. The public has site-specific knowledge that is relevant in making decisions that will form their community.

Specifically with regard to an Official Plan Amendment, the public can help formulate the long-term vision for their community.

Information regarding Official Plan Amendments submitted after February 1, 2008 is available on the City's website at www.ottawa.ca/devapps. The information that is available includes a brief summary of the application, the information and studies that were required to deem the application complete, as well as the email address of the Assigned Planner who can be contacted with questions or comments.

Zoning By-law Amendment.

As described in Session 1, the Zoning By-law is a set of regulations that controls development in a specific geographic area by regulating the use of land and the location of buildings and structures. Matters such as land use, building height, bulk, volume and density, distances from lot lines and between buildings, and parking requirements are addressed in a zoning by-law.

Similar to the Official Plan, the Zoning By-law is a legal document, and cannot be changed without going through a full public process, prescribed by the *Planning Act*.

Because of the high level of detail contained in the Zoning By-law, Zoning By-law Amendments are more frequent than Official Plan Amendments. The City reviews approximately 150 Zoning By-law Amendment applications each year. These amendments may be made to add additional uses, to change from one zoning category to another, to significantly increase the permitted building height, or to substantially change the parking requirement for a site (in the former Cities of Ottawa and Vanier, reductions in the number of parking spaces required may also be applied for through the Cash-in-Lieu of Parking process).

The length of the process of amending the Zoning By-law, from the day the application is submitted to the end of the appeal period is 21 weeks (146 days). Before the process begins, Applicants are encouraged to pre-consult with planning staff, with the Ward Councillor, and with their Community Association. The steps in the Zoning By-law Amendment process are as follows:

- Pre-application Consultation is required for major Zoning By-law Amendments.
- Application submitted – together with fee, and all required plans and studies
- Application deemed complete – staff reviews the submission to ensure adequacy
- Community “Heads-Up” sent to Councillor and Registered Community Organizations – brief description of the proposal emailed to interested parties, prior to the start of the circulation period
- Circulation to Technical Agencies, Community Organizations and Ward Councillor (28 day circulation period) – summary of the application and copies of the plans are mailed out for review; comments are collected and responded to
- Within 15 days of the application being deemed complete, a Notice of Application is mailed to property owners within 120 metres of the subject lands
- On-site sign posted – sign describing the proposal and indicating the assigned planner to contact for further information
- Community Information and Comment Session (if required)
- Issue Resolution Period – planner responds to the issues that were raised through the circulation period and attempts to foster resolution of all issues

- Report preparation and sign-off by various levels of management – planner prepared Delegated Authority Report – including recommendation – to be signed by Program Manager, Manager, Director, and Deputy City Manager prior to submission to Committee
- Committee meeting advertising and report mailed out to public – advertisement in the Ottawa Citizen and Le Droit, copies of the report sent to applicant and all individuals who provided comments during circulation period
- Planning / Agriculture and Rural Affairs Committee meeting – staff presents brief summary of proposal and staff recommendation, applicant and public delegations able to address Committee for 5 minutes or to submit written comments
- City Council meeting – debate by Councillors, possible questions of staff, no public delegations permitted
- Passage of By-law – by-law to implement the change to the zoning by-law passed by Council
- Notice of Decision – Notice of Decision sent to applicant and all parties who submitted comments during circulation period, or to Committee.
- 20-day appeal period - the Applicant, City, or any party that made comments before Committee or Council may, for a fee, file an appeal with the Ontario Municipal Board.

The review process for a Zoning By-law Amendment, like all development applications, is significant. As part of the Technical Circulation, a summary of the application, as well as copies of any plans, is circulated to internal staff for review. In addition to the Ward Councillor, the information is circulated to: Director of Planning, Manager of Development Approvals, Program Manager of Development Approvals, Program Manager of Area Planning, Program Manager of Infrastructure Approvals, Development Information Officers, Environmental Management, Parks & Recreation, as well as additional staff as determined by the details of the application.

The purpose of this circulation is to ensure that the plans and studies that have been submitted are adequate, and to ensure that the proposed amendment conforms to the applicable planning policies (Official Plan, Provincial Policy Statement), as well as with good planning principles.

Also as part of the Technical Circulation, the same information is sent to external agencies to provide the opportunity for review, and to provide comments. These external agencies include: utilities and communication networks, School Boards, The National Capital Commission, Parks Canada, Conservation Authorities, and Railways. Advisory Committees may also be circulated at this stage, depending on the nature of the application.

The purpose of this circulation is to ensure that the interests of these external agencies are not affected by the proposed Zoning By-law Amendment, and to allow the technical agencies the opportunity to consider matters within their jurisdiction (i.e.: NCC, Parks Canada along the Rideau River/Canal, the Airport Authority on lands near the airport). Agreements exist between the City and many external agencies to ensure adequate access to utilities for maintenance purposes.

At the same time that the Technical Circulation is being run, a parallel Public Circulation is undertaken. The same information as that included in the Technical Circulation is forwarded to all registered Community Organizations in the area of the application. These organizations are chosen by using the Department's Public Notification System. It is the responsibility of all Community Organizations to ensure that their information is correct and up to date.

An on-site sign will also be posted for informational purposes. The sign will give a very brief summary of the application, and will include the name, phone number and e-mail of the assigned planner, as well as the assigned French language planner.

The purpose of the public circulation and the on-site sign is to inform community organizations and residents of proposals in their area, and to ensure that the opportunity to comment is provided. Public participation is the way in which planners and decision-makers can acquire information about the public's preferences so they can play a part in decisions about projects, policies, or plans. It also allows the decisions that are made to be improved by incorporating the knowledge of the public, or members of the public, in the decision-making process. The public has site-specific knowledge (e.g., traffic congestion, crime and graffiti) that is relevant in making decisions that will form their community.

Specifically with regard to a Zoning By-law Amendment, the public can influence specific and current land use in their neighbourhood. The comments that are sought from Community Associations and members of the public are those relating to planning issues. For example, comments regarding the compatibility of the proposed development with the existing neighbourhood, or concerns regarding shadows to be cast by an extra high building, or the impact of extra traffic from a proposed increase in density or activity.

Information regarding Zoning By-law Amendments submitted after February 1, 2008 is available on the City's website at www.ottawa.ca/devapps. The information that is available includes a brief summary of the application, the information and studies that were required to deem the application complete, as well as the email address of the Assigned Planner who can be contacted with questions or comments.

Minor Variance Application.

A minor variance application is filed for small changes or exceptions to existing land use or development restrictions contained in the Zoning By-law. A minor variance cannot be granted to add an additional use. Additional uses must be applied for through a Zoning By-law Amendment. However, an Applicant may, for example, want to locate an accessory building on their property, but may be unable to meet the minimum setback required because of the shape of the lot. This may be determined to be a minor variance.

The approval authority for a minor variance application is the Committee of Adjustment. The Committee of Adjustment is a quasi-judicial tribunal appointed by City Council and is independent and autonomous from the City Administration. It derives its jurisdiction from the *Planning Act*. The administration of minor variance applications is handled completely by the Committee of

Adjustment's staff, although the Planning Branch engages in pre-consultation meetings with applicants, and provides comments to the Committee on each application.

The Committee is divided into 3 panels, each consisting of 5 individuals, and hears approximately 500 minor variance applications a year, with hearings generally held approximately every two weeks. The process takes approximately 12-14 weeks from application submission to the end of the appeal period. The process for a minor variance is as follows:

- Pre-consultation with planning staff, neighbours, Ward Councillor and community organizations encouraged
- Application submission – original survey and plans of the proposal detailing the variances requested required
- Applicant posts sign on the property indicating the purpose of the application and the date, time, and place of the Committee of Adjustment hearing, as required by regulations under the *Planning Act*
- Summary of variances requested, and notice of the time, date and location of the hearing circulated to property owners within 60 metres of the subject property, as well as to technical agencies, community organizations and the Ward Councillor
- Comments submitted to the Committee of Adjustment staff – Planning staff and other internal and external agencies, as well as interested members of the public submit comments concerning the proposal to the Committee's staff to be provided to Committee Members
- Public hearing held – opportunity for the applicant, staff, and any interested members of the public the opportunity to address the Committee
- Notice of Decision – Committee's staff mails a copy of the decision to the Applicant and all other individuals or agencies that request receipt.
- Appeal Period - the Applicant, City, or any party that made comments before Committee may, for a fee, file an appeal with the Ontario Municipal Board. The appeal period is 20 days after the date of the hearing. This is established by the *Planning Act*.

The standard of review that the Committee applies in making its decision regarding a minor variance application is derived from section 45 of the *Planning Act*. This standard of review is known as the "4 tests". The four tests are not specifically enumerated in the Act, but have been established, through common law, as follows:

1. Does it maintain the general intent and purpose of the Official Plan?
2. Does it maintain the general intent and purpose of the Zoning By-law?
3. Is it desirable for the appropriate development or use of the land?
4. Is it minor?

“Minor” has been determined by the Ontario Municipal Board to be measured on a case-by-case basis. It is not a numerical calculation, but rather is based on the impact that the proposed development will have on the adjacent land uses and the neighbourhood. This is a highly subjective test.

The impact of a variance must be considered on a case-by-case basis, and the involvement of the community in determining this is very important. As well as providing a measure of the impact, public participation is important to help determine the community’s views.

Note that in the case of a Zoning By-law Amendment or Official Plan Amendment, the Planning Branch provides a recommendation (i.e., to approve or refuse) to Planning / Agriculture and Rural Affairs Committee, but in the case of a minor variance application before the Committee of Adjustment, only a comment is provided. In the vast majority of cases, the Department does not recommend approval or refusal.

The following Protocol for Committee of Adjustment Comments has been developed, and is followed:

Principle – The Departmental comment should reflect the significance of the application to larger corporate interests and objectives. The department is to be considered a technical agency advancing positions that reflect the larger corporate interests. The department should not be advocating either for the proponent or for other stakeholder interests – it is the role of the CofA to render a decision based on all the evidence that is brought before it. The department should not be looked at to make the case for the Committee’s decision on any application. Based on the foregoing, the following options have been developed to provide a degree of consistency amongst the planning teams in commenting on CofA applications.

To ensure consistency in Departmental comments to the Committee of Adjustment, there are four families of comments, each of which is to be applied in the circumstances described. This will help both the Department and the Committee Panel members to gain an immediate understanding of our feedback on each application, with details provided for each as usual.

The four families of comments are:

- No concern / No objection
- Concerns
- Objection
- Support

It is important to note that the semantics of these responses is important. Under this protocol, there will no longer be any “no comment” responses. As a commenting agency, the Department will always have comments. If our comment is to the effect that we have no concern, that is a different type of feedback than to say “no comment”.

The situations in which each type of comment would be used is described below.

NO CONCERNS / NO OBJECTIONS

Option 1a – Based on our review, Department has no concern with the application being approved. This would be on very minor applications, where the effect of what's requested is imperceptible.

Option 1b – The Department requests that the applicant provide some clarification to the application, with respect to... This would be if the application is not clear (such as the need for additional variances or to provide a clearer context from a planning perspective), with no concerns at the end of the day.

Option 1c – Based on our review, the Department has no objections to the application being approved subject to the following conditions being imposed on the approval. In this case, we also provide some rationale for the conditions.

CONCERNS WITH THE APPLICATION

Option 2 – Based on our review, the Department has some concerns with the application – This would be where we can see a possibility to improve the project through changes that we would then outline, but are nonetheless onside with the general intent. Identify the concern and if appropriate, identify how this concern could be resolved. The Departmental comment could include a request to adjourn the application.

OBJECTION TO AN APPLICATION

Option 3a – Based on our review, the Department does not support the application – This could be when we take a departmental position, but leave it up to the Committee of Adjustment to decide and we would not appeal a decision. Identify the issues and the basis for objecting through implied reference to the considerations that have to be had under the Planning Act (ie object to variances as the resulting development can be seen as not be appropriate for the site).

Option 3b – Based on our review, Department objects and asks that the application be dismissed – This would be when we intend to appeal a Committee decision to approve the application as presented. Develop the full argument referencing all relevant considerations.

SUPPORT FOR AN APPLICATION

For extenuating circumstance where the issue is of such significance that it warrants the Department taking a pro-active position in support

Option 4a – [No specific wording] Indirect support – Provide clarity with respect to the application and how the proposal will advance City objectives, and highlight how we feel the application satisfies the matters set out in the CofA concluding with a no objection comment

Option 4b – Direct support – Detail how the application advances significant corporate objectives and why the application is considered to satisfy all factors that need to be considered and request that the CofA approve the application

It is not uncommon for an applicant to request a consent and minor variances (see above) for the dimensions of the proposed new lot(s), or for the proposed new building(s). In this case, the applications will be circulated together, posted on one sign, and heard together.

Lot Creation

Plan of Subdivision.

A subdivision is a tract of land that has been divided into several building lots or blocks. These lots or blocks can be used for residential, industrial, commercial, institutional (e.g. school) or open space/parks depending on the designation of the land within the Official Plan and Zoning By-law. An approved plan of subdivision is required in order for the lots and blocks to be sold (conveyed) separately. A registered plan of subdivision is a legal document that outlines all the details and conditions that must be satisfied in order to develop a parcel of land.

The Planning Branch processes approximately 35-40 subdivision applications each year, with the vast majority being “greenfield” developments. A “greenfield neighbourhood” is a large area of land within the Urban Area that has not been developed previously, or that has the potential to be redeveloped extensively.

Pre-consultation with planning staff is strongly encouraged. It is through pre-consultation that the steps and procedures that must be followed will be identified, and required plans and studies determined.

The length of the subdivision approval process varies greatly. Following Draft Plan Approval (17 weeks), the Applicant will be required to fulfil conditions of approval. The primary responsibility for fulfilling the conditions, as well as the timing involved, rests with the Developer. The steps in the subdivision approvals process are as follows:

- Pre-application Consultation is required.
- Application submitted – together with all required plans and studies, to be determined at the pre-consultation stage
- Application deemed complete – staff reviews the submission to ensure adequacy of application and plans/studies submitted
- Community “Heads-Up” sent to Councillor and Registered Community Organizations – brief description of the proposal emailed to interested parties, prior to the start of the circulation period
- Circulation to Technical Agencies, Community Organizations and Ward Councillor (28 day circulation period) – summary of the application and copies of the plans are mailed out for review, comments are collected and responded to
- On-site sign posted – sign describing the proposal and indicating the assigned planner to contact for further information
- Statutory Public Meeting held in the community – *Planning Act* (clause 51(2)(b)) requires a public meeting to be held in the community, with at least 14 days notice (If delegated

authority is withdrawn, and a meeting before the Planning/Agriculture and Rural Affairs Committee is required, this meeting may serve as the statutory public meeting)

- Issue Resolution Period – planner responds to the issues that were raised through the circulation period, and public meeting, and attempts to foster resolution of all issues
- Report preparation and sign-off by various levels of management – planner prepared Delegated Authority Report – including recommendation and conditions – to be signed by Manager
- Notice of Decision - Owner, Applicant/Agent (if different from Owner) and all other persons, technical agencies, community organizations and advisory committees who commented on the application or requested to be notified of the decision receive notice – including the Delegated Authority Report and a copy of the draft plan of subdivision - by mail
- Appeal – 20-day appeal period - applicant, any person or public body that made comments, the Minister or the municipality may appeal to Ontario Municipal Board

If delegated authority is withdrawn, the application will be referred to the Planning / Agriculture and Rural Affairs Committee for approval / refusal of the recommendation and conditions of approval. The process to be followed is much the same, with the exception that the statutory public hearing can take place at PC/ARAC. In this instance it may not be necessary to hold a public meeting in the community.

The standard of review that the Department applies in making its decision regarding a subdivision application is derived from section 51 of the *Planning Act*. The criteria for approval are found in subsection 51(24) of the *Planning Act*. There are 13 considerations, including the following:

- (a) the effect of development of the proposed subdivision on matters of provincial interest ;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the Official Plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided; and
- (f) the dimensions and shapes of the proposed lots.

Usual among the conditions of approval is the requirement that the owner enter into a subdivision agreement with the City regarding such matters as the construction of roads, servicing, and parkland dedication. Applicants will be required to provide securities to the City to ensure that all of the conditions are met. After all the conditions of Draft Plan Approval have been met, and, where appropriate, documented letters of clearance have been received, final approval can be given. The Subdivision Plan and Agreement can then be registered in the land titles/registry system.

A registered plan of subdivision is a legal document that shows:

- The exact surveyed boundaries and dimensions of lots on which houses or buildings are to be built;
- The location, width and names of streets;
- The sites of any schools or parks.

The plan does not show specific building locations, as these are established in accordance with the zoning by-law and site plan approval, if required.

Information regarding Subdivision applications submitted after February 1, 2008 is available on the City's website at www.ottawa.ca/devapps. The information that is available includes a brief summary of the application, the information and studies that were required to deem the application complete, as well as the email address of the Assigned Planner who can be contacted with questions or comments.

Consent to Sever

In order to proceed with land transactions to divide (sever) land into new lots, to add land to an abutting lot, to establish easements or rights-of-way, or to lease or register a mortgage for a period in excess of 21 years, the *Planning Act* requires that consent be granted by the Committee of Adjustment. Once a consent is approved by the Committee, applicants have one year from the date of the Committee's decision to finalize or "perfect" the consent, by providing proof that all of the conditions imposed have been satisfied, and to receive the Committee's approval to register the deed creating the new lot, easement, or lease.

As noted, the approval authority for a consent application is the **Committee of Adjustment**. The Committee of Adjustment is a quasi-judicial tribunal appointed by City Council and is independent and autonomous from the City Administration. It derives its jurisdiction from the *Planning Act*. The administration of consent applications is handled completely by the Committee of Adjustment's staff, although the Planning Branch engages in pre-consultation meetings with applicants, and provides comments to the Committee on each application.

The Committee is divided into 3 panels, each consisting of 5 individuals, and hears approximately 500 consent applications a year, with hearings generally held every two weeks. The process takes approximately 12-14 weeks from application submission to the end of the appeal period. The process for a consent is as follows:

- Pre-consultation with staff, neighbours, Ward Councillor and community organizations encouraged
- Application submission – including survey, draft reference plan (sketch permitted in the rural area), and plans/elevations of the proposal (plans are optional if the provisions of the Zoning By-law can be met, but required if minor variances are requested)
- Applicant posts sign on the property indicating the purpose of the application and the date, time, and place of the hearing, as required by regulations under the *Planning Act*

- Summary of the consent requested, and notice of the time, date and location of the hearing circulated to property owners within 60 metres of the subject property, as well as to technical agencies, community organizations and the Ward Councillor
- Comments submitted to the Committee of Adjustment staff – Planning staff and other internal external agencies, as well as interested members of the public submit comments concerning the proposal to the Committee’s staff to be provided to Committee Members
- Public hearing held – opportunity for the applicant, staff, and any interested members of the public the opportunity to address the Committee
- Notice of Decision – Committee’s staff mails a copy of the decision to the Applicant and all other individuals or agencies that request receipt
- Appeal Period - the Applicant, City, or any party that made comments before Committee may, for a fee, file an appeal with the Ontario Municipal Board. The appeal period for a consent is 20 days from the date of the decision. This is established by the *Planning Act*.

The standard of review that the Committee applies in making its decision regarding a consent application is derived from section 53 of the *Planning Act*. The Committee may grant a consent if satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. In reviewing a consent application, the Committee has regard for the same issues that Council considers in the plan of subdivision process. These criteria are found in subsection 51(24) of the *Planning Act*. There are 13 considerations, including the following:

- (a) the effect of development of the proposed subdivision on matters of provincial interest ;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided; and
- (f) the dimensions and shapes of the proposed lots.

Note that in the case of a Subdivision approval, most decisions are made by staff under delegated authority. If delegated authority is withdrawn, the Department provides a recommendation (i.e., to approve or refuse) to Planning / Agriculture and Rural Affairs Committee, but in the case of the Committee of Adjustment, only a comment is provided. In the vast majority of cases, the Department does not recommend approval or refusal of the consent. Rather, the comment will be one of the following:

1. No comments/objections – This is not to be seen as an endorsement of the proposal, but rather simply not an objection.

2. No comments/objections with conditions precedent – There may be a need to impose conditions precedent from internal City Departments, primarily through the Infrastructure Approvals Division. There may be some explanation of the nature and context of why these conditions are required.

3. Objection without or with Conditions Precedent – When staff is opposed to a proposal, an objection will be registered. Conditions may need to be included to be applied, should the Committee consider the application for approval. The staff comments may also identify some "concerns" with the application. The concern will be identified, and if appropriate, staff will identify how these concerns can be resolved (this may include a request for adjournment).

4. Dismissal – This comment will include a full explanation from a policy context. The report will go into the considerations for approval of the Planning Act as part of the planning rationale.

5. Pro-active Departmental Position – This comment is reserved for extenuating circumstances where the issue is of such significance that it warrants the Department taking a pro-active position in support. Staff may either provide clarity with respect to the application and how the proposal will advance City objectives, concluding with a no objection comment, or may detail how the application advances significant corporate objectives and why the application is considered to satisfy all factors that need to be considered. In this situation, staff may request that the Committee approve the application.

It is not uncommon for an applicant to request a consent and minor variances (see above) for the dimensions of the proposed new lot(s), or for the proposed new building(s). In this case, the applications will be circulated together, posted on one sign, and heard together.

Site Development

Site Plan Control

Site Plan Control is the process that is used to control or regulate the various features on the site of an actual development including building location, landscaping, drainage, lighting, parking and access by pedestrians and vehicles. The power to establish a site plan control area is granted by the *Planning Act*, while the City's Site Plan Control By-law determines which types of development require site plan control approval.

Generally, site plan control approval is required for commercial and industrial developments, for multi-unit residential projects such as townhouse complexes and apartments, for certain changes in land use (i.e., conversion to a restaurant) and for certain types of developments in a Heritage Conservation District. If site plan control approval is required, it must be granted before a building permit can be issued.

Once it has been determined that Site Plan Control Approval is required, the approval authority and whether or not the application is subject to public consultation must be determined. These factors determine the length of the process, and the appropriate application fee. The criteria for these factors is found in the "Planning Application Fee Summary Document", which is available on ottawa.ca under Planning → Development Review Process → Fees.

It is important to note that staff is the approval authority for the vast majority of site plans. As a default, all Site Plan Control approvals are under the authority of the Manager unless the revision to the Site Plan Control approval meets the criteria to be under the authority of the Assigned Planner. Assigned Planner delegated authority applies only to the following types of applications:

- addition, deletion or relocation of accessory buildings or structures, utility equipment, garbage enclosures, landscape elements, decks, swimming pools, lighting, signs or portable classrooms;
- modifications to internal pedestrian or vehicular circulation, parking and loading areas or building footprint which represent a change of less than 200 square metres in gross floor area;
- extensions of less than twelve months to the time limit to sign a site plan control agreement or a letter of undertaking, if the extension is requested prior to the lapse of the original time limit;
- an extension of less than twelve months to the time limit to obtain a Building Permit, if the extension is requested prior to the lapse of the original time limit.

Public consultation applies only to the following proposals:

- New free-standing construction of 250 square meters of gross floor area or greater; or
- Adjoining addition to an existing building 50 percent or greater in size than the existing building; or
- Changes in use that result in the requirement for, or the provision of, more than 10 parking spaces must obtain Site Plan Control approval; or

- The installation of new drive-throughs
- Change in use to Restaurant

Aside from the Committee of Adjustment applications, the Site Plan Control Application is the most common development application. The City reviews approximately 300 site plan applications each year. In some cases, it may be necessary to obtain approval of minor variances prior to the approval of the site plan.

The length of the process to obtain site plan control approval under delegated authority, from the day the application is submitted to the end of the appeal period is 6 weeks for a planner approval and 10.5 weeks for a Director approval. If delegated authority is withdrawn, the process will take approximately 14 weeks. In either case, before the process begins, Applicants are encouraged to pre-consult with planning staff, with the Ward Councillor, and with their Community Association. The steps in the Site Plan Control Approval process are as follows:

- Pre-Application Consultation is required for Site Plan Control applications that are subject to public consultation.
- Application submitted – together with fee, and all required plans and studies
- Application deemed complete – staff reviews the submission to ensure adequacy
- Community “Heads-Up” sent to Councillor and Registered Community Organizations – brief description of the proposal emailed to interested parties, prior to the start of the circulation period – *only if subject to public consultation*
- Circulation to Technical Agencies, Community Organizations (*only if subject to public consultation*) and Ward Councillor (28 day circulation period) – summary of the application and copies of the plans are mailed out for review; comments are collected and responded to
- On-site sign posted – sign describing the proposal and indicating the assigned planner to contact for further information – *only if subject to public consultation*
- Community Information and Comment Session (if required) – *only if subject to public consultation*
- Issue Resolution Period – planner responds to the issues that were raised through the circulation period and attempts to foster resolution of all issues
- Report preparation and sign-off by various levels of management – planner prepared Delegated Authority Report – including recommendation – to be signed by planner or Manager

If Delegated Authority is withdrawn, which can occur if the Councillor or Applicant do not agree with the proposed conditions of approval, or if the item is deemed to be controversial:

- Report sign-off by Director and Deputy City Manager

- Committee meeting advertising and report mailed out to public – advertisement in the Ottawa Citizen and Le Droit, copies of the report sent to applicant and all individuals who provided comments during circulation period
- Planning / Agriculture and Rural Affairs Committee meeting – staff presents brief summary of proposal and staff recommendation, applicant and public delegations able to address Committee for 5 minutes, or to submit written comments
- 20-day appeal period – ONLY the Applicant may, for a fee, file an appeal with the Ontario Municipal Board.

The review of a Site Plan Control application is technical, and requires the consideration of a number of factors. The items that the planner reviews, and those that the public will provide comments on, include the following:

- compliance with Official Plan policies;
- compliance with zoning;
- impact of development on traffic flow;
- location of pedestrian and vehicular accesses;
- location of garbage storage;
- shadowing;
- lighting, and light spillover;
- potential increase in noise;
- lot grading and drainage;
- stormwater management;
- location and adequacy of parking;
- compliance with principles of safe design (CPTED principles – Crime Prevention Through Environmental Design).

As noted, Site Plan Control refers to the process in which municipalities regulate development in accordance with their physical planning, built form, and operational objectives obtained within their Official Plan. Under Section 41 of the *Planning Act*, development within municipalities may be subject to Site Plan Control. This is to ensure that development will:

- Be compatible with adjacent or nearby properties
- Have safe and easy access for pedestrians and vehicles
- Have adequate landscaping, parking, and servicing
- Meet specific standards of quality and appearance
- Meet all applicable engineering standards

Once planning staff or, in some cases, Planning or Agriculture and Rural Affairs Committee, approve the Site Plan, a legal Site Plan Agreement or a Letter of Undertaking is prepared by the City that lists

the conditions for the specific development. The applicant has a limited time (usually six months) to sign the Agreement or Letter of Undertaking, and to provide all required securities. The Agreement or Letter of Undertaking must be signed, and the securities posted, prior to the issuance of a building permit. If the approval requires a Site Plan Agreement, the City's Legal Department will prepare the agreement, and it will be registered on title and binding on subsequent owners of the property.

If a site plan agreement is entered into, Site Plan Control continues to apply until a request is made to release the agreement. For approval with Letters of Undertaking, Site Plan Control remains in effect until all the securities have been released. In the case of non-residential developments, the release of the agreement can be no earlier than five years following the release of all financial securities. Finally, there can be no history of non-compliance, complaints or enforcement incidents regarding the terms and conditions of the agreement.

Only the applicant can appeal the conditions of the Site Plan Control approval to the Ontario Municipal Board. Individuals and community organizations don't have the right to do so under the Planning Act.

There are times when an applicant, after receiving site plan approval, will return to the City to ask for minor modifications. The assigned Planner in charge of that particular application can approve these modifications without public notification. The Ward Councillor is kept abreast of all applications and modifications.

Information regarding Site Plan Control Applications submitted after February 1, 2008, and subject to public consultation, is available on the City's website at www.ottawa.ca/devapps. The information that is available includes a brief summary of the application, the information and studies that were required to deem the application complete, as well as the email address of the Assigned Planner who can be contacted with questions or comments.

Pre-Application Consultation

As a result of recent changes to the Ontario Planning Act, the municipality now has the ability to require applications to undertake mandatory pre-application consultation at the beginning of the planning process, before a development application is submitted.

Beginning in February 2010 an applicant must complete the following pre-application consultation process with the City before applying for any of the following development applications:

- Official Plan Amendment
- Major Zoning By-Law Amendment
- Plan of Subdivision
- Site Plan Control (subject to public consultation)
- Vacant Land and Common Element Condominiums

Applicants begin by contacting a Development Review program manager if they are uncertain whether pre-application consultation applies to their proposal, or if they have questions related to this process. Applicants are encouraged to use the City's ward mapping and/or Development Review Areas map to verify the location of their development property.

Although pre-application consultation is not mandatory for all applications, the City strongly encourages applicants to contact staff to discuss their proposal prior to submitting a formal application. If an applicant fails to consult with staff, the City cannot guarantee the completeness or accuracy of an application submission, which may result in processing delays. Discussing proposal details with staff will also ensure that the applicant is aware of associated fees, technical requirements, and processing information.

Please note that applicants may contact staff informally before fulfilling the City's pre-application consultation requirements if they require further information or clarification, or are developing land for the first time.

Pre-application Consultation Process

The following information is available on the City's website, and explains the Pre-application Consultation process for applicants.

The City has designed a two-step pre-application process to help promote the exchange of information and development considerations early in the planning process. A key outcome of this process is a customized list of the studies and plans required in support of a development application. Topics for discussion may include land use policies and guidelines, zoning information, public consultation, engineering requirements, development review, application fees, and so forth.

Step 1: Pre-application form

Before beginning, it is recommended that you save an electronic copy of the form. Attempt to complete all sections of the online pre-application form. Incomplete sections will be discussed at the pre-application consultation meeting.

Save an Adobe .pdf copy of the completed form. E-mail the form and if possible a plan illustrating the proposal to the correct program manager with the subject line 'Pre-consultation Request'.

The file lead assigned to manage the review of your proposal will contact you to organize a pre-application consultation meeting. In most cases, a meeting will be held within 10 business days following the submission of the pre-application form.

Step 2: Pre-application consultation meeting

If possible, ensure that the developer(s), architect(s), engineer(s) and planner(s) involved with designing/managing the development proposal attend the meeting. A planner, engineer and designer will attend on behalf of the City, and other specialist if deemed necessary. Depending on the nature of the site and proposal, other City staff may also be called on to attend.

The applicant should bring a copy of the completed pre-application form and the concept plan outlining the proposal to the meeting.

Be prepared to discuss the proposal in detail and answer general questions about the contents covered within the pre-application form. The applicant is strongly encouraged to ask questions and highlight potential concerns during the pre-application consultation meeting.

What's next?

Study and plan requirements will be identified for the applicant several days after the pre-application consultation meeting. The staff assigned to review the proposal will e-mail a Study and Plan Identification List to the applicant no more than three business days following the pre-application consultation meeting.

The Study and Plan Identification List will also contain a rank between 1-5 to help indicate how well the proposal meets the City's key land use objectives. A low score suggests that further preliminary work should be undertaken before a development application is submitted.

Urban Design Review Panel

Ottawa's Urban Design Review Panel is an independent advisory panel of volunteer professionals who provide an objective peer review of both capital and private sector development projects throughout the City's Design Priority Areas. The Panel is an important addition to the City's formal design review process and is intended to enhance the City's capabilities in achieving architectural and urban design excellence.

The City of Ottawa's Urban Design Review Panel was approved by City Council and made permanent on October 6, 2010.

Applications Subject to the Urban Design Review Panel Process:

Development proposals located within the following **Design Priority Areas** are subject to the Ottawa Urban Design Review Panel process:

- Downtown Precincts as defined by the Downtown Ottawa Urban Design Strategy (DOUDS);
- Traditional and Arterial Mainstreets as identified on Schedule B of the Official Plan;
- Mixed Use Centres as identified on Schedule B of the Official Plan;
- Other areas with special design needs such as the mainstreets within Villages designated on 'A' of the Official Plan, Village core areas identified in Volume 2C of the Official Plan, community core areas identified in community design plans or secondary plans approved by City Council.

The Panel will provide urban design advice and input on:

- Zoning By-law applications proposed within Design Priority Areas (DPAs) where there is a request for a change in density or height;
- Site Plan Control applications proposed within DPAs. Refer to the following link - Site Plan Control applications
- Public capital projects occurring in DPAs such as new buildings, major renovations to public buildings, major infrastructure projects and streetscaping projects.

There are six exceptions to the above-mentioned applications. The Panel will NOT review applications within DPAs that are:

- Small scale residential projects (for example, residential developments below nine units)
- Commercial development less than 1,858 square metres (20,000 square feet)
- Revisions to plans that have received design approval where the change maintains the overall design response associated with the initial approval
- Additions to buildings that are not located along a public right-of-way
- Parking lots
- Public park development (they are already subject to a detailed design process involving community input).

Of special note: Projects in DPAs that require design approval from the Ottawa Built Heritage Advisory Committee (OBHAC) or National Capital Commission (NCC) will be subject to Panel design review; however, Panel recommendations will be forwarded to the applicable organizational body for information and final design approval.

Contact Us:

For further information please e-mail: designreview@ottawa.ca

http://www.ottawa.ca/residents/planning/dev_review_process/urban_design/index_en.html

Application	Purpose	Process
<p>Cash-in-Lieu of Parking</p> <p><i>Planning Act, RSO 1990, s. 40</i></p> <p>This approval process applies only to the former City of Ottawa and to a portion of the former City of Vanier.</p> <p>In the other former municipalities, the Committee of Adjustment can approve minor variances to reduce the number of parking spaces required.</p> <p>This process is currently under review.</p>	<p>THIS PROCESS IS CURRENTLY UNDER REVIEW.</p> <p>The Zoning By-law establishes the required number of parking spaces for each type of development in various locations throughout the City.</p> <p>The City may enter into agreements that exempt owners or occupants from providing parking spaces where required by the Zoning By-laws. In exchange, a sum of money is paid to the City.</p> <p>The Cash-in-Lieu of Parking fees represent the amount of money that it would cost the City if it were to provide and operate each parking space that is exempted.</p> <p>The fees vary, depending on the location of the site and the proposed land use.</p>	<p>Applicants are encouraged to pre-consult with planning staff, and with their Councillor, prior to filing an application.</p> <p>An application, fee, plans, and an explanation of the inability to provide the required parking are submitted for review by staff</p> <p>Public notification of the application is completed through the installation of an informational sign on the property. The sign indicates the proposed number of spaces to be exempted, and the assigned planner to be contacted for further information.</p> <p>Most cash-in-lieu of parking applications are approved by staff, under delegated authority, without a public meeting.</p> <p>If the applicant requests a reduction in the sum of money to be paid in lieu, or if the Councillor does not concur with the conditions of approval, the matter will proceed to Planning Committee for discussion.</p> <p>If the application is approved, the fee becomes payable, and a legal agreement is registered on title. The fee for Cash-in-lieu of Parking is payable once, and although the parking rights stay with the property, they are restricted to the proposed use.</p>
<p>Consent to Sever</p> <p><i>Planning Act, s. 53 O.Reg 197/96</i></p>	<p>A consent is required if a landowner wishes to sell (sever) or mortgage a portion of their land, or enter into an agreement/lease for a period of 21 years or more.</p> <p>The requirement for a severance helps to ensure that development occurs in a controlled and orderly way, in accordance with the policies of the Official Plan, and that proper servicing is in place to accommodate the proposed development.</p>	<p>The Committee of Adjustment is the approval authority for applications for Consents to Sever.</p> <p>Applicants are encouraged to pre-consult with planning staff, their Councillor, as well as their Community Association and neighbours, prior to submitting an application.</p> <p>Applicants are required to submit, together with a complete application and the required fee, a Daft Reference Plan (R-Plan) showing the proposed new lot line(s), as well as the location of any existing or proposed uses or buildings.</p>

Application	Purpose	Process
		<p>In the rural area, a sketch showing the boundaries and dimensions of the lands to be severed and retained, the boundaries and dimensions of any land abutting the subject land that is owned by the owner of the subject land, the distance between the subject land and the nearest township lot line or landmark, the location of all land previously severed from the parcel originally acquired by the current owner of the subject land, the approximate location of all natural or artificial featured on the land, the existing uses on adjacent land, the location, width and name of any roads within or abutting the subject land, and the location and nature of any easement affecting the subject land, is sufficient. Minimum Distance Separation information is also required if the severance is within 300 metres of an agricultural use.</p> <p>In accordance with the regulations under the <i>Planning Act</i>, a sign is required to be posted on the property, and a summary of the application is provided, by mail, to property owners within 60 metres of the subject lands.</p> <p>Prior to rendering its decision, a public hearing is held by the Committee of Adjustment. The Applicant is required to explain the proposal, and all other interested parties are permitted to present their support for, or concerns regarding, the proposed severance.</p> <p>A 20-day appeal period, during which all parties who addressed the Committee may submit an appeal to the Ontario Municipal Board (for a fee), follows the decision of the Committee.</p>
<p>Demolition Control</p> <p><i>Planning Act</i>, RSO 1990, s. 33</p> <p><i>Municipal Act 2001</i>, S.O. 2001, s. 99.1 (rental units)</p> <p>This approval process applies only to the former</p>	<p>Demolition Control applies to residential units only.</p> <p>City Council must approve demolition permits when there is no proposed replacement building or when a dwelling is proposed to be lost through conversion to a non-residential use.</p> <p>If, after a partial demolition, a dwelling unit remains inhabitable, it is excluded from Demolition Control.</p>	<p>Public notification is completed through the installation of a sign on the subject property, providing a brief description of the application, and the assigned planner to be contacted for further information.</p> <p>The Approval Authority for Demolition Control is City Council, with a recommendation by Planning Committee.</p>

Application	Purpose	Process
<p>City of Ottawa; the other former municipalities were exempt from Demolition Control. This situation is currently under review.</p>		
<p>Lifting 30 Centimetre Reserve</p>	<p>A 30 cm reserve is a strip of land 30 cm (1 foot) wide, running along the street frontage or perimeter of a property, which is deeded, usually temporarily, to the City as a condition of a subdivision agreement.</p> <p>This reserve has the effect of technically denying access to a property, because the law requires that all land must have frontage on a public street to qualify for a building permit. The reserve is used as a means to control development until such time as various conditions are met or to prohibit development on lands that are not yet scheduled for development.</p> <p>If the conditions no longer apply, an application may be made to request that the City "lift" the requirement for the reserve, giving the property owner direct access to a public street.</p>	<p>Applicants are required to submit the required application fee as well as a completed application, including:</p> <ul style="list-style-type: none"> ▪ A description of the property, including the location of the 30 cm reserve; ▪ A Registered Plan number; ▪ The reasons why they would like to have the reserve lifted. <p>A summary of the application is circulated to technical agencies and the Ward Councillor. Once any outstanding issues have been resolved, staff recommends approval, under delegated authority.</p> <p>Lifting of 30 cm Reserves requires the Legal Services Branch to prepare a By-law to be approved by City Council.</p>

Application	Purpose	Process
<p>Lifting Holding By-law</p> <p><i>Planning Act, RSO 1990, s. 36</i></p>	<p>A Holding Zone is used in conjunction with a zoning designation when the proposed uses for those lands are considered premature or inappropriate for development at a certain time, or until the applicant has met certain conditions or requirements.</p>	<p>Although submitted through the same application as the Zoning By-law Amendment, the process for lifting a holding by-law is much shorter, and the fee is lower.</p> <p>If the prescribed pre-conditions have been met, the Managers of the Planning Branch have the ability to approve these types of applications through delegated authority.</p> <p>If the prescribed pre-conditions have not been met, the application must be reviewed by the Planning / Agriculture and Rural Affairs Committee and approved by City Council.</p> <p>Notice of the intent to Lift a Holding Zone must be given in accordance with the Planning Act (either through an advertisement in the paper or notice by mail to all affected landowners), and the corresponding By-law must be approved by City Council.</p>
<p>Lifting Interim Control By-law</p> <p><i>Planning Act, RSO 1990, s. 38</i></p>	<p>When City Council wishes to undertake a review or study of its land use policies related to a specific area, or areas, of the city, Council may pass an "Interim Control By-law".</p> <p>Passage of this sort of By-law effectively prohibits the continued use of the land, buildings or structures within the specified area(s), except for those uses set out in the By-law.</p> <p>An Interim Control By-law may be in effect for up to one year, to allow sufficient time to complete the desired review or study. However, Council may amend the By-law to extend the period of time during which it will be in effect for one more year, provided the total period of time does not exceed two years from the date that the initial Interim Control By-law was passed.</p> <p>An Interim Control By-law can be lifted as it applies to a particular parcel of land if it does not have an effect on the outcome of the</p>	<p>Council is not obligated under the Planning Act to give notice to the public prior to the passing of an Interim Control By-law, although, such notice must be given within 30 days after the By-law has been passed.</p> <p>Any member of the public has the right to file an appeal to the Ontario Municipal Board objecting to the By-law, provided the appeal is received by the municipality within 60 days of the passing of the By-law. In such instances, unlike a Zoning By-law, the disputed Interim Control By-law remains in effect pending the outcome of the Ontario Municipal Board hearing.</p>

Application	Purpose	Process
	review or study or if they have been completed.	
<p data-bbox="131 558 321 625">Lifting Part Lot Control</p> <p data-bbox="115 663 334 737"><i>Planning Act, RSO 1990, ss. 50(5)</i></p>	<p data-bbox="367 321 912 533">Part lot control regulates the transfer or sale of part of a lot within a registered plan of subdivision. This provision is used as a means of preventing the uncontrolled division of lots within a plan of subdivision after the plan has been registered.</p> <p data-bbox="367 575 912 961">In certain circumstances, Part Lot Control may be suspended to allow a property owner to legally divide his or her lot, or lots, within a registered plan of subdivision. In such instance, provided the proposed lot division does not require new roads or municipal services, an application can be submitted to the City requesting that it pass a By-law to temporarily "lift" Part Lot Control, in order to allow enough time for the applicant to complete the necessary procedures.</p>	<p data-bbox="932 411 1487 552">When an application for Lifting of Part Lot Control has been submitted, the assigned Planner prepares the draft By-law and forwards it to Legal Services for review.</p> <p data-bbox="932 594 1463 735">Once Legal Services is satisfied that the lot owner has fulfilled all applicable conditions, if any, the draft By-law is then sent to City Council for adoption.</p> <p data-bbox="932 777 1479 879">It should be noted that the vast majority of Part Lot Control Lifting applications are not subject to public notification or consultation.</p>

Application	Purpose	Process
<p>Minor Variance</p> <p><i>Planning Act, s. 45</i> O.Reg 200/96</p>	<p>A minor variance may allow property owners to build on their land in a way that does not comply exactly with the requirements of the zoning by-law.</p> <p>Examples of minor variances include relief from parking requirements (see Cash-in-lieu of Parking), building setbacks and height restrictions.</p>	<p>The Committee of Adjustment is the approval authority for applications for Minor Variance.</p> <p>Applicants are encouraged to pre-consult with planning staff, their Councillor, as well as their Community Association and neighbours, prior to submitting an application.</p> <p>Applicants are required to submit, together with a complete application and the required fee, a site plan and elevations clearly indicating the provisions of the Zoning By-law to be varied.</p> <p>In accordance with the regulations under the <i>Planning Act</i>, a sign must be posted on the property, and property owners within 60 metres of the subject lands are circulated a summary of the application by mail.</p> <p>The Committee of Adjustment must hold a public hearing. At the hearing, the Applicant is required to explain the proposal, and all other interested parties are permitted to present their support for, or concerns regarding, the proposed minor variance(s).</p> <p>The decision of the Committee is based on the “4 tests” of the Planning Act (s.34):</p> <ul style="list-style-type: none"> ▪ Does the variance maintain the general intent and purpose of the Official Plan? ▪ Does the variance maintain the general intent and purpose of the Zoning By-law? ▪ Is the variance desirable for the appropriate development of the land, building, or structure; and ▪ Is the variance minor? <p>A 20-day appeal period, during which all parties who addressed the Committee may submit an appeal to the Ontario Municipal Board (for a fee), follows the decision of the Committee.</p>
<p>Official Plan Amendment</p> <p><i>Planning Act, RSO</i> 1990, s.21</p>	<p>If a proponent wishes to develop land differently than the Official Plan prescribes, they may make an application for an Official Plan Amendment.</p> <p>The Planning / Agriculture and Rural Affairs Committee, City Council or the Ontario</p>	<p>Applicants are required to meet with planning staff, prior to submitting an application for an Official Plan Amendment, in order to determine if an amendment is in fact required, if the proposed development is seen as appropriate for the site, or if there is another way in which the development could be accomplished. Pre-</p>

Application	Purpose	Process
	<p>Municipal Board must approve any amendment to the Official Plan.</p> <p>Official Plan Amendments can be city-wide, area-wide or site-specific. Given the importance of an OPA and the impact a change in the Official Plan may have on a community, there is an extensive public consultation process that includes pre-consultation activities.</p>	<p>consultation also provides an opportunity to discuss with staff the policy direction within the Plan for the particular type of development that is being considered.</p> <p>Applicants are also strongly encouraged to pre-consult with the Councillor and Community Association, as well as with any Advisory Committees that may take an interest in the proposal.</p> <p>An Official Plan Amendment is subject to Public Consultation. The application will be circulated to City Departments, technical agencies, the Ward Councillor, Community Organizations and all required public bodies for comment. A sign will be installed on the property briefly describing the proposal, and indicating the assigned planner who can be contacted for further information.</p> <p>Once all comments have been received, the planner will prepare a report, including a recommendation to approve or refuse the amendment, to the Planning / Agriculture and Rural Affairs Committee and City Council.</p> <p>The Applicant and / or any other interested party may appear at the PC / ARAC meeting to present his or her views, since this is a public meeting.</p> <p>The recommendation of PC / ARAC then proceeds to City Council. If Council approves the proposed amendment, it will pass a by-law that will be circulated to give interested parties the chance to appeal. A 20-day appeal period is provided for, once notice of Adoption of the By-law has been given. If no appeals are received by the end of the appeal period, the amendment becomes law.</p> <p>The Planning Act has a provision whereby City Council must make a decision on any Official Plan Amendment application within 90 days of</p>

Application	Purpose	Process
		<p>receipt of the application. If City Council does not make a decision within this timeframe, the applicant can appeal to the Ontario Municipal Board on the basis that a decision has not been made within this time period.</p>
<p>Permission to Change / Expand a Legal Non-Conforming Use</p> <p><i>Planning Act, RSO 1990, s.45</i></p>	<p>A legal non-conforming use is a use of land, buildings, or structures that was lawfully established and that is no longer permitted in accordance with the requirements of a Zoning By-law.</p> <p>If a property was used for a purpose that was lawfully established, but that is not now permitted, and it has been used continuously in that way, a legal non-conforming right may exist.</p> <p>Any change to or expansion of a legal non-conforming use is a privilege, which must be applied for and approved.</p>	<p>The Committee of Adjustment is the approval authority for applications for permission to change/expand a legal non-conforming use.</p> <p>The application form, fee, and process are identical to those described above for a Minor Variance.</p> <p>This application applies for an expansion of a non-conforming use, the expansion of a non-conforming building, or for the change from one non-conforming use to another. If an applicant wishes to change from a non-conforming use to a permitted use, in a building that is non-conforming, a minor variance application is required to regularise the building.</p>
<p>Plan of Condominium</p> <p><i>Condominium Act 1998, S.O. 1998, c.19</i></p>	<p>Under Ontario's New Condominium Act (1998), applicants are required to obtain Condominium Approval for construction of all new condominium units.</p> <p>The new Act permits the following types of condominiums: common elements condominium; phased condominium; vacant land condominium, freehold condominium, leasehold condominiums.</p> <p>Condominium approval is also required for the conversion of rental developments to condominium. The Official Plan contains policies that restrict the conversion of rental housing with six or more rental units to condominium ownership (or freehold ownership) to times when certain market conditions are met. (Section 4.5, Policy 1)</p>	<p>Applicants for vacant land or common elements condominiums are required to meet with Planning staff prior to submitting an application.</p> <p>Following the submission of a complete application for a Plan of Condominium, the assigned Planner will circulate it to City Departments, the Ward Councillor and required public bodies for their comments. This type of application is <u>not</u> subject to public consultation.</p> <p>The assigned Planner will then prepare a "Delegated Authority Report" recommending Draft Plan approval with conditions, or refusal, of the application.</p> <p>If the Ward Councillor or Applicant do not concur with staff's recommendations/ conditions or if Delegated Authority is lifted from staff, a report to Planning / Agriculture and Rural Affairs Committee is required.</p> <p>It is usual for the conditions to require that the owner enter into a Condominium Agreement</p>

Application	Purpose	Process
		<p>with the City regarding matters such as the construction of roads, servicing and parkland dedication. Applicants will be required to provide a letter of credit in order for the City to ensure that all of the conditions are fulfilled. The responsibility for fulfilling the conditions of draft approval rests primarily with the developer, as does the timing involved.</p> <p>After all the conditions of Draft Plan Approval have been met and, where appropriate, documented letters of clearance have been received, final approval can be given. The Condominium Plan and agreement can then be registered in the land titles/registry system.</p>
<p>Plan of Subdivision</p> <p><i>Planning Act, RSO 1990, s. 51</i></p>	<p>A subdivision is a tract of land that has been divided into several building lots or blocks.</p> <p>These lots or blocks can be used for residential, industrial, commercial, institutional (e.g. school) or open space/parks depending on the designation of the land within the Official Plan and Zoning By-law.</p> <p>An approved plan of subdivision is required in order for the lots and blocks to be sold or conveyed separately.</p> <p>A registered plan of subdivision is a legal document that outlines all the details and conditions that are required to develop a parcel of land.</p>	<p>Potential Applicants are required to meet with Planning and Infrastructure and Approvals Branch staff who can identify the steps and procedures to be followed in order to have a subdivision approved. Applicants may be required to complete special studies (e.g. traffic, noise, servicing etc.) in support of their application. These studies are identified at the pre-consultation stage.</p> <p>Once a complete application for Plan of Subdivision has been submitted, the assigned Planner will circulate it to City Departments, technical agencies and community organizations.</p> <p>A Public Meeting must be held, usually in the community, to allow the public an opportunity to provide comments on the proposed plan of subdivision.</p> <p>Once all comments have been reviewed the assigned Planner will then prepare a "Delegated Authority Report" recommending Draft Plan approval with conditions, or refusal, of the application. Most approvals are granted under Delegated Authority. If the Ward Councillor or the Applicant do not concur with staff's recommendations/conditions or if Delegated Authority is lifted from staff, a report to Planning / Agriculture and Rural Affairs Committee is required.</p> <p>It is usual for the conditions to require that the owner enter into a Subdivision Agreement with the City regarding matters such as the construction of</p>

Application	Purpose	Process
		<p>roads, servicing and parkland dedication. Applicants will be required to provide a letter of credit in order for the City to ensure that all of the conditions are fulfilled. The responsibility for fulfilling the conditions of draft approval rests primarily with the developer, as does the timing involved.</p> <p>After all the conditions of Draft Plan Approval have been met and, where appropriate, documented letters of clearance have been received, final approval can be given. The Subdivision Plan and agreement can then be registered in the land titles/registry system.</p>

Application	Purpose	Process
<p>Site Plan Control</p> <p><i>Planning Act, RSO 1990, s. 41</i></p>	<p>Site Plan Control is the process that is used to control or regulate the various features on the site of a development including building location, landscaping, location of storage, drainage, parking, lighting, and access by pedestrians and vehicles.</p> <p>The City of Ottawa's Site Plan Control By-law establishes a site plan control area and regulates which types of development are subject to Site Plan Control.</p> <p>Generally, Site Plan Control approval is required for commercial and industrial developments, for residential projects such as townhouses and apartments, for certain changes in land use and for certain types of development in a Heritage Conservation District.</p> <p>A variety of levels of Site Plan Control approval exist. Most approvals are granted under delegated authority, either by the Managers of the Planning Branch, or by staff. Some scales of development require public consultation, while others do not.</p> <p>If it is required, Site Plan Control approval must be granted before a building permit can be issued.</p>	<p>Applicants are required to pre-consult with planning and infrastructure approvals staff, prior to submitting a Site Plan Control Application that is subject to public consultation. In all cases, Applicants are encouraged to meet with their Councillor, and with their Community Association and neighbours prior to filing an application for Site Plan Control approval.</p> <p>A complete application will include: an application, the required fee (including the initial Conservation Authority Fee and the initial Engineering Design Review and Inspection fees), and the required number of copies of the following plans: Site Plan, Landscape Plan, Site Servicing Plan, Grade Control and Drainage Plan, Plan of Survey, and floor plans and building elevations if available, as well as any technical studies (i.e.: traffic impact, Environmental Impact Statement).</p> <p>Once a complete application for Site Plan Control approval has been submitted, the assigned Planner will circulate it to City Departments, technical agencies and community organizations for comment.</p> <p>If required, public notification of the application is completed through the installation of an informational sign on the property. The sign indicates the nature of the proposed development and the assigned planner to be contacted for further information. Additional plans or studies, to be determined at the pre-consultation stage, may also be required depending on the nature of the site and of the development.</p> <p>Following the completion of the circulation period, and once all comments have been reviewed, the assigned Planner will prepare a "Delegated Authority Report" recommending approval with conditions, or refusal, of the application. If the Ward Councillor or the Applicant do not concur with staff's recommendations/conditions or if Delegated Authority is lifted from staff, a report to Planning / Agriculture and Rural Affairs Committee is required.</p> <p>Following approval of the Site Plan, a legal agreement or a Letter of Undertaking is prepared by the City listing the conditions for that specific</p>

Application	Purpose	Process
		<p>development. While most approvals will require the submission of securities, a Letter of Undertaking is often acceptable for small-scale developments, and a Site Plan Agreement will usually be required for larger, more complex developments.</p> <p>The City and the Applicant must sign the Site Plan Agreement. The Applicant has up to six months to sign the agreement and provide all securities prior to the issuance of a building permit. The Site Plan Agreement is a legal document. The agreement must be registered on title, and is binding on subsequent owners of the property.</p> <p>Only the Applicant can appeal the conditions of Site Plan Control approval to the Ontario Municipal Board. The <i>Planning Act</i> does not provide individuals or community organizations with the right to appeal conditions of Site Plan Control approval.</p> <p>Site Plan Control continues to apply until a request is made to release the agreement. For approval with Letters of Undertaking, Site Plan Control remains in effect until all the securities have been released.</p> <p>In the case of non-residential developments, the release of the agreement can be no earlier than five years following the release of all financial securities. There can be no history of non-compliance, complaints or enforcement incidents regarding the terms and conditions of the agreement.</p> <p>Community organizations can register a complaint about the failure of an applicant to fully comply with a Site Plan Agreement by calling the Assigned Planner.</p> <p>There are times when an Applicant, after receiving site plan approval, will return to the City to ask for minor modifications. An application is filed, and the assigned Planner can approve certain modifications without public notification. The Ward Councillor is kept abreast of all applications and modifications.</p>
Street or Lane Closing/Opening	Occasionally, the City receives a request to close a public lane or street, and to deed the land to abutting property owners. While these	Once an application is received it is circulated to City Departments, the Ward Councillor, Community Organizations, affected agencies,

Application	Purpose	Process
<p><i>Municipal Act, 2001, SO 2001, s. 34</i></p>	<p>lanes or roads are shown on a registered Plan of Subdivision, the City often has not maintained them. Although still legally "open", they may be overgrown with trees and encroached upon by gardens, fences and garages so that it is no longer possible to use them for through passage. In other cases, the lane or road is open and closing it would deny access to some properties.</p> <p>An application can also be made to open a public street or lane.</p>	<p>and abutting owners. The application is then reviewed and on the basis of the input, staff will decide either to approve or refuse the closing. If the decision is to approve the closure, City Council will pass a By-law.</p> <p>In the event that a lane or street is closed, the land will remain under the ownership of the City. However, if the City does decide to sell the land, each abutting property owner will be offered that portion of the land that it abuts to the centerline of the lane or street, at a price to be determined by City Council (usually market value).</p>
<p>Zoning By-law Amendment</p> <p><i>Planning Act, RSO 1990, s. 34</i></p>	<p>If an applicant wishes to develop a property in a manner that deviates from the current zoning provisions, they must apply for a Zoning By-law Amendment; also referred to as a rezoning.</p> <p>For example, a change of use from residential to commercial would require a Zoning By-law Amendment.</p> <p>The Planning / Agriculture and Rural Affairs Committee and City Council must approve any amendment to the Zoning By-law.</p> <p>Sometimes a property owner only wants to make a minor deviation to the Zoning By-law provision such as a building setback or height restriction requirements. Owners who want to have minor changes to the use of their property that differ only slightly from Zoning By-law provisions can instead apply to the Committee of Adjustment for what is known as a "minor variance".</p>	<p>Applicants for major zoning by-law amendments are required to pre-consult with planning staff, and all applicants are encouraged to pre-consult with planning and infrastructure approvals staff, with their Councillor, and with their Community Association and neighbours prior to filing an application for a Zoning By-law AMendment.</p> <p>The application will be processed by the Planning Branch who circulates it to City Departments, the Ward Councillor, Community Organizations and required public bodies for comments. A sign will be installed on the property briefly describing the proposal and indicating who the assigned planner is. Notification of the proposal will be sent to property owners within 120 m of the subject lands.</p> <p>Following the circulation period, and once all comments have been received, the assigned planner will prepare a report to Planning / Agriculture and Rural Affairs Committee and City Council with a recommendation to approve or refuse the rezoning application.</p> <p>Individuals may appear at the Planning / Agriculture and Rural Affairs Committee meeting to present their views, since this is a public meeting.</p>

Application	Purpose	Process
		<p>The recommendation of Planning / Agriculture and Rural Affairs Committee then proceeds to City Council. If Council approves the proposed amendment, it will pass a by-law that will be circulated to give interested parties the chance to appeal the decision to the Ontario Municipal Board.</p> <p>A 20-day appeal period is provided for, once notice of Adoption of the By-law has been given. If no appeals are received by the end of the appeal period, the amendment is in full force and effect.</p>

Common Planning Terms and Acronyms

311 – City of Ottawa main phone number, for all inquiries.

ARAC – Agriculture and Rural Affairs Committee – A Standing Committee of Council, the Agriculture and Rural Affairs Committee is responsible for ensuring that the unique interests and requirements of the City's rural areas are taken into account in the decisions made by the City of Ottawa. The Committee will make recommendations to Council on issues and programs pertaining to the agricultural and associated industries, the rural economy, rural residential communities, land development and landscaping, transportation, water and wastewater services, and environmental protection.

CA – Conservation Authority – local watershed management agencies that deliver services and programs that protect and manage water and other natural resources in partnership with government, landowners and other organizations. Conservation Authorities promote an integrated watershed approach balancing human, environmental and economic needs. Conservation Authorities are organized on a watershed basis. The City of Ottawa interacts with staff from the **Rideau Valley Conservation Authority (RVCA)**, **Mississippi Valley Conservation**, and **South Nation Conservation Authority**.

CofA - Committee of Adjustment – Quasi-judicial administrative tribunal appointed by City Council to make decisions on applications for consent to sever, minor variance, change or expansion of a legal non-conforming use.

Delegated Authority - The ability of City Council to delegate its decision making responsibilities, derived from the *Planning Act*, to other levels of authority, including the Committee of Adjustment, Standing Committees, or Staff.

DOUDS – Downtown Ottawa Urban Design Strategy – A study that established a broad urban design framework to help create an attractive and lively downtown for residents and visitors alike. A strategic document that can be used by the City of Ottawa, the National Capital Commission (NCC), the University of Ottawa, the Downtown BIA's and local business and residential communities as a tool to help develop, guide and implement future development projects and public realm improvements within Ottawa's Downtown area.

DPA – Design Priority Area – In Section 2.5.1 of the Official Plan, the City recognizes the following lands as Design Priority Areas in support of this Plan's objectives to direct growth, to protect and enhance the character and sustainability of Ottawa's many mixed-use communities, and to provide a focus for coordinating urban design efforts and enhancements:

- a. Downtown Precincts as defined by the Downtown Ottawa Urban Design Strategy (DOUDS);

- b. Traditional and Arterial Mainstreets as identified on Schedule B of this Plan;
- c. Mixed Use Centres as identified on Schedule B of this Plan;
- d. Other areas with special design needs such as the mainstreets within Villages designated on Schedule 'A' of this Plan, Village core areas identified in Volume 2C of this Plan, community core areas identified in community design plans or secondary plans approved by City Council, or other areas identified from time to time by City Council.

In Design Priority Areas, all public projects, private developments, and community partnerships within the public realm will be reviewed for their contribution to an enhanced pedestrian environment and their response to the distinct character and unique opportunities of the area. The public realm/domain refers to all of those private and publicly owned spaces and places which are freely available to the public to see and use.

MMAH – Ministry of Municipal Affairs and Housing – Provincial Ministry responsible for land use planning.

OBHAC – Ottawa Built Heritage Advisory Committee (formerly LACAC) – One of Council's Advisory Committees, with the mandate of advising City Council on matters relating to Ottawa's Heritage (pursuant to the *Ontario Heritage Act*), specifically on issues of built heritage, including cultural heritage landscapes.

OMB – Ontario Municipal Board – A quasi-judicial administrative tribunal appointed by the province to hear appeals of planning, and other municipal, matters.

OP – Official Plan – A legislative document that provides the 20-year vision for a municipality. In Ottawa, the current Official Plan was adopted by Council in 2003, and was reviewed in 2009. The next 5-year OP review will be completed by 2014.

OPA – Official Plan Amendment – an amendment to the Official Plan, either initiated by the City or a private landowner.

PC – Planning Committee – A Standing Committee of City Council, the Planning Committee is responsible for overseeing all development and planning within the urban boundary in accordance with the City's Official Plan, including zoning designations, community planning, site design requirements and affordable housing.

PGM – The Planning and Growth Management Department, the City Department that sets the direction and manages the evolution of the city to enhance our quality of life.

PPS – Provincial Policy Statement (2005) – Provincial policy passed under Section 3 of the *Planning Act*, to guide the policy-led planning system in Ontario.

TOD – Transit-Oriented Development is a mix of moderate to high-density transit-supportive land uses located within an easy walk of a rapid transit stop or station that is oriented and designed to facilitate transit use.

ZBL – Zoning By-law - A zoning by-law is a set of regulations that controls development in a specific geographic area. Zoning by-laws are enabled by the Ontario Planning Act (Section 34) to regulate the use of land and the location of buildings and structures. Matters such as land use and building height, bulk, volume and density, distances from lot lines and between buildings and parking requirements are addressed in a zoning by-law.

ZBLA – Zoning By-law Amendment is an amendment to the Zoning By-law, either initiated by the City or by a private developer to facilitate a development.