

BY-LAW NO. 2014 - 256
As amended by By-law No. 2015-142

A by-law of the City of Ottawa designating the area within the territorial limits of the City of Ottawa as an area of site plan control.

WHEREAS Section 41 of the *Planning Act* provides that, where in an official plan an area is shown or described as a proposed site plan control area, the council of the local municipality in which the proposed area is situate may, by by-law, designate the whole or any part of such area as a site plan control area;

AND WHEREAS the Official Plan for the City of Ottawa describes the entire territorial limits of the City of Ottawa as a proposed Site Plan Control Area;

AND WHEREAS Section 41 of the *Planning Act* provides that no person shall undertake any development in an area designated under a by-law passed under that section without first having received approval;

AND WHEREAS Section 41 of the *Planning Act* provides that the Council of the City of Ottawa may define any class or classes of development that may be undertaken without approval;

THEREFORE the Council of the City of Ottawa, pursuant to Section 41 of the *Planning Act*, enacts as follows:

INTERPRETATION

1. The following rules apply to this by-law:
 - (1) Unless otherwise defined, the words, terms and phrases used in this by-law have their normal and ordinary meaning.
 - (2) The *Legislation Act, 2006* applies to this by-law.
 - (3) Despite the tense used in a provision,
 - (a) every provision of this by-law is to be applied to the circumstances as they exist at the time in question; and
 - (b) every obligation imposed by this by-law is a continuing one so long as either the use, the circumstances, the reason for the obligation,

or the events which caused, precipitated or gave rise to the obligation continue.

(4) This by-law may be cited by its long title, its short title, or by its by-law number, and any such citation is to be taken as meaning the by-law as amended.

DEFINITIONS

2. (1) In this by-law:

- (a) “automotive establishment” means an automobile dealership, automobile rental establishment, automobile service station, or heavy equipment and vehicle sales, rental and servicing; or any combination thereof.
- (b) “Confederation Line Development Zone of Influence” means the Development Zone of Influence shown in Annex 17 of the Official Plan for the City of Ottawa.
- (c) “Council” means the Council of the City of Ottawa.
- (d) “dwelling unit” means a residential unit that:
 - i. Consists of a self-contained set of rooms located in a building or structure;
 - ii. Is used or intended for use as a residential premises;
 - iii. Contains kitchen and bathroom facilities that are intended for the use of the unit only; and,
 - iv. Is not a secondary dwelling unit, mobile home or any vehicle.
- (e) “design priority area” means an area identified in Policy 2 of Section 2.5.1 under the heading “Design Priority Areas” of the Official Plan for the City of Ottawa.
- (f) “development” means development as defined by Section 41 of the *Planning Act*, but does not include a portable classroom on a school site of a district school board.
- (g) “General Manager” means the General Manager of the Planning and Growth Management Department of the Infrastructure Services and Community Sustainability Portfolio of the City of Ottawa, or his or her designate.

- (h) “parking area” means an area containing one or more parking spaces.
- (i) “waste facility” means a solid waste disposal facility, waste processing and transfer facility, and waste processing and transfer facility (non-putrescible).

(2) Where a word or term used in this by-law is listed in Schedule A, the word or term has the same meaning as defined under Section 54 of the City of Ottawa Zoning By-law No.2008-250 as amended.

DESIGNATED AREA

3. (1) The whole of the area located within the territorial limits of the City of Ottawa is hereby designated as an area of site plan control.

(2) The approval of plans and drawings in accordance with subsection 41(4) of the *Planning Act* is required before development is undertaken within the area described in subsection 3(1), unless otherwise exempt from approval as set out in this by-law.

CLASSES OF DEVELOPMENT EXEMPT

4. Subject to Section 7, the following classes of development may be undertaken without site plan control approval where there is no site plan agreement registered on title to the lot:

- (1) The construction, erection or placing on land of:
 - (a) A residential use building that:
 - i. Is not on a lot wholly or partially zoned Environmental Protection (EP) or a subzone thereof, unless written permission is obtained from the General Manager to waive this subclause;
 - ii. Contains a detached dwelling, linked-detached dwelling, semi-detached dwelling, duplex dwelling, three unit dwelling, group home, a townhouse containing no more than three dwelling units where each dwelling unit of the townhouse dwelling is located on a separate conveyable lot, or a rooming house with a maximum of six rooming units and no dwelling units;
 - iii. Except for a detached dwelling and semi-detached

dwelling, has no more than the greater of three associated parking spaces, or the minimum required under the City of Ottawa Zoning By-law No. 2008-250, as amended; and,

- iv. Does not constitute part of a planned unit development;
- (b) A townhouse dwelling approved through a plan of subdivision;
and
- (c) A building containing only non-residential uses that:
- i. Is not on a lot wholly or partially zoned Environmental Protection (EP) or a subzone thereof, unless written permission is obtained from the General Manager to waive this subclause;
 - ii. Is not on a lot located within a Design Priority Area, or the Confederation Line's Development Zone of Influence;
 - iii. Does not exceed a gross floor area of 300 square metres;
 - iv. Does not contain any of the following:
 - A. An automotive establishment;
 - B. Drive-through facility;
 - C. Emergency service;
 - D. Gas bar;
 - E. Golf course;
 - F. Heavy industrial use;
 - G. Kennel;
 - H. Medical marihuana production facility;
 - I. Snow disposal facility;
 - J. Storage yard;

- K. Waste facility, and,
- v. The associated parking does not exceed the greater of:
 - A. three parking spaces; or
 - B. the minimum rate set out in the Zoning By-law, up to a maximum of six parking spaces.

5. Subject to Section 7 the following classes of development may be undertaken without site plan control approval whether or not there is a site plan agreement registered on title to the lot:

(1) The construction, erection or placing on land of:

- (a) An outdoor commercial patio;
- (b) A seasonal garden centre in a parking lot;
- (c) A building or structure used as part of a:
 - i. forestry operation;
 - ii. mineral extraction operation;
 - iii. agricultural use; or
 - iv. equestrian establishment

where the lot is not partially or wholly zoned Environmental Protection, or a subzone thereof, unless written permission is obtained from the General Manager to waive this subclause.

(d) A temporary building or structure if it is:

- i. part of a special event or construction on the lot;
- ii. part of construction, staging and repair works to support a rapid transit network;
- iii. a garden suite;
- iv. used as an office for the sale of residential lots or dwelling units and does not exceed a gross floor area of 300 square metres; or,

- v. a mobile home used as temporary accommodation;
 - (e) A building or structure forming part of a rapid transit network; and
 - (f) An accessory building or structure provided:
 - i. It is accessory to a rapid transit network or a utility installation; or,
 - ii. The lot is not partially or wholly zoned Environmental Protection, or a subzone thereof, unless written permission is obtained from the General Manager to waive this subclause; and,
 - iii. After the addition of the accessory building or structure, the total cumulative gross floor area of all accessory buildings and structures on the lot does not exceed 300 square metres;
 - (g) A utility installation;
 - (h) A seasonal dome over an existing outdoor field or court; and,
 - (i) A park within an approved plan of subdivision.
- (2) The making of an addition to:
- (a) A residential use building containing a detached, linked-detached, semi-detached, duplex, three-unit or townhouse dwelling provided that any increase in the number of dwelling units or rooming units is undertaken in accordance with clauses 5(3)(a) and (b);
 - (b) A residential use building other than in subsection 2(a) where:
 - i. The size of the addition does not exceed the greater of:
 - a. 55 square metres; or,
 - b. 30% of the existing gross floor area, to a maximum of 300 square metres;
 - ii. The addition of any dwelling units or rooming units is undertaken in accordance with clauses 5(3)(a) and (b); and,
 - iii. The addition of any parking spaces is done in accordance

with subsection 5(4).

- (c) A building or structure described in subsection 5(1) provided after the addition the applicable criteria of subsection 5(1) continue to be met.
- (d) A building other than a building described in clauses 5(2)(a) through (c) inclusive where:
 - i. the size of the addition does not exceed the greater of:
 - a. 55 square metres; or,
 - b. 30% of the existing gross floor area, to a maximum of 600 square metres;
 - ii. the addition does not accommodate the establishment on the lot of a new:
 - A. automotive establishment;
 - B. emergency service;
 - C. gas bar;
 - D. golf course;
 - E. heavy industrial use;
 - F. kennel;
 - G. medical marihuana production facility;
 - H. snow disposal facility;
 - I. storage yard;
 - J. waste facility; and,
 - iii. the addition does not accommodate a new or expanded drive- through facility on the lot;
 - iv. after the addition either:
 - a. no new dwelling and rooming units have been added; or
 - b. where dwelling units or rooming units are added to the building, no more than three dwelling units or six

rooming units exist; and,

- v. the addition of any parking spaces is done in accordance with subsection 5(4).

(3) Alterations to a building where:

(a) Dwelling units are added to the building and:

- i. After the alteration the building contains no more than three dwelling units; and,
- ii. After the alteration no new parking spaces have been added; or
- iii. Except for a semi-detached dwelling, has no more than the greater of three associated parking spaces, or the minimum required under the City of Ottawa Zoning By-law No. 2008-250, as amended;

(b) Rooming units are added to the building and:

- i. After the alteration the building contains no more than six rooming units;
- ii. The alteration does not result in a change in use from a detached, linked-detached, semi-detached, duplex or townhouse dwelling to a rooming house, converted; and,
- iii. After the alteration no new parking spaces have been added; or
- iv. Except for a semi-detached dwelling, has no more than the greater of three associated parking spaces, or the minimum required under the City of Ottawa Zoning By-law No. 2008-250, as amended;

(c) A building is altered to add non-residential uses where:

- i. The uses are entirely contained within the existing building;
- ii. The alteration does not result in the establishment of a:
 - A. automotive establishment;
 - B. emergency service;

- C. gas bar;
 - D. golf course;
 - E. heavy industrial use;
 - F. kennel;
 - G. medical marihuana production facility;
 - H. snow disposal facility;
 - I. storage yard; and
 - J. waste facility
- iii. The alteration does not accommodate a new or expanded drive-through facility on the lot; and,
 - iv. The addition of any parking spaces is done in accordance with subsection 5(4).
- (4) The establishment or enlargement of a surface parking area:
- (a) Accessory to a detached, linked-detached or semi-detached dwelling; or
 - (b) In all other instances by up to nine spaces provided the total number of parking spaces on the lot does not exceed the minimum number of parking spaces required by the City of Ottawa Zoning By-law No. 2008-250, as amended, for all uses on the lot.

REPLACE OR REBUILD

6. Despite Sections 4 and 5, any development subject to site plan control that is damaged or destroyed by fire or natural hazard may be replaced or rebuilt without the need for site plan approval if it is within the same building envelope that existed before the damages occurred, the use remains the same and no new dwelling and rooming units are added.

REQUIREMENT FOR SITE PLAN APPROVAL

7. (1)(a) Development without site plan control approval in accordance

with clauses 4(1)(c), 5(2)(b), and 5(2)(d), 5(4) is only permitted once every 24 months, unless written permission is obtained from the General Manager.

- (b) Clause 7(1)(a) does not apply with respect to an addition to a school operated by a district school board.

(2) In addition to the authority delegated to the General Manager as set out in this by-law, the General Manager may require site plan control approval for a class of development otherwise exempt under Sections 4, 5 and 6.

MINOR DEVIATIONS

8. Minor deviations to a development which has received site plan control approval may take place without further approval where written permission is provided by the General Manager.

APPROVAL OF PLANS AND DRAWINGS

9. To ensure that the design provisions contained in Section 5.2.1 of the Official Plan for the City of Ottawa are addressed, building elevations submitted in support of an application for site plan control approval may be required to show exterior architectural details and design features, including the following information:

- (1) treatment of the public realm;
- (2) views of the entire block, so that proposed buildings may be seen in their context;
- (3) finish, texture, materials, patterns and colours of all building exteriors, including roofs;
- (4) location, size, colour, and type of all building exterior signage and lighting;
- (5) number, placement, type and finishing of all exterior doors and windows;
- (6) finish, texture, materials patterns and colours of functional elements attached to or forming part of the exterior of buildings such as entrance elements, walls, stairs, gates, railings, balconies, planters, awnings, alcoves, canopies, bays, seating, parking decks and ramps;
- (7) any sustainable design features to be incorporated, such as green roofs or walls, sun traps, reflective or permeable surfaces;
- (8) placement, finish, colour, size of any exterior mechanical systems

such as heating and air conditioning, electronic transmission / receiving devices, and all above ground utilities (whether stand-alone or attached to the building) including any screening materials associated with the foregoing;

- (9) integration of elements such as mechanical equipment, elevator machine rooms, communication devices and visible temporary devices (window washing equipment), together with any building parapet that constitute the roofscape design; and
- (10) incorporation of adequate guarantees to maintain the original architectural and design quality as approved and to ensure that inferior details and materials are not substituted at a later date.

LIENS

10. (1) When Council causes any work to be done pursuant to any approval provided for in this by-law, the City shall have a lien for any amount expended by or on behalf of the City and for an administrative fee of ten percent of any amount expended by or on behalf of the City, and the certificate of the City Clerk as to the total amount expended shall be admissible in evidence as prima facie proof of the total amount expended and such total amount together with the administrative fee shall be deemed to be municipal real property taxes and shall be added to the collector's roll of taxes to be collected and shall be subject to the same penalty and interest charges as real property taxes and shall be collected in the same manner and with the same remedies as real property taxes.

(2) Before the certificate of the City Clerk is issued under subsection (1), an interim certificate shall be delivered to the owner of the property that is subject to the lien, as well as to all prior mortgagees or other encumbrancers and the affected owner, mortgagees or other encumbrancers shall have two weeks from the date of receipt of the interim certificate to appeal the amount shown thereon to Council.

LETTER OF UNDERTAKING

11. (1) In the case of a residential development, a letter of undertaking may be provided as an alternative to a site plan control agreement where,

- (a) easements or conveyances are not required to be made to the City after issuance of the building permit,
- (b) special measures for the protection of existing private trees, including a requirement for the submission of a tree compensation deposit, and the submission of a post construction tree evaluation report are not required,

- (c) the owner is not required to enter into other related development agreements with the City after the issuance of the building permit, and
- (d) special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions.

(2) In the case of non-residential development, a letter of undertaking may be provided as an alternative to a site plan control agreement where,

- (a) easements or conveyances are not required to be made to the City after issuance of the building permit,
- (b) special measures for the protection of existing private trees, including a requirement for the submission of a tree compensation deposit, and the submission of a post construction tree evaluation report are not required,
- (c) the owner is not required to enter into other related development agreements with the City after the issuance of the building permit,
- (d) special conditions have not been imposed that require an agreement for purposes of enforcement and notification of subsequent owners of the conditions, and
- (e) the total amount of securities to be provided to the City does not exceed \$100,000.

(3) In the case of rural development, a letter of undertaking may be provided as an alternative to a site plan control agreement where,

- (a) the development is not on public water or sewer services, and the development complies with subsection (2).

SCHEDULE

12. Schedule A forms part of this by-law.

REPEAL

13. By-law Number 2002-4 entitled "A by-law of the City of Ottawa designating the area within the limits of the City of Ottawa as an area of site plan

control” is hereby repealed.

SHORT TITLE

14. This by-law may be cited as the Site Plan Control By-law.

ENACTED AND PASSED this 25th day of June, 2014.

CITY CLERK

MAYOR

SCHEDULE A

Terms Defined in City of Ottawa Zoning By-law No.2008-250, as amended

accessory;
agricultural use
automobile dealership;
automobile rental establishment;
automobile service station;
bed and breakfast;
day care;
detached dwelling;
drive-through facility;
emergency service;
equestrian establishment;
forestry operation;
garden centre
garden suite;
gas bar; golf course;
gross floor area;
heavy equipment and vehicle sales, rental and servicing; heavy industrial use;
kennel; lot;
medical facility;
medical marihuana production facility;
mineral extraction operation;
mobile home;
office;
outdoor commercial patio;
parking space;
place of assembly;
planned unit development;
rapid transit network;
residential use building;
rooming house;
rooming house, converted;
rooming unit;
secondary dwelling unit;
semi-detached dwelling;
snow disposal facility;
solid waste disposal facility;

storage yard;
townhouse dwelling;
utility;
utility installation;
utility line;
waste processing and transfer facility;
waste processing and transfer facility (non-putrescible)