

Planning Primer

Land Recognition

Ottawa is located on unceded territory of the Anishinabe Algonquin Nation. The peoples of the Anishinabe Algonquin Nation have lived on this territory for millennia.

Today, Ottawa is home to approximately 40,000 First Nations, Inuit and Métis people.

Ottawa's indigenous community is diverse, representing many nations, languages and customs.

The City honours the land of the First Peoples, as well as all First Nations, Inuit and Métis in Ottawa and their valuable past and present contributions to this land.

Reconnaissance territoriale

La communauté autochtone d'Ottawa est diverse et représente de nombreuses nations, langues et coutumes.

La Ville rend hommage au territoire des premiers peuples, ainsi qu'à l'ensemble des membres des Premières Nations, des Inuits et des Métis d'Ottawa, de même qu'à leurs précieuses contributions passées et présentes à ce territoire.

Presentation Sections

Welcome (6)	What is Planning (12)	Land Use Policy (22)	Decision Making and Types of Applications (16)	Official Plan Amendments (18)	Zoning Bylaw Amend- ments (13)	Division of Land (10)	Minor Variances and Committee of Adjustment (11)	Site Plan Control (6)	Appeal Process (6)	The right of way (14)
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Welcome and Introductions

Vision

TO HELP RESIDENTS
BECOME MORE
AWARE OF, AND
MORE INVOLVED
IN, THE LAND-USE
PLANNING
PROCESS.

Goals

PROVIDE RESOURCES
AND TEACH SKILLS TO
AID RESIDENTS
PARTICIPATING IN THE
LAND-USE PLANNING
PROCESS

BUILD AND MAINTAIN
A STRONG WORKING
RELATIONSHIP AND
UNDERSTANDING
BETWEEN THE CITY OF
OTTAWA AND
CITIZENS ABOUT THE
PLANNING PROCESS

A Definition of Land Use Planning

The planning of the scientific, aesthetic and orderly disposition of land, resources, facilities and services, with a view to securing physical, environmental, economic and social efficiency, health and well being.



Other professions deal in more detail with a smaller scale of development, namely architecture, landscape architecture and urban design.

Regional planning deals with a still larger environment, at a less detailed level.



Roles of Planners

- ▶ Technicians-Administrators
- ▶ Mobilizers
- ▶ Mediators / Broker
- ▶ Entrepreneurs
- ▶ Advocacy (special interests)

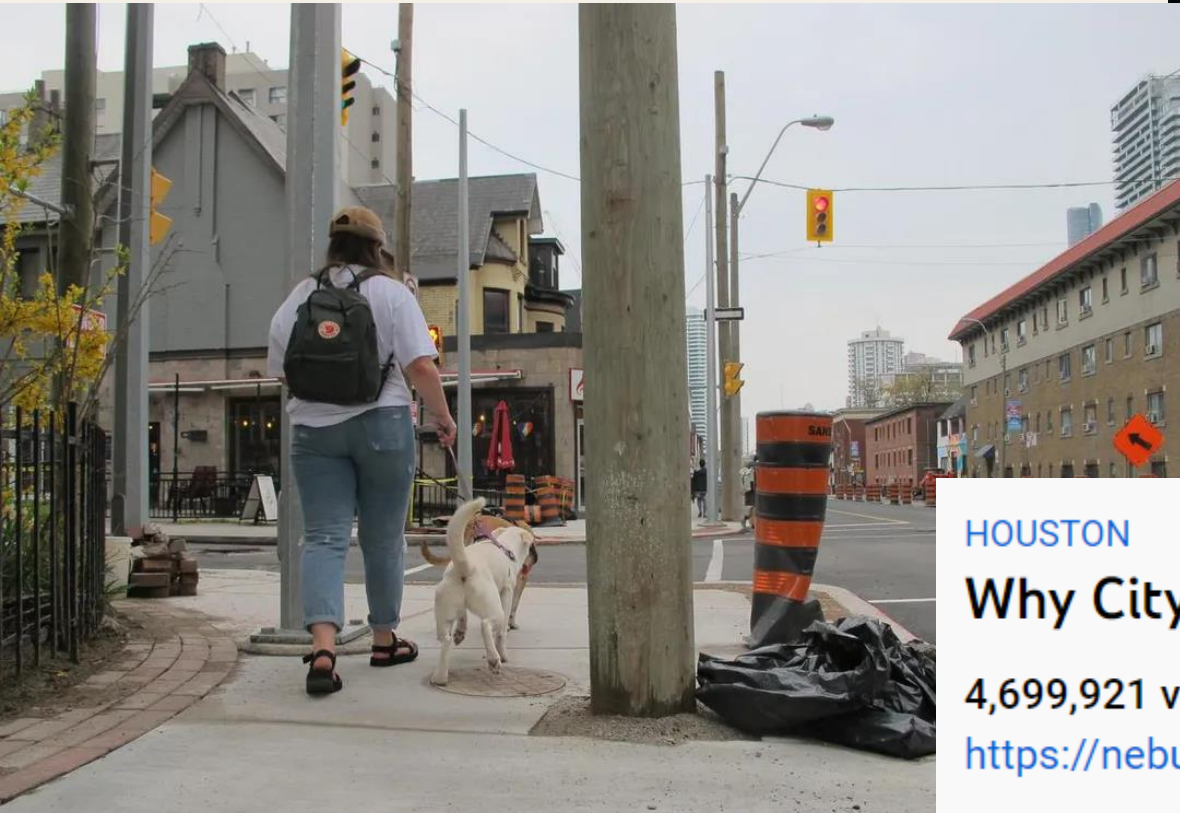




Bad urban design is making us miserable

TRAVEL • GUIDES

The 9 Worst-Designed Cities in the World



HOUSTON

Why City Design is Important (and Why I Hate Houston)

4,699,921 views Premiered Jul 19, 2021 Watch this video ad-free on Nebula:

<https://nebula.tv/videos/not-just-bik...>









The History of Community Plans

- ▶ At first there was no planning or things were done “by order of the crown”
- ▶ Lots of variability and no standards
- ▶ Early organization around 1900
 - ▶ Community Improvement Associations set up to deal with problems of urbanization (dirt, disease, sanitation, water, fire)
 - ▶ The first community plans written by volunteers
- ▶ 1910's The first planning acts
 - ▶ Lead to comprehensive planning being the norm and the introduction of planning as a profession



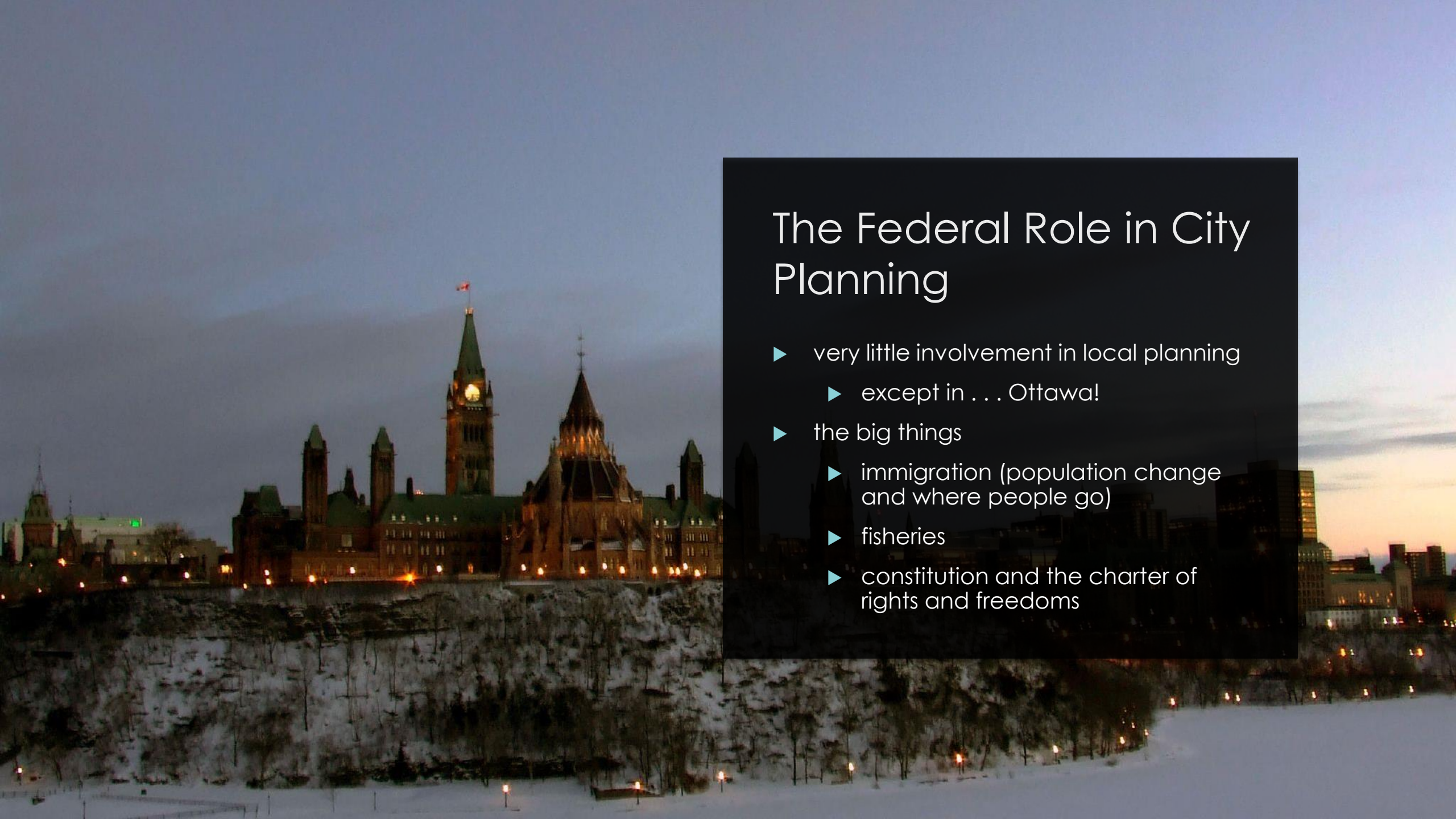
Jane Jacobs



Remembering Jane Jacobs

The Players (planning authorities)





The Federal Role in City Planning

- ▶ very little involvement in local planning
 - ▶ except in . . . Ottawa!
- ▶ the big things
 - ▶ immigration (population change and where people go)
 - ▶ fisheries
 - ▶ constitution and the charter of rights and freedoms



The Provincial Role in City Planning

- ▶ control of natural resources
- ▶ establishment and control of municipal institutions in the province
- ▶ civil rights [in the context of contracts and business]
- ▶ property rights
- ▶ other local and private matters in the province

Joint Powers of the Crown and Province



Key Federal Agencies

The National Capital Commission (NCC)

- ▶ The Capital Plan
- ▶ The Greenbelt

Public Service and Procurement Canada (PSPC)

- ▶ All Federal Buildings

The Canada Lands Company (CLC)

- ▶ Real Estate





Key Provincial Agencies

- ▶ Ministry of Municipal Affairs and Housing
- ▶ Ministry of Transportation
- ▶ Ministry of Natural Resources and Forestry
- ▶ Ministry of Agriculture, Food and Rural Affairs
- ▶ Ministry of Environment, Conservation and Parks



Quasi - Provincial

- ▶ ~~Ontario Municipal Board, Local Planning Appeal Tribunal, Ontario Land Tribunal~~
- ▶ Conservation Authorities




Ministry of Municipal Affairs and Housing

- ▶ Planning Act and its regulations
- ▶ Provincial Policy Statement
- ▶ “One Window” review
- ▶ approval of Regional and One Tier Official Plans
- ▶ Planning where planning departments don't exist or where authority has been taken by the province


Transportation

- ▶ Provincial highways and standards for them
- ▶ biggest single consumer of gravel in the province
- ▶ decides where highways and the exits will be located (is this the root cause of sprawl?)
- ▶ Go Transit

A photograph of a rocky, high-altitude landscape. The foreground is covered in dark, grey rocks of various sizes. Sparse vegetation, including thin, brown stems and some green, leafy plants, grows between the rocks. In the middle ground, numerous white, daisy-like flowers are scattered across the rocky terrain. The background shows a dark, rocky mountain range under a clear blue sky.

Ministry of Natural Resources and Forestry

- ▶ two masters: aggregates and nature
- ▶ interpretation of part of the Provincial Policy Statement for MMAH



Agriculture, Food, Rural Affairs

- ▶ Agricultural Preservation
 - ▶ Prime Agricultural Land
 - ▶ Class 4 to 7 soils are not prime
- ▶ Setbacks from Agricultural Operations
 - ▶ MDS or Minimum Distance Separation
 - ▶ its complicated



Environment, Conservation and Parks

- ▶ Pollution
 - ▶ air, water, soil, noise, vibration
 - ▶ industrial setbacks
- ▶ Brownfields
 - ▶ contaminated or potentially contaminated lands
 - ▶ records of site condition
- ▶ Source Water Protection
 - ▶ groundwater protection areas
- ▶ Significant Wildlife



Conservation Authorities

- ▶ Natural Hazards
 - ▶ flood prevention
 - ▶ management of development in and around the floodplain and wetlands
 - ▶ plan review for some municipalities
 - ▶ fisheries review for federal government in some areas
- ▶ Jurisdiction and activities vary widely across the province

Ontario Planning Act

Provincial
Policy
Statement

City of Ottawa Official Plan

Secondary Plans

Community
Design Plans (non
statutory)

Master Plans
(non-statutory)

Zoning By-law

Design Guidelines

Interim Control By-law

The Planning Act

- ▶ ground rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them
- ▶ Allows for issuing of additional regulations such as the Provincial Policy Statement





The Provincial Policy Statement

- ▶ Must “be consistent with”
- ▶ Outlines areas of specific provincial interest
 - ▶ Strong Communities
 - ▶ Promotes employment, housing, public spaces, economic development etc.
 - ▶ Management of Natural Resources
 - ▶ Natural Heritage, Water, Minerals and Oil, Aggregates, Cultural Heritage
 - ▶ Public Health and Safety
 - ▶ Natural Hazards, Human Hazards
- ▶ How the PPS is to be interpreted is also detailed

Class Environmental Assessments

- new or renewed capital infrastructure
- may be provincial or city sponsored

Provincial Guidelines

- Noise and Vibration
- Airport (also federal)
- Natural Heritage Reference Manual
- Minimum Distance Separation (agriculture)
- setbacks from industrial operations
- etc . . .



The Official Plan

- ▶ A blueprint of values, ideas, aspirations and rules of land use planning
- ▶ Secondary Plans
- ▶ Implementation through zoning in the Zoning By-law
- ▶ Implementation is also through applications

A stack of several white sheets of paper, slightly offset, creating a sense of depth. The papers are stacked on a dark surface. The top sheet is slightly more visible than the others.

The Zoning By-Law

- ❑ Regulates the use of land by stating how land can be utilized, where buildings/structures may be located (via implementing setbacks and height limitations), minimum lot size and width dimensions (differ based on use), parking requirements, etc.
- ❑ Implements the objectives and policies of a municipality's Official Plan;
- ❑ Is legally enforceable.

Non-Statutory Master Plans

Transportation

Greenspace

Infrastructure (water)

Waste Management

Pedestrian

Asset Management

Cycling

Climate Change

Growth Management Strategy

Land Evaluation and Area Review

Greenbelt (National Capital Commission)

Decision making/ and types of applications

Types of Applications

Land Use

Lot Creation

Lot Development

Land Use Change

What is it: Changing what a parcel (piece) of land may be used for under land use policy. This includes Official Plan and Zoning By-law Amendments:

Lot Creation

What is it: Creating a new parcel of land that can be separately bought and sold. This includes Plans of Subdivision, Consent to Sever Applications, and Plans of Condominium:

Lot Development

What is it: Multiple planning processes used to request deviations or exceptions from policies restricting things like; heights, unit densities, building set and step-backs. Processes would include Official Plan and Zoning By-law Amendments, and Minor Variances.

Site Plan Control is a means through which the City exercises discretionary control over properties. Ensuring the lot layout is functional, accessible, and aesthetically pleasing.

Types of Applications

Land Use

OPAs

ZBLs

Lot Creation

subdivision*

consents

Lot Development

site plan control

minor variance

Types of Applications

Land Use



OPAs



ZBLs

Approvals by Planning Committee or
Agricultural and Rural Affairs Committee
and City Council

Types of Applications

Land Use

OPAs

ZBLs

Lot Creation

Subdivision

consents

Lot Development

site plan control

minor variance

Types of Applications

Lot Creation

Lot Development

subdivision

site plan control

Delegated Approval
to the Planning Department

Types of Applications

Land Use

OPAs

ZBLs

Lot Creation

subdivision

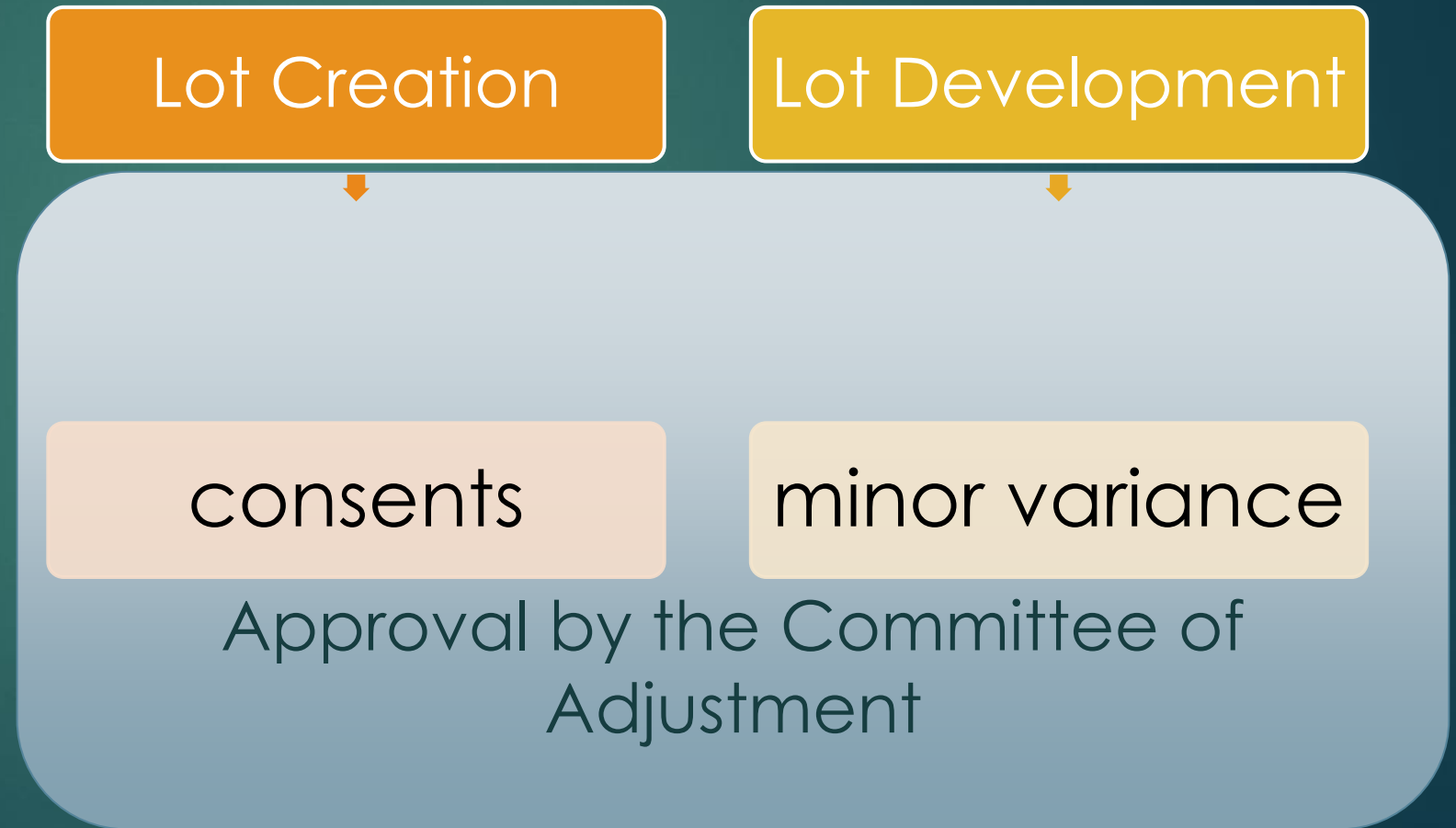
consents

Lot Development

site plan control

minor variance

Types of Applications



Types of Applications

Land Use

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Types of Applications

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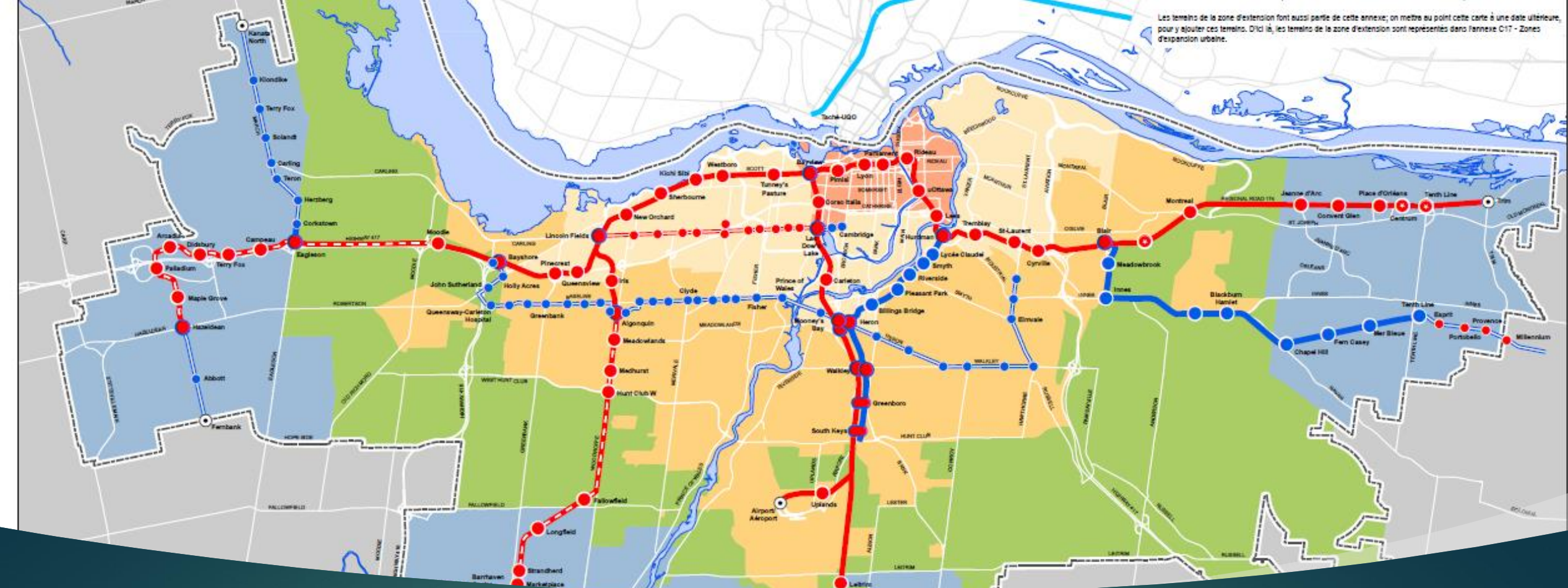
Appeals are heard by the Ontario Land Tribunal

Making Effective Planning Arguments

- ▶ What is a Planning Argument?
 - ❑ Adverse 'impact'
 - ❑ establishing a policy basis
 - ❑ reading planning documents in their entirety

- ▶ What is not a Planning Argument?
 - ❑ Property value and impacts to it
 - ❑ Development establishing a precedent
 - ❑ Matters of taste
 - ❑ Who will inhabit a proposed development

Is process a valid planning argument? . . . yes, sometimes; but usually only temporarily



The New Official Plan

How to use the new Official Plan?

What does an Official Plan do?

An Official Plan provides high-level goals, objectives and policies

These goals, objectives and policies, are established to manage and direct physical change, and the corresponding effects on the social, economic, built and natural environment in a municipality

How to use the new Official Plan?

- ▶ Text illustrates the 'objective' statement, directing investments in public space sustain healthy lifestyles
- ▶ Implementing policy immediately below directs private development and city capital projects in fulfillment of that aim

4.6.3 Ensure capital investments enhance the City's streets, sidewalks, and other public spaces supporting a healthy lifestyle

1) Development and capital projects shall enhance the public realm where appropriate by using methods such as: curb extensions, curbside boulevards that accommodate wider pedestrian walkways, trees, landscaping, and street furniture. These enhancements will make streets safer and more enjoyable by dedicating more space to pedestrians, creating opportunities for relaxation and social interaction, and where necessary, buffering pedestrians from traffic.



Structure of the New Official Plan

- Organizes the City around a network of designations; Corridors (mainstreet and minor), Hubs, and neighbourhoods.
- Establishes different rules around uses of land, height and density of buildings, and standards of development for each designation
- Varies policies directed to a given designation (like corridor), based on geographic context
- Defines geographic contexts as six different 'Transects'



The Five Big Moves

- ▶ Growth: achieve more growth by intensification than by greenfield development.
- ▶ Mobility: majority of trips by sustainable modes (transit, walking, biking, carpool).
- ▶ Urban Design: improve sophistication.
- ▶ Resiliency: embed public health, environmental, climate and energy resiliency into policy framework.
- ▶ Economy: embed economic development into policy framework.

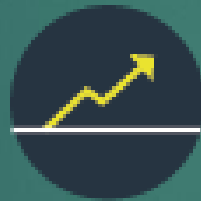
Cross Cutting Issues



Intensification



Energy and
Climate
Change



Economic
Development



Gender



Healthy and
Inclusive
Communities



Culture

Transect

Downtown

Inner urban

Outer urban

Suburban

Rural

Greenbelt



North Gower

Stittsville

Greenbelt

Beacon Hill

Westboro

Downtown

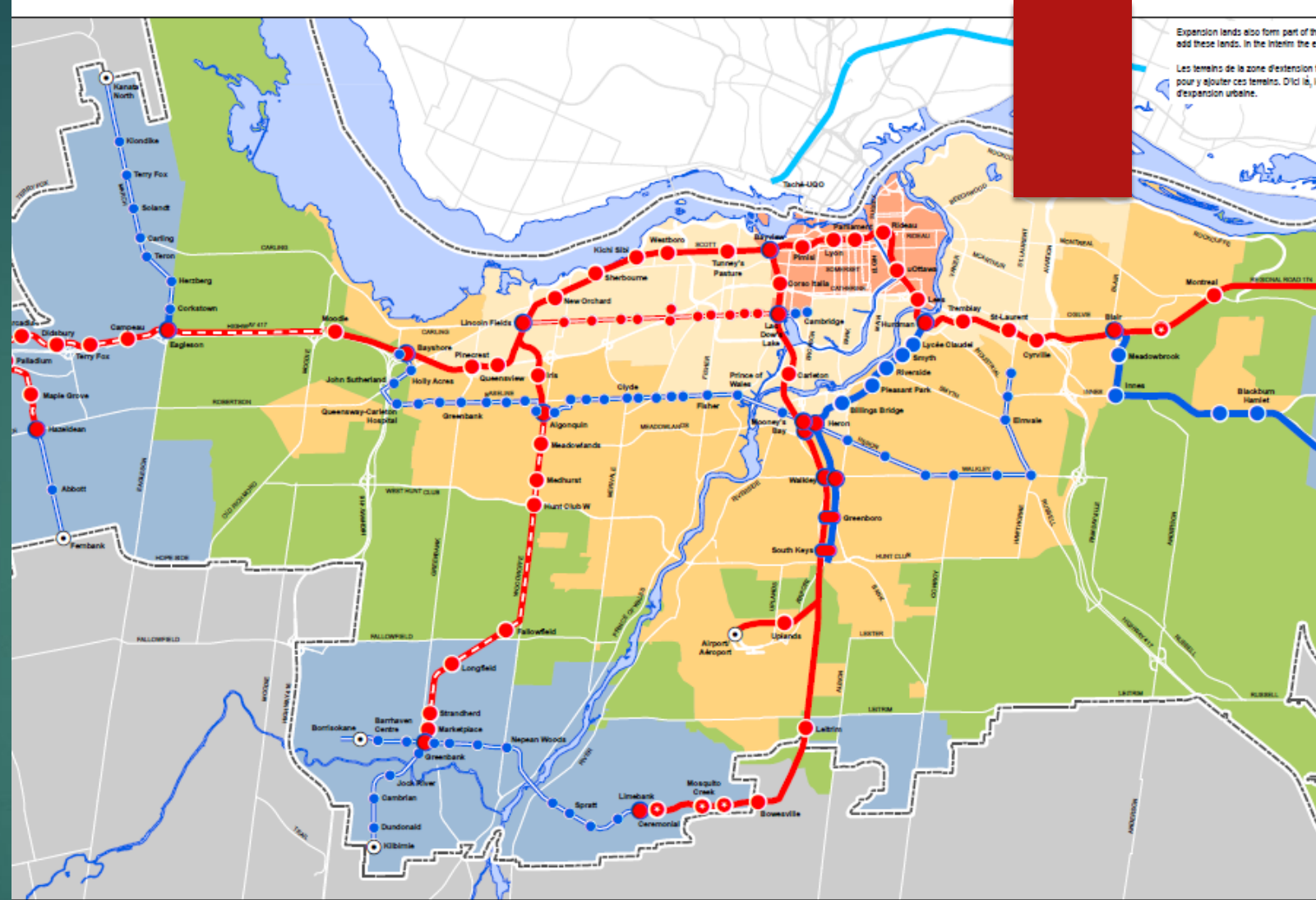
Transect



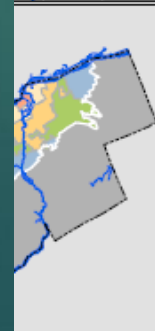
Objective

- Context-based planning framework and policy directions
- Transect Policy Areas:
 - Downtown Core
 - Inner Urban
 - Outer Urban
 - Greenbelt
 - Suburban
 - Rural
- Each will have its own objectives, goals, and policies that fit their context, and that affect designation policies that span one or more Transect

Official Plan Designations



Expansion lands also form part of the plan to add these lands. In the interim the e...
 Les terrains de la zone d'extension pour y ajouter ces terrains. D'ici là, l'expansion urbaine.



TRANSECT POLICY AREAS / SECTEURS STRATÉGIQUES DU TRANSECT

	Downtown Core / Centre-ville
	Inner Urban / Urbain intérieur
	Outer Urban / Urbain extérieur
	Greenbelt / Ceinture de verdure
	Suburban / Suburbain
	Rural / Rural

TRANSIT

	O-Train and Station / O-Train et station
	Future O-Train / O-Train et station (futur)
	Transitway – grade separated / Transitway en site propre
	Transitway – at grade / Transitway – Voie à niveau
	Transfer Station / Station de correspondance
	Terminus Station / Station terminus

	Gatineau RapiBus - grade-separated / RapiBus de Gatineau en site propre
	Urban Boundary / Périmètre d'urbanisation

Note: The transit network on this Schedule is provided for reference purposes only. For transit network policy, please refer to Schedule C2. / Remarque : Les renseignements relatifs au réseau de transport en commun qui sont présentés dans cette annexe sont fournis à titre de référence. Pour consulter les politiques du réseau de transport, veuillez vous référer à l'annexe C2.

Consolidation

0 0.5 1

Planning Infrastructure and Services de la planification, de l'inf...

Corridors

- Ribbons of urban form, mixed uses and sustainable mobility across the city; focus of street bus service leading to stations or across several neighbourhoods
- **Purpose:** to provide focal point for daily and weekly services, retail, animation as one of the key components of 15-mn neighbourhoods





Neighbourhoods

- 15-minute neighbourhoods
- Served by street bus network on Corridors and/or rapid transit stations at Hubs
- **Purpose:** where most people live; continuing to become more complete and diverse communities; served locally by Hubs, Corridors, or within them with full range of services and amenities.



Special districts

1. Parliament & Confederation Blvd.
2. ByWard Market
3. Rideau Canal
4. Ottawa River Islands
5. Lansdowne
6. Kanata North
7. Ottawa International Airport

Official Plan Amendments + Complete Applications

An application to permit the development of land in a manner that differs from the Official Plan

Significant request, usually less than 20 per year

Application Requires:

- ▶ Pre-application consultation
- ▶ Planning rationale, plans, and studies
- ▶ Public consultation

- ▶ Approval authority: City Council

- ▶ Planning Act requirements for notice and appeals

- ▶ City of Ottawa target timelines: 120 days

Why apply for an Official Plan Amendment?



Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Proposal Summary

Owner: 11061917 Canada Inc. File No: D01-01-20-0006, D02-02-20-0029 & D07-12-20-0041
Applicant: C Comments due date: August 8, 2020
Applicant Address: 396 O Development Review Planner: Stream Shen
300, Wwa, ON
Applicant E-mail: c
Applicant Phone Number: 3

Site Location

1420 Richmond Road, 36

Applicant's Proposal

The City of Ottawa has re and Site Plan Control ap 391 apartment units and

Proposal Details

The sites are 0.49 hecta and Bond Street to the s surface parking.

The sites are surrounde station to the north acros Street, a storage facility t Lincoln Field Shopping C

Site Plan Control

The applicant is pr containing 477 parking proposed at 12-storey Road. The south to include 211 resid

Official Plan

The sites design and



On Arterial Mainstreets, unless a secondary plan states otherwise, building heights up to 9 storeys may be permitted as of right but High-rise buildings may only be permitted subject to a zoning amendment and where the building will be located at one or more of the following nodes:

- Are located within 400 metres walking distance of a Rapid Transit Station; or
- Directly abut the intersection of two Mainstreets or a Mainstreet and a Transit Priority Corridor; or
- Directly abut a Major Urban Facility.

The subject site is not contained within a node identified above, therefore, an Official Plan Amendment is required to permit high-rise buildings.

A City initiated Lincoln Field Station Secondary Plan is currently underway. The sites are part of the Secondary Plan study area.



APPLICANT'S STUDY AND PLAN IDENTIFICATION LIST

Legend: **S** indicates that the study or plan is required with application submission.
A indicates that the study or plan may be required to satisfy a condition of approval/draft approval.

For information and guidance on preparing required studies and plans refer [here](#):

S/A	ENGINEERING		S/A
<input type="checkbox"/>	1. Site Servicing Plan	2. Site Servicing Study / Assessment of Adequacy of Public Services	<input type="checkbox"/>
<input type="checkbox"/>	3. Grade Control and Drainage Plan	4. Geotechnical Study / Slope Stability Study	<input type="checkbox"/>
<input type="checkbox"/>	5. Composite Utility Plan	6. Groundwater Impact Study	<input type="checkbox"/>
<input type="checkbox"/>	7. Servicing Options Report	8. Wellhead Protection Study	<input type="checkbox"/>
<input type="checkbox"/>	9. Transportation Impact Assessment (TIA)	10. Erosion and Sediment Control Plan / Brief	<input type="checkbox"/>
<input type="checkbox"/>	11. Storm water Management Report / Brief	12. Hydro geological and Terrain Analysis	<input type="checkbox"/>
<input type="checkbox"/>	13. Hydraulic Water main Analysis	14. Noise / Vibration Study	<input type="checkbox"/>
<input type="checkbox"/>	15. Roadway Modification Functional Design	16. Confederation Line Proximity Study	<input type="checkbox"/>

S/A	PLANNING / DESIGN / SURVEY		S/A
<input type="checkbox"/>	17. Draft Plan of Subdivision	18. Plan Showing Layout of Parking Garage	<input type="checkbox"/>
<input type="checkbox"/>	19. Draft Plan of Condominium	20. Planning Rationale	<input type="checkbox"/>
<input type="checkbox"/>	21. Site Plan	22. Minimum Distance Separation (MDS)	<input type="checkbox"/>
<input type="checkbox"/>	23. Concept Plan Showing Proposed Land Uses and Landscaping	24. Agrology and Soil Capability Study	<input type="checkbox"/>
<input type="checkbox"/>	25. Concept Plan Showing Ultimate Use of Land	26. Cultural Heritage Impact Statement	<input type="checkbox"/>
<input type="checkbox"/>	27. Landscape Plan	28. Archaeological Resource Assessment Requirements: S (site plan) A (subdivision, condo)	<input type="checkbox"/>
<input type="checkbox"/>	29. Survey Plan	30. Shadow Analysis	<input type="checkbox"/>
<input type="checkbox"/>	31. Architectural Building Elevation Drawings (dimensioned)	32. Design Brief (includes the Design Review Panel Submission Requirements)	<input type="checkbox"/>
<input type="checkbox"/>	33. Wind Analysis		<input type="checkbox"/>

Pre-
application
consultation



Official Plan Amendment, Zoning By-law Amendment and Site Plan Control Proposal Summary

Owner: 11061917 Canada Inc.	File N°: D01-01-20-0006, D02-02-20-0029 & D07-12-20-0041
Applicant: Emily Coyle, Fotenn	Comments due date: August 8, 2020
Applicant Address: 396 Cooper Street, Suite 300, Ottawa, ON	Development Review Planner: Stream Shen
Applicant E-mail: coyle@fotenn.com	Ward: 7 - Bay
Applicant Phone Number: 613-730-5709	Ward Councillor: Theresa Kavanagh

Site Location

1420 Richmond Road, 365 Forest Street, and 2583 to 2589 Bond Street.

Applicant's Proposal

The City of Ottawa has received a concurrent Official Plan Amendment, Zoning By-law Amendment and Site Plan Control application to permit a 11-storey and a 12-storey building containing a total of 391 apartment units and a commercial unit at grade facing Richmond Road.

Proposal Details

The sites are 0.49 hectares and is bounded by Richmond Road to the north, Forest Street to the west and Bond Street to the south. The lands are currently occupied by an automobile service station and surface parking.

The sites are surrounded by a range of different uses including low-rise residential housing and a fire station to the north across from Richmond Road, a mid-rise apartment to the west across from Forest Street, a storage facility to the south across from Bond Street and a high-rise apartment to the east. Lincoln Field Shopping Centre is located further east across from Croydon Avenue.

Site Plan Control

The applicant is proposing two high-rise buildings with a common underground parking garage containing 477 parking spaces. The north tower fronting Richmond Road and Forest Street is proposed at 12-storeys and will include 180 residential units and a commercial unit facing Richmond Road. The south tower fronting Forest Street and Bond Street is proposed at 11-storeys and will include 211 residential units. The vehicle access to the site is proposed along Forest Street.

Official Plan Amendment

The sites are designated Arterial Mainstreet under Schedule B of the Official Plan. Arterial Mainstreet designation identify streets that offer significant opportunities for intensification through medium-density and mixed-use development, along streets that are Transit Priority Corridors or are well-served by transit.

Application
submitted

&

Deemed
Complete:

Circulation Begins!



BREAK

Zoning By-law Amendments

An application to permit the development of land in a manner that differs from the Zoning By-law

Common request, more than 70 per year.

Application Requires:

- ▶ Pre-application consultation
- ▶ Planning rationale, plans, and studies
- ▶ Public consultation

- ▶ Approval authority: City Council

- ▶ Planning Act requirements for notice and appeals
- ▶ Report 'go live' 6 days before Committee
- ▶ City of Ottawa target timelines: 90 days

New Zoning By-law

- ▶ The City of Ottawa is developing a new comprehensive Zoning By-law to replace the current Zoning By-law (By-law 2008-250)
- ▶ The new by-law will implement the New Official Plan, adopted by City Council in October of 2021 and approved by MMAH Nov. 4, 2022
- ▶ For news and updates concerning the New Zoning By-law, please contact newzoning@ottawa.ca or visit the project page on Engage Ottawa



Structure of Zoning

- ▶ What is in a Zoning By-law?
 - ▶ Use of land
 - ▶ Restricting buildings on hazardous/contaminated/ potentially contaminated lands (aquifers)
 - ▶ Protecting natural heritage features/watercourses/ archaeological resources
 - ▶ 'Construction'

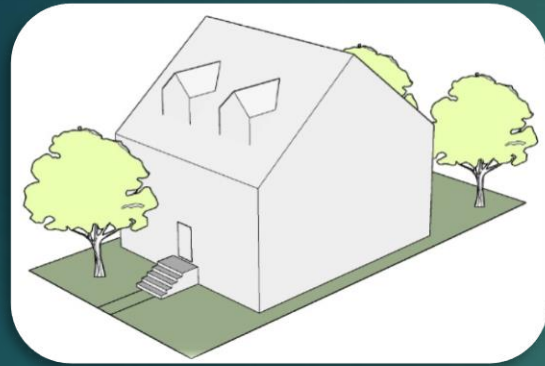
Structure of Zoning

- ▶ What is in a Zoning By-law?
 - ▶ 'Construction': height, bulk, location, size, floor area, spacing, character and use of buildings or structures..... and the 'minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy'
 - ▶ Lot area, density, and heights
 - ▶ Parking

Structure of Zoning

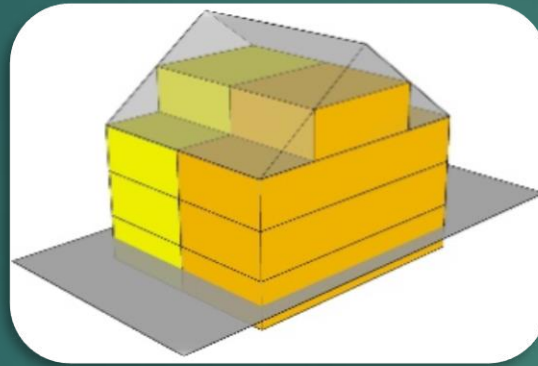
- ▶ What is **NOT** in a Zoning By-law?

Form Based Code



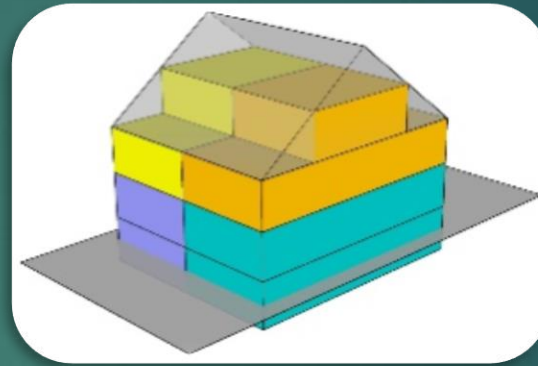
Basic Envelope

Controlling setbacks, height, lot coverage, landscaping, waste management, etc.



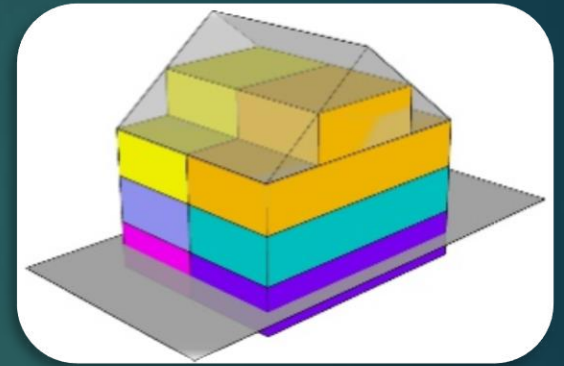
2 Units

44 Units Per Hectare
Each Unit - 330 m²



4 Units

90 Units Per Hectare
Two Units @ 190 m² each
Two Units @ 142 m² each



6 Units

130 Units Per Hectare
Four Units @ 95 m² each
Two Units @ 142 m² each

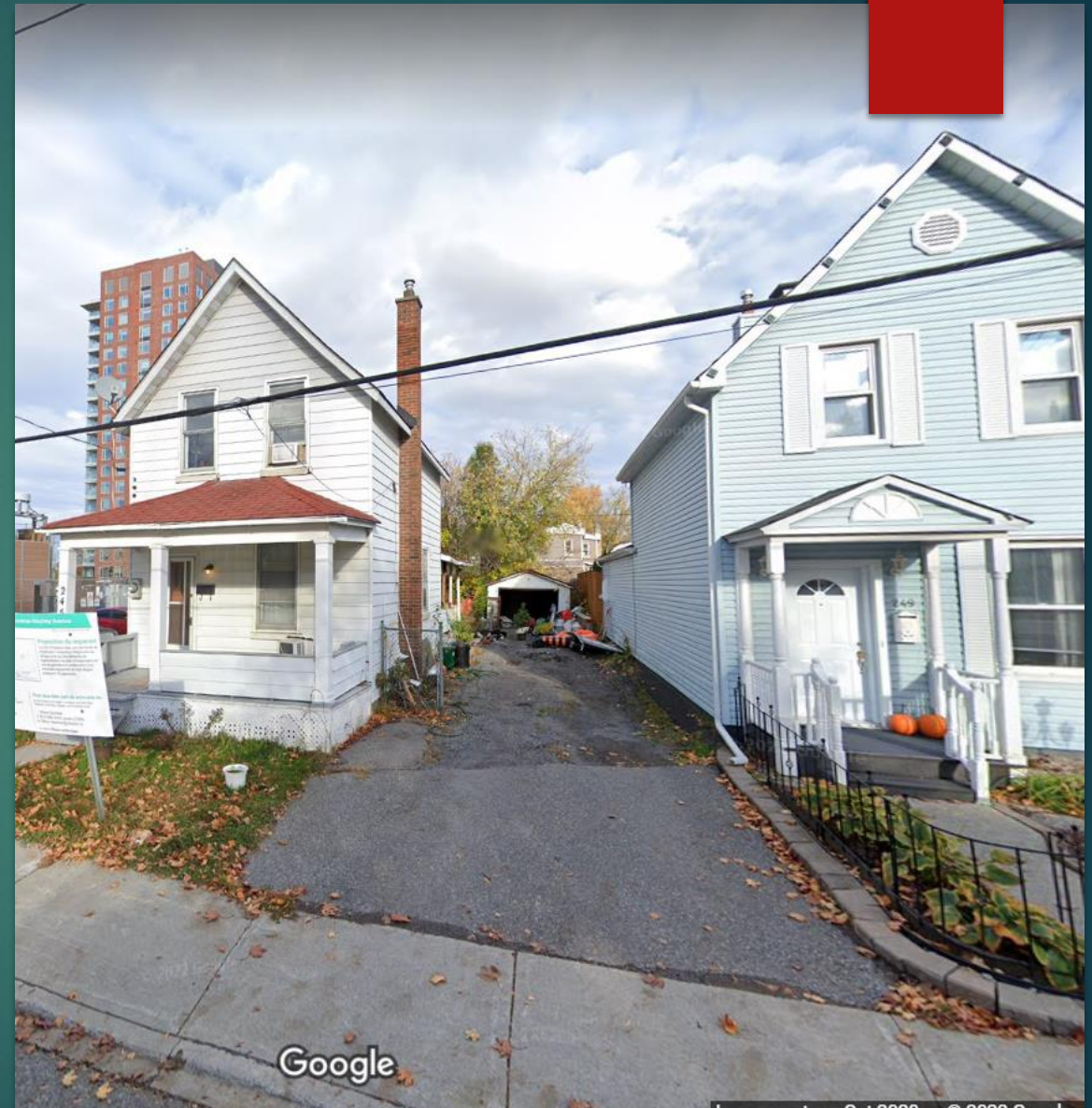
Example of Zoning By-law Amendment

Background Info

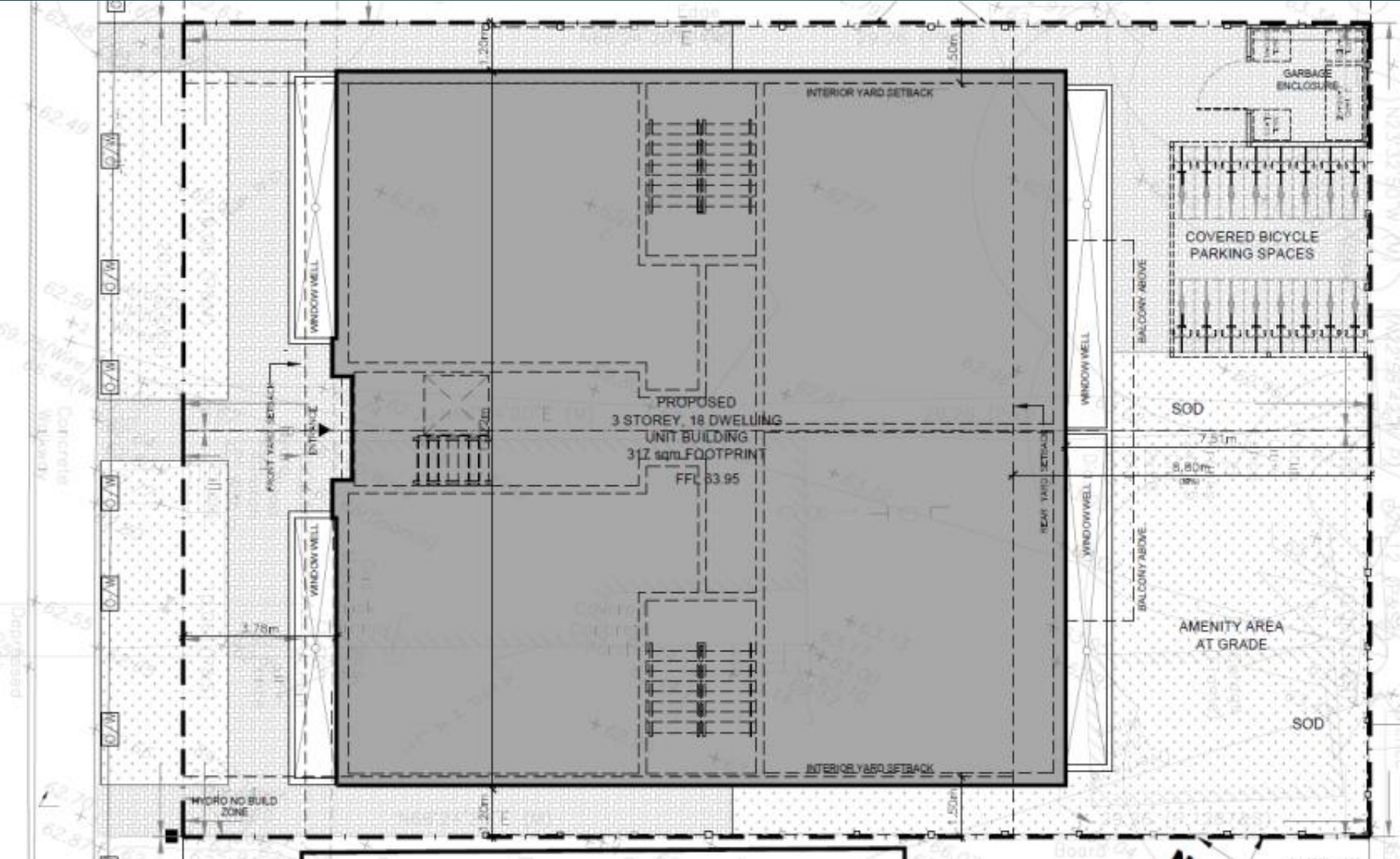
- ▶ Proposed 18-unit low-rise apartment building with no on-site parking in Ward 15 (Kitchissippi)
- ▶ 2 existing lots consolidated
- ▶ Near Tunney's Pasture LRT station

Request

To re-zone the subject lots to permit 18 dwelling units, a reduced rear yard setback, reduce parking from 3 spaces to 0, reduced interior side yard setback, reduced amenity area



Example- Proposed Plan



Example Continued...

Purpose

Zoning By-law Amendment application filed to permit the development of the proposed 18-unit low-rise apartment building.

Issues

- ▶ Concern from multiple stakeholders (staff, the public, etc.) about the proposed rear yard setback
- ▶ Staff concern regarding; amenity area available to tenants as a result of the reduced rear yard setback, location of waste and bicycle parking, tree planting
- ▶ Public concern with; overlook and privacy considerations due with the proposed balconies overlooking the (reduced) rear yard, lack of parking and traffic issues, notion that the proposal will negatively impact the community, and the unit count being too high

Example Continued...

Changes Made

- ▶ Unit count reduced from 18 to 16 units
- ▶ Additional trees and soft landscaping proposed to be planted on site
- ▶ Balconies at the rear of the building were removed
- ▶ Some bicycle parking was placed inside. This resulted in a smaller accessory structure being required for bike parking.
- ▶ Two accessory structures, one for waste and one for bicycle parking were adjusted in the rear yard.

Example Continued...

Considerations

- ▶ Provincial Policy Statement, 2020
- ▶ Official Plan and Secondary Plan policies
- ▶ Community Design Plan policies
- ▶ Intent of the Zoning By-law and the R4 zone
- ▶ Proposed changes being made to the R4 zone through a review by the Zoning By-law Team
- ▶ Urban Design Guidelines
- ▶ Staff considered comments from a range of stakeholders and these comments informed changes made during the review process

Example Continued...

Decision

- ▶ File went to planning committee. Staff recommended approval.
- ▶ Decision to approve the Zoning By-law Amendment made by City Council
- ▶ No appeals received- Zoning Amendment, which re-zoned the site from R4H to R4UB with a site specific exception to address performance standards (setbacks, parking space rate, etc.)
- ▶ Since no appeals were received, the rezoning is now in full force and effect.



Subdivision, Consent, Part- Lot Control, Plan of Condominium – Division of Land

An application to create new separately transferrable units or parcels of land. Must comply with Official Plan policies and zoning requirements.

Common requests;

Plan of Subdivision:
Part-lot Control:
Plan of Condominium:
Consent to Sever:

Applications Generally Require:

- ▶ Pre-application consultation
- ▶ Planning rationale, plans, and studies
- ▶ Public consultation

- ▶ Approval authority: Delegated to Staff* or the Committee of Adjustment

- ▶ Planning Act requirements for notice and appeals

- ▶ City of Ottawa target timelines: vary



- ▶ Subdivision of land is governed by the Ontario *Planning Act*, which enables lot creation via:
 1. Consent to Sever
 2. Plan of Subdivision
 3. Part Lot Control
 4. Plan of Condominium
- ▶ All four ways above can be used to establish ownership, whether of a lot or of a unit (in the case of a condominium)

Consent to Sever

- ▶ Permitted via Section 53 of the *Planning Act*
- ▶ A severance is the authorized separation of land to create a new parcel. This occurs via a consent/approval to sever the land.
- ▶ Severance applications are reviewed based on the following:
 1. The Provincial Policy Statement
 2. The Official Plan
 3. The Zoning By-law
 4. Relevant studies and plans submitted with the application

Consent to Sever

- ▶ These applications usually go to the Committee of Adjustment for a decision
- ▶ Under the *Planning Act*, conditions can be imposed on an application if approved. Per *Planning Act* requirements, the owner must satisfy all conditions of approval within a two- year timeline.
- ▶ If conditions are not satisfied within the mandatory timeline, the approval lapses and the severance is not completed (or perfected, as it is known in the legal world).

Plan of Subdivision

- ▶ Permitted by Section 50 of the *Planning Act*
- ▶ Plan of Subdivision application usually submitted when more than one or two lots is proposed to be created, roads created/extended, as well as the creation/extension of services
- ▶ Creates new, separate parcels of land that can be sold.
- ▶ The *Planning Act* timeline in which an approval authority is required to make a decision for a plan of subdivision is 120 days. *

**Note: if the approval authority has comments/concerns to be addressed, the *Planning Act* timeline or "clock" gets paused.*

Plan of Subdivision

What gets reviewed as part of a Plan of Subdivision application?

- ▶ Location of roads, services, and proposed lots;
- ▶ Conformity with Provincial Policy Statement, Official Plan, Secondary Plans, Zoning and other relevant policies
- ▶ Suitability of the proposed use(s) of the land and compatibility with neighbouring land uses.

What gets submitted typically with a Plan of Subdivision application?

- ▶ Draft registered plan (prepared by an Ontario Land Surveyor)
- ▶ Planning Rationale
- ▶ Reports related to environmental considerations (e.g. a Tree Conservation Report or an Environmental Impact Statement)
- ▶ Reports related to servicing

Plan of Subdivision

Stages of a Plan of Subdivision Application

1. Draft Approval

- ❑ Once reviewed and considered, a municipality may draft approve or refuse the subdivision application. Following a decision being rendered, there is a 20-day appeal period.
- ❑ If draft approval is granted, there are usually conditions that need to be met to obtain final approval. There may be a time frame established within which the conditions must be met.
- ❑ ONLY part of the Subdivision application process that can be appealed to the Ontario Land Tribunal (OLT)

2. Registration

- ❑ Occurs once all conditions have been met and final approval has been granted. The subdivision can then be registered and the lots established sold.

Part Lot Control

- ▶ Established under Section 50 of the *Planning Act*
- ▶ Part Lot Control is used to permit: the division of land within a registered Plan of Subdivision to be further divided into smaller parcels; make minor boundary adjustment; establishment maintenance easements.

Plan of Condominium



- ▶ Established by Condominium Act
- ▶ A condominium is not a building type but, rather, a form of ownership. In a condominium, there is individual ownership over units and shared ownership common elements (for example, a lobby or private roadway).
- ▶ Five types of condominiums: standard, common elements, vacant land, phased and, leasehold.

Minor Variances

An application to permit the development of land in a manner that differs from the Zoning By-law

Very common request, more than 350 per year.

Application Generally Requires:

- ▶ Pre-application consultation*
- ▶ Planning rationale, plans, and studies
- ▶ Public consultation

- ▶ Approval authority: Committee of Adjustment

- ▶ Planning Act requirements for notice and appeals

Evaluating a Variance

- ▶ Variances may only modify performance standards (i.e. lot size, building height, yard setbacks, etc.)
- ▶ A minor variance application cannot be submitted to permit a new land use
- ▶ To establish a new land use, a Zoning By-law Amendment application must be submitted to the City

Evaluating a Variance

How is a Minor Variance application evaluated?

- ▶ MVs are evaluated based on the 4 tests, which are enshrined in Ontario's *Planning Act*, and are as follows:
 1. Does the variance maintain the intent of the Official Plan?
 2. Does the variance maintain the intent of the Zoning By-law?
 3. Is the proposed variance minor in nature?*
 4. Is the proposed variance desirable for the appropriate development or use of the property?

*Note: minor is a test of *impact* not of size.

Variance Exemplar

Background Information:

- ▶ Property within the core of a local Ottawa village
- ▶ Owner filed minor variance following approval and completion of consent to sever application
- ▶ Property split-zoned Village Mixed-Use Zone (VM) and Village Residential First Density Zone, Subzone E (V1E) under Zoning By-law 2008-250

Request:

- ▶ To permit an increased front yard setback of 41 metres whereas the Zoning By-law permits a maximum of 3 metres

Purpose:

- ▶ To construct a proposed detached dwelling on the newly severed lot

Variance Exemplar

Issues:

- ▶ Proposal did not comply with policies in the Official Plan and applicable Secondary Plan
- ▶ Proposal did not uphold the intent of the Village Mixed-Use Zone (VM), which applied to front of the property
- ▶ Proposed setback was not in keeping with the existing built-form of the Village Core
- ▶ If approved, would encroach on a protected natural heritage feature (woodlot) at the rear of the property
- ▶ Did NOT meet the 4 tests (in the opinion of Staff)

Decision:

- ▶ City staff objected to the application
- ▶ CofA denied the application

Permission To Proceed

A Permission to Proceed is also known as an Expansion of a Legal Non-Conforming Use. It's a very uncommon application.

Application Generally Requires:

- ▶ Pre-application consultation
- ▶ Planning rationale, plans, and studies
- ▶ Public consultation

- ▶ Approval authority: Committee of Adjustment

- ▶ Planning Act requirements for notice and appeals

Permission to Proceed

What is it?

Usually an application utilized to expand a non-conforming use/right. The application is decided upon by the Committee of Adjustment.

What is a Non-Conforming Right?

The right to continue a particular land use that is no longer permitted by the current zoning regulations. However, the use must have been established at a time when it was permitted under previous zoning regulations or at a time that would have pre-dated the existence of the Zoning By-law. The use must be continuous from the time of creation. Also known colloquially as "grandfathering."

Permission to Proceed

How is a Permission Application evaluated?

- Unlike a Minor Variance, a permission application is not evaluated against the four tests.
- Generally, there are two questions which must be considered when evaluating a permission application, which arise from an OLT Case [*Foster v. Toronto (City)*]:
 1. Is the use desirable?
 2. Will the proposed expansion have a negative impact on the surrounding properties?

Permission Exemplar

Request from Applicant

- Owner seeking permission from the Committee of Adjustment to expand the reconstruction of a legal non-conforming building.

Background Information

- Property in a rural village, zoned V1H[350r] with the Floodplain Overlay.
- Property owner seeking to reconstruct a residential dwelling on the lot following flooding in 2017.

Permission Exemplar

- Property considered legally non-conforming as the existing dwelling that was demolished did not comply with required setbacks from a watercourse, per the Zoning By-law.
- Section 73 of the Zoning By-law permits Owners to reconstruct dwellings despite conformity issues. Reconstruction must be flood-proofed.
- Use to remain the same.

Permission Exemplar

Issues

- Staff expressed some concerns with the application, as the Owner was proposing to expand the use by approximately 94 square metres, meaning that the total impervious surface percentage on the lot would be increasing from what it was previously.
- In addition to being in the floodplain, the new dwelling was also going to be within the setback from the waterbody at the rear, which is generally discouraged.

Decision

- After hearing from the applicant, staff and any members of the public at the public Committee hearing, the Committee of Adjustment approved the permission application.

Site Plan Control

An application to permit development of certain uses of land, at certain scales of development.

- Permits regulation of site functionality
- And overall safe habitability of site substantiated through plans and reports (Noise Study, Shadow Analysis)

Significant request, dozens at various scales per year

Application Requires:

- ▶ Pre-application consultation
- ▶ Planning rationale, plans, and studies
- ▶ Public consultation; heads up, devapps and technical circulation
 - ▶ Technical circulation reduced from 28 to 14 days
- ▶ Approval authority: Staff
- ▶ Planning Act requirements for notice. Appeals by applicants due to non-decision or opposition to conditions.
- ▶ Involves registration of legal agreements on the title of a property
- ▶ City of Ottawa target timelines: 60 days

Site Plan Evaluation

What gets evaluated during Site Plan Review?

- ▶ Location of vehicular and bicycle parking;
- ▶ Location of walkways;
- ▶ Materiality of the proposed building;
- ▶ Location of doors, windows, balconies;
- ▶ Height, setbacks, stepbacks, et cetera;
- ▶ Landscaping proposed;
- ▶ Snow and waste storage;
- ▶ Compliance with all applicable Zoning provisions.

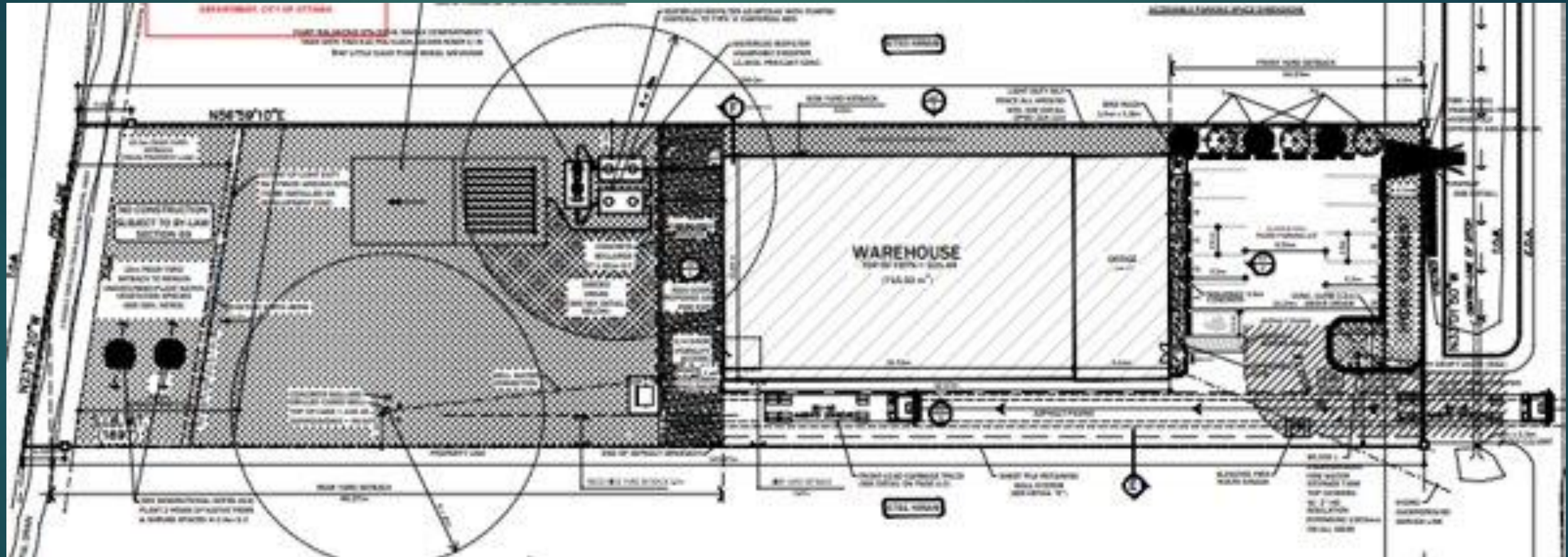


Site Plan Application Example

Background Info

- ▶ Proposed warehouse in one of Ottawa's villages
- ▶ Warehouse would also have an accessory office/sales centre and 10 vehicular parking spaces, 1 bicycle parking space, as well as a loading space in the rear.
- ▶ Site serviced by a private well and septic system

Site Plan Application Example



Site Plan Application Example Cont'd...

Issues

- ▶ Location of vehicular and bicycle parking and access to both;
- ▶ Location of proposed septic system;
- ▶ Size of building (initially over-sized for the lot);
- ▶ Location of loading space and size;
- ▶ Zoning compliance issues;
- ▶ Location of retaining wall (along interior side lot line) and grading
- ▶ Stormwater management
- ▶ Compliance with approved Environmental Impact Statement associated with the approved consent to sever application which created the lot in question

Site Plan Application Example Cont'd...

Decision

- ▶ The site plan process is an iterative process until issues and concerns identified during the review process are substantially addressed.
- ▶ In the example in question, there were numerous issues (only some of which are listed on the previous slide). As a result, this application required 8 re-submissions to address comments and concerns from various stakeholders.
- ▶ After the 8 re-submissions, staff were satisfied that the concerns identified during the review process were addressed and the application was approved.
- ▶ This example is a unique one and most site plan applications do not involve as many re-submissions.

Appeals

- ▶ What is the Ontario Land Tribunal (OLT)?

The Ontario Land Tribunal is an adjudicative body. The OLT has jurisdiction on planning matters to hear and decide on appeals pertaining to a broad range of land use planning, development, heritage and municipal governance matters.

- ▶ Brief History ?

Started as the Ontario Railway and Municipal Board overseeing municipalities accounts and supervised their rapid growth. Renamed the Ontario Municipal Board (OMB) in 1932. The OMB was the province's first quasi-judicial administrative tribunal. The OMB was renamed to the Local Planning Appeal Tribunal (LPAT) in 2017. On June 1, 2021, the Provincial Government renamed the Tribunal and amalgamated it with other tribunals to become the Ontario Land Tribunal (OLT).

Appeals

- ▶ What types of *Planning Act* applications can be appealed?

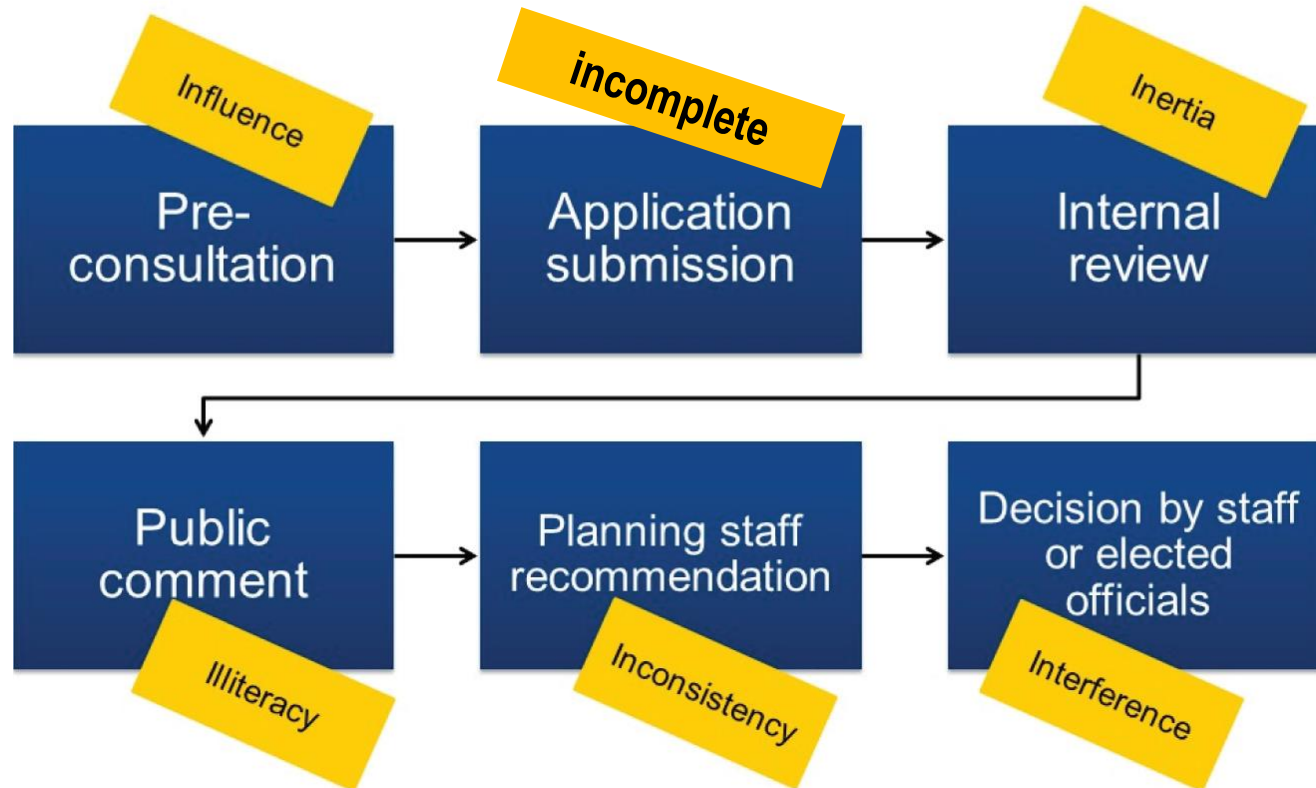
Official Plan Amendments ; Zoning By-law Amendments; Plans of Subdivision; Site Plan Control (owner only); Consents; Minor Variances

Note that with the passing of Bill 23, third party appeals for minor variances and consent applications are no longer possible.

- ▶ How do people appeal?






If you wish to appeal a *Planning Act* application, you must contact the OLT directly.

Stages of the planning process and reasons for planning failure



source:
Tobi Nussbaum,
Miranda Spessot
8 novembre 2017
policyoptions.irpp.org

Reasons for planning failure and proposed solutions

Reason for failure	Actor	Message	Solution
Influence	Developers 	<i>Particular stakeholders may have more resources or better access to planners and politicians, giving them more leverage in the planning and decision-making processes.</i>	<ol style="list-style-type: none"> 1. Campaign finance reform 2. Equal access for stakeholders 3. Involve community rep in pre-consultations
Inertia	Municipal staff 	<i>Technical approaches and standards are slow to change and many have not been updated to reflect emerging evidence.</i>	<ol style="list-style-type: none"> 1. Ground technical reviews in public policy objective 2. Connect with evidence from related disciplines 3. Raise literacy within bureaucracies
Illiteracy	Public, politicians 	<i>Politicians or the public may not fully understand the planning issues, which can result in ill-informed debates at council meetings and public consultations.</i>	<ol style="list-style-type: none"> 1. Explain reasons for rejecting alternatives 2. More proactive myth-busting 3. Provide resources to clarify complex processes
Inconsistency	Planners 	<i>Planning advice may be inconsistent and may not reflect best practices or master planning documents.</i>	<ol style="list-style-type: none"> 1. Communication between policy & dev't planners 2. Align zoning with policies 3. Quality control
Interference	Politicians 	<i>Decision-makers may attempt to alter planning advice, particularly if stakeholders are strongly opposed.</i>	<ol style="list-style-type: none"> 1. Senior manager support for planning staff 2. Better use of planning committee meetings

source:
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 Miranda Spessot
 8 novembre 2017
policyoptions.irpp.org

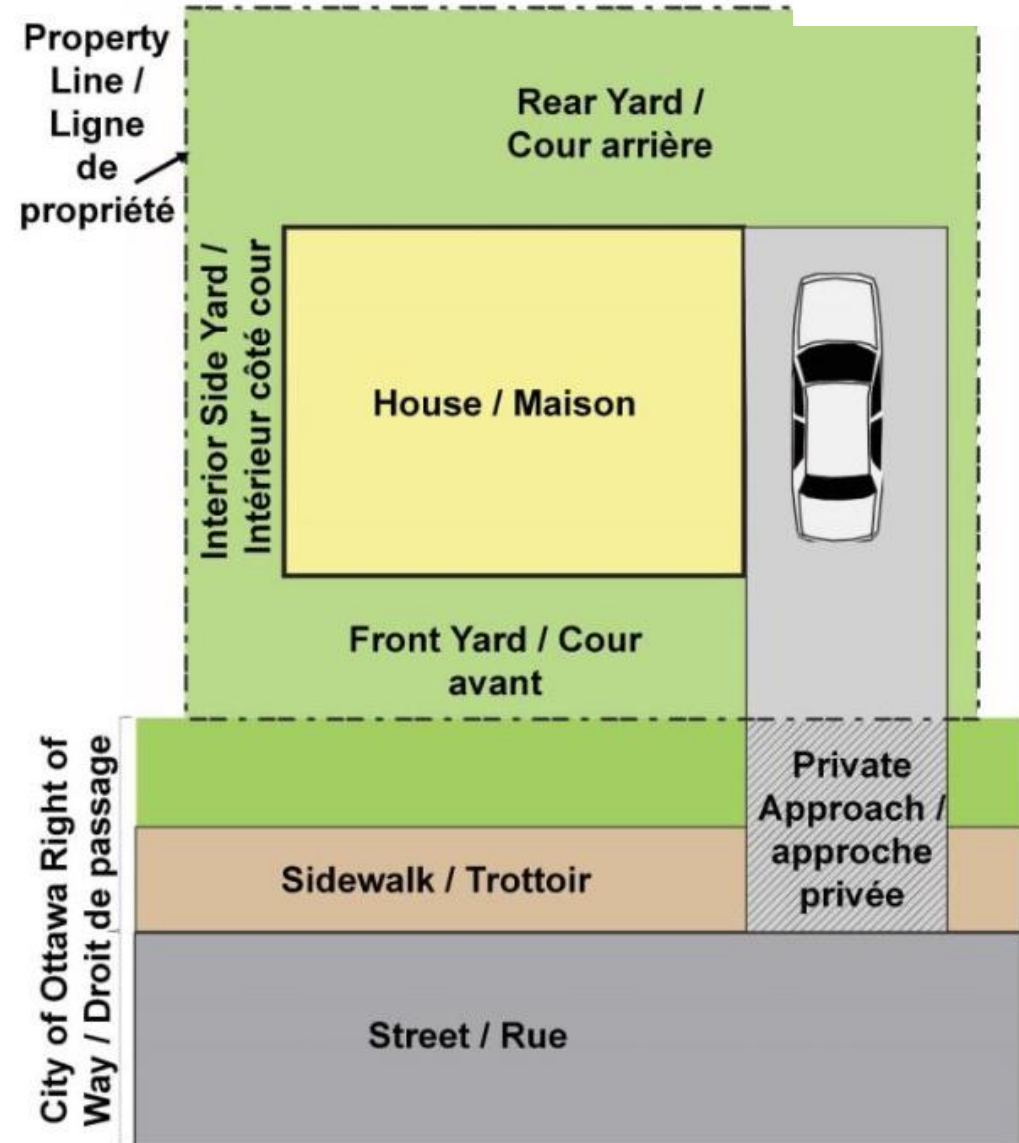


Working in the Right of Way

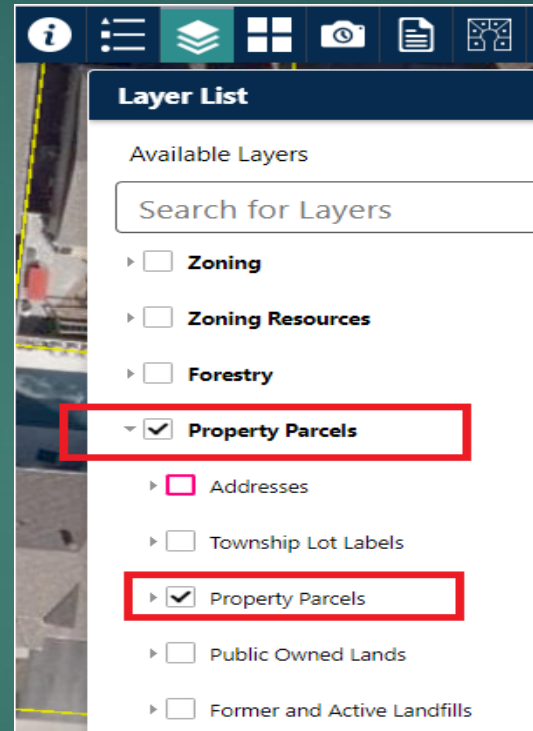
Beyond the Property Lines...

What is the Right of Way (ROW)

- ▶ Is a City-owned portion of land
- ▶ Often extends past the sidewalk or curb towards your house.
- ▶ Under the [Use and Care of Roads By-law 2003 -498](#) a property owner is responsible for maintaining the City owned portion of the lawn in front of their home (such as grass cutting).
- ▶ ROW_Permit_Office@Ottawa.ca



<https://maps.ottawa.ca/geottawa/>



Water shutoff valve



Why does the City require permits when working in the Right of Way (ROW):



Ensure interests of all users in the ROW are protected



Ensure public safety



Protect structural integrity of City infrastructure



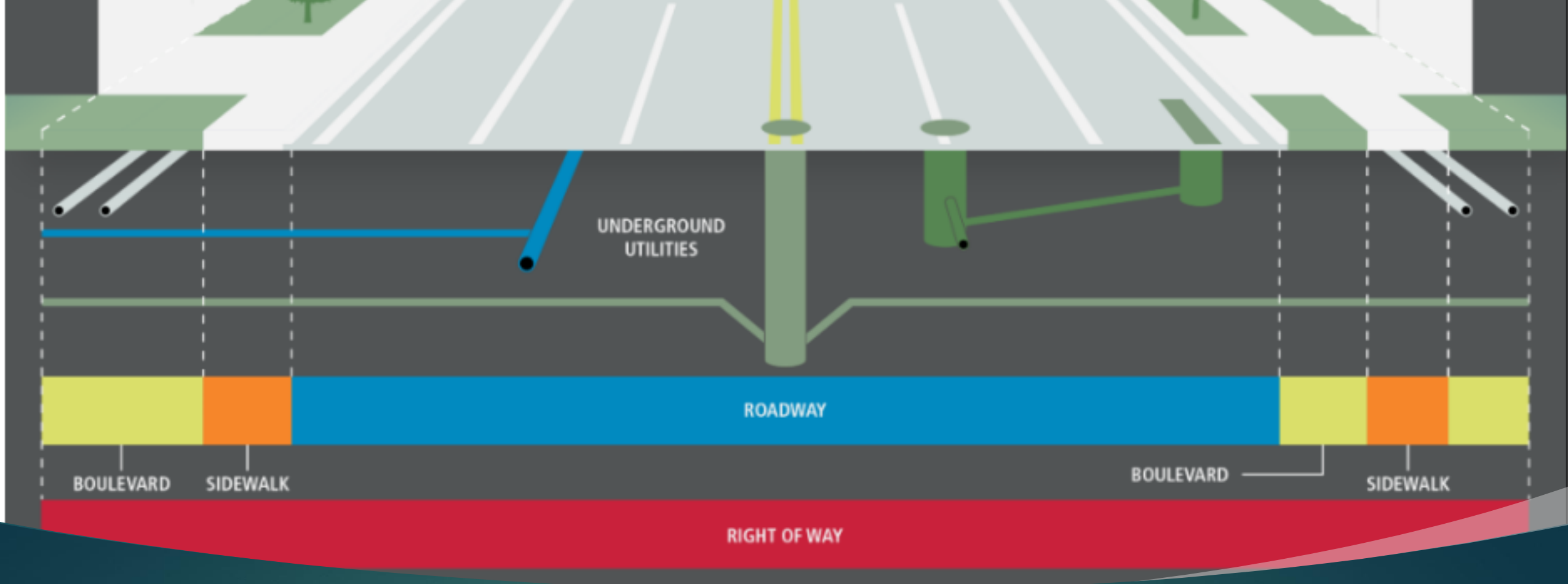
Ensure quality work & reinstatements



Track, monitor and coordinate activities in the ROW



To aid in the investigation of service requests



Under the Right of Way (ROW)

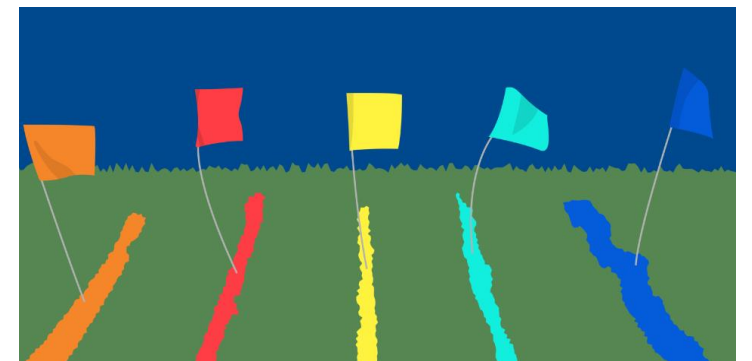
Locates – It's the Law!

▶ If you are planting a tree, building a fence or a deck, digging a new garden, or doing any project that requires you to dig, you must contact Ontario One Call at least 5 days before.

▶ Free Service!

1-800-400-2255

<https://ontarioonecall.ca/>



Private Approach (driveways)

City's Private Approach By-law (2003-447)



A Private Approach is the portion of the driveway within the City's right of way

A Private Approach Permit is required to build a new driveway, widen or close an existing driveway

Application can be made online at [Driveways | City of Ottawa](#)

Must lead to a parking space permitted under the Zoning By-Law (2008-250)

Contact Development Information Officer
dioinquiry@ottawa.ca

A Road Cut Permit is required -
You are not required to obtain a permit to resurface the existing footprint

Ditches



▶ A ditch is an excavated channel in the ground that conveys water during storm events and spring melts. Ditches and storm pipes are part of a larger network of surface water infrastructure.

▶ Ditches have many environmental benefits including:

- ▶ Reduce the risk of flooding
- ▶ Slowing the flow of runoff water
- ▶ Provide protection to the downstream creeks and rivers
- ▶ Promote filtering of pollutants from surface water through ground absorption.



Ditches in the Right of Way

Ditch Maintenance:

- Urban/Suburban/Rural (Subdivision) Areas
- Rural (Non-Subdivision) Areas

Ditch Alteration is not generally permitted

- ▶ For more information contact the City's ROW branch or consult the [“All About Ditches Fact Sheet”](#) Online at www.Ottawa.ca

Road Cut Permits

- ▶ A Road cut permit is required when digging in the ROW
- ▶ Common activities in the ROW Requiring a Road Cut permit:
 - ▶ Saw-cutting or depressing a curb to widen or install a new driveway / Private Approach
 - ▶ Installation of Utilities
 - ▶ Sanitary, Storm, Water services
 - ▶ Installing, Repairing, or Replacing Sidewalks or curbs.
- ▶ <http://www.ottawa.ca/roadactivity>



Reinstatement Requirements

Why are proper reinstatements so important?

- Dangerous
- Trip and fall hazards
- Damage to vehicles

Things to consider when developing a property

- Resurfacing agreement (standard form) & associated Securities
- Right of Way Damage Deposit

GOOD!



BAD!



Right of Way (ROW) Damage Deposit

The ROW Damage Deposit is collected to protect the municipal right of way and to ensure proper reinstatement.

Cost of the ROW Damage Deposit:

- \$110.00 application fee (non-refundable)
- single, duplex and triplex dwellings: \$3000
- semi-detached and townhouse: \$3000 per unit
- commercial or industrial building: \$3000





Temporary Construction Related Encroachment Permits (TCE)

- ▶ When the ROW is occupied for the storage of waste materials or equipment a TCE is required



- ▶ Why:
- ▶ Safety
- ▶ Accessibility
- ▶ Maintenance

For more information visit:
<http://www.ottawa.ca/roadactivity>

Conclusions

- ▶ Planning Primer [Page](#)
- ▶ New Official Plan - Engage Ottawa [Page](#)
- ▶ Provincial Legislation affecting Planning, Real Estate and Economic Development – Engage Ottawa [Page](#)
- ▶ New Zoning Bylaw – Engage Ottawa [page](#)