

# Planning Primer 1

## The Legislative Background for Planning in Ontario



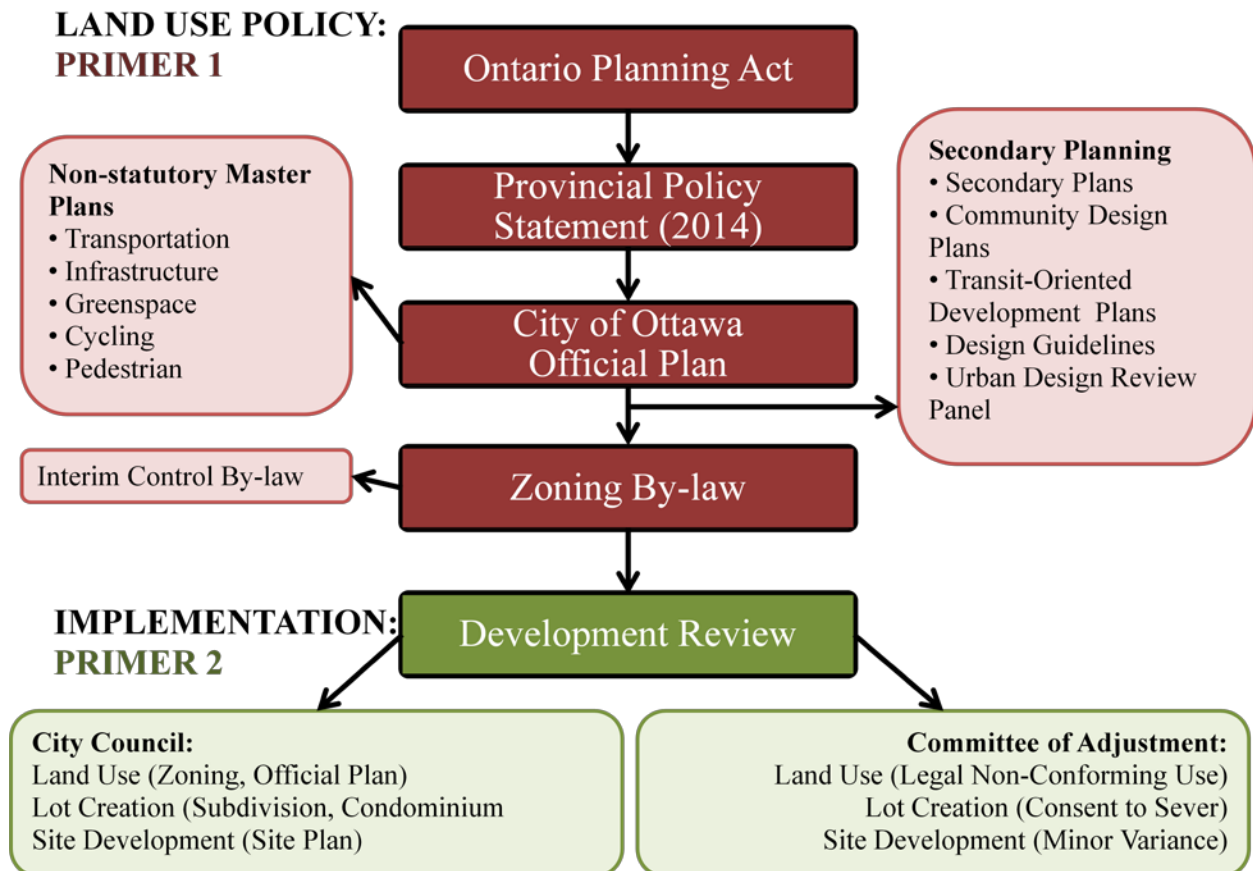
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## The Planning Hierarchy

The *Planning Hierarchy* is intended to provide a visual representation of how the various pieces of legislation and other planning tools in Ontario work together to provide the policy basis for planning, and to aid in the development review process.

As you will see as you continue your way through the web materials, the Planning Act enables the Provincial Policy Statement, the Official Plan and the Zoning By-law, and each consecutive document must be consistent with those that come before it. In Primer 2, you will see how the policy documents described in this session guide the development review process.



## Common Planning Acronyms

**ARAC:** Agriculture and Rural Affairs Committee

**C of A:** Committee of Adjustment

**CDP:** Community Design Plan

**IMP:** Infrastructure Master Plan

**MMAH:** Ministry of Municipal Affairs & Housing

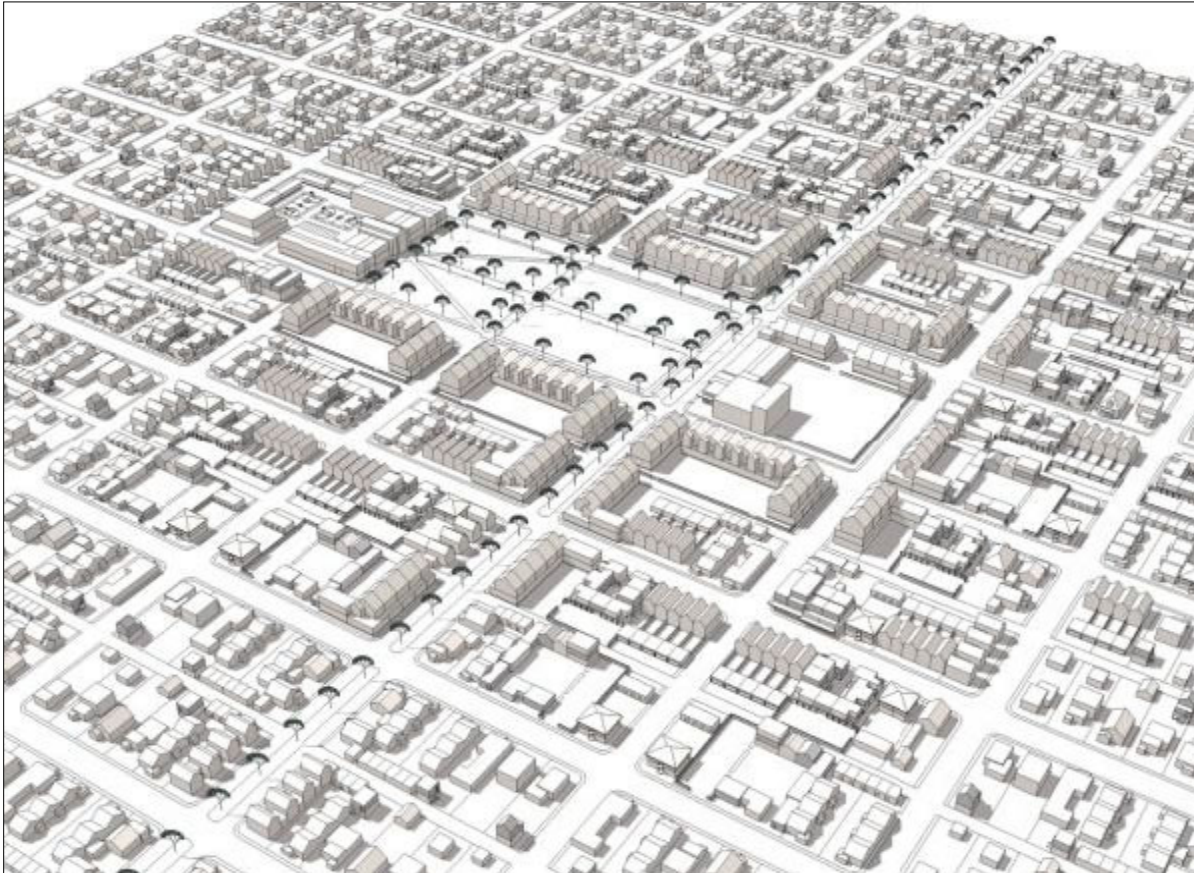
**OMB:** Ontario Municipal Board

**OP:** Official Plan

**PC:** Planning Committee

**PPS:** Provincial Policy Statement (2014)

**TMP:** Transportation Master Plan



## The Planning Act and the Provincial Policy Statement

### What role does the Province play in Land Use Planning?

Municipalities are created by the province, and are sometimes called *creatures of the province*. Municipalities are given all of their powers and authority to act by the province. As a senior level of government, the province establishes the ground rules for land use planning in Ontario through the [Planning Act](#).

The Minister of Municipal Affairs and Housing has the responsibility for overseeing and enforcing the provisions of the Planning Act. As such, the Ministry is the primary contact for advice and information on land use planning issues. The Ministry ensures that municipalities, in carrying out their responsibilities under the Act, have regard to matters of provincial interest.

### Matters of provincial interest include:

- The protection of ecological systems, including natural areas, features and functions
- The protection of the agricultural resources of the Province
- The conservation and management of natural resources and the mineral resource base
- The conservation of features of significant architectural, cultural, historical, archaeological or scientific interest
- The supply, efficient use and conservation of energy and water
- The adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems
- The minimization of waste
- The orderly development of safe and healthy communities
- The adequate provision and distribution of educational, health, social, cultural and recreational facilities
- The adequate provision of a full range of housing
- The adequate provision of employment opportunities
- The co-ordination of planning activities of public bodies
- The resolution of planning conflicts involving public and private interests
- The protection of public health and safety
- The appropriate location of growth and development
- The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians.

### What are the purposes of the Planning Act?

- To promote sustainable economic development in a healthy natural environment within the policy and by the means provided under the Act
- To provide for a land use planning system led by provincial policy
- To integrate matters of provincial interest in provincial and municipal planning decisions
- To provide for planning processes that are fair by making them open, accessible, timely and efficient
- To encourage co-operation and co-ordination among various interests
- To recognize the decision-making authority and accountability of municipal councils in planning.




### The Planning Act provides the basis for the City to:

- Prepare an Official Plan and planning policies intended to guide future development while protecting and preserving agricultural lands, employment areas, sensitive greenspace lands and valuable resource areas
- Establish a streamlined planning process which emphasizes local autonomy in decision-making. The City also has the ability to prescribe what information is to be included when a planning application is submitted
- Regulate and control land uses through zoning by-laws
- Process applications to divide land into separate lots for development through a plan of subdivision or a land severance. The City has the authority to include conditions as part of a severance or draft plan of subdivision approval. These conditions have to be met before final registration of the severance or subdivision
- Prepare community improvement plans
- Designate a demolition control area to prevent the premature demolition of property
- Establish a site plan control area and process site plan applications for new development projects
- Constitute and appoint a Committee of Adjustment to consider applications for minor variances and consents to sever parcels of land
- Require the conveyance of land for park or other public recreational purposes.

### How does the Planning Act provide for the public to become involved in the planning process?

Public consultation is an important aspect of the planning process that is regulated through the provisions of the Planning Act. Public consultation allows residents of the city to have a say in how their communities are shaped. The Planning Act ensures the rights of local citizens to be notified about planning proposals, to give their views to City Council and to appeal decisions to the Ontario Municipal Board (OMB). The precise method of consultation differs depending on the type of application.

Notices of planning applications that are subject to public consultation are posted on the property where a planning proposal has been received, and in some cases notices are mailed to property owners in the immediate vicinity of the proposal. Contact information is provided to allow the public to call or email the assigned planner for further information, or to submit comments.



**Ottawa** **3143, chemin Navan Road** **PLANNING AND GROWTH  
URBANISME MANAGEMENT  
ET GESTION DE LA CROISSANCE**

**Applicant's proposal**  
The City of Ottawa has received a Site Plan Control application to develop 6 low-rise apartment buildings, 6 stacked townhouse buildings and 1 new commercial building.  
"Roadway modifications may be required."

**Proposition du requérant**  
La Ville d'Ottawa a reçu une proposition visant la réglementation du plan d'implantation pour la construction de 6 immeubles d'habitation de faible hauteur, de 6 bâtiments d'habitations en rangée superposées et d'un immeuble commercial.  
"Des modifications à la chaussée pourraient être requises."

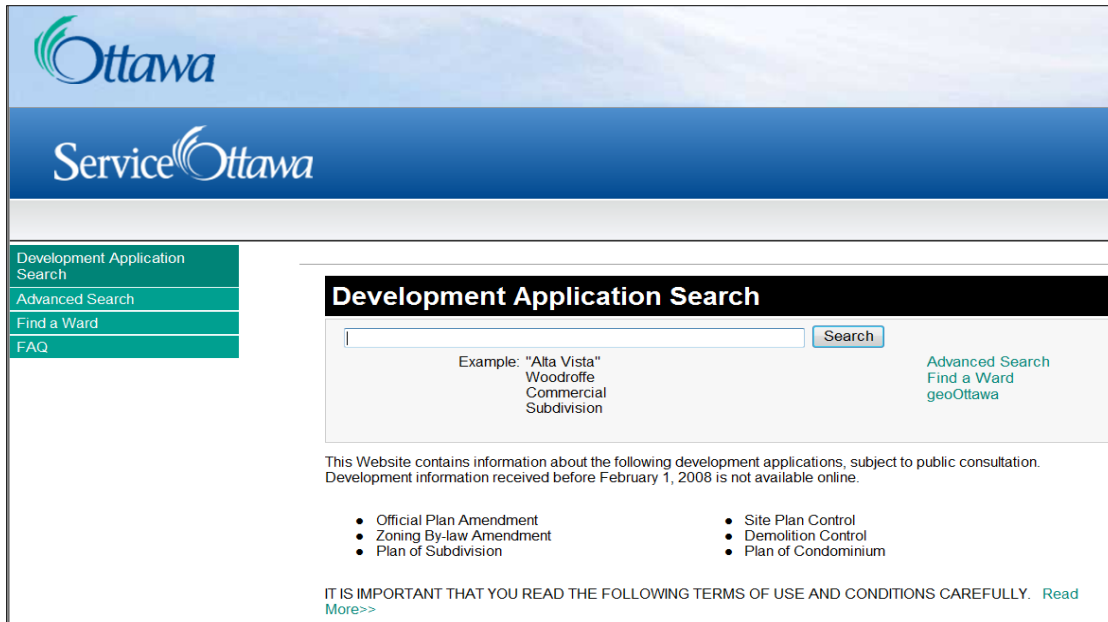
**Let us know what you think.**  
Mélanie Gervais  
☎ 613-580-2424 extension 24025  
✉ Melanie.Gervais@ottawa.ca  
Visit: [Ottawa.ca/devapps](http://Ottawa.ca/devapps)  
for more information on this application

**Qu'en pensez-vous? Dites-le nous.**  
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✉ Melanie.Gervais@ottawa.ca  
Visitez : [Ottawa.ca/demdam](http://Ottawa.ca/demdam)  
pour plus de renseignements sur cette demande

Posted on August 20, 2014 / Affiché le 20 août, 2014

Notice of applications that are subject to public consultation is also sent to registered Community Associations and the Ward Councillor for comment.

Information, including copies of all plans and reports submitted by the applicant for all current development applications are also available at [ottawa.ca/devapps](http://ottawa.ca/devapps).



The screenshot shows the Ottawa Service Ottawa website. The header includes the Ottawa logo and 'Service Ottawa'. A left sidebar contains links: 'Development Application Search', 'Advanced Search', 'Find a Ward', and 'FAQ'. The main content area is titled 'Development Application Search' and features a search bar with a 'Search' button. Below the search bar, an example search term is shown: 'Alta Vista', 'Woodroffe', 'Commercial', 'Subdivision'. To the right of the search bar, there are links for 'Advanced Search', 'Find a Ward', and 'geoOttawa'. Below the search bar, a notice states: 'This Website contains information about the following development applications, subject to public consultation. Development information received before February 1, 2008 is not available online.' A list of application types is provided: 'Official Plan Amendment', 'Zoning By-law Amendment', 'Plan of Subdivision', 'Site Plan Control', 'Demolition Control', and 'Plan of Condominium'. At the bottom, a disclaimer states: 'IT IS IMPORTANT THAT YOU READ THE FOLLOWING TERMS OF USE AND CONDITIONS CAREFULLY.' with a 'Read More>>' link.

The public can also get involved in the planning process by becoming engaged in the many public consultation initiatives that are advertised on the City's website, including Community Design Plans, Design Guidelines, Interim Control By-law Studies, and Area Planning Studies. The list of initiatives is located in the Planning section of the Residents section on the City's Website [ottawa.ca/planning](http://ottawa.ca/planning).

### What is the decision making process for planning applications in Ontario?

Ottawa's City Council is empowered through the Planning Act to render decisions on all types of planning applications. The only planning document which requires approval by the Minister of Municipal Affairs and Housing is a municipality's comprehensive Official Plan. While copies of Official Plan amendments are circulated to the Ministry of Municipal Affairs and Housing for information, for major municipalities such as Ottawa, they are exempt from ministerial approval.

While City Council remains the approval authority for Zoning Amendments, Official Plan Amendments, and Subdivisions, it has delegated many of its decision-making powers, through the Delegated Authority By-law, to senior staff. It is always possible for this delegation of authority to be withdrawn by the Ward Councillor as items become controversial, or as potential benefits to fuller public participation are identified. In this case, the decision will be returned to the Council level.

Matters that are typically handled at the staff level include: Site Plan Control Applications, Lifting of 30 cm Reserves, Plans of Condominium, and Demolition Control. Any of these items can be considered by Council if the delegated authority is withdrawn.

Decisions are also made by the Committee of Adjustment – a quasi-judicial administrative tribunal that is appointed by Council, but is independent from the City. The Committee of Adjustment hears minor variance applications, applications for permission to change or expand a legal non-conforming use, or consents to sever.



The remaining planning applications require a decision of City Council. These applications include Zoning By-law Amendments, Official Plan Amendments, and Plans of Subdivision. There are two standing committees of City Council responsible for planning matters related to the Planning Act. These are the Planning Committee and the Agricultural and Rural Affairs Committee. The two committees are comprised of members of City Council, and meet twice monthly to hold public meetings on planning reports prepared by staff and to make recommendations to Council for approval or refusal. In accordance with the provisions of the Planning Act, advance notice must be given of public meetings related to the official plan, plans of subdivision and zoning.

Notices of public meetings are advertised weekly on Friday in the City section of The Ottawa Citizen and Le Droit newspapers. Copies of staff reports are available on-line at [www.ottawa.ca](http://www.ottawa.ca) the week before the public meeting. The public is invited to attend the public meetings of the standing committees and to speak on any of the agenda items. In order to be called to speak, it is necessary to register at the beginning of the meeting.

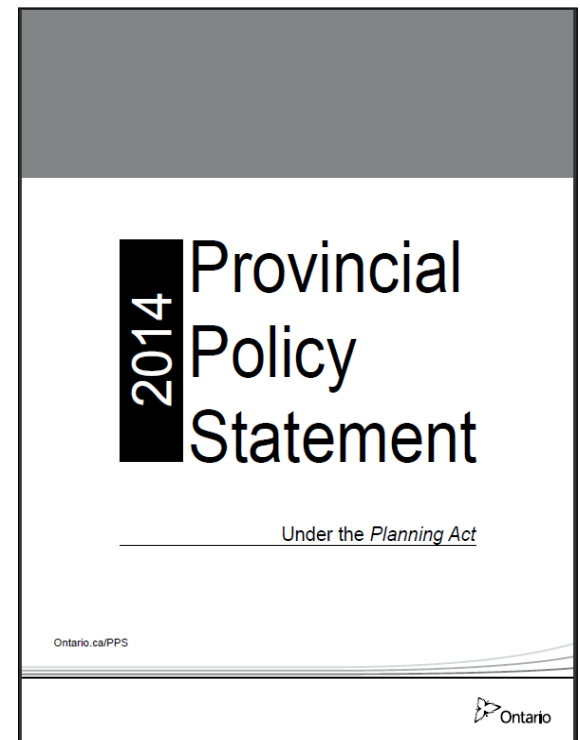
### What is the purpose of the Provincial Policy Statement 2014?

Through the Planning Act the Province may issue policy statements on matters relating to municipal planning that, in the opinion of the Minister of Municipal Affairs and Housing, are matters of provincial interest. The current Provincial Policy Statement came into effect in March 2005 and applies to all planning applications submitted after this date.

The Provincial Policy Statement (PPS), released in 2014 under the authority of Section 3 of the Planning Act, serves as a complementary policy document to the Planning Act.

As an integral part of the Province's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land in Ontario. It helps to further define key provincial land-use planning interests.

Section 3 of the Planning Act was amended by the Province effective March 2005 whereby all decisions affecting land-use planning to "be consistent with" the Provincial Policy Statement. Previously, Section 3 required that municipal councils "have regard to" policy statements issued under the Planning Act. "Shall be consistent with" is a higher policy implementation standard focused on achieving policy outcomes, and is a more demanding test than "shall have regard to". It ensures that the policies in the PPS are applied as an essential part of the planning decision-making process.



### What is included in the Provincial Policy Statement?

The PPS is divided into three sections each with its own set of policies.

#### Section 1 – Building Strong Healthy Communities

- Managing intensification and redevelopment
- Development in the rural areas
- Protecting and preserving employment areas

- Ensuring an adequate range and mix of housing types and densities including affordable housing to meet projected requirements
- Planning for sewage and water services
- Creating efficient transportation systems and protecting corridors and rights-of-way for transportation and transit
- Provision of waste management systems
- Promoting the redevelopment of brownfield sites

## **Section 2 – Wise Use and Management of Resources**

- Protecting natural features and areas
- Preventing development and site alteration of significant wetlands, woodlands, wildlife habitat and fish habitat
- Protecting, improving and restoring the quality of water
- Protecting prime agricultural areas
- Discouraging lot creation in prime agricultural areas
- Protecting minerals, mineral aggregate resources and petroleum resources for long-term use
- Conserving significant built heritage resources and cultural Heritage Landscapes

## **Section 3 – Protecting Public Health and Safety**

- Directing development to areas away from hazardous lands and lands prone to flooding

# **The Official Plan**

## **What is an Official Plan?**

An Official Plan (OP) describes a city's policies on how the city will manage growth and how land in the city should be used. It deals with matters such as:

- Where new housing, industry, offices and shops will go
- What services such as roads, watermain, sewers and parks will be needed
- What lands will be preserved from development because of their greenspace, environmental and resource values.

An Official Plan contains policies for those matters identified in the Provincial Policy Statement and those matters addressed by applications under the Ontario Planning Act. In addition to this, the Plan may contain guidance as to how City Council might position itself on other matters but it cannot control matters outside the authority of the Ontario Planning Act.

## **What is the role of the Province in an Official Plan?**

The Official Plan is a legal document that addresses matters of provincial interest defined by the Provincial Policy Statement (PPS) under the Planning Act. The PPS was revised in 2014 and the Planning Act was amended in 2007. It is now a requirement that municipalities indicate, to the Ministry of Municipal Affairs and Housing, how each of the policies in the PPS has been addressed in their official plans.

## **The Planning Act includes a definition of an Official Plan.**

An official plan shall contain 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 ... An official plan may contain (a) a description of the measures and procedures proposed to attain the objectives of the plan; and

(b) a description of the measures and procedures for informing and obtaining the views of the public in respect of a proposed amendment to the official plan or proposed revision of the plan or in respect of a proposed zoning by-law.

The Minister may also prescribe, in regulations under the Planning Act, other matters that must be addressed by the Official Plan.

The Minister of Municipal Affairs and Housing is the approval authority for a comprehensive Official Plan, but, in the City of Ottawa, City Council approves the day-to-day amendments to the Plan.

### What is NOT in an Official Plan?

The Official Plan cannot control matters outside the authority of the Ontario Planning Act. An example of a matter outside municipal authority is the provision of schools. The City is required to consult with the School Boards in the context of planning applications and we work together on matters of mutual interest. The decision to locate a school or operate a school is at the sole discretion of the school board and is guided by the requirements of the Ministry of Education. Since schools are a central building block in any community, the Official Plan contains a policy stating a commitment to work together to retain schools in neighbourhoods. The location of new schools is outside the jurisdiction of the OP, but the OP does contain policies respecting some aspects of schools.

Some matters are not addressed at all in the Official Plan because the method for addressing them is through a by-law adopted under the Municipal Act. Examples of these types of matters include the cutting of trees on land prior to submission of a planning application or the removal of peat from a wetland. Both are regulated by specific by-laws adopted by the municipality under the authority granted to it by the Municipal Act.

Some matters are addressed in the Official Plan but only conceptually, pending completion of other studies. The most common example is the designation of roads and transit facilities that will require the completion of an Environmental Assessment, under the Environmental Assessment Act, prior to the specific alignment being identified in the Plan.

### Does the City of Ottawa have an Official Plan?

Yes! Section 14.7(3) of the Planning Act requires a municipality to prepare and adopt a plan and to submit it to the Minister for approval. The

In May 2003, City of Ottawa Council adopted a new Official Plan for the amalgamated City of Ottawa, which was approved by the Minister of Municipal Affairs and Housing in September, 2003. Since then, Council has adopted two substantial amendments to the Plan (OPA 76 and OPA 150) as part of comprehensive reviews that meet the requirements of the Planning Act and the Provincial Policy Statement. These amendments were also approved by the Ministry, and appealed to the Ontario Municipal Board.



At this time (fall 2015), OPA 150 is before the Ontario Municipal Board, with hearings expected to begin in the winter of 2015/2016.

The Official Plan includes Secondary Plans, which are more detailed plans, focusing on a specific geographic area, and often containing specific allowances for height and density. As part of the Official Plan, Secondary Plans follow the same process for approval, amendment and appeal as the Official Plan. (The City of Ottawa, however, is the approval authority for its Secondary Plans. The Minister of Municipal Affairs and Housing is not involved.)

### Is the Official Plan the only plan for Ottawa?

No! The Official Plan works together with other plans to achieve Council's goals for long-term sustainability, which include economic prosperity, ecosystem health, cultural vitality, and social well-being. These plans, such as Partnerships for Prosperity and the Older Adult Plan, are recognized in the Official Plan. The Official Plan is the only one of these plans that is legislated, however.

### The City of Ottawa Official Plan is supported and influenced by Master Plans

The main supporting plans that have been developed are:

- **Transportation Master Plan** – A comprehensive plan that sets out the City's approach to managing and meeting the demand for transportation facilities, including walking, cycling, transit and roads;
- **Infrastructure Master Plan** – An integrated planning and system management document which coordinates the City's efforts in meeting the demand for public water, wastewater, and stormwater services;
- **Greenspace Master Plan** – A plan that characterizes and evaluates all components of greenspace in the city as a basis for a range of policies related to protection, acquisition and management.

All of these plans are available on the [City of Ottawa Web site](http://City of Ottawa Web site)

### How is the City of Ottawa Official Plan implemented?

The policies contained in the Official Plan are designed to help guide day-to-day decision-making on land-use issues in the city. One key to translating Official Plan policies into consistent decisions "on the ground" is the zoning by-law. This municipal regulatory document, based on wide public consultation, sets out the permitted uses, densities, and other important rules for development for every property in the city. The Planning Act requires that all municipal by-laws, including the zoning by-law, conform to the Official Plan.

Another key tool for implementing this Plan is the secondary planning process. Secondary planning may include Secondary Plans, community design plans, transit-oriented development (TOD) plans. These plans, often developed in close collaboration with the affected communities, provide detailed direction for development in specific areas of the city. Community design plans focus on providing solutions that are innovative and attractive while respecting the policies expressed in the Official Plan. TOD plans focus on directing growth to areas to be served by rapid transit, including light rail. Secondary planning implements the Official Plan while making it relevant each of Ottawa's diverse communities.

The Official Plan serves as a basis for a wide range of municipal activities. These include:

- The planning and approval of public works to be carried out by the City in support of future growth, including sewage and water treatment infrastructure, roads and transit facilities, and public parks (Section 24 of the Planning Act requires that public works conform with the Official Plan);
- The acquisition of land for purposes described in the Official Plan;
- The review of development applications to provide guidance to prospective developers and landowners who want to alter existing land uses;
- The preparation of more detailed guidelines on a range of policy matters such as Environmental Impact Statements and community design;
- The preparation of annual municipal budgets and long-term plans for capital spending;
- The provision of a land use context for other studies such as Environmental Assessments.

### How do the National Capital Commission and other government agencies influence planning in Ottawa?

Implementing the City of Ottawa Official Plan requires the cooperation of a wide variety of actors outside the municipal administration, not only because they must respect the Plan but also because they have the mandate, experience and expertise to implement much of it. The City must partner with the provincial and federal governments, including the National Capital Commission, as well as the City of Gatineau and the Province of Québec, on issues related to transportation infrastructure, management of natural resources, economic development, and more. In particular, because of Ottawa's role as the capital of the nation, there are many areas of interface with the National Capital Commission in its role as the planner of federal lands in the city. The federal government owns large tracts of land, especially in the downtown, and has developed the network of scenic parkways and roads that traverse many parts of the city. In addition, various agencies of the federal government also develop master land use plans with broad implications for the City.

The private sector, including builders and developers, has an increasing role to play through partnerships with the City. Examples include building and managing facilities and services, economic development, provision of mixed-use projects, and more. A host of agencies such as the Conservation Authorities, school boards, and non-profit and cooperative housing associations have responsibilities that contribute to the quality of life in Ottawa. Finally, individuals and community groups do much already to define public issues and solutions and their on-going participation is essential to implementing the Plan.

Each of these diverse entities, groups and interests has resources to bring to the table, whether they are financial, knowledge-based, motivational, or physical. The City will make the best use of this web of resources by seeking out new partnerships and innovative approaches to achieving the vision laid out in this Plan.

### How is an Official Plan Changed?

The Official Plan is usually changed in one of three ways:

- 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; or



- The City of Ottawa initiates an amendment because of changes in legislation, or to implement a major study (such as the Greenspace Master Plan) or at the direction of City Council; or
- The City of Ottawa undertakes a comprehensive review of the Official Plan as required in the Planning Act not more than five years after the Plan comes into effect. This is generally referred to as the “comprehensive review” or the “five-year review”.

### Why is a 20-year plan reviewed every five years?

The Province requires that an Official Plan be prepared for no more than 20 years and that it be reviewed within 5 years of coming into effect. This is because successful implementation of the Official Plan is dependent on a number of factors:

- Are the assumptions underpinning the Plan still valid? For example, have the growth projections underpinning the Plan differed from what has actually happened?
- Has the legislation guiding land-use planning changed? For example, the Province issued a new Provincial Policy Statement in 2014, after City Council adopted the new OPA 150 following the completion of a comprehensive review.
- Have policy priorities changed? Have new priorities emerged? For example, upon the completion of a comprehensive study such as the Greenspace Master Plan or Air Quality and Climate Change Management Plan, new directions may be required in the Official Plan.
- Are the policies in the Plan being carried out? For example, a number of multi-use pathways are identified in the Official Plan – are they being constructed?
- Are those policies that are being implemented having the outcome anticipated by the Official Plan? For example, community design plans are an important tool for identifying where intensification can take place. Are the Plans in fact resulting in consensus around this issue?

### How is the Official Plan organized?

The Plan consists of four volumes – Volume 1, containing policies that apply on a city-wide basis, and Volumes 2A, 2B, and 2C, containing secondary plans, site-specific policies and village plans respectively. Volume 1 is the one that applies in most circumstances and is the focus of this workshop. The Plan is organized into five sections, which move from the most general planning principles to practical implementation measures. The Plan should be read as a whole to understand its comprehensive and integrative intent as a policy framework for priority setting and decision-making.

Sections 1 to 5, Schedules A to M, Annexes 1, 8A-8D and 12 and Volume 2 constitute the Official Plan. All other text and maps are provided for information only and are not part of the Plan. As such, they can be amended or updated without an Official Plan Amendment.

Section 1 introduces Ottawa as a capital city facing new challenges in the 21st century, such as global economic changes, rising energy consumption and an aging population. It sets the framework for the Plan's strategic

policies by setting goals for long-term sustainability and describing how growth and development can be managed to achieve them.

Section 2 lays out the strategic policy directions the City will follow over the coming years. Matters in this section generally apply to the City as a whole and not to a specific area. Policies relate to how growth is managed, how infrastructure is provided, how we maintain environmental integrity and provisions for creating liveable communities. This is where one would find policies regarding the urban boundary, the areas to be the focus of intensification, the provision of transit, servicing in the rural area, protection of natural areas, affordable housing, and other city-wide policies. It is important to be familiar with the policies of this section in order to understand the broad city-shaping role of the Official Plan.

Section 3 of the Plan establishes land-use designations and the associated policies. Section 3 must be read closely with Schedules A and B of the Official Plan. These schedules provide for a range of land uses such as Agricultural Resource Areas, Villages, General Urban Areas, Mainstreets, Solid Waste Disposal sites, Significant Wetlands and others. For each designation on the Schedule, policies exist in Section 3 to explain what land uses are permitted in each of these areas and under what circumstances. Section 3.1 contains a list of uses that may be permitted anywhere, or at least in a broad range of designations. There is a close link between the policies of this section and the comprehensive zoning by-law

Section 4 covers matters related to the review of development applications. In particular, it identifies the studies or assessments that may be required in various circumstances and where they are required. So, for example, Section 4.7.2 contains policies requiring all plans of subdivisions to prepare “a tree preservation and protection plan and a landscape planting plan”. The policies also provide a description of what that plan is. The application forms provided to proponents and available on the web, would list all of the potential studies that might be required and the proponent would consult Section 4 to determine if the requirement fit his or her circumstances. When commenting on or reviewing development applications, it will be important to be familiar with the provisions of this section in order to understand the expectations placed on development proponents in light of the policy direction of the Plan.

Section 5 contains more specific issues related to implementation and interpretation of the Plan. To a large extent these are matters required by the Ontario Planning Act. This is also where the description is located of what is and isn't part of the Plan. There are also policies related to the preparation of Community Improvement Plans, which enable the City to offer incentives to encourage private sector investment as a means of achieving a variety of municipal goals associated with areas in need of rehabilitation and redevelopment.

- Schedule A – Rural Policy Plan (rural land uses, location of urban boundary)
- Schedule B – Urban Policy Plan (urban land uses, includes Greenbelt)
- Schedule C – Primary Urban Cycling Transportation Network
- Schedule D – Primary Transit Network
- Schedule E – Urban Road Network
- Schedule F – Central Area / Inner City Road Network
- Schedule G – Rural Road Network
- Schedule H – Road Network – Select Villages
- Schedule I – Major Recreational Pathways and Scenic/Entry Routes – Urban
- Schedule J – Major Recreational Pathways and Scenic/Entry Routes – Rural
- Schedule K – Environmental Constraints (e.g. flood plains)
- Schedule L – Natural Heritage System

- Schedule M – Ottawa Macdonald-Cartier International Airport Policy Plan
- Annex 1 – Road Classification and Rights-of-Way - This is part of the Plan
- Annexes 2 to 7 – these are for information and are not part of the Official Plan. They include a number of maps that show such information as heritage conservation districts and central area maximum building heights.
- Annexe 8A – Central Area Viewpoints of the Parliament Buildings and Other National Symbols – This is part of the Plan
- Annex 8B – Ventral Area Maximum Building Heights/Angular Planes – This is part of the Plan.
- Annex 8C – LeBreton Flats Foreground View Control Planes – This is part of the Plan.
- Annex 8D – Central Area Maximum Building Heights – This is part of the Plan.
- Annexes 9-11 - these are for information and are not part of the Official Plan. Annex 12 – Viewshed Area of the Parliament Buildings from Beechwood Cemetery – This is part of the Plan.
- Annexes 13, 15, and 17 – these are not part of the Plan.
- Volume 2A includes secondary plans, - This is part of the Plan
- Volume 2B includes site-specific policies - This is part of the Plan; and
- Volume 2C includes Village plans - This is part of the Plan.

The various sections are closely linked and are not meant to be read in isolation. Individual topics, such as the desire to create more transit-friendly communities, are raised in the various sections of the Plan as the text moves from an articulation of goals for long-term sustainability in Section 1, to the more practical details related to implementing the principles found in later sections of the Plan.

The full text of the Official Plan can be found at [Ottawa.ca/officialplan](http://Ottawa.ca/officialplan)

***Example: How do the different sections of the Official Plan work together to address the natural environment?***

As an example of the way in which the Official Plan addresses a particular policy area, the following describes the approach to environmental protection.

**Section 1** sets a goal for biodiversity and ecosystem health.

**Section 2** identifies strategic directions for “maintaining environmental integrity”. These include policies for protecting natural features such as wetlands, planning on a watershed basis, and creating a greenspace network of parks and natural areas. All of the references in this Section are on a city-wide basis.

**Section 3**, Schedule A and Schedule B identify the variety of important natural areas in the rural area, urban area and greenbelt. These include significant wetlands, natural environment areas, urban natural features and other designations. Each land-use designation has associated policies explaining the purpose of the designation, the permitted land uses, possibly an acquisition policy, interpretation of boundaries, and where an environmental impact statement would be required prior to development.

**Section 4** lists a whole gamut of studies or assessments that may be required to support a development. These include such matters as assessing impact on fish habitat, tree retention plans, erosion and sediment control plans, stormwater management plans and others. It also requires an ‘integrated environmental review’ that ensures the relationships between the individual assessments are recognized. Finally, it includes a more detailed statement of what is to be addressed in the individual studies. The detailed terms of reference are found outside the Plan and are kept up to date. For example, City Council approved new guidelines for Environmental Impact Statements in July 2010.

**Section 5** makes reference to some of the implementing mechanisms to protect the environment such as the acquisition and holding of land and a statement about other by-laws including a woodland preservation by-law.

## Zoning

### What is a 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 section 34 of the Planning Act 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.

Zoning by-laws also assist in carrying out the planning objectives of City Council as expressed through the Official Plan - the Official Plan serves as a blueprint for the City’s zoning by-law, providing the “vision” for land use regulation.

### How does a Zoning By-law Work?

Zoning by-laws are constructed around a framework of building blocks known as “zones”, the basic structural unit of a zoning by-law. Zones are categories of similar or compatible land uses with specific regulations (i.e. R1 – Residential First Density Zone).

Zone categories in most zoning by-laws generally range from Residential, Commercial, Industrial, Institutional, Environmental, Rural, Agricultural and Open Space. These zones are applied to the land via zoning maps to recognize the established character of an area, while providing opportunities for compatible new development.

Zoning by-laws are generally comprised of several parts that work together with other “layers” of regulations in the zoning by-law to provide the fundamental structure for the by-law. These parts are as follows:

1. A set of rules for administering and interpreting the zoning by-law
2. Regulations that apply on a broad, city-wide level (e.g. parking and loading provisions, accessory uses).
3. Zones that are applied to each property in the city
4. Maps that illustrate how the zones are applied to each property in the city

Council approves the day-to-day amendments to the Plan.

## Does the City of Ottawa have a Zoning By-law?

The [City's Comprehensive Zoning By-law \(2008-250\)](#) was adopted in June 2008, replacing the 36 Zoning By-laws of the former municipalities.

## What if you can't comply with a Zoning By-law provision?

All development must comply with the provisions of the zoning by-law. In the event that a development proposal does not comply, relief can be granted through either the granting of a minor variance through the Committee of Adjustment or a Zoning By-law Amendment granted by City Council. Both minor variances and zoning by-law amendments must comply with the policies of the Official Plan, and all decisions are appealable to the Ontario Municipal Board. (The process for applying for these types of relief is discussed in much greater detail in Primer II: Development Review)

## What can Zoning By-laws Regulate?

Although the City's Official Plan may contain policies on a large range of planning issues, Section 34 of the Ontario Planning Act limits the range of matters that can be addressed in a zoning by-law. A summary of the types of issues that can and cannot be regulated through zoning is attached.

Those policy matters that cannot be addressed through zoning can often be addressed in other municipal by-laws. By-laws such as Signs By-laws, Noise By-laws, Licensing By-laws, Fence By-laws, and Traffic and Parking By-laws and planning processes such as site plan control and heritage building designations are also used to implement the Official Plan.

## What Zoning By-laws CAN do:

- Restrict the use of land
- Restrict the erection, location and use of buildings or structures
- Prohibit the erection of buildings or structures on land that is subject to flooding or on land with steep slopes, or that is rocky, low-lying, marshy, unstable, hazardous, subject to erosion or to other natural or artificial perils
- Prohibit any use of land and the erecting, locating or using of any buildings or structures on land that is contaminated, that is a sensitive ground water recharge area or head-water area or on land that contains a sensitive aquifer
- Prohibit any use of land and the erecting, locating or using of buildings or structures within any area that is a significant wildlife habitat, wetland, woodland, ravine, valley or area of natural and scientific interest, that is a significant corridor or shoreline of a lake, river or stream, or that is a significant natural corridor, feature or area.
- Prohibit any use of land and the erecting, locating or using of buildings or structures on land that is the site of a significant archaeological resource.
- Regulate the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures
- Regulate the minimum frontage and depth of the parcel of land and the proportion of the area thereof that any building or structure may occupy.
- Regulate the minimum elevation of doors, windows or other openings in buildings or structures
- Require the provision and maintenance of loading or parking facilities



- Regulate the making, establishment or operation of a pit or quarry
- Regulate the minimum area of the parcel of land
- Regulate the density of development
- Regulate the locating of a trailer or mobile home
- Prohibit the use of land or the erection or use of buildings or structures unless municipal services are available
- Specify the future use to which lands, buildings or structures may be put, through the use of a holding symbol
- Authorize increases in the height and density of development otherwise permitted by the by-law that will be permitted in return for the provision of such facilities, services or matters as are set out in the by-law
- Authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law (maximum of 3 years)
- Authorize the temporary use of a garden suite subject to an agreement (maximum of 10 years)

#### What Zoning By-laws CANNOT do:

- Prevent the use of any land, building or structure for any purpose prohibited by the by-law if such land, building or structure was lawfully used and continues to be used for such purpose on the day of the passing of the by-law (non-conformity/ non-compliance)
- Distinguish between persons who are related and persons who are unrelated
- Distinguish on the basis of ownership or occupancy
- Discriminate on the basis of cultural background, race, religion, economic status, age, etc.
- Prohibit access to communications signals (telephone, television, satellite signals, etc.)
- Restrict competition/ free enterprise
- Regulate architectural design, landscaping materials or construction materials
- Regulate development on public rights-of-way (public streets, public laneways, etc.)
- Delegate zoning authority to an individual or group other than City Council
- Delegate zoning authority to non-zoning processes (e.g. regulating building height through site plan control)
- Regulate matters under the authority of other legislation or other levels of government (e.g. building code matters)
- Regulate matters which are under the authority of other sections of the Planning Act (e.g. unauthorized limitation of the powers of the Committee of Adjustment)
- Regulate in a manner which is in conflict with the policies of the Official Plan
- Preserve natural environment features such as trees, geological formations, waterways, wetlands, etc.

## What is the Ontario Municipal Board and how are planning decisions appealed?

The Ontario Municipal Board (OMB) is an independent administrative tribunal responsible for hearing appeals and making decisions on contentious planning matters. In most situations, the applicant, concerned citizens, community associations, the City, or any other party that has taken part in the process up to the rendering of the decision can appeal to the OMB. There is a small fee to appeal, and the Board has the power to dismiss an appeal without holding a hearing if the person or organization launching the appeal has not made oral and / or written submissions before City Council or the Committee of Adjustment prior to the making of the decision.

Board members are appointed by the Province and include lawyers and planners, as well as individuals with little or no formal legal or planning experience. The OMB operates under the Ontario Municipal Board Act and reports administratively to the Minister of Municipal Affairs and Housing.

The OMB's role in dealing with matters under the Planning Act is to hold public hearings of appeal on land use planning issues such as minor variances, consents to sever, zoning by-laws and official plan amendments and planning documents and applications such as official plans and subdivisions. When people are unable to resolve their differences on community planning issues, or have disputes with City Council that cannot be settled, the OMB provides that needed public forum. The OMB member assembles the facts, and makes a decision in light of:

- Environmental, social and economic considerations
- Provincial interest
- Rights of the individual citizens
- The best interests of the community as a whole.

Parties can attempt to deal with concerns or disputes before the Board makes its final decision. Techniques such as mediation, negotiation and conciliation can be used in resolving the matter locally in order to avoid a hearing. Appeals must be made within established time limits. In most cases, appeals must be made no later than 20 days after City Council or the Committee of Adjustment gives its notice of decision on the planning proposal or application. Written reasons for the appeal must be provided. The appeal is made to the city clerk who then forwards it to the OMB within 15 days after the appeal period expires.

The OMB is required to have regard for local planning decisions and to hear appeals based on the application as it was presented to City Council or the Committee of Adjustment. In addition, if new information presented to the Board is determined to be significant, the Board may send the matter back to City Council for re-consideration.

## What is the Legislation affecting planning in Ontario?

Legislation	Purpose	Interesting/Applicable Elements
Municipal Act	Municipalities are created by the Province of Ontario to be responsible and accountable governments with respect to matters within their jurisdiction and each municipality is given powers and duties under this Act and many other Acts for the purpose of providing good government with respect to those matters.	<ul style="list-style-type: none"> <li>▪ tree cutting by-laws</li> <li>▪ regulate removal of topsoil and alteration of grade</li> <li>▪ jurisdiction over highways</li> <li>▪ parking lots</li> <li>▪ animal control</li> <li>▪ smoking in public places</li> <li>▪ economic development</li> <li>▪ public nuisance, noise</li> <li>▪ garbage and recycling</li> <li>▪ licensing</li> <li>▪ taxation</li> </ul>
Ontario Heritage Act	To protect heritage buildings and archaeological sites.	<ul style="list-style-type: none"> <li>▪ Part IV – individual building designations</li> <li>▪ Council approved permit required to undertake alterations to any of the identified heritage elements of the property or to demolish any buildings or structures on the property</li> <li>▪ Part V – designation of heritage conservation districts</li> </ul>
Conservation Authorities Act	The objects of a Conservation Authority are to establish and undertake, in the area over which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals.	<ul style="list-style-type: none"> <li>▪ mandates CAs to undertake “a program designed to further conservation, restoration, development and management of natural resources”</li> <li>▪ Rideau Valley CA</li> <li>▪ Mississippi Valley Conservation</li> <li>▪ South Nation Conservation</li> </ul>

Environmental Assessment Act (Prov)	The betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management of Ontario's environment.	<ul style="list-style-type: none"> <li>▪ process to identify potential negative effects and/or benefits of a project or activity on the environment</li> <li>▪ EAs allow the City of Ottawa and its citizens to incorporate environmental factors into decision-making and minimize or avoid adverse environmental effects</li> <li>▪ EA is required for certain types of projects depending on the scope and proponent of the project</li> <li>▪ municipal infrastructure projects (roads, water and wastewater) are assessed for environmental impacts under the Municipal Class EA process</li> </ul>
Environmental Assessment Act (Fed)	To ensure that federal projects do not cause significant adverse environmental effects; to encourage sustainable development; to eliminate duplication in the process; to promote communication and cooperation; to opportunities for timely and meaningful public participation in the process.	<ul style="list-style-type: none"> <li>▪ identifies types of projects to be assessed at a federal level</li> <li>▪ specifies process to be followed</li> <li>▪ anticipates transboundary environmental effects</li> <li>▪ establishes Canadian Environmental Registry</li> </ul>

Endangered Species Act	To provide for the conservation, protection, restoration and propagation of species of fauna and flora of the Province of Ontario that are threatened with extinction.	<ul style="list-style-type: none"> <li>▪ identifies habitat to be protected outside of that identified in OP</li> <li>▪ specifically prohibits wilful harm to endangered species that are listed in regulations under the Act.</li> <li>▪ specifically prohibits the wilful destruction of, or interference with, the habitats of endangered species</li> <li>▪ powers to be significantly expanded in 2007 – among the strongest legislation in North America</li> </ul>
Condominium Act, 1998	To outline the requirements for condominium construction and management, and to provide consumer protection to purchasers.	<ul style="list-style-type: none"> <li>▪ Standard, Phased, Vacant Land, Common Element and Leasehold condominiums</li> <li>▪ Requirement for Board of Directors, Annual meeting; Reserve Fund; Disclosure Statement</li> <li>▪ OP contains policies re: conversion of existing rental building to condo</li> </ul>
Development Charges Act	To provide the council of a municipality with the authority to impose development charges against land to pay for increased capital costs required because of increased needs for services arising from development of the area to which the by-law applies.	<ul style="list-style-type: none"> <li>▪ Ensures that growth pays for growth</li> <li>▪ Provisions to distribute costs fairly amongst residents</li> <li>▪ Incentives for industrial expansion</li> <li>▪ Permits developers to build municipal services in anticipation of future growth and to be reimbursed for costs beyond their fair share by the subsequent developers who benefit</li> </ul>



Fisheries Act (Fed)	To guide well-managed, stable and viable fisheries and to conserve and protect fish and their habitat	<ul style="list-style-type: none"> <li>▪ conserve and protect fish habitat</li> <li>▪ prohibition the harmful alteration, disruption or destruction of fish habitat</li> </ul>
Ontario Water Resources Act	Ontario Clean Water Agency Water, wells, sewage works, water works, the Act aims to protect both Ontario's drinking water and fresh water resources at large from pollution, whether from industrial sources, sewage systems, chemicals in use at farms, or any other source.	<ul style="list-style-type: none"> <li>▪ enables the passage of regulations regarding Ontario's water supplies</li> </ul> <p>regulates sewage disposal and "sewage works"</p> <ul style="list-style-type: none"> <li>▪ prohibits discharge of materials that may impair water</li> <li>▪ regulates water-taking by requiring permits for the taking of more than 50,000 litres of water per day from a ground or surface source of water regulates well construction, operation and abandonment;</li> <li>▪ regulates the approval, construction and operation of "water works"</li> </ul>
City of Ottawa Act, 1999	Passed in 1999, the Act established the area of the City of Ottawa post-amalgamation, and established the Transition Board.	<ul style="list-style-type: none"> <li>▪ originally a tool to aid in transition to the new City of Ottawa</li> <li>▪ outlines ward boundaries, and the powers of the City and of City Council.</li> <li>▪ gives City the power to establish, operate and maintain a passenger transportation</li> </ul>

Ontario Building Code Act – and – Ontario Building Code	To ensure that buildings are constructed, and that buildings and properties are maintained, in a safe manner. Construction standards are contained in the Ontario Building Code, a regulation under the Act.	<ul style="list-style-type: none"> <li>▪ establishes enforcement by municipalities, boards of health, and province</li> <li>▪ regulates construction and demolition of buildings and structures</li> <li>▪ establishes municipal authority over property standards</li> <li>▪ regulates methods and standards of construction</li> </ul>
Drainage Act	To provide assistance to meet the problems of obtaining a legal drainage outlet, including engineering and financing. Profitable returns from farmland depend on effective drainage.	<ul style="list-style-type: none"> <li>▪ “drainage works” includes a drain constructed by any means, including the improving of a natural watercourse, and includes works necessary to regulate the water table or water level within or on any lands or to regulate the level of the waters of a drain, reservoir, lake or pond, and includes a dam, embankment, wall, protective works or any combination thereof</li> <li>▪ regulates assessments, allowances and compensation</li> <li>▪ regulates construction, maintenance, repair and improvement</li> </ul>

Environmental Protection Act	To provide for the protection and conservation of the natural environment.	<ul style="list-style-type: none"> <li>▪ principal pollution control statute in Ontario</li> <li>▪ prohibits discharges of contaminants into the natural environment in an amount, concentration or level in excess of prescribed regulatory standards</li> <li>▪ prohibits the discharge of contaminants into the natural environment that cause or are likely to cause an adverse effect</li> <li>▪ regulates the approval, construction, operation and closure of waste disposal sites and waste management systems</li> </ul>
Planning Act	Establishes the responsibility of municipalities to regulate land use	<ul style="list-style-type: none"> <li>▪ Requires an Official Plan and regular review of that plan that is consistent with Provincial policy</li> <li>▪ Empowers zoning, Site Plan Control and subdivision of land</li> <li>▪ Establishes approval processes and minimum public consultation requirements</li> <li>▪ Provides appeal mechanisms</li> </ul>

## Standing Committees of Council

City Council appoints standing committees, made up of Councillors, to study specific issues before bringing them to a meeting of City Council. It is at the standing committee that you may make a five-minute presentation and voice your opinions and provide feedback on City issues before recommendations are given to Council. To make a presentation, you can contact the staff member responsible for the standing committee in advance of the meeting or you can sign up to make a presentation at the meeting. The standing committees are as follows:

- Agriculture and Rural Affairs Committee (ARAC)
- Community and Protective Services Committee

- Debenture Committee
- Environment Committee
- Finance and Economic Development Committee (FEDCO)
  - Audit Sub-Committee
  - Governance Renewal Sub-Committee
  - Information Technology Sub-Committee
  - Member Services Sub-Committee
- Planning Committee
  - Built Heritage Sub-Committee
- Transit Commission
- Transportation Committee



ARAC and Planning Committee are responsible for ensuring the enforcement of the City of Ottawa's Official Plan through the investigation of physical, social, economic and environmental conditions in the development and implementation of the Official Plan, and by making recommendations on issues relating to planning and growth management where applicable.

The Planning Committee is also responsible for the provision of overall guidance and direction in the areas and issues relating to utilities (i.e. water, wastewater and solid waste) and piped services, environmental protection, including water supply, solid waste management and disposal and water pollution control. The Committee will provide overall guidance and direction in the areas of the administration and maintenance of open spaces, trees and the Urban Forest (not including parks and sports fields), and to the Environmental Sustainability Division for items within the mandate of the Committee and environmental policy issues.

## Council's Advisory Committees

There are five advisory committees which provide advice to City Council and staff on specifically mandated areas of interest, and contribute to the development of policies, programs and initiatives. Advisory committees are composed of volunteers, appointed by Council. The five Advisory Committees are the following:

- Accessibility
- Arts, Culture, Heritage and Recreation
- Community Services
- Environmental Stewardship
- French Language Services

## Bill 73: - Proposed Smart Growth for Our Communities Act, 2015

From October 2013 to January 2014, the provincial government undertook province-wide consultations on the land use planning and appeal system, and development charges system to ensure both systems are predictable, transparent, cost effective and responsive to the changing needs of our communities. The government has responded to comments received through the consultations by announcing proposed legislative amendments to the Development Charges Act, 1997 and the Planning Act.

If passed, Bill 73 - the proposed Smart Growth for Our Communities Act - would give residents more say in how their communities grow, set out clearer rules for land use planning, give municipalities more independence to make local decisions and make it easier to resolve disputes.

For example, residents would be better involved at the beginning of the planning process and have a say in the future of their communities. Municipalities would need to set out in their official plans how and when the public would be consulted, and would also need to explain how public input affected their planning decisions.

### The bill would also:

- give municipalities more opportunities to fund growth-related infrastructure, like transit;
- make the development charges, section 37 density bonusing and parkland dedication systems more predictable, transparent and accountable;
- and support higher density development to create jobs and grow the economy.

The government will be setting up working groups of stakeholders to review further more complex development charges issues, and to take a considered look at some land use planning elements, and propose solutions .

### Implications for the Planning Act, R.S.O 1990, Chapter P.13

If passed, the Planning Act will be amended so that...

- OMB decisions must not only “have regard to” decisions of Council but will also “have regard to” the failure of Council to make a decision; in each case consideration must include the information and material that Council received when deliberating the matter, including written and oral submissions.
- A comprehensive review that results in a new Official Plan means another comprehensive review is only required after 10 years (unless Council requests one earlier). No amendments will be allowed for two years after any part of the Plan comes into effect. Updates to the Official Plan (as with OPA150) would still require a five year review cycle (unless Council requests one earlier).
- A Planning Advisory Committee will be mandatory; including at least one person who is not a Councillor or member of staff.
- The Official Plan must provide a description of the measures and procedures for informing and receiving feedback from the public for not only Official Plan and Zoning By-law amendments but now also plans of subdivision and consents.
- Council must explain the effect of written or oral submissions on their decisions.
- Following a comprehensive review, there will no longer be the option to appeal the Official Plan Amendment in its entirety.
- If an appellant intends to argue that the decision is inconsistent with the PPS, the notice of appeal must explain how the decision is inconsistent.



- Council can recommend mediation, conciliation and other dispute resolution techniques for resolving certain appeals; when this happens the time for submitting for appeal to the OMB is extended to 75 days. Council decides who is invited to participate and can include the appellant(s), public bodies, the Minister, the approval authority or anyone else considered appropriate but participation is voluntary.
- Allow the suspension of timelines for triggering appeals of official plans/official plan amendments for up to 90 days to work out issues, including citizen concerns, where agreeable to Council and the applicant.
- If a complete re-write of a Zoning Bylaw is undertaken (i.e. simultaneously repealing and replacing all the zoning bylaws in effect), no amendments will be able to be submitted for two years.
- Municipalities will be required to account annually for all cash received in exchange for increases in height or density allowed during the development process through Section 37 of the Act. An annual statement must show how much money was collected in a special account, how it was spent, and the source of any additional money needed to top up capital projects not fully covered by the special account. The statements for each must be made available to the public or the Minister if requested.
- Municipalities will be required to account annually for all cash received for parkland dedication. An annual statement must show how much money was collected in a special account, how it was spent, and the source of any additional money needed to top up capital projects not fully covered by the special account. The statements for each must be made available to the public or the Minister if requested.
- A parks plan showing the need for municipal parks will be required to be prepared in consultation with school boards before municipalities can collect cash-in-lieu of parkland. The amount that will be able to be collected will be reduced to the value of one hectare of land for every 500 units (unless the bylaw states a different amount) from the current level of one hectare of land for every 300 units.
- Minor variances will only be able to be applied for after 2 years after a zoning amendment passes; the City will have the ability to make regulations that would clarify what constitutes a minor variance.
- The Province may require a municipality to establish or adopt a development permit system. Municipalities have the authority to establish or adopt these systems now, as they choose. No applications to amend the development permit bylaw or related Official Plan provisions would be permitted within the first five years. The development permit system, which may also be referred to as Community Planning Permit System, is a land use planning tool that combines the zoning, site plan and minor variance processes into one application and approval process.