

Toronto Development Guide

November 2006

SECTION A
OFFICIAL PLAN AND
ZONING AMENDMENT
APPLICATIONS



Development Approval Review Project (D.A.R.P.)

Toronto Development Guide

November 2006

Official Plan and Zoning Amendment Applications

Application Purpose

Official Plan Amendment

If you wish to use, alter or develop your property in a way that does not conform with the Official Plan, you must apply for a site specific Official Plan Amendment. Any change to the Official Plan requires an Official Plan Amendment application.

Zoning By-law Amendment

If you wish to use, alter or develop your property in a way that does not conform with the Zoning By-law, you must apply for a site-specific amendment to the Zoning By-law. You can do this through either a Zoning By-law Amendment application (commonly called a rezoning) or a Minor Variance application.

- Rezoning is used for major revisions to the By-law such as land use changes or significant increases in permitted building heights and development densities.
- Minor Variances are used for issues such as small changes to building setback or parking requirements.

If you are uncertain whether your development proposal involves a rezoning or a Minor Variance, contact Planning staff. You should consider applying for a Project Review that will identify any features of your proposal that do not comply with the Zoning By-law.

Section 37 of the *Planning Act* allows the City, through a rezoning, to grant additional height and/or density beyond what is otherwise permitted in the Zoning By-law in return for facilities, services or matters provided by the owner and referred to as community benefits. The proposed larger development must represent good planning. You should discuss with Planning staff the applicability of **Section 37** to your proposal and the type and scope of the community benefits you could provide. If community benefits are appropriate, they will be secured through an agreement registered on title.

Combined Applications

Often you may have to apply to amend the Zoning By-law and the Official Plan at the same time. In most cases, development proposals that require a Zoning By-law Amendment also involve Site Plan Control approval. If you submit these applications at the same time for the same property they will be reviewed together.

You may submit Committee of Adjustment applications at any of the four Customer Service counters. For faster service, you are encouraged to submit your application to the office in the area where your property is located.



Toronto Development Guide

November 2006

What is an Official Plan?

Section 17 of the *Planning Act* requires the City to have an Official Plan. The Official Plan is a legal document approved by City Council that describes policies and objectives for future land uses. The Official Plan is prepared in consultation with City residents and reflects a community vision for future change and development.

The Official Plan is a blueprint for how the City will grow over the next 30 years. It describes the location for new housing, industry, parks, office and retail areas, community services and other land uses. The Official Plan also establishes policies for the built environment, for improvements to the City's hard services (such as transit, roads, sewers, etc.) and for the protection of the City's natural environment.

What is a Zoning By-law?

Section 34 of the *Planning Act* grants the City authority to implement land use controls through Zoning By-laws. The Zoning By-law is the legal document that implements policies and objectives described in the Official Plan and regulates the use and development of buildings and land by:

- Stating exactly what types of land uses are permitted in various areas. Examples of these uses are residential, commercial, mixed commercial-residential, institutional and industrial.
- Outlining how the land can be developed by establishing precise standards for factors such as lot size and frontage, building setbacks, the height and built form of structures, the number and dimensions of parking and loading spaces and requirements for open space.

Official Plan and Zoning By-law Amendment Application Requirements

To ensure the City's interests are met and to appropriately assess the technical aspects of your proposal, the City requires submission of a number of information items with your application(s). These are outlined below as Compulsory Requirements (those that will be required for the majority of applications) and Other Possible Requirements (those that are dependent upon the specifics of the application).

Please note:

- While these requirements exceed the minimums established in the *Planning Act*, they are requested by the City and other municipalities in order to undertake an adequate quality of review.
- Not all of these requirements will apply to your proposal.
- Your pre-application consultation meeting will determine which of these must be provided with your initial submission to consider your application complete.
- Only complete applications will qualify for the STAR process and the City's commitment to the target timelines.



Toronto Development Guide

November 2006

The level of detail required for most of the reports/studies listed below can vary widely depending on the nature of your property and your proposal. In some cases, a single-page letter from a qualified expert will be adequate, while in other situations a major study will be necessary. The requirement for, and scope of, any reports/studies can be determined during your pre-application consultation meeting. (See Appendices for further details).

Compulsory Requirements

- Application Fees
- Completed Application Form(s), including Authorization of Agent form
- Covering Letter, which briefly outlines the nature of the application(s), details of the pre-application consultations, full contents of the submission package and contact names for the application(s)
- Appropriate Plans/Drawings
- Planning Rationale
- Transportation Impact Study
- Servicing Report, including stormwater management considerations
- Arborist/Tree Preservation Report

Other Possible Requirements

- Community Services and Facilities Studies may be required for large sites that are inadequately serviced or located in areas experiencing major growth or change.
- Housing Issues Report if seeking to demolish existing rental residential properties, intensify existing rental sites, convert existing rental housing to condominium or proposing a residential development in excess of 5 hectares.
- Section 37 Community Benefits if seeking a significant increase in height or density through a rezoning.
- Computer Generated Building Mass Model.
- Pedestrian Level Wind Study if the proposal is for buildings six storeys (20 metres) or greater in height.
- Sun/Shadow Study if the proposal is for buildings six storeys (20 metres) or greater in height.
- Loading Study if the proposal is seeking to amend existing City By-law loading standards.
- Parking Study if the proposal is seeking to amend existing City By-law parking standards.
- Contaminated Site Assessment if the property is a potentially contaminated site that is going to a more sensitive land use or is in the area of influence of a former waste disposal site.
- Natural Heritage Impact Study if the proposal is likely to have impacts on the natural heritage system shown on Map 9 of the Official Plan.
- Environmental Impact Study if the proposal is likely to have impacts on aspects of the natural environment not considered in a Natural Heritage Impact Study.
- Archaeological Assessment if the property is on the City's database of lands containing archaeological potential.
- Heritage Impact Statement (Conservation Strategy) if the property is on the City of Toronto's Inventory of Heritage Properties, which includes both listed and designated properties.
- Other reports/studies identified through staff consultation.



Toronto Development Guide

November 2006

Review Procedure for Official Plan Amendments, Zoning By-law Amendments and Combined Applications

This section outlines the steps the City will undertake to review your application(s). It also provides important target timeline milestones in the STAR process so you can monitor the progress of your application(s) through the process.

Pre-Application Consultation

You are strongly encouraged to take advantage of this Pre-Application consultation as it will save you time and money as you proceed through the review process.

Speak to the Planning Consultant at your local district office before you complete and submit your application(s). The Planning Consultant will provide preliminary information and may direct you to other appropriate staff. This will be followed by a more formal consultation meeting arranged through a Planner. This meeting may involve staff from a number of City divisions and identifies issues of concern and concurrence, guides the content of the application submission (reports, studies, drawings, etc.) and identifies the need for any further applications or approvals.

In particular, you are strongly encouraged to undertake this consultation for proposals to convert lands in the City's Employment Districts into residential land uses and for conversions of rental housing into condominium. The City discourages these types of applications as they do not comply with the basic policy and land use principles of the City's Official Plan.

Submission of a Complete Application

The City will consider your application(s) to be "complete" if it is accompanied by the required information identified in this Guide and through your pre-application consultation discussions. Submission of a complete application is crucial to the City's commitment to meet the STAR target timelines. A complete application will allow a more efficient and comprehensive review of all supporting material by the City.

If you submit an incomplete application(s), the City may respond in a number of ways. Usually, the City will return your application and request that you submit the outstanding information. Making your submission in person is recommended as this provides an opportunity for immediate confirmation of the completeness of your submission.

If you submit an application that meets the minimum submission requirements of the *Planning Act* but do not submit the additional information, the City will process your application and will not be subject to its STAR timeline commitments.

Application Circulation

Upon receiving your application, the City will review it for completeness and assign it to a



Toronto Development Guide

November 2006

STAR stream. You will receive an acknowledgement letter providing the file number(s) and stream for the application(s) and requesting that signage be erected on the property.

- Official Plan and Zoning By-law amendments are streamed Complex and are targeted for resolution within 9 months from the submission of a complete application.

Your application will then be circulated to a number of City divisions for technical review and comment.

- The STAR process requires that the first internal comments be provided to the Planning Division within 8 weeks of the application submission.

Depending upon the circumstances of your property, various external agencies may also be asked to comment on your proposal. For example, if your property is close to a watercourse, the Toronto and Region Conservation Authority will be asked for their input and/or approval (a service for which the TRCA charges). If your property is next to a rail line, the appropriate rail authority will be asked to comment.

Preliminary Report

All Official Plan and Zoning By-law Amendment applications are presented to Community Council or Planning and Transportation Committee (if the application has city-wide significance) for review and direction through a Preliminary Report. This report provides an early opportunity to raise and discuss any issues of concern, recommends direction on the extent of community consultation and indicates the expected timing for a final report to City Council.

- The Preliminary Report will be presented to Community Council or Planning and Transportation Committee within two meeting cycles of the date you applied.

Technical review of your application will continue during this process.

Community Consultation Meeting

Although not required by the *Planning Act*, a community consultation meeting is held on almost every Official Plan and Zoning By-law amendment application. The meeting is organized by Planning staff and usually attended by the Ward Councillor. The meeting provides staff an opportunity to outline the planning process to the local community and provide you an opportunity to publicly present your proposal. It also provides the local community an opportunity to comment on the proposal. This input is taken into account by City staff when discussing revisions to your proposal.

- The STAR process assumes this meeting will be held within two months from the date that Community Council considers the Preliminary Report.



Toronto Development Guide

November 2006

Response to Applicant

The Planner assigned to your application(s) co-ordinates responses from the circulation, political input received through the consideration of the Preliminary Report and any comments from the public. These responses are then given to you for revising your proposal.

- While the Planner may provide you with early responses from City divisions, the STAR process requires the Planner to give you a response within 9 weeks of the application submission.

Application Revision and Resubmission

In response to the comments on your initial submission, you may revise to the proposal, provide additional information or direct that further work be prepared. You should co-ordinate this material with, and provide a second submission to, the Planner. In order to facilitate the City's review, you should include a covering letter with all resubmissions. This letter should indicate how and where the proposal has been revised and, if appropriate, why any requested revisions were not made.

- The target timelines of the STAR process assume you will make an appropriate resubmission to the City within 6 weeks of receiving the comments on the initial submission. Should this not occur, the STAR target timelines will not be met.

It is during this step that the value of pre-application consultation and the submission of a complete application is realized. The time and cost incurred by you from additional cycles of revisions and resubmissions can be significantly reduced by these actions.

Recirculation, Consultation, Further Revisions and Finalization of Application

This step in the process involves:

- Recirculating your revised proposal to the departments and agencies that need to review the changes.
 - Holding further discussions over new material and/or technical matters.
 - Conducting any further consultations with the Ward Councillor or the local community.
 - Undertaking any subsequent resubmissions and recirculations arising from these considerations.
 - These steps may be repeated until your application is finalized.
-
- The STAR process assumes that this entire step can be completed within 6 weeks of the first resubmission.

Toronto Development Guide

November 2006

Public Meeting at Community Council

The *Planning Act* requires that the City hold a Public Meeting to consider all applications for amendments to the Official Plan or Zoning By-laws. This responsibility has been assigned to the four Community Councils and, if the application has City-wide significance, the Planning and Transportation Committee.

Once your application(s) has been finalized, the City will issue a formal notice of the Public Meeting in accordance with the requirements of the *Planning Act* or as directed by Community Council through the Preliminary Report. The City also requires the sign posted on the property changed to indicate the date and time of the Public Meeting.

A Final Report that contains staff recommendations on your application(s) is prepared for Community Council. The purpose of the Public Meeting is to consider the staff report and provide a public forum for debate on the merits of your application(s). You will have an opportunity to present your proposal, the public can write in or attend to make their views known and Community Council has the opportunity to evaluate your application(s).

City Council Decision

Community Councils and/or the Planning and Transportation Committee will make recommendations on your application(s) to City Council for a final decision. Based on these recommendations, City Council can amend the Official Plan and Zoning By-laws through enactment of an amending By-law.

- The STAR process target for City Council to consider your application(s) is within 8 months of submission.

Plan or By-law Amendment Comes Into Effect

The *Planning Act* provides an administrative and appeal process to City Council's decision on amending the Official Plan and/or Zoning By-laws.

- The City must issue a notice of approval within 15 days of City Council's decision.
- After this notice has been issued, there is a 20 day period within which a party can appeal this approval to the Ontario Municipal Board.
- If no appeal is submitted, the amendment(s) comes into effect.

A similar administrative and appeal procedure applies should City Council refuse your application(s).



Toronto Development Guide

November 2006

Official Plan Amendments, Zoning By-law Amendments and Combined Applications

