



STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG

Public Works, Planning, and Development Standing Committee

Report to: Mayor, Deputy Mayor, and Councillors
From: Vanessa Reusser, Manager of Development Review
Standing Committee Date: February 7, 2024
Report Number: DS-2024-004
Council Meeting Date: February 28, 2024
Subject: **Amendment to Site Plan Control By-law as a Result of Bill 23 Amendments to the Planning Act**

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1. Recommendation:

THAT Council receive this Report for information purposes; and

FURTHER THAT Council pass the By-law included as **Attachment 1** to amend Site Plan Control By-law No. 065-2022.

2. Executive Summary:

Provincial changes to the *Planning Act* include amendments to the Site Plan Control provisions in Section 41. The Town's Site Plan Control By-law does not currently reflect these amendments. Staff have proposed amendments to the current Site Plan Control By-law to ensure the Town's by-laws remain consistent with provincial legislation.

3. Background

On November 28, 2022, Bill 23 received Royal Assent, making amendments to several pieces of legislation, including the *Planning Act*. The Planning

Department provided a summary report to Council at their November 28, 2022 Special Council Meeting outlining the proposed changes as a result of Bill 23. For more details on the proposed amendments to various pieces of legislation, including the *Planning Act*, refer to the [Staff Report](#).

Additionally, Ontario Regulation 254/23 was released on August 9, 2023 which provides details on Prescribed Areas where if a development is within a Prescribed Area, Site Plan Control is still applicable to residential developments even if the proposed development is less than ten (10) residential units. In summary, prescribed areas are those lands in proximity to railway lines and specific natural heritage features.

4. Discussion:

Amendments were made to the *Planning Act* as a result of *Bill 23, More Homes Built Faster Act, 2022*. Planning Staff have reviewed these amendments and have proposed revisions to the Site Plan Control By-law accordingly.

a. Number of Land Lease Community Homes:

The definition of “Development” in subsection 41(1.3) of the *Planning Act* was revised to include the construction, erection, or placing of a land lease community home, as defined in subsection 46(1), on a parcel of land that will contain any number of residential units.

The above change in definition is an amendment from the previous wording of “three or more land lease community homes” to “any number of residential units”. Staff have proposed amending the definition of “Development” in section 1.3(4) of the Site Plan Control By-law to reflect this change.

b. Number of Residential Units Exempt:

The definition of “Development” in subsection 41(1.2) of the *Planning Act* was revised to exclude the construction, erection, or placing of a building or structure for residential purposes on a parcel of land if that parcel of land will contain no more than ten (10) residential units, unless the parcel of land includes any land in a prescribed area.

The above change in definition means that developments on one parcel of land proposing no more than ten (10) residential units and that are not within prescribed areas are exempt from Site Plan Control. Staff have proposed adding a new Exempt Class of Development as section 2.4.6 of the Site Plan Control By-law to reflect this change.

c. New Prescribed Areas:

Prescribed Areas are outlined in Ontario Regulation 254/23 which include:

- i. Any area that is within 300 metres of a railway line other than a few railway line exceptions.
- ii. Any area that is within 120 metres of a wetland; the shoreline of the Great Lakes-St. Lawrence River System; an inland lake; or, a river or stream valley that has depressional features associated with a river or stream, whether or not it contains a watercourse.
- iii. Prescribed areas do not apply in respect of any development for which a building permit has been issued on or before August 9, 2023.

Staff have proposed to add section 1.9 to provide a definition for “Prescribed Areas” to address this change.

d. Exterior Design Matters:

Subsection 41(2)(d) of the *Planning Act* was amended to clarify exterior design items that can and cannot be commented on. The wording has been revised to “matters relating to building construction required under a by-law referred to in Section 97.1 of the *Municipal Act, 2001*”.

Section 97.1 of the *Municipal Act* authorizes the municipality to pass a by-law respecting the protection or conservation of the environment that requires buildings to be constructed in accordance with provisions of the building code under the *Building Code Act, 1992*, that are prescribed under that Act, subject to such conditions and limits as may be prescribed under that Act. This includes green roofs, alternative roof services or other environmental standards in the construction of buildings.

Staff have proposed amending Section 3.2.2 for Site Plan Drawings and Supporting Material as well as adding a new Section 3.2.6 of the By-law to address this change. Although the Town has not passed a By-law under Section 97.1 of the *Municipal Act*, this is something that Planning Staff will continue to monitor. As the matter of Town of Cobourg’s Green Development Standard evolves, the need to pass additional by-laws and/or update municipal designs guidelines will be contemplated.

Summary of proposed amendments to Site Plan Control By-law No. 065-2022

- Amending Section 1.3(4) regarding the definition of Development to reflect changes to the number of land lease community homes;
- Providing a new Section 1.9 for a definition of Prescribed Areas to reflect the introduction of O.Reg 254/23;
- Providing a new Section 2.4.6 for Exempt Classes of Development to include developments with no more than ten (10) residential units, unless in Prescribed Areas;
- Amending Section 3.2.2 for Site Plan Drawings and Supporting Materials to reflect changes to items that can no longer be commented on; and,
- Providing a new Section 3.2.6 for Site Plan Drawings and Supporting Materials to reflect revised wording on exterior design matters.

5. Financial Impact and Budget

The proposed amendments to the Site Plan Control By-law will reduce fees for site plans containing 10 or fewer units. These applications make up a small fraction of overall development applications. With the increase in Planning Fees anticipated overall (subject to passing of a new Planning Application Fee schedule), this revision is anticipated to have negligible impacts to overall Planning Department revenues.

6. Relationship to Council's Strategic Plan Priorities 2023 to 2027 and beyond:

☒ Thriving Community

By updating the Site Plan Control By-law to reflect provincial changes, the Town's regulatory framework will reflect direction to improve efficiencies with the hopes of improving the local housing supply and addressing local and regional housing shortfalls.

☒ Service Excellence

By updating the Site Plan Control By-law to reflect provincial changes, the Town is ensuring consistent and transparent information is being presented across levels of government. Aligning the By-law with provincial legislation will improve and streamline the planning processes and speed up approval timelines for the development industry.

☐ Sustainability

7. Public Engagement:

This report, including the draft by-law, was published as part of the agenda package available to the public ten (10) days in advance of the meeting.

8. Attachments:

- Attachment 1 – Draft By-law to Amend the Site Plan Control By-law No. 065-2022