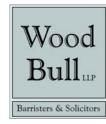
The Planning Act: What's New, What Remains, What You Should Know

Development Permit System

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Table of Contents

Section	<u>Title</u>	Page 1
1	Development Permit System	2
Appendices		
Α	Establishment of Development Permit System (Planning Act)	
В	The Development Permit System	
С	The Development Permit By-law and Development Permit Applications	
D	Township of Lake of Bays Official Plan Amendment No. 4	
E	Township of Lake of Bays Development Permit By-law	
F	Township of Lake of Bays Development Permit System Handbook	

Development Permit System

Development Permit System

A little known and so far little used provision of the Act is found in section 70.2, the development permit system ("DPS") which provides, through regulation, certain municipalities with the ability to demonstrate increased flexibility and efficiency with its development approvals.

Through Ontario Regulation 246/01, the Province delegated to five municipalities the power to establish DPSs within defined areas of those municipalities in the form of pilot projects. These municipalities include: Lake of Bays (waterfront community), Waterloo Region (wellhead protection areas), Hamilton (downtown Gore area), Oakville (employment redevelopment area), and Toronto (central waterfront area).¹

First envisioned in 1993 by the Commission on Development Reform in Ontario (the Sewell Commission) as a way to streamline the planning process, the DPS is intended to replace the traditional planning approval streams of zoning, variance and site plan control with a one-window approach to regulate development, including permitted uses, density, size, conceptual design and setbacks, through conditions of approval attached to a development permit.

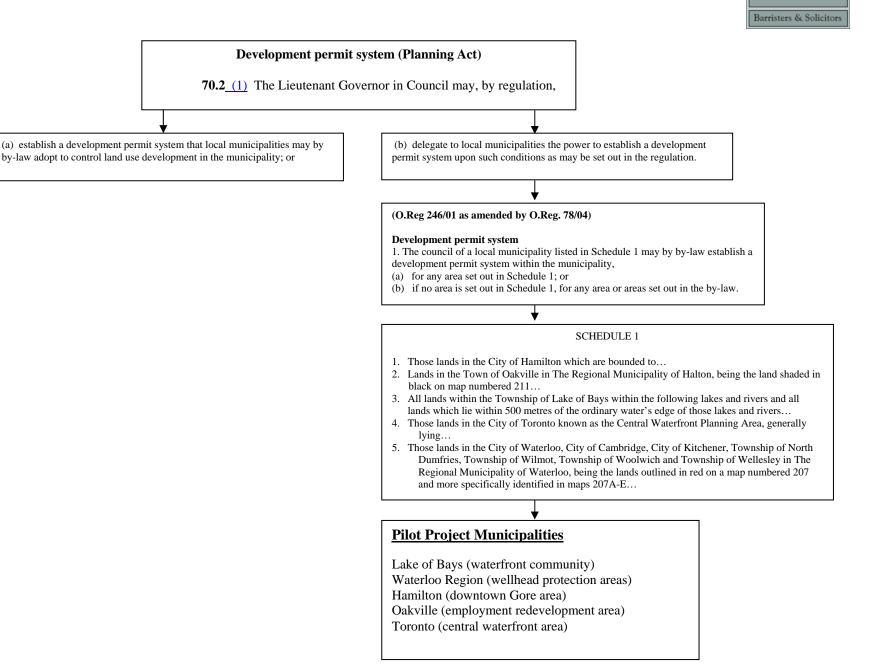
In order to implement a DPS, a municipality must first implement official plan policies that designate areas where a development permit will apply and which set out the scope of the delegation of authority, the municipal objectives and the range of conditions and types of criteria that may be included in the by-law by which applications would be evaluated. Charts setting out the working of the DPS are attached.

Lake of Bays is the only municipality to date that has enacted a Development Permit By-law. Attached are materials from the Lake of Bays DPS which will provide a basis of understanding as to the nature of the documents that will be required for a DPS.

¹ The City of Toronto reported back to Toronto City Council on the results of its project and is seeking improvements to the DPS, such as the implementation of the equivalent of section 37 benefits: 28 April 2005 Report of the City Manager to the Planning and Transportation Committee, "Evaluation of the Development Permit System for the Central Waterfront".

APPENDIX A

Establishment of Development Permit System (Planning Act

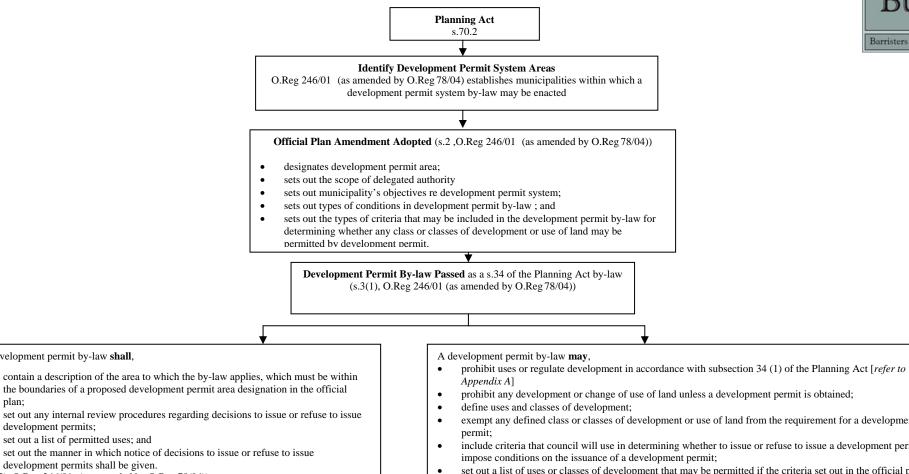


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APPENDIX B

The Development Permit System

(Section 70.2, Planning Act, O. Regulation 246/01 (as amended by O.Reg 78/04))



٠ development permits shall be given.

set out a list of permitted uses; and

A development permit by-law shall,

development permits;

plan;

٠

(s.3(2), O.Reg 246/01 (as amended by O.Reg 78/04))

- exempt any defined class or classes of development or use of land from the requirement for a development
- include criteria that council will use in determining whether to issue or refuse to issue a development permit or to

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- set out a list of uses or classes of development that may be permitted if the criteria set out in the official plan and development permit by-law have been met;
- ٠ set out conditions permitted under the parking exemptions, site plan and park dedication provisions of the Planning Act which may be applied to defined classes of development;
- ٠ set out minimum and maximum standards for the construction of buildings or structures or the minimum elevation of doors windows or other openings in accordance with subsection 34 (1)(4)and (5) of the Planning Act, or a range of possible variation from the standards which may be authorized through the issuance of a development permit.

(s.3(3) O.Reg 246/01 (as amended by O.Reg 78/04))

A development permit by-law may, with respect to marshy, contaminated and/or sensitive lands and natural features, set out conditions that may be applied to defined uses or classes of development that are,

- (a) related to the matters which would otherwise be prohibited with respect to these uses under s. 34(1) of the Planning Act: and
- (b) reasonable for the appropriate use of the land.
- (s.3(4) O.Reg 246/01 (as amended by O.Reg 78/04))

APPENDIX C

The Development Permit By-law and Development Permit Applications

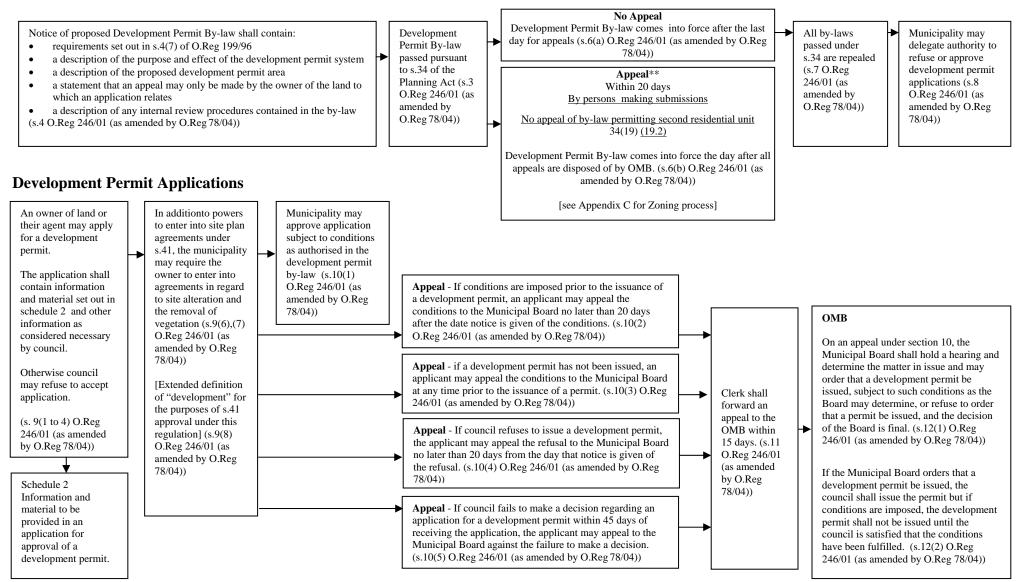
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(Section 70.2, Planning Act, O. Regulation 246/01)

The Development Permit By-law



APPENDIX D

APPENDIX E

APPENDIX F