

Wood
Bull_{LLP}

Barristers & Solicitors

MUNICIPAL, PLANNING & DEVELOPMENT LAW

Second Annual Summit on the Greater Golden Horseshoe

April 26, 2006

Wood
Bull_{LLP}

Barristers & Solicitors

MUNICIPAL, PLANNING & DEVELOPMENT LAW

The Web of Planning and Development Law Untangled

Presented by Dennis H. Wood

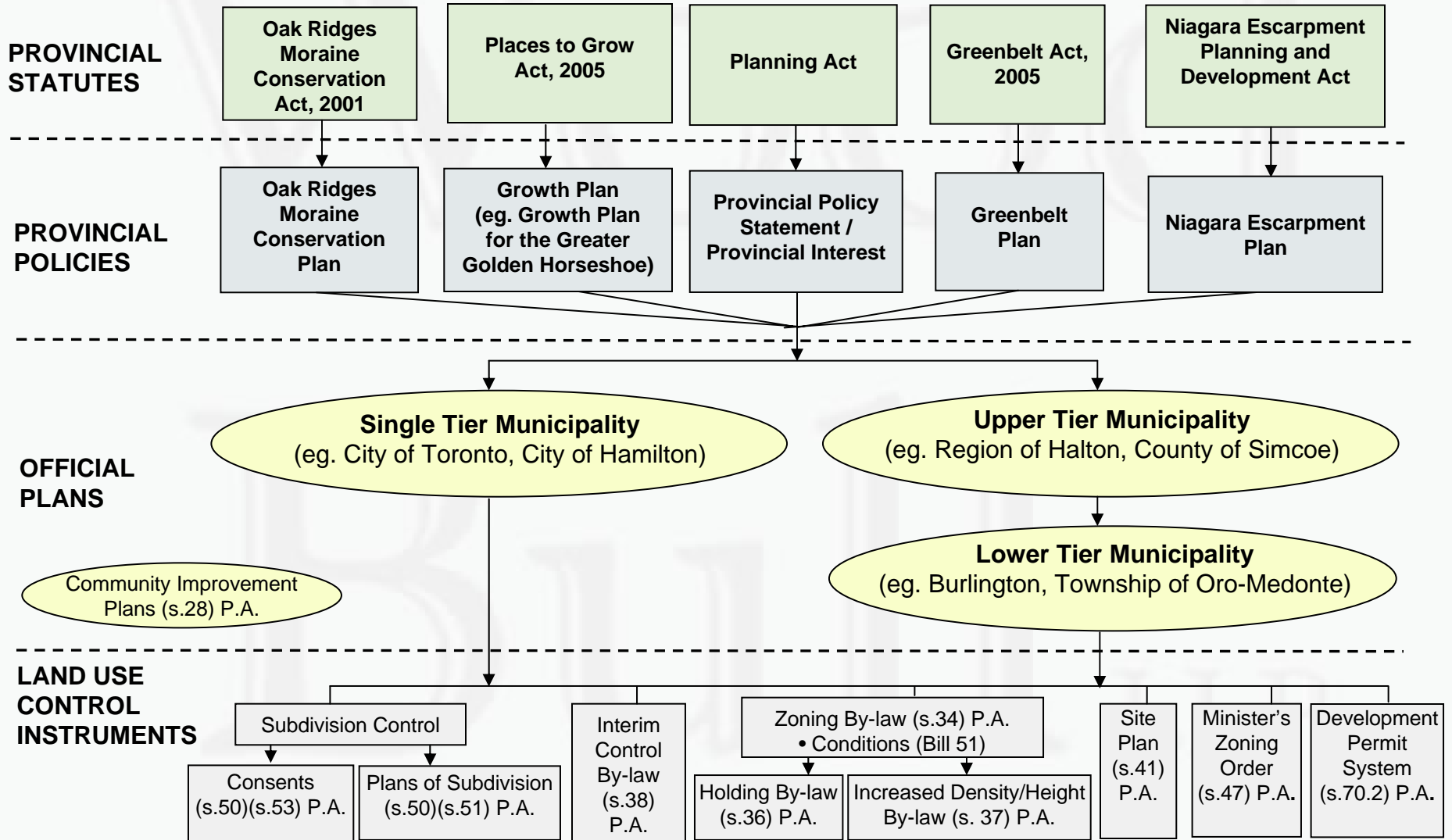
Provincial Planning Structure

- Land Use Planning and Legislative Framework
 - Niagara Escarpment Planning and Development Act, 2001
 - Niagara Escarpment Plan
 - Oak Ridges Moraine Conservation Act, 2001
 - Oak Ridges Moraine Conservation Plan
 - Greenbelt Act, 2005
 - Greenbelt Plan
 - Places to Grow Act, 2005
 - Draft Growth Plan
 - Planning Act
 - Provincial Policy Statement / Provincial Interest

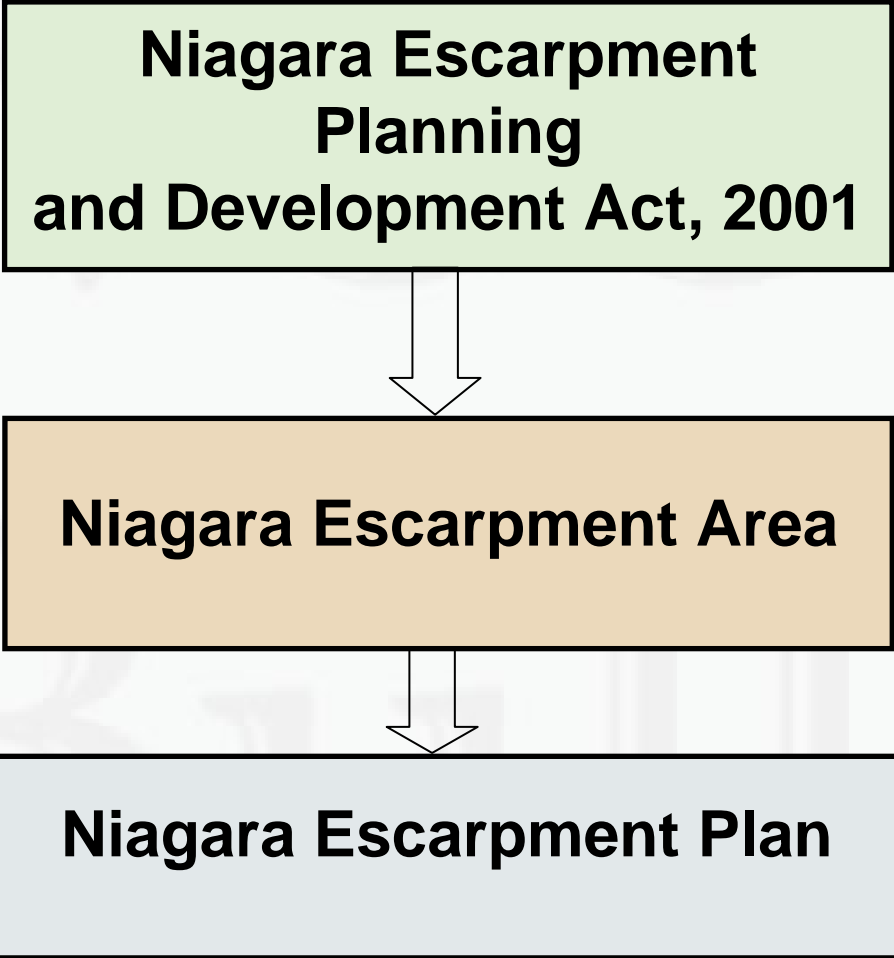
Municipal Planning Structure

- Official Plan (single tier / upper tier / lower tier)
 - Community Improvement Plan
- Land Use Control Instruments
 - Subdivision Control
 - Consent
 - Plan of Subdivision
 - Interim Control By-law
 - Zoning By-law
 - Holding By-law
 - Increased Height / Density By-law
 - Conditional Zoning (Bill 51)
 - Site Plan
 - Development Permits
 - Minister's Zoning Order

Provincial / Municipal Planning Structure



Niagara Escarpment Planning and Development Act



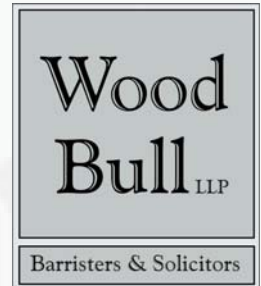
Niagara Escarpment Planning and Development Act

Wood
Bull_{LLP}

Barristers & Solicitors

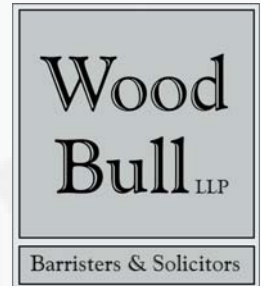
- Establishment of Niagara Escarpment Planning Area (section 3(1))
- Preparation of Niagara Escarpment Plan (section 3(2))
- Objectives of the Niagara Escarpment Plan (section 8)

Niagara Escarpment Planning and Development Act



- By-laws, improvements of a structural nature, undertakings and developments to conform with the Niagara Escarpment Plan (section 13)
- The Niagara Escarpment Plan prevails in the case of a conflict between the Plan and an official plan or zoning by-law (section 14)

Niagara Escarpment Planning and Development Act



- The Minister may by regulation designate any area of land within the Niagara Escarpment Planning Area as an area of development control (section 22)
- No development can be undertaken in an area of development control unless exempt or unless it complies with a development permit (section 24(1))
- A person who contravenes section 24(1) is guilty of an offence (section 24(4))

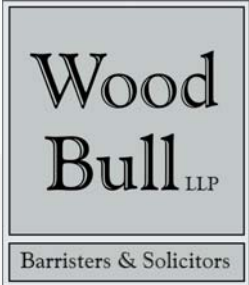
Niagara Escarpment Planning and Development Act

Wood
Bull^{LLP}

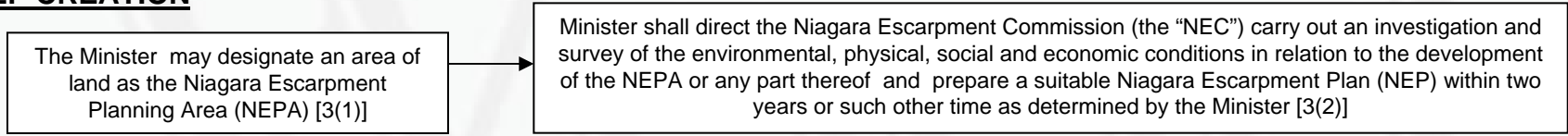
Barristers & Solicitors

- If there is a conflict between the Greenbelt Plan and the Niagara Escarpment Plan, the Niagara Escarpment Plan prevails over the Greenbelt Plan in its area of application (section 8(2) of the *Greenbelt Act, 2005*)

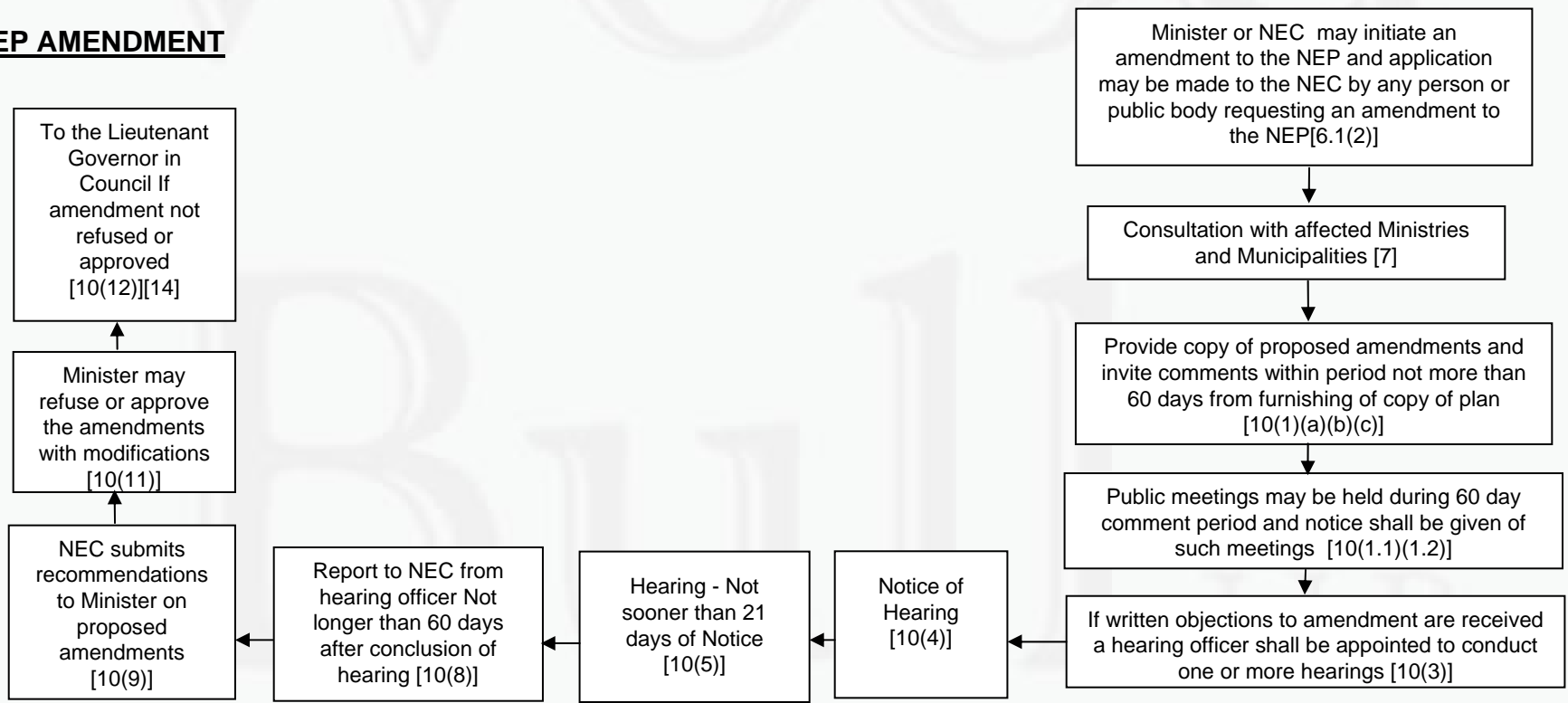
Niagara Escarpment Planning and Development Act



NEP CREATION



NEP AMENDMENT

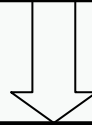


Oak Ridges Moraine Conservation Act, 2001

Wood
Bull_{LLP}

Barristers & Solicitors

**Oak Ridges Moraine
Conservation Act,
2001**

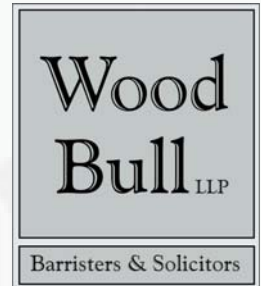


**Oak Ridges Moraine
Area**



**Oak Ridges Moraine
Conservation Plan**

Oak Ridges Moraine Conservation Act, 2001

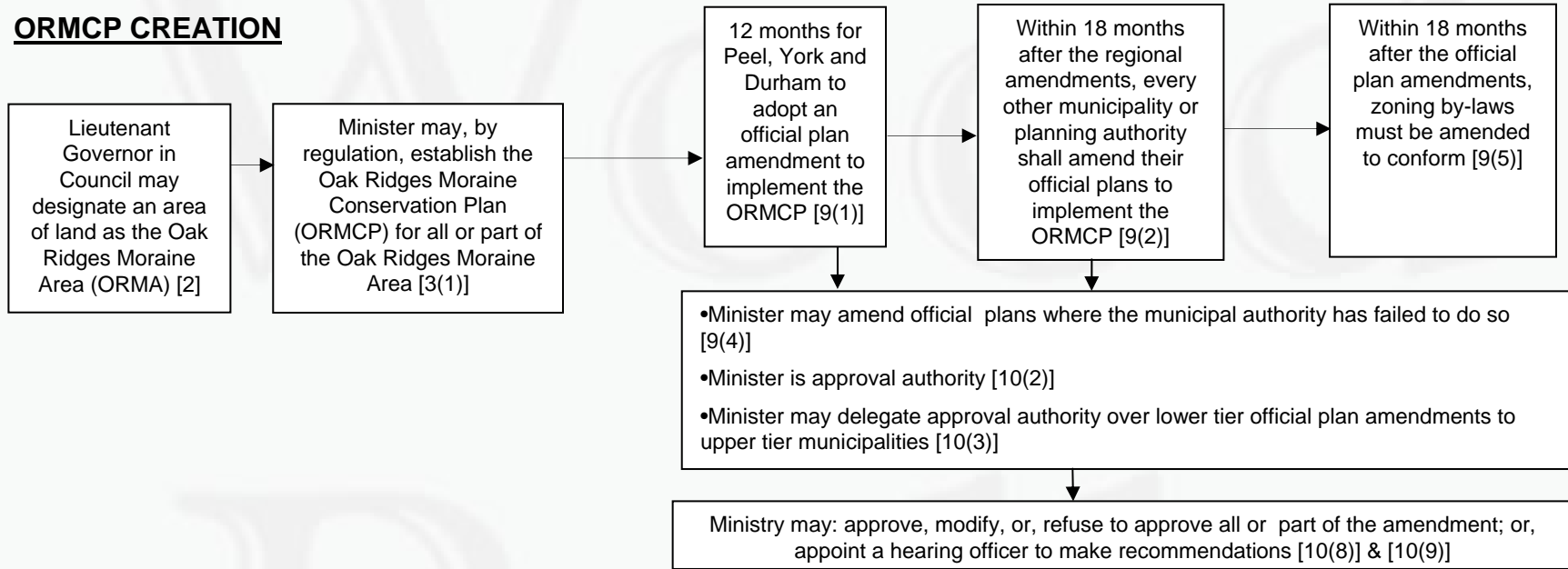


- Received Royal Assent on December 14, 2001
- Designation of Oak Ridges Moraine Area (section 2)
- Establishment of Oak Ridges Moraine Conservation Plan (section 3)

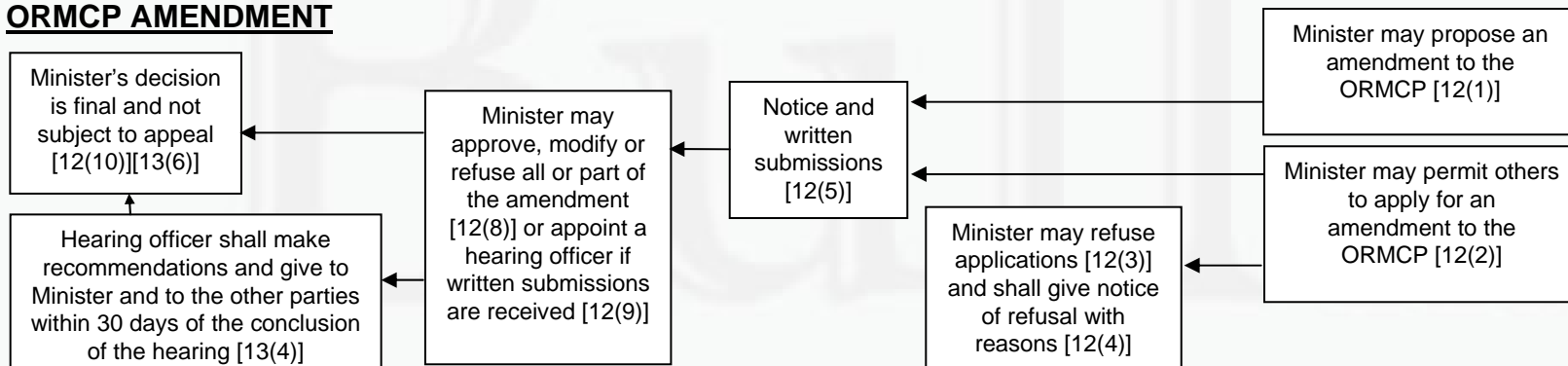
Oak Ridges Moraine Conservation Act, 2001



ORMCP CREATION



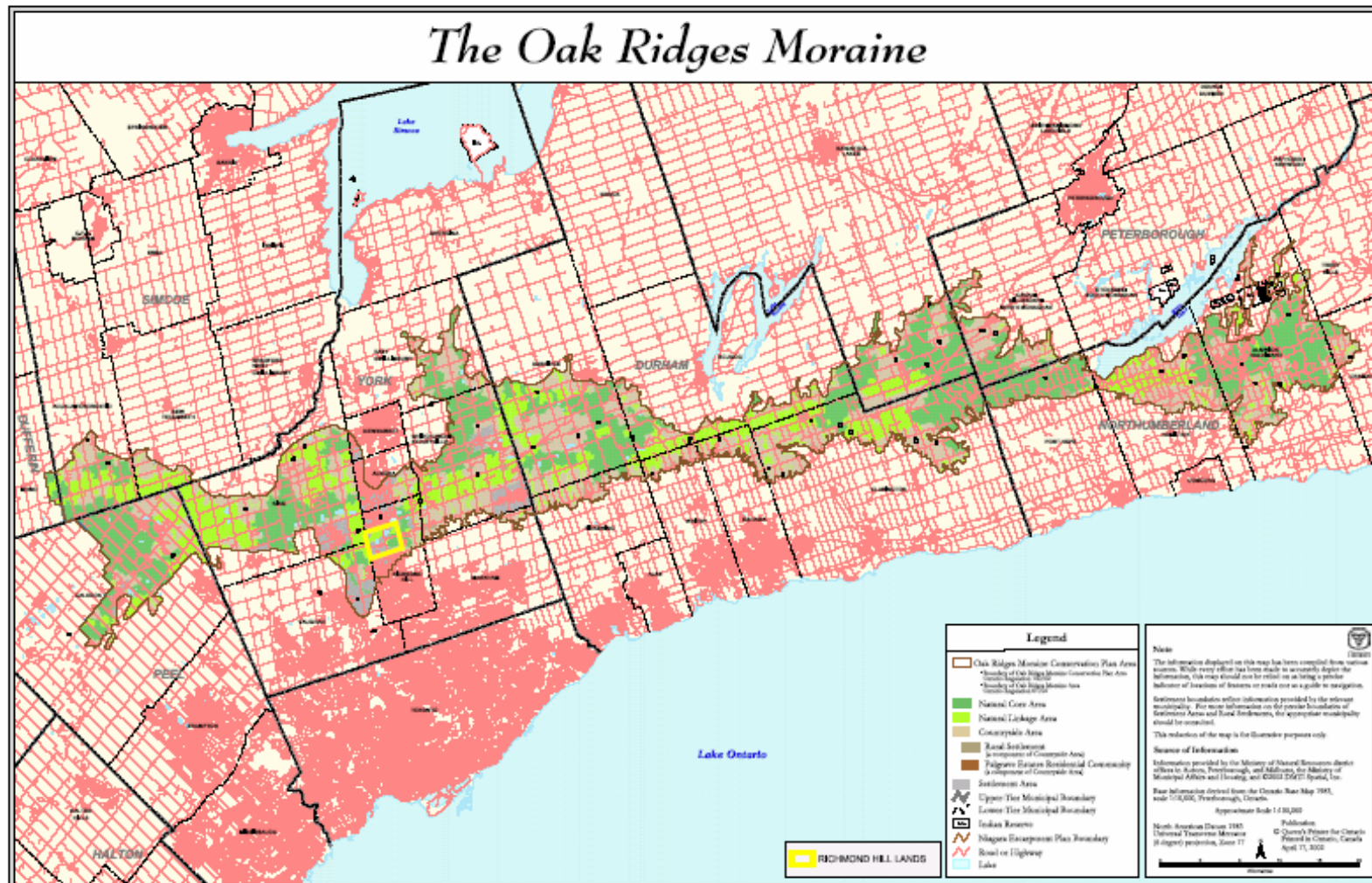
ORMCP AMENDMENT



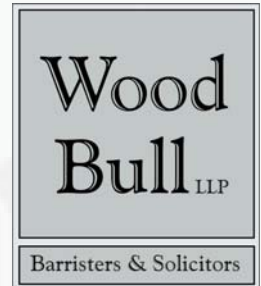
Oak Ridges Moraine Area

Wood
Bull_{LLP}

Barristers & Solicitors

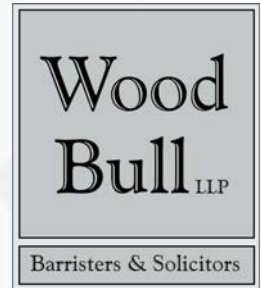


Oak Ridges Moraine Conservation Act, 2001



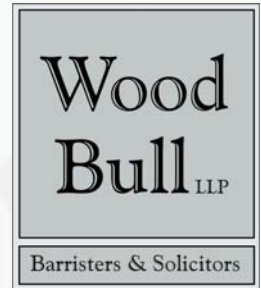
- All decisions on planning applications shall conform with the policies in the Oak Ridges Moraine Conservation Plan (section 7)
- The Oak Ridges Moraine Conservation Plan prevails in the case of a conflict between the Plan and an official plan, a zoning by-law, or a policy statement issued under section 3 of the *Planning Act* (section 8)

Oak Ridges Moraine Conservation Act, 2001



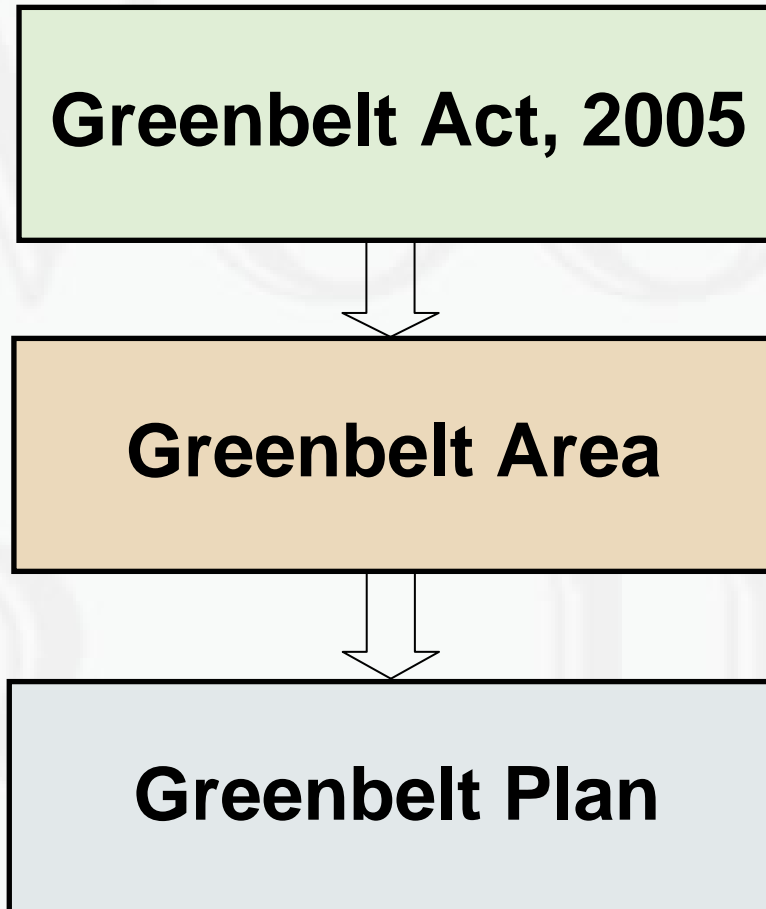
- A person who contravenes a prohibition contained in the Oak Ridges Moraine Conservation Plan or who fails to comply with a restriction in the Plan is guilty of an offence (section 24)

Oak Ridges Moraine Conservation Act, 2001



- If there is a conflict between the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, the Oak Ridges Moraine Conservation Plan prevails over the Greenbelt Plan in its area of application (section 8(2) of the *Greenbelt Act, 2005*)

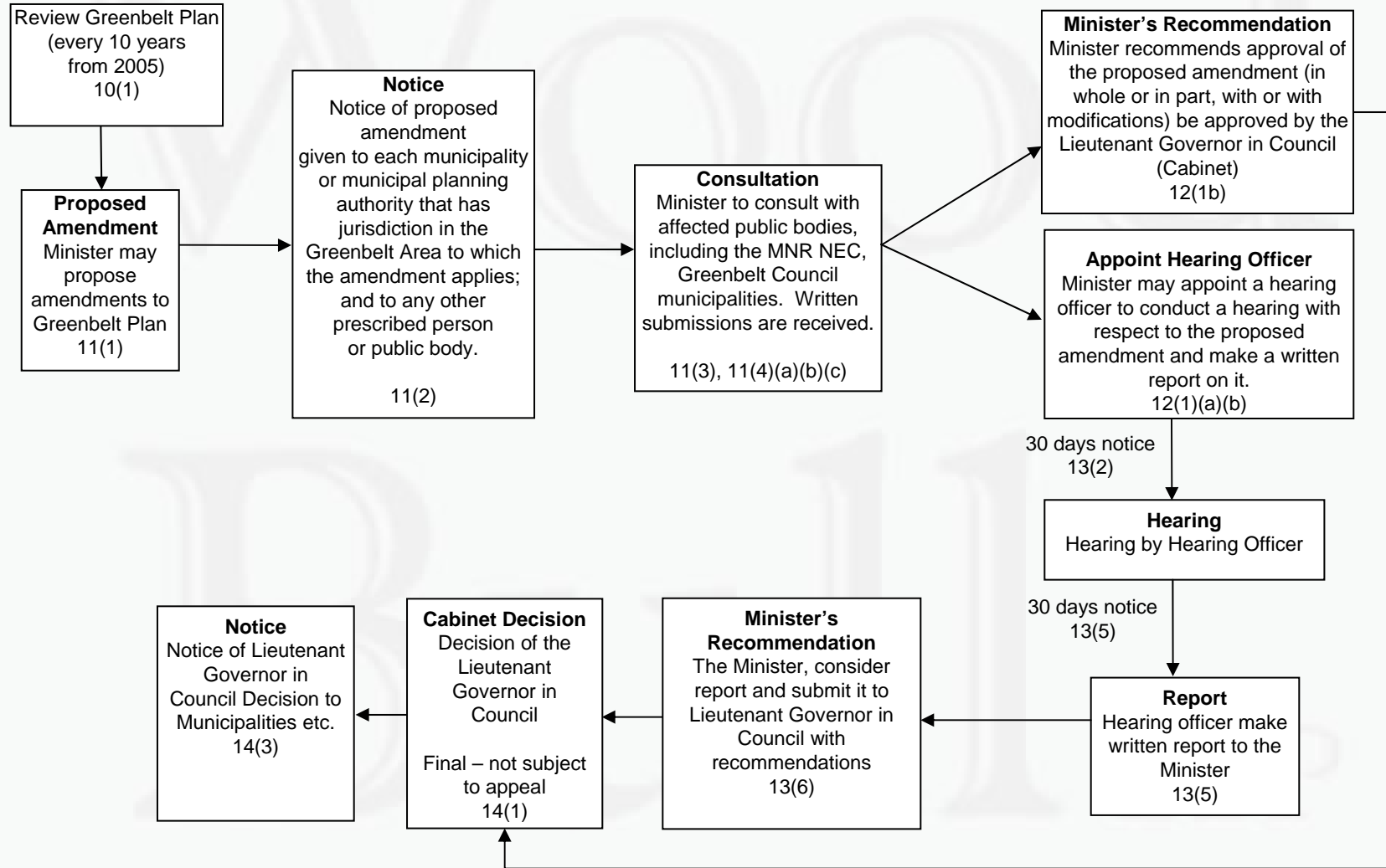
Greenbelt Act, 2005



Greenbelt Act, 2005

- Received Royal Assent on February 24, 2005
- Deemed to have come into force on December 16, 2004
- Designation of Greenbelt Area (section 2)
 - No amendment if reduces total land area
- Establishment of Greenbelt Plan (section 3, Reg. Tab 13)
 - Plan for Greenbelt Area
- Establishment of Greenbelt Council (section 15)

Greenbelt Act, 2005



Greenbelt Act, 2005

Wood
Bull^{LLP}

Barristers & Solicitors

- All decisions on planning applications shall conform to the policies in the Greenbelt Plan (section 7)
- All official plans to be amended to conform to the Greenbelt Plan (section 9)

Greenbelt Act, 2005

- Objectives of the Greenbelt Plan (section 5)
- Content of the Greenbelt Plan (section 6)
- Regular reviews of Plan (every ten years) in conjunction with the reviews carried on under the *Niagara Escarpment Planning and Development Act* and the *Oak Ridges Moraine Conservation Act* (section 10)

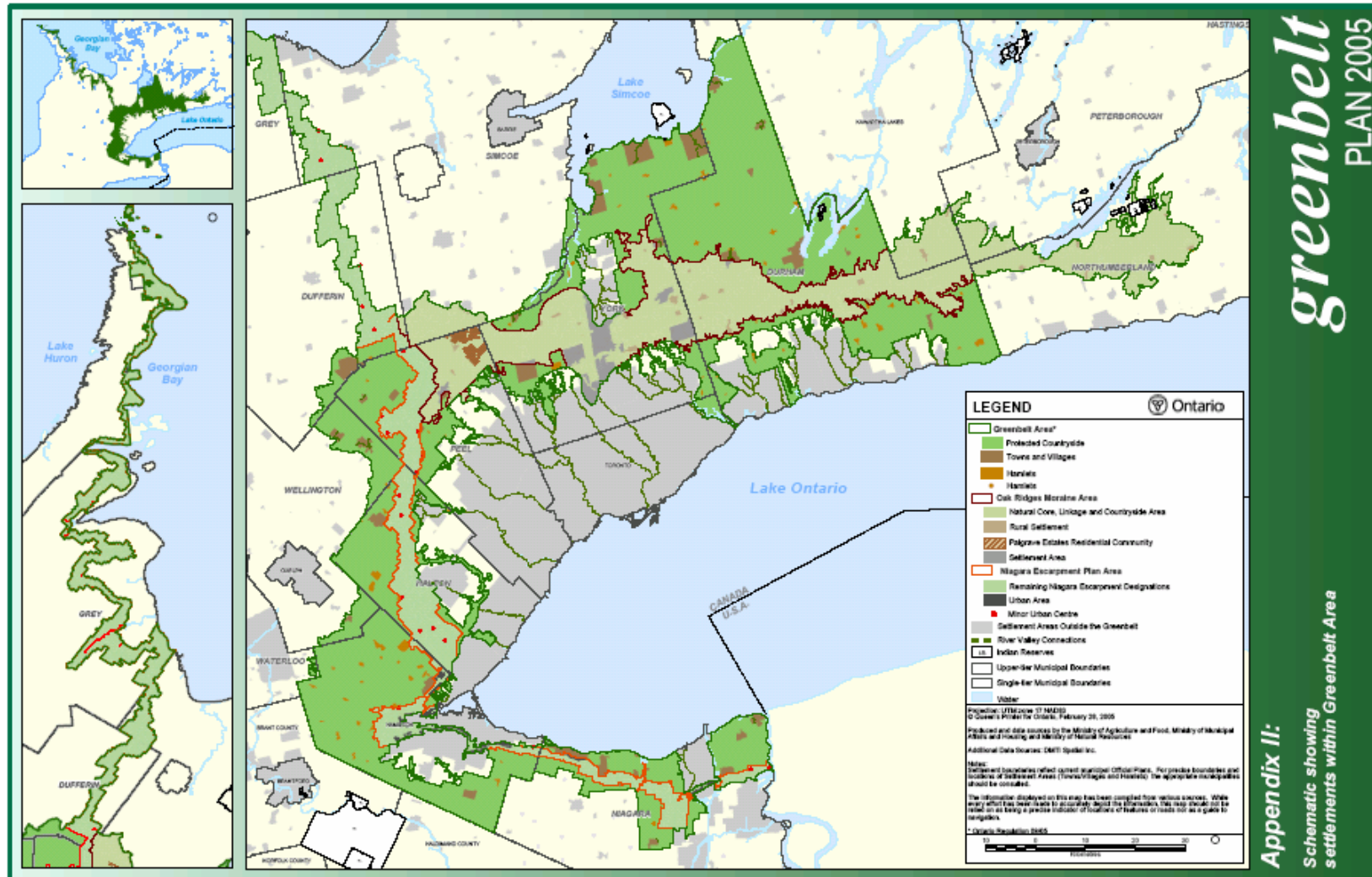
Greenbelt Act, 2005

- Amendment to Plan (section 11)
 - Proposed by the Minister
 - No municipality/private amendment applications
 - No reduction in total land area within the Greenbelt Plan (section 12(2))

Greenbelt Plan, Feb. 28 2005

Wood
Bull_{LLP}

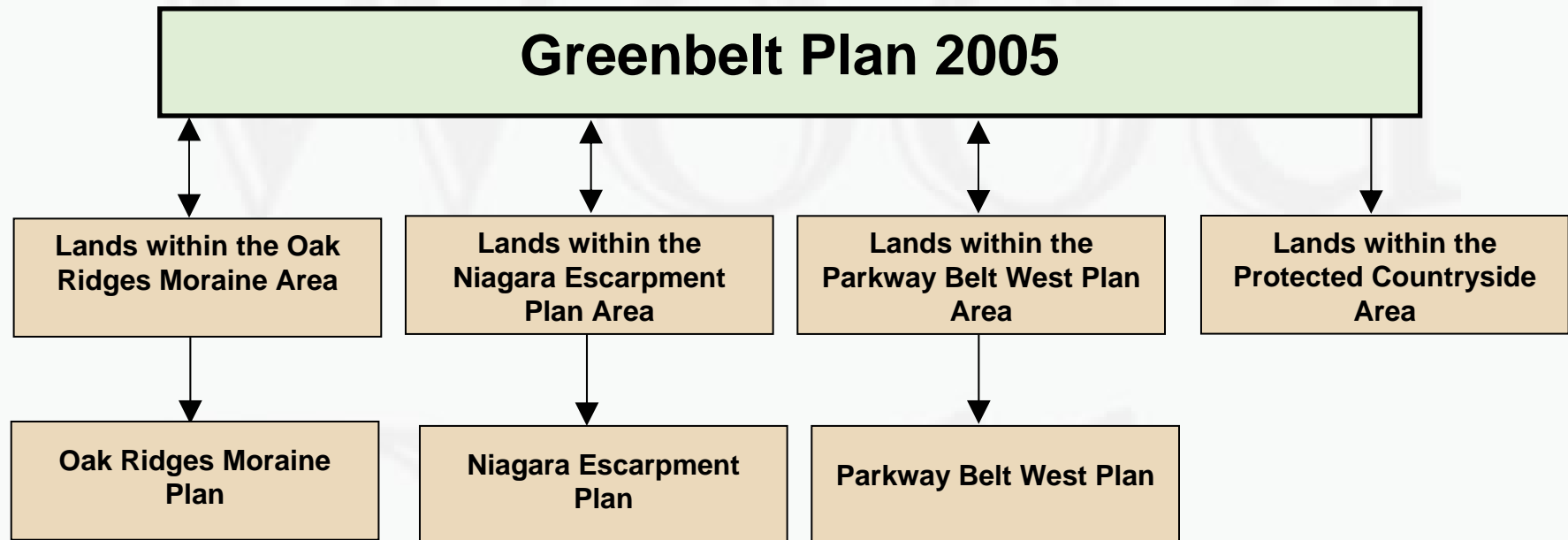
Barristers & Solicitors



Greenbelt Plan (February 28, 2005)

Wood
Bull_{LLP}

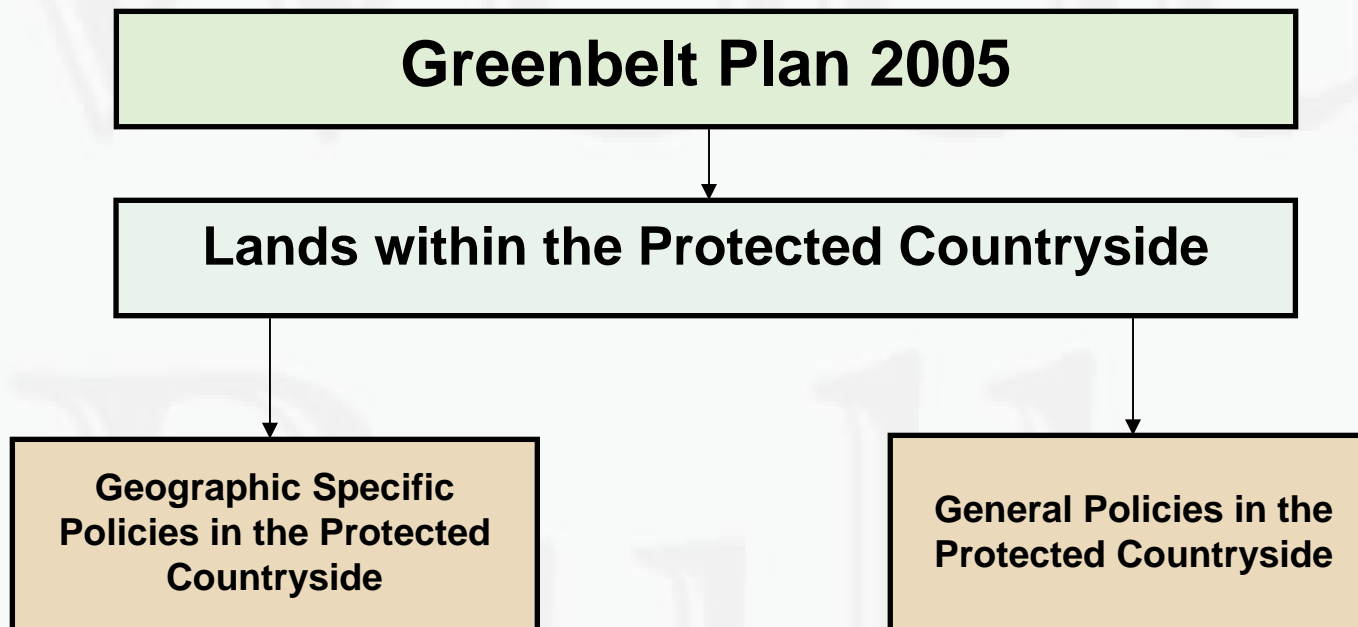
Barristers & Solicitors



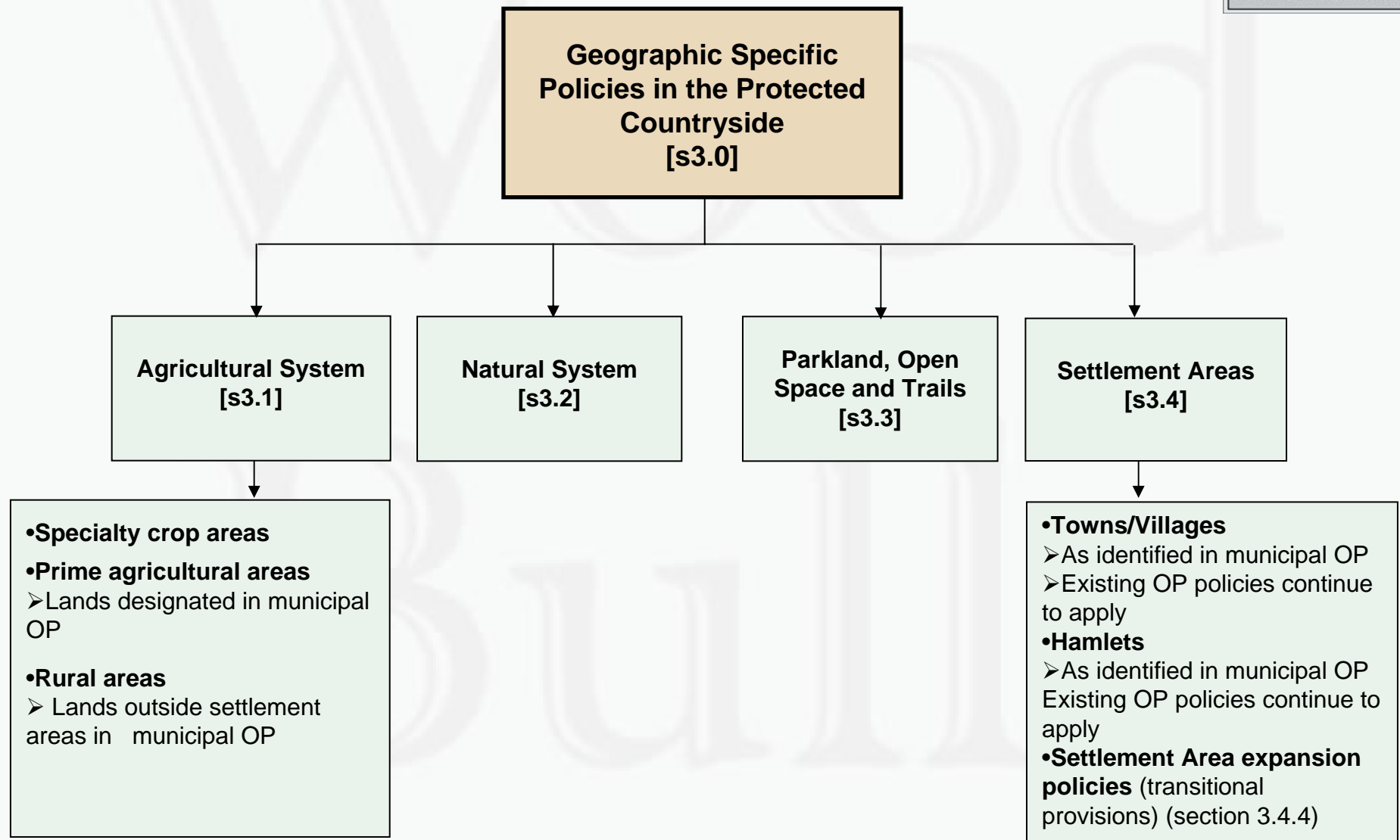
Greenbelt Plan (February 28, 2005)

Wood
Bull^{LLP}

Barristers & Solicitors



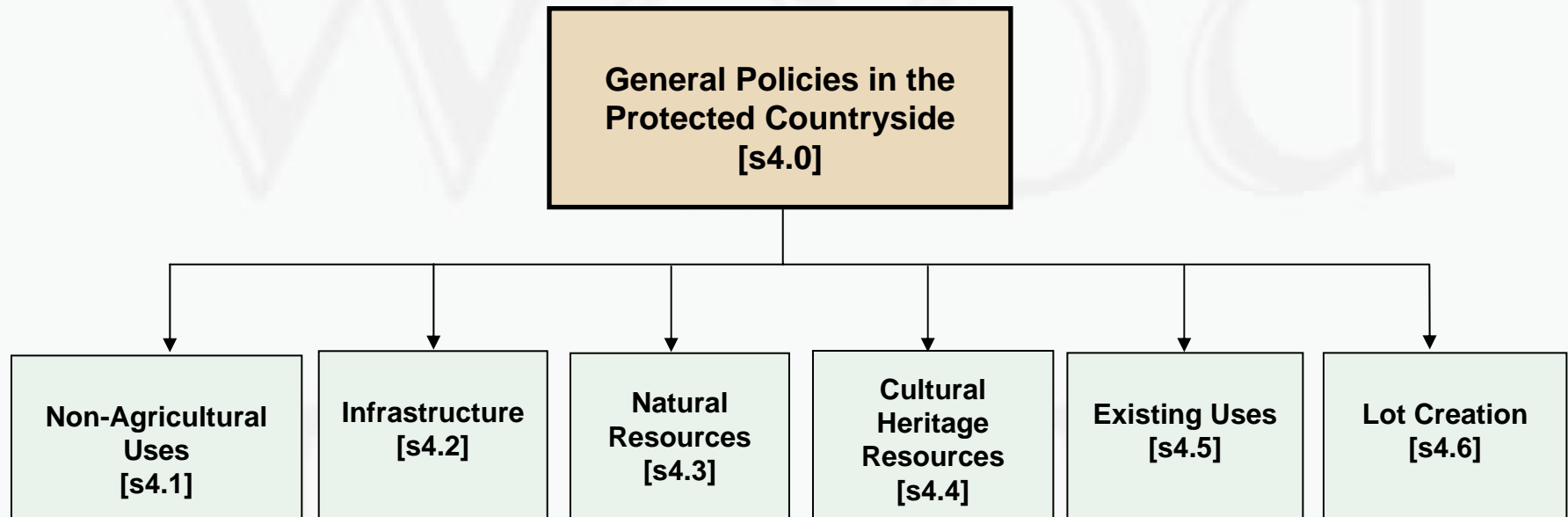
Greenbelt Plan (February 28, 2005)



Greenbelt Plan (February 28, 2005)

Wood
Bull^{LLP}

Barristers & Solicitors

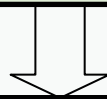


Places to Grow Act, 2005

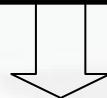
Wood
Bull_{LLP}

Barristers & Solicitors

**Places to Grow Act,
2005**



Growth Plan Area



Growth Plan
(eg. Growth Plan for the Greater
Golden Horseshoe)

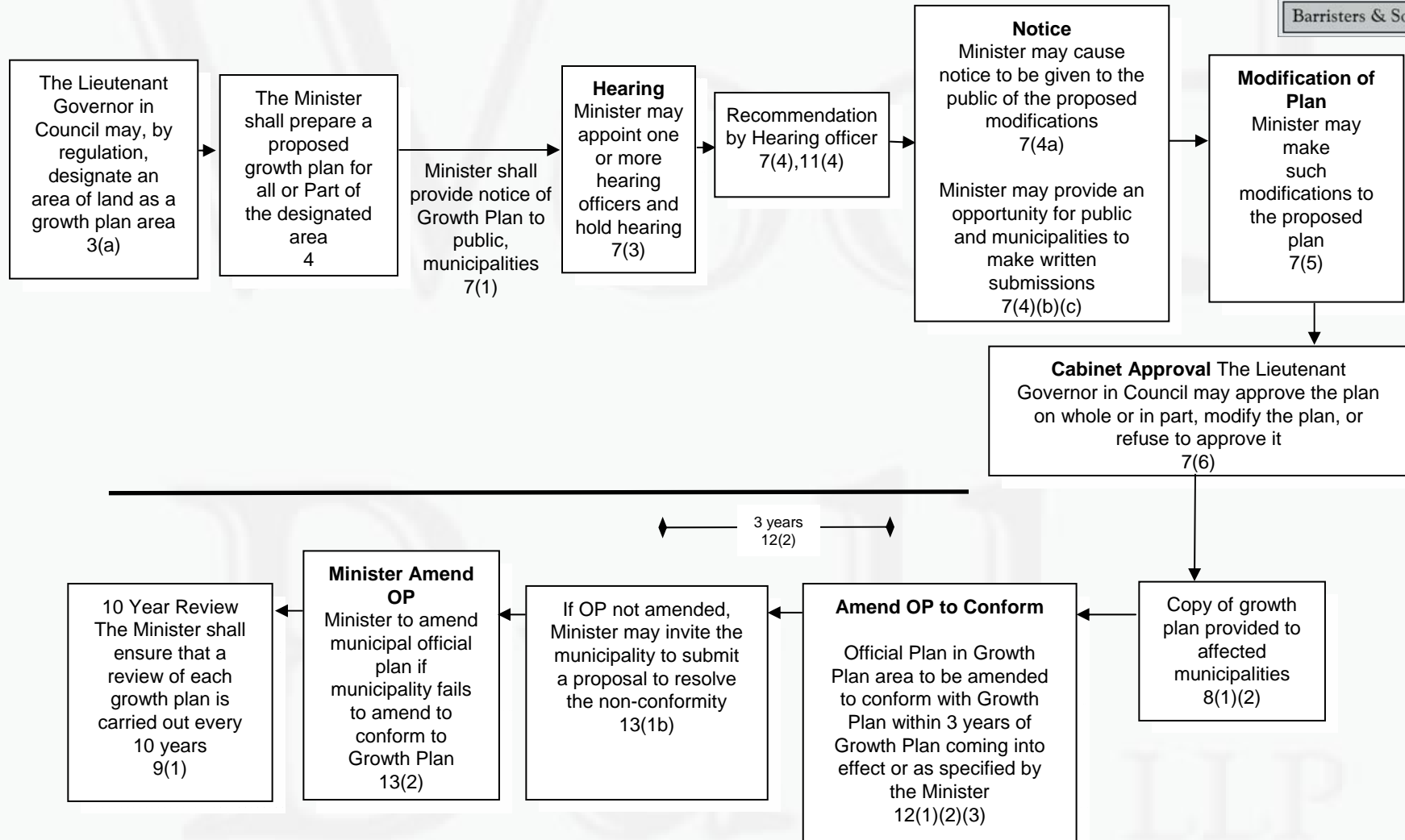
Places to Grow Act, 2005

- Received Royal Assent on June 13, 2005
- Purposes of the *Act* (section 1)
- Designation of growth plan areas (section 3)
- Preparation of growth plan (section 4)
 - Advisory Committee may be appointed to advise Minister on growth plan, amendments, etc. (section 5)
- Contents of plan (section 6)

Places to Grow Act, 2005

- Plan to be approved by Cabinet (section 7(6))
- Amendments to growth plan (section 10)
 - By Minister only
 - No municipal/private amendment applications

Places to Grow Act, 2005



IMPLEMENTATION OF A GROWTH PLAN

Places to Grow Act, 2005

- Municipality to amend official plan to conform with growth plan (section 12(1))
- Growth plan prevails in the case of a conflict between the growth plan and (a) an official plan; (b) a zoning by-law; or (c) subject to subsection 14(4), a policy statement issued under section 3 of the *Planning Act* (section 14(2))

Wood Bull_{LLP}

Barristers & Solicitors



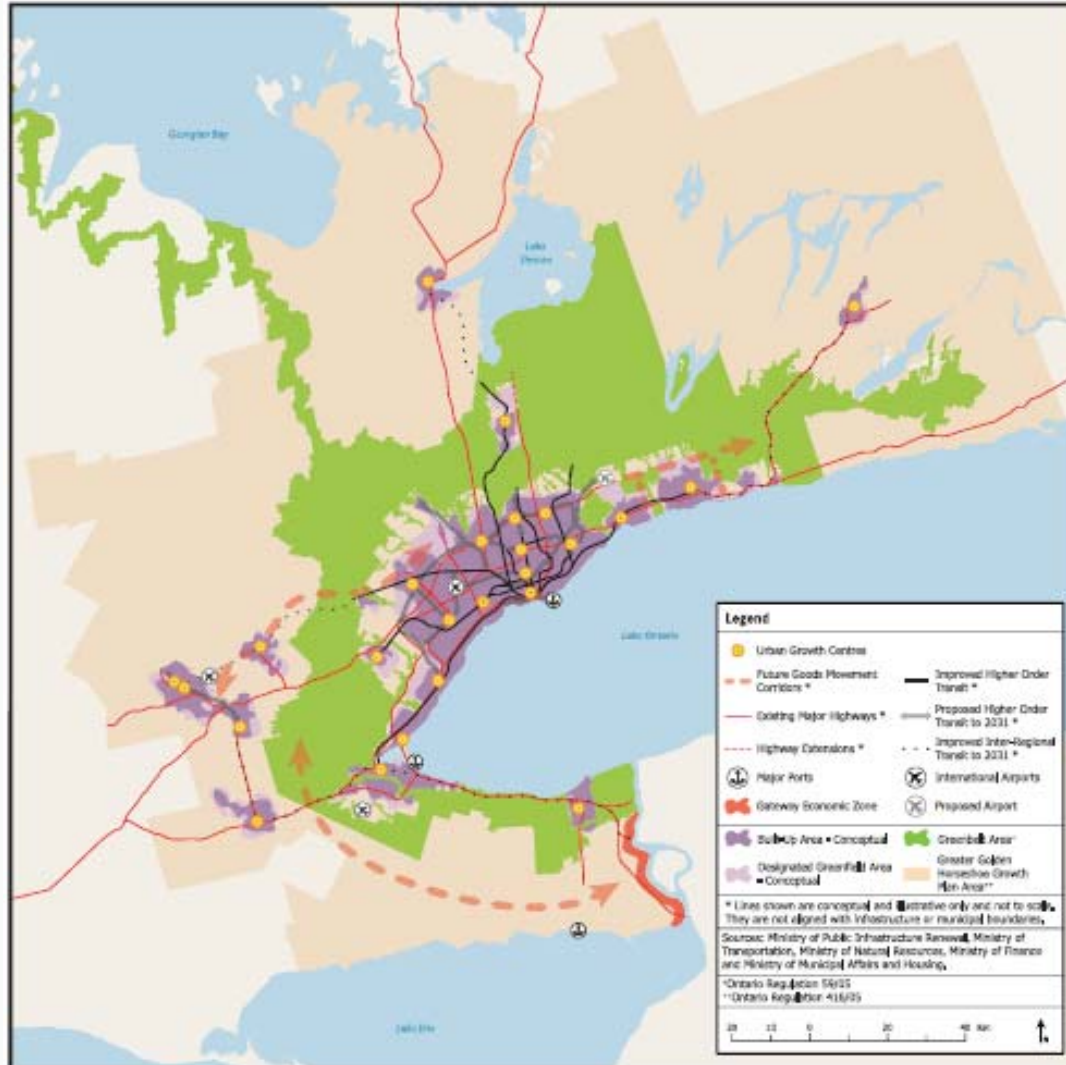
PLACES TO GROW

ONTARIO GROWTH PLAN | NOVEMBER 2005

SCHEDULE 1

Greater Golden Horseshoe Growth Plan Area

The boundaries and lines displayed in the map above are not to scale. They do not claim to accurately reflect approved land-use and planning boundaries. Data and information reproduced herein is under license with several municipalities and may not be up to date and accuracy as of the date of publication. Neither the Province nor each municipality assumes any liability or responsibility with respect to the accuracy or completeness. For more information on precise boundaries, the appropriate municipality should be consulted. For more information on Greenbelt Area boundaries, the Greenbelt Plan 2005 should be consulted.



Ontario

PLACES TO GROW

SCHEDULE 2 Places to Grow Concept

The boundaries and lines displayed in this map show an illustrative and not to scale. They do not necessarily reflect approved land-use and planning boundaries. Data and information reproduced herein is under license with one or more municipalities and may not be up to date and accurate as of the date of publication. Neither the Province nor such municipalities assume any liability or responsibility with respect to its accuracy or completeness. For more information on precise boundaries, the appropriate municipality should be consulted. For more information on Greenfield Area boundaries, the Ontario Regulation 56/15 should be consulted.

Wood Bull_{LLP}

Barristers & Solicitors



Ontario

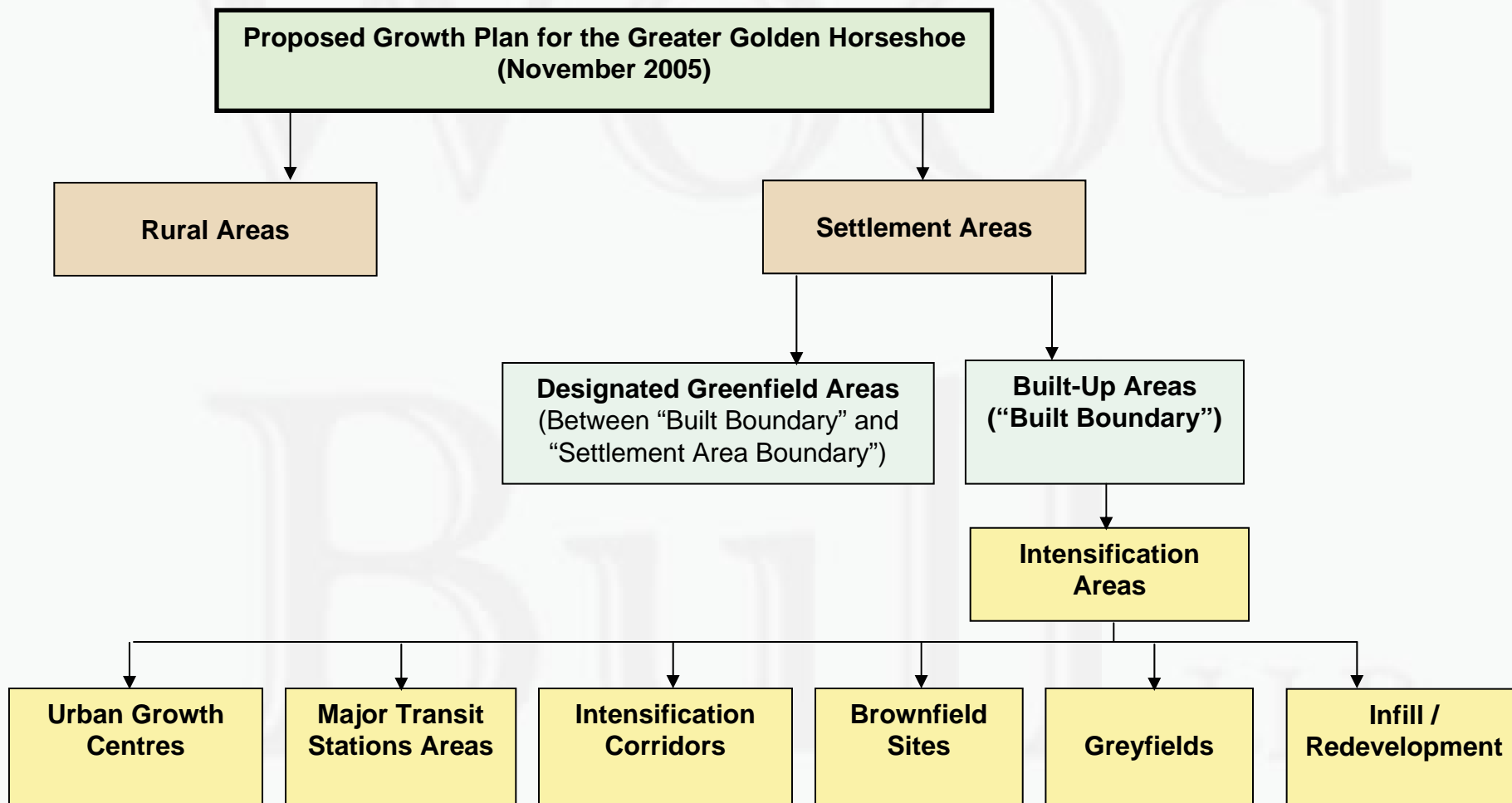
PLACES TO GROW

PROVIDED GROWTH PLAN | NOVEMBER 2005

SCHEDULE 4 Urban Growth Centres

The boundaries and lines displayed in the map above are illustrative and not to scale. They do not necessarily reflect approved land-use and planning boundaries. Data and information reproduced herein is under license with one or more municipalities and may not be up to date and accurate as of the date of publication. Neither the Province nor such municipalities assume any liability or responsibility with respect to its accuracy or completeness. For more information on precise boundaries, the appropriate municipality should be consulted. For more information on Designated Area boundaries, the Greenbelt Plan 2005 should be consulted.

Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



Settlement Areas / Rural Areas

- **Settlement Areas** – Urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are:
 - a) **built-up areas** where development is concentrated and which have a mix of uses; and
 - b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in Policy 1.1.2 of the Provincial Policy Statement, 2005.
- [**Built-up Areas** – All land inside the *built boundary*.]
- [**Built Boundary** – the edge of the developed urban area as defined by the Minister of Public Infrastructure Renewal.]

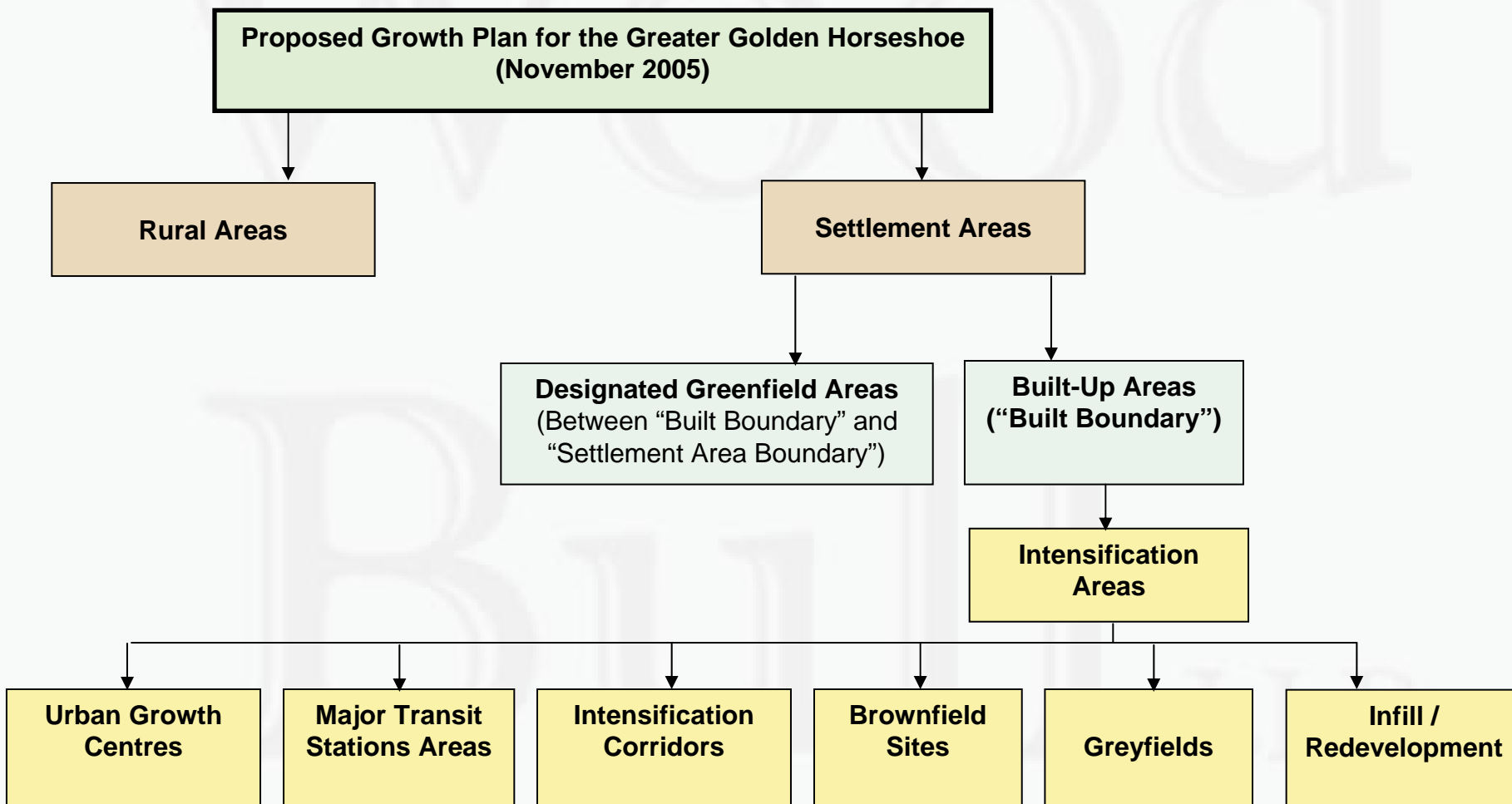
Settlement Areas / Rural Areas

- ***Rural Areas*** - Lands which are located outside *settlement areas* and that are not *prime agricultural areas*.

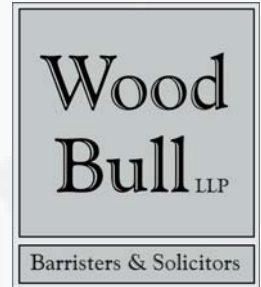
Rural Areas (s.2.2.9)

1. Development in rural areas may be permitted in accordance with Policy 2.2.2.1 i, only where it is compatible with the the rural landscape and can be sustained by rural service levels.
2. New multiple lots and units for residential development will be directed to settlement areas.
3. New lots and uses in rural areas will be compatible with, and will not hinder, surrounding agricultural operations.
4. For lands within the Greenbelt Area, the applicable policies in the Greenbelt, Niagara Escarpment and Oak Ridges Moraine Plans apply.

Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)

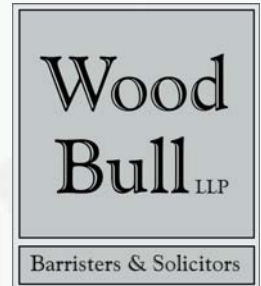


Settlement Areas: Designated Greenfield Areas (s.2.2.7)



1. The *designated greenfield area* of each upper- or single-tier municipality will be planned to achieve a minimum *density target* that is not less than 50 residents and jobs combined per hectare. This *density target* will be measured over the entire *designated greenfield area* of each upper-or single-tier municipality, excluding *natural heritage features and areas* where development is not permitted in accordance with provincial plans and policies.

Settlement Areas: Designated Greenfield Areas (s.2.2.7)



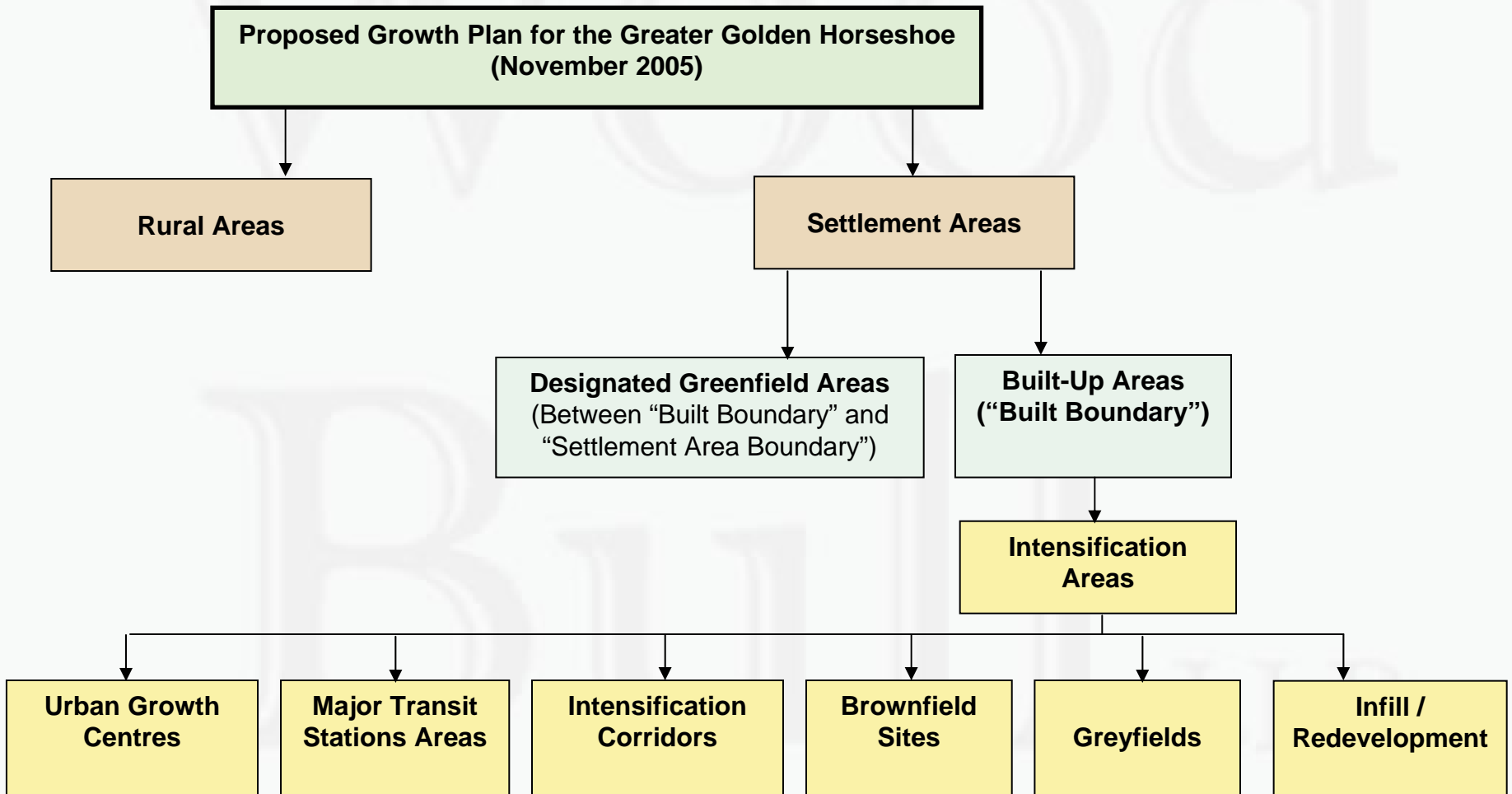
2. Upper- and single-tier municipalities will develop and implement official plan policies, including phasing policies, and other strategies, for *designated greenfield areas* to achieve the *intensification target* and *density targets* of this Plan.

3. New development taking place in *designated greenfield areas* will be designated, planned, zoned and designed in a manner that -
 - a) creates *complete communities*
 - b) creates street configurations, densities, and urban form that support the early integration and sustained viability of transit services
 - c) provides a diverse mix of land uses to support vibrant neighbourhoods, including residential and employment uses
 - d) creates high quality public open spaces with site design and urban design standards that support opportunities for transit, walking and cycling.

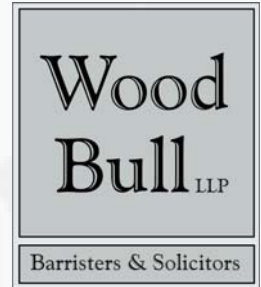
Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)

Wood
Bull_{LLP}

Barristers & Solicitors



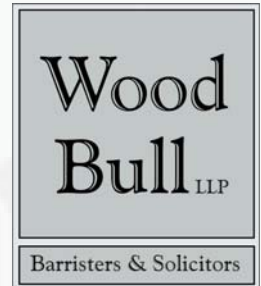
Settlement Areas: Built-up Areas: General Intensification (2.2.3)



1. By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- and single-tier municipality will be within the *built-up area*...

[*Intensification Target* – the intensification target is as established in Policy 2.2.3.1, Policy 2.2.3.2, and Policy 2.2.3.3]

Settlement Areas: Built-up Areas: General Intensification (2.2.3)

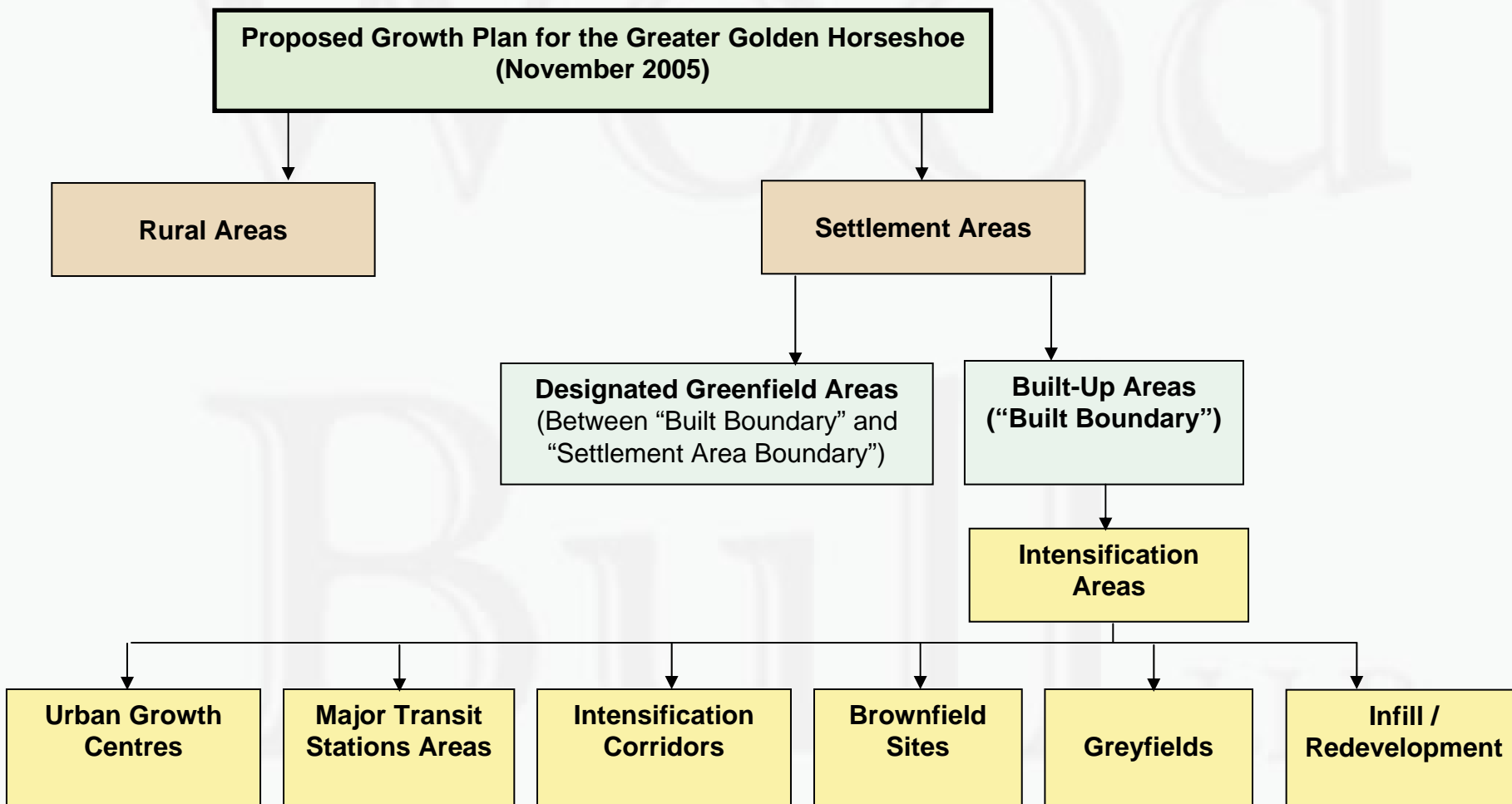


6. All upper- and single-tier municipalities, in consultation with lower-tier municipalities, will develop and implement official plan policies and outline a strategy to phase-in and to achieve the *intensification target*. These policies and the strategy will -
 - a) be based on the forecasts contained in Schedule 3
 - b) encourage intensification generally throughout the built-up area
 - c) identify *intensification areas* to support achievement of the intensification target
 - d) incorporate the built boundary delineated in accordance with Policy 2 into their Official Plans
 - e) recognize *urban growth centres*' and major transit station areas' as a key focus for development to accommodate intensification
 - f) facilitate and promote intensification
 - g) identify the appropriate type and scale of development in *intensification areas*
 - h) include minimum *density targets* for *intensification areas* consistent with the planned transit service levels, and any transit—supportive land use guidelines established by the Government of Ontario
 - i) achieve a range and mix of housing, including affordable housing needs
 - j) encourage the creation of secondary suites throughout the built-up area.

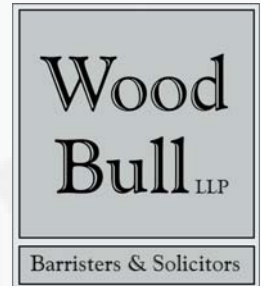
Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)

Wood
Bull_{LLP}

Barristers & Solicitors



Settlement Areas: Built-up Areas: Urban Growth Centres (s.2.2.4)

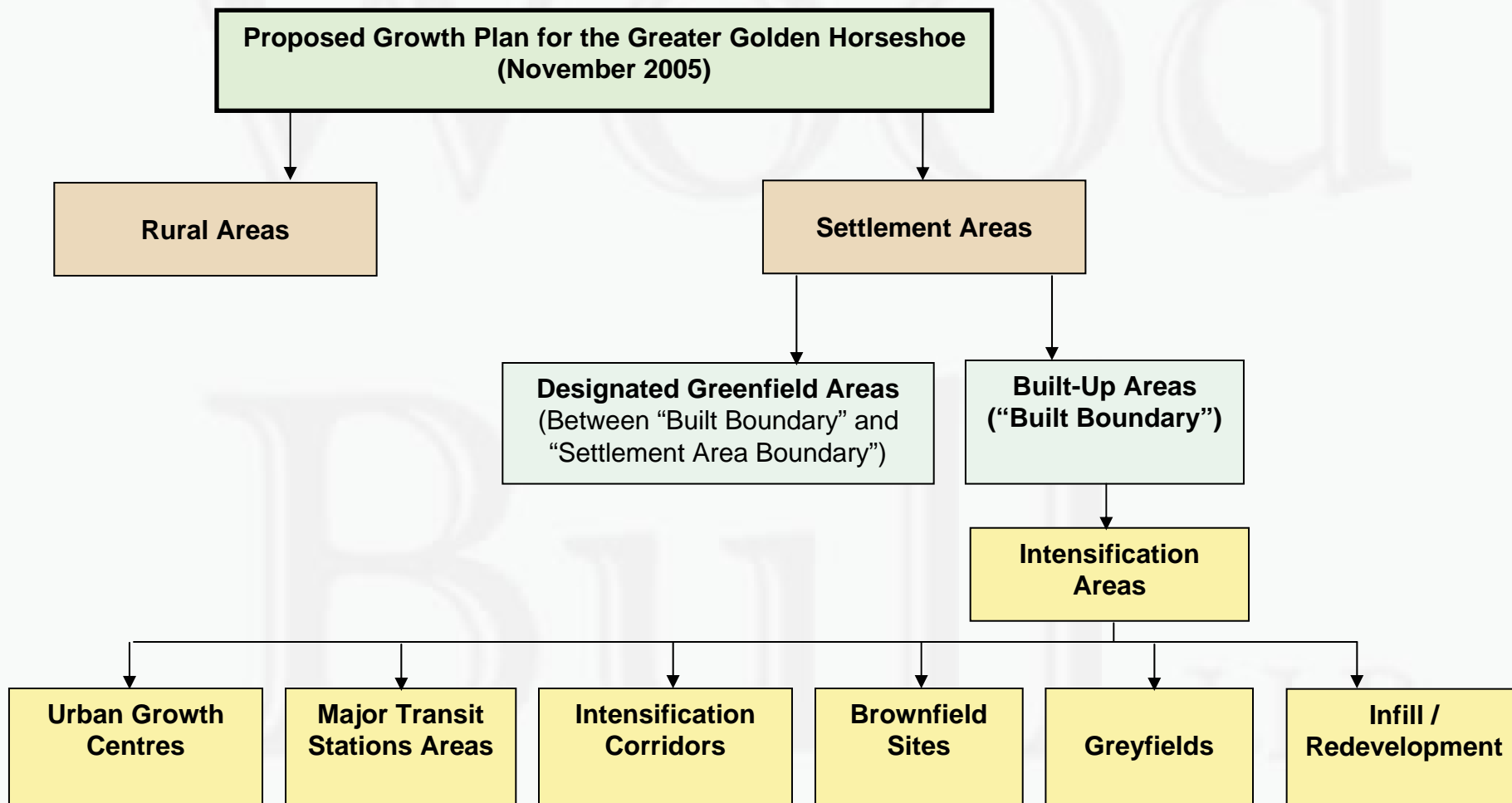


3. *Urban growth centres* will be designated in official plans and planned - ...
4. Municipalities will delineate the boundaries of the *urban growth centres* identified in this Plan within their official plans.
5. *Urban growth centres* will be planned to achieve, by 2031 or earlier, a minimum gross density target of
 - a) **400 residents and jobs combined per hectare** for each of the *urban growth centres* in the City of Toronto
 - b) **200 residents and jobs combined per hectare** for the Brampton City Centre, Downtown Burlington, Downtown Cambridge, Downtown Hamilton, Downtown Milton, Markham City Centre, Mississauga City Centre, Newmarket Centre, Midtown Oakville, Downtown Oshawa, Downtown Pickering, Richmond Hill/Langstaff Gateway, Vaughan Corporate Centre, Downtown Kitchener and Uptown Waterloo *urban growth centres*
 - c) **150 residents and jobs combined per hectare** for the Downtown Barrie, Downtown Brantford, Downtown Guelph, Downtown Peterborough and Downtown St. Catharines *urban growth centres*.

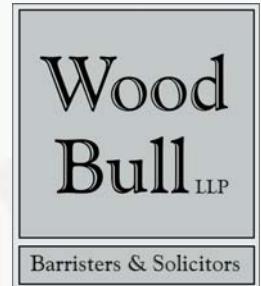
Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)

Wood
Bull_{LLP}

Barristers & Solicitors

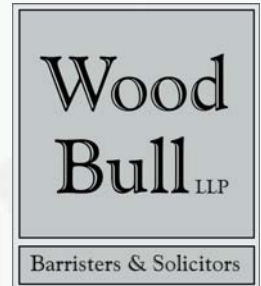


Settlement Areas: Built-up Areas: Major Transit Station Areas / Intensification Corridors (2.2.5)



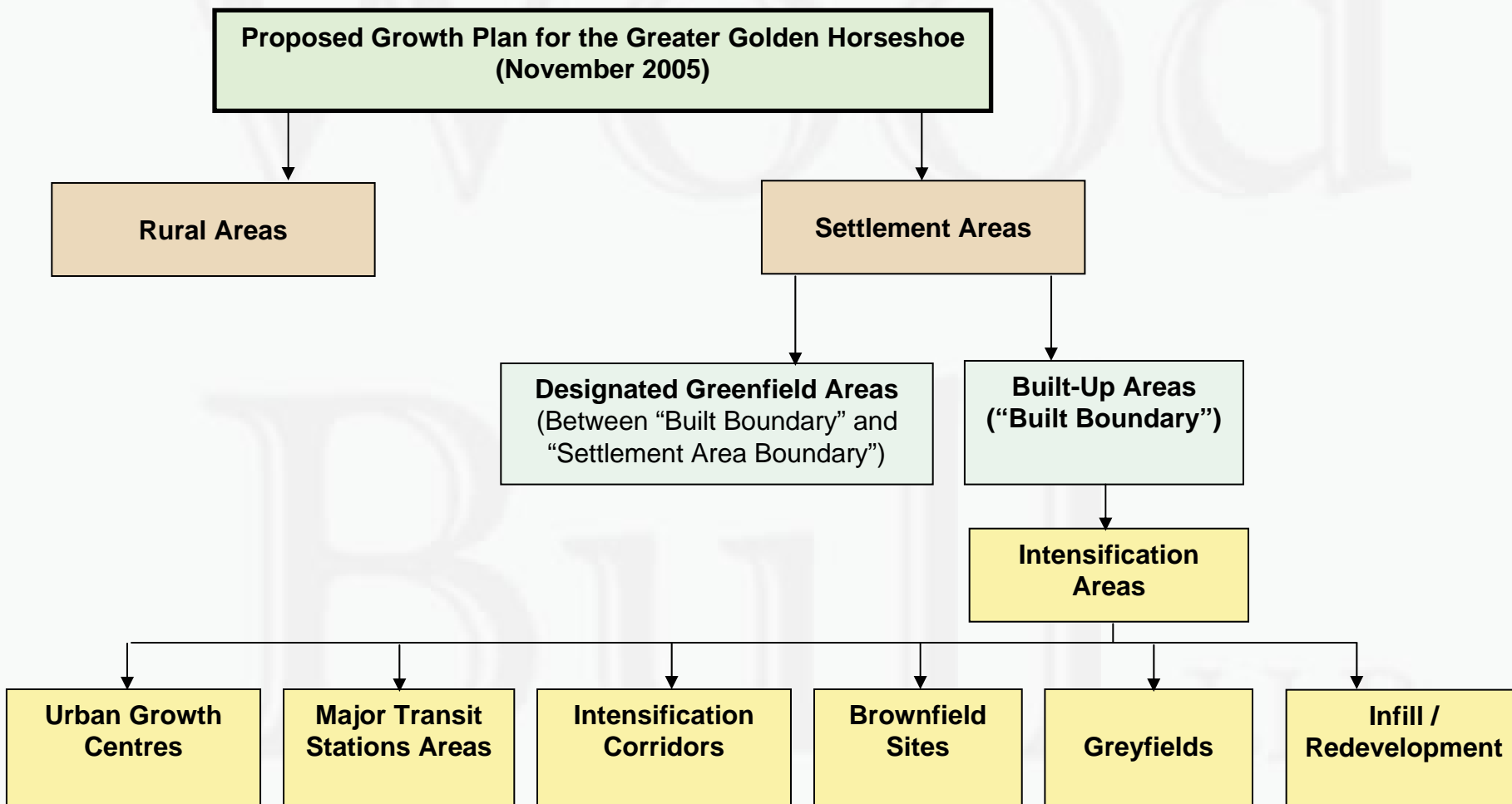
- *Major Transit Station Area* – The area including and around any existing or planned *higher order transit* station within a *settlement area*, or the area including and around a major bus depot in an urban core. Station areas are generally defined as the area within an approximate 500 m radius of a transit station, representing about a 10-minute walk.
- *Intensification Corridors* – Lands along major roads, arterials or *higher order transit* corridors within the *built boundary* that have the potential to provide a focus for higher density mixed use development consistent with planned transit service levels.

Settlement Areas: Built-up Areas: Major Transit Station Areas / Intensification Corridors (2.2.5)

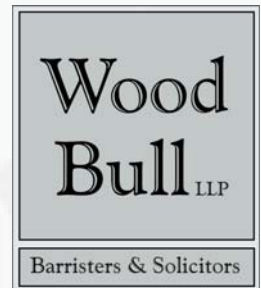


1. Major transit station areas and intensification corridors will be designated in official plans and planned to -
 - a) serve as locations for large office and commercial development
 - b) achieve residential and employment densities that support existing and planned transit service levels.
2. Major transit station areas will be planned and designed to provide access from various transportation modes to the transit facility including related considerations for pedestrians, bicycle parking and commuter pick-up/drop - off areas.
3. Intensification corridors will generally be planned to accommodate local services, including commercial, recreational, cultural and entertainment uses.

Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)



Settlement Areas: Built-up Areas: Redevelopment / Brownfield Sites / Infill Development / Greyfields

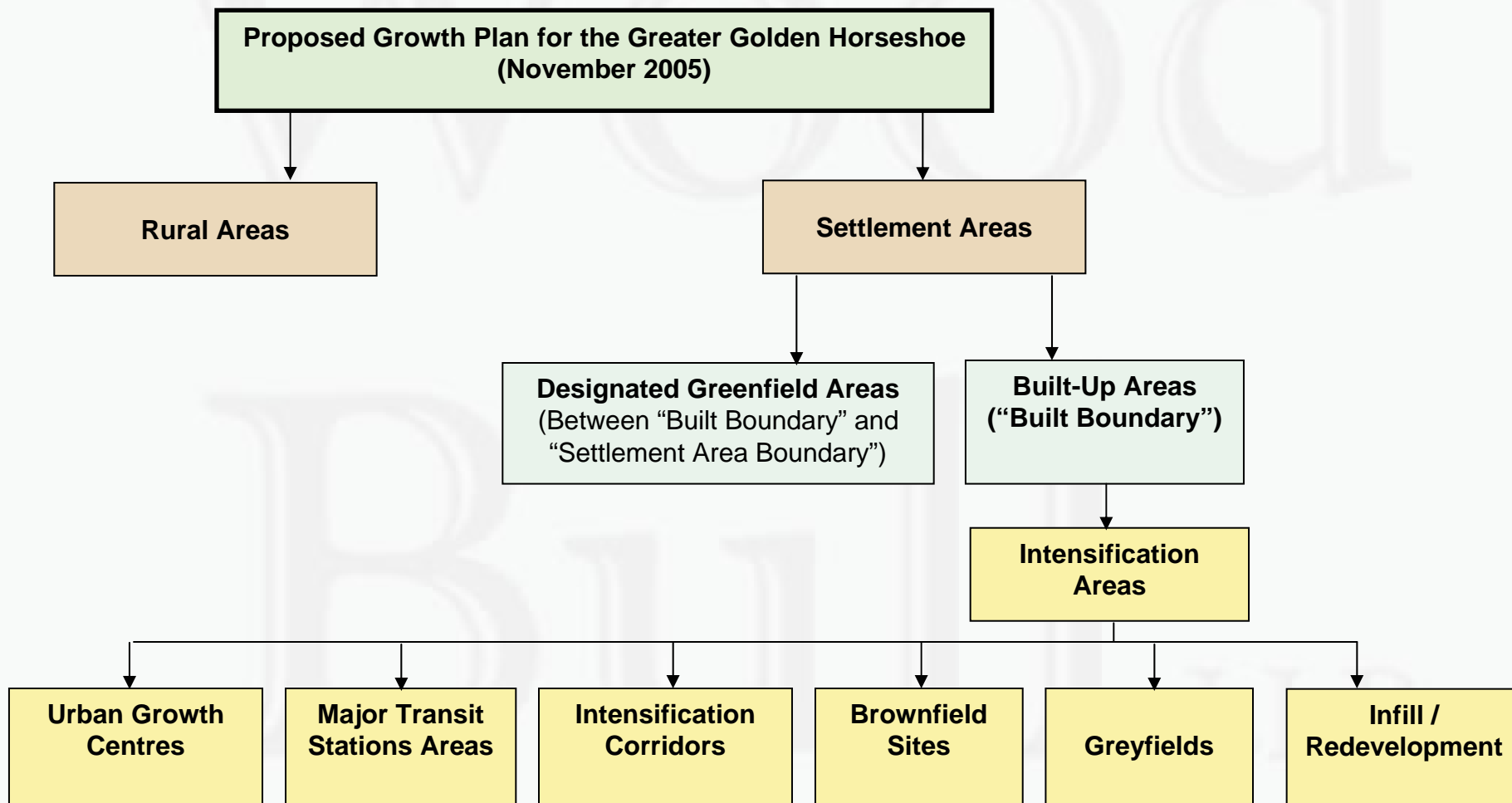


- ***Intensification*** – The development of a property, site or area at a higher density than currently exists through:
 - a) *redevelopment*, including the reuse of *brownfield sites*,
 - b) the development of vacant and/or underutilized lots within previously developed areas;
 - c) *Infill* development; and
 - d) the expansion or conversion of existing buildings.
- ***Brownfield Sites*** – Undeveloped or previously developed properties that may be contaminated... usually... former industrial or commercial properties that may be underutilized derelict or vacant.
- ***Greyfields*** – Previously developed properties that are not contaminated... usually... former commercial properties that may be underutilized derelict or vacant.

Proposed Growth Plan for the Greater Golden Horseshoe (November 2005)

Wood
Bull_{LLP}

Barristers & Solicitors



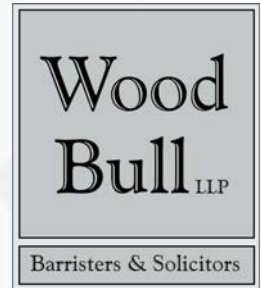
Settlement Area Boundary Expansion (s.2.2.8)

Wood
Bull^{LLP}

Barristers & Solicitors

2. The Minister of Public Infrastructure Renewal, in consultation with individual upper- and single-tier municipalities, will determine the need for and maximum amount of additional *designated greenfields area* required for each upper- and single-tier municipality to accommodate the growth forecasts contained in Schedule 3.

Settlement Area Boundary Expansion (s.2.2.8)

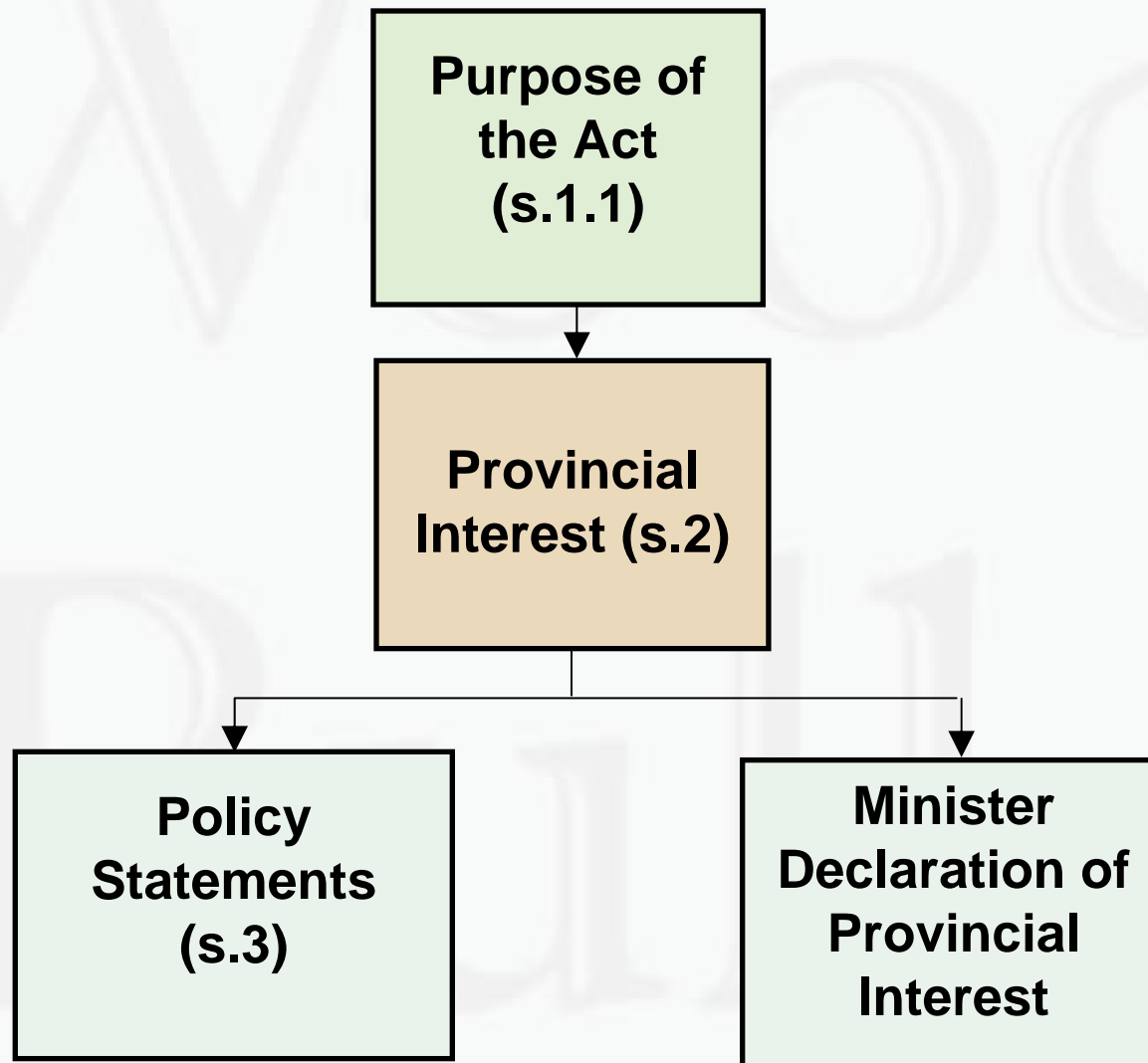


3. A *settlement area* boundary expansion may only occur as part of a *municipal comprehensive review* where it has been demonstrated that -
 - a) the proposed expansion does not exceed the maximum amount of additional *designated greenfields area* established in accordance with policy 2.2.8.2...
 - b) the timing of the expansion and the phasing of development within the *designated greenfields area* will not adversely affect the achievement of the *intensification target* and *density targets*, and other policies of this Plan, and where applicable, will be consistent with the relevant policies of the Greenbelt, Oak Ridges Moraine and Niagara Escarpment Plans...

Planning Act

Wood
Bull_{LLP}

Barristers & Solicitors



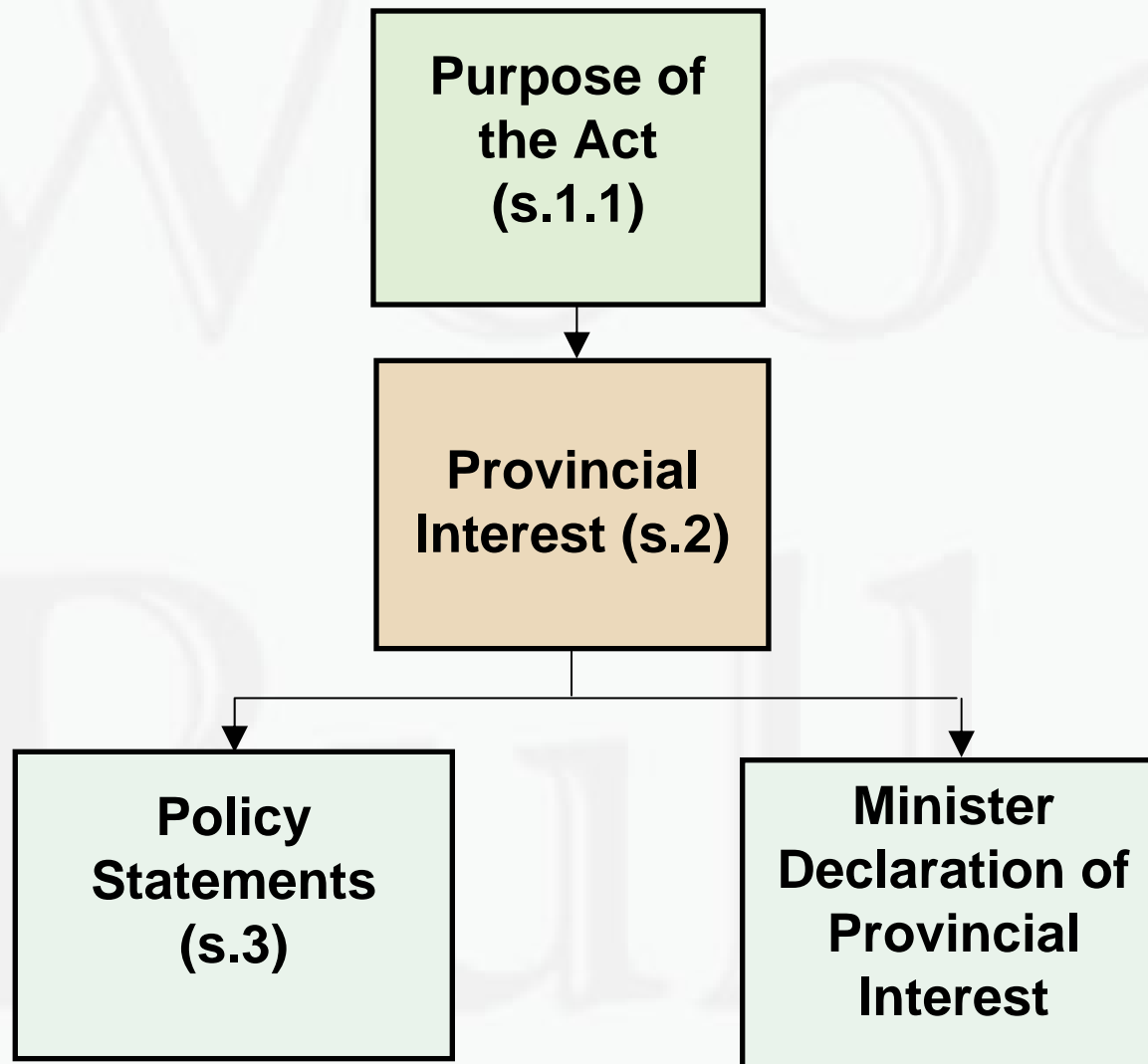
Planning Act: Purpose of the Act (1.1)

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

Planning Act

Wood
Bull_{LLP}

Barristers & Solicitors



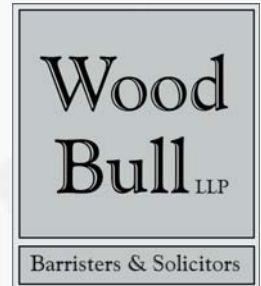
Planning Act: Matters of Provincial Interest (s.2)

Wood
Bull_{LLP}

Barristers & Solicitors

Matters of Provincial Interest

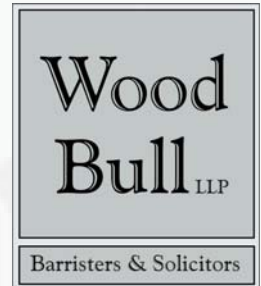
Planning Act: Matters of Provincial Interest (s.2)



2. The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

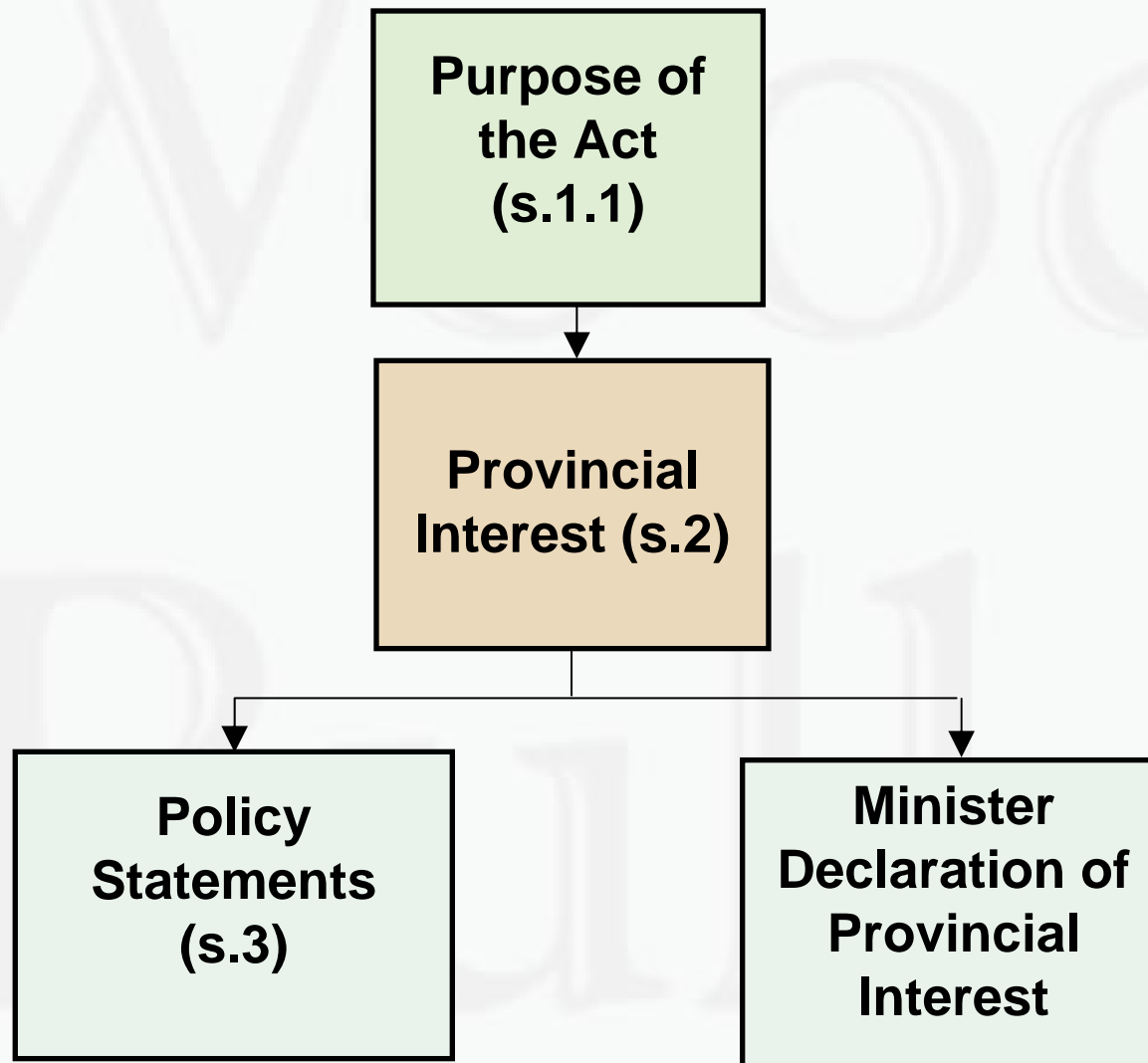
- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;

Planning Act: Matters of Provincial Interest (s.2)

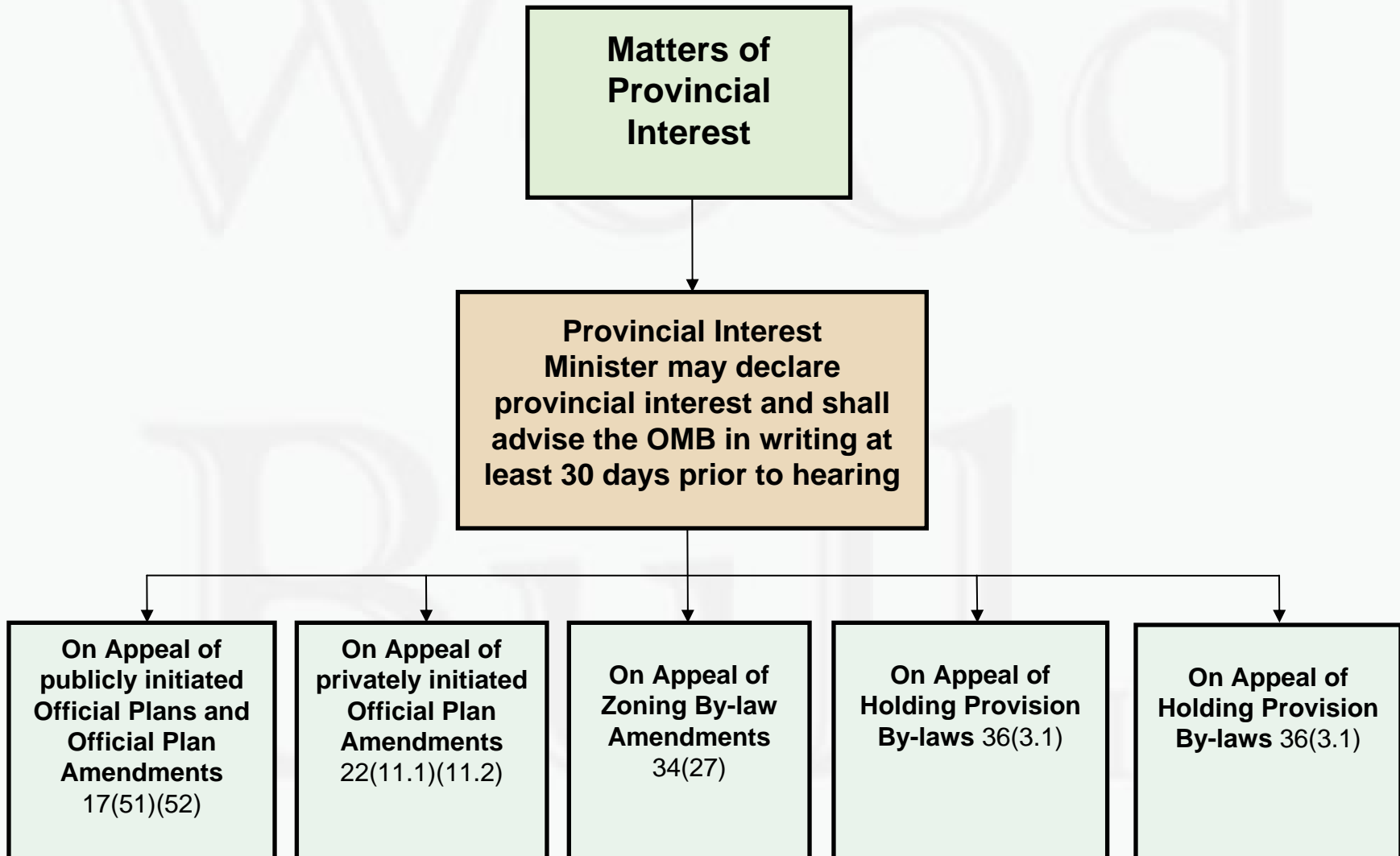


- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development.
- (q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians. (Bill 51)***

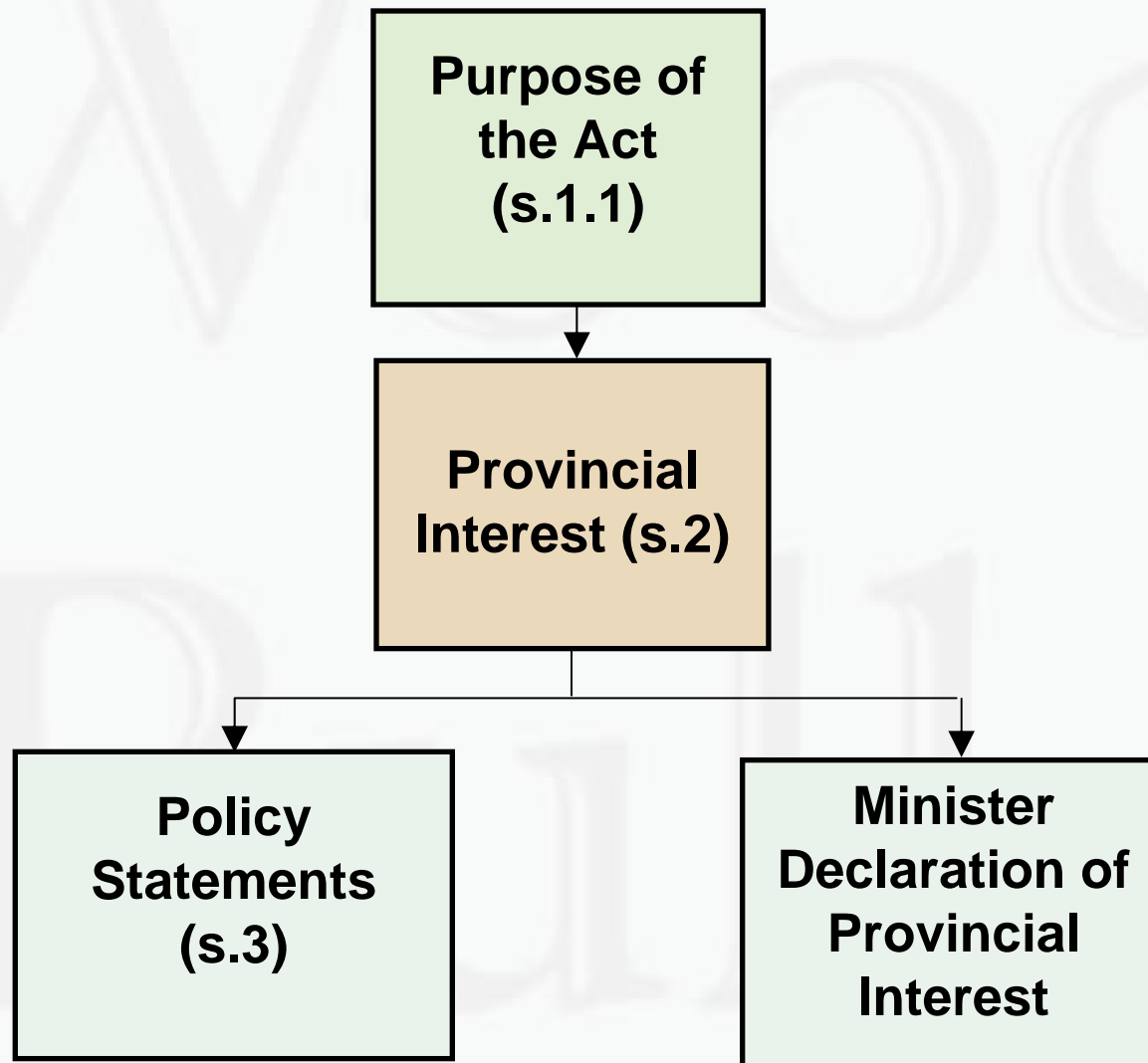
Planning Act



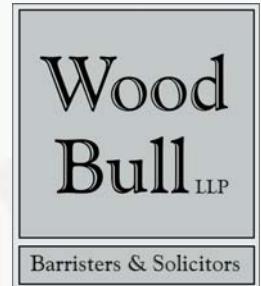
Planning Act: Matters of Provincial Interest (s.2)



Planning Act



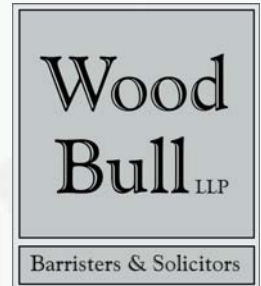
Planning Act: Policy Statement



- **Policy statements [s.3(1)]**

The Minister, or the Minister together with any other minister of the Crown, may from time to time issue policy statements that have been approved by the Lieutenant Governor in Council on matters relating to municipal planning that in the opinion of the Minister are of provincial interest. (s.3.1)

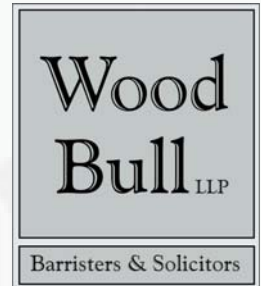
Planning Act: Policy Statement



- **Consistency with policy statements [s.3(5)]**

A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Municipal Board, in respect of the exercise of any authority that affects a planning matter, shall be consistent with policy statements issued under subsection (1).

Planning Act: Policy Statement



- **Advice [s.3(6)]**

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government shall be consistent with policy statements issued under subsection (1).

Provincial Policy Statement, 2005

Wood
Bull_{LLP}

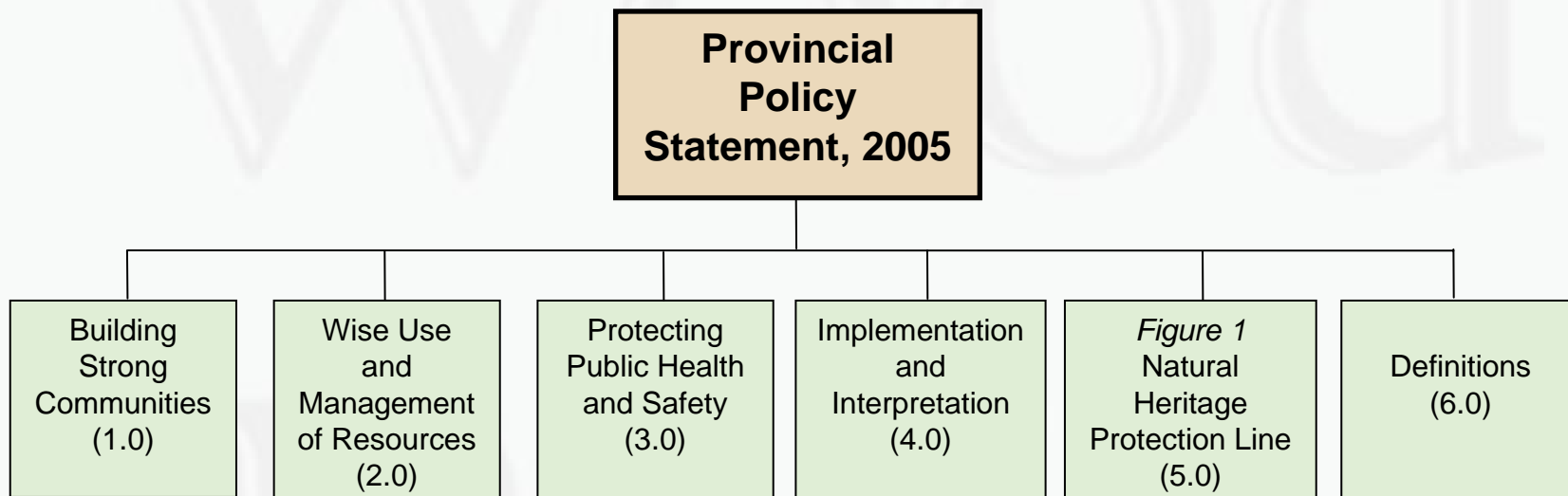
Barristers & Solicitors

- Issued under Section 3 of the *Planning Act*
- Approved by the Lieutenant Governor in Council, Order in Council No. 140/2005
- New PPS came into effect on March 1, 2005
- Applies to all applications, matters or proceedings commenced on or after March 1, 2005

Provincial Policy Statement, 2005

Wood
Bull_{LLP}

Barristers & Solicitors



Provincial Policy Statement, 2005

Wood
Bull_{LLP}

Barristers & Solicitors

1.0 Building Strong Communities

1.1 - Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

1.2 Coordination

1.3 Employment Areas

1.4 Housing

1.5 Public Spaces, Parks and Open Space

1.6 Infrastructure and Public Service Facilities

1.7 Long-Term Economic Prosperity

1.8 Energy and Air Quality

Provincial Policy Statement, 2005

Wood
Bull_{LLP}

Barristers & Solicitors

1.1 Managing and Directing Land Use to Achieve Efficient Development and Land Use Patterns

Development and Land Use Patterns

Settlement Areas

Rural Areas in Municipalities

Rural Areas in Territory Without Municipal Organization

Provincial Policy Statement, 2005

Wood
Bull^{LLP}

Barristers & Solicitors

1.6 Infrastructure and Public Service Facilities

Sewage and Water

Transportation Systems

Transportation and Infrastructure Corridors

Airports

Waste Management

Provincial Policy Statement, 2005

Wood
Bull^{LLP}

Barristers & Solicitors

- Focuses growth within *settlement areas*
- Supports long-term economic prosperity by maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets (policy 1.7.1 b)

Provincial Policy Statement, 2005

Wood
Bull_{LLP}

Barristers & Solicitors

1.1.2

Sufficient land shall be made available through ***intensification*** and *redevelopment* and, if necessary, *designated growth areas*, to accommodate an appropriate range and mix of employment opportunities, housing and other land uses to meet projected needs for a time horizon of up to 20 years. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a *provincial plan*, that time frame may be used for municipalities within the area.

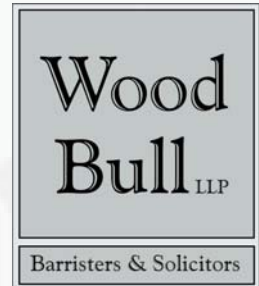
Provincial Policy Statement, 2005

Wood
Bull_{LLP}

Barristers & Solicitors

- *Intensification* : means the development of a property, site or area at a higher density than currently exists through:
 - redevelopment, including the reuse of brownfield sites;
 - the development of vacant and/or underutilized lots within previously developed areas;
 - infill development; and
 - the expansion or conversion of existing buildings.
- *Residential intensification*: means intensification of a property, site or area which results in a net increase in residential units or accommodation and includes:
 - redevelopment, including the redevelopment of brownfield sites;
 - the development of vacant or underutilized lots within previously developed areas;
 - infill development;
 - the conversion or expansion of existing industrial, commercial and institutional buildings for residential use; and
 - the conversion or expansion of existing residential buildings to create new residential units or accommodation, including accessory apartments, secondary suites and rooming houses.

Provincial Policy Statement, 2005



1.1.3.2

Land use patterns within *settlement areas* shall be based on:...

- b) range of uses and opportunities for ***intensification*** and *redevelopment* in accordance with the criteria in policy 1.1.3.3

1.1.3.3

Planning authorities shall identify and promote opportunities for ***intensification*** and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs.

Intensification and *redevelopment* shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Provincial Policy Statement, 2005

Wood
Bull_{LLP}

Barristers & Solicitors

1.1.3.4

Appropriate development standards should be promoted which facilitate **intensification**, redevelopment and compact form, while maintaining appropriate levels of public health and safety.

1.1.3.5

Planning authorities shall establish and implement minimum targets for **intensification** and *redevelopment* within built-up areas. However, where provincial targets are established through *provincial plans*, the provincial target shall represent the minimum target for affected areas.

1.1.3.6

Planning authorities shall establish and implement phasing policies to ensure that specified targets for **intensification** and *redevelopment* are achieved prior to, or concurrent with, new development within *designated growth areas*.

Provincial Policy Statement, 2005

Wood
Bull_{LLP}

Barristers & Solicitors

1.1.3.7

New development taking place in *designated growth areas* should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, *infrastructure and public service facilities*.

1.1.3.8

Planning authorities shall establish and implement phasing policies to ensure the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure and public service facilities* required to meet current and projected needs.

Provincial Policy Statement, 2005

Wood
Bull^{LLP}

Barristers & Solicitors

1.1.3.9

A planning authority may identify a *settlement area* or allow the expansion of a *settlement area* boundary only at the time of a *comprehensive review* and only where it has been demonstrated that:

- a) sufficient opportunities for growth are not available through *intensification*, *redevelopment* and *designated growth areas* to accommodate the projected needs over the identified planning horizon;
- b) the *infrastructure* and *public service facilities* which are planned or available are suitable for the development over the long term and protect public health and safety;

Provincial Policy Statement, 2005

Wood
Bull_{LLP}

Barristers & Solicitors

1.1.3.9 (cont'd)

c) in *prime agricultural areas*:

1. the lands do not comprise *specialty crop areas*;
2. there are no reasonable alternatives which avoid *prime agricultural areas*;

and

3. there are no reasonable alternatives on lower priority agricultural lands in *prime*

agricultural areas; and impacts from new or expanding *settlement areas* on agricultural operations which are adjacent or close to the *settlement area* are mitigated to the extent feasible.

d) In determining the most appropriate direction for expansions to the boundaries of *settlement areas* or the identification of a *settlement area* by a planning authority, a planning authority shall apply the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

Provincial Policy Statement, 2005

Wood
Bull_{LLP}

Barristers & Solicitors

2.0 Wise Use and Management of Resources

2.1 Natural Heritage

2.2 Water

2.3 Agriculture

2.4 Minerals and Petroleum

2.5 Mineral Aggregate Resources

2.6 Cultural Heritage and Archaeology

Provincial Policy Statement, 2005

Wood
Bull_{LLP}

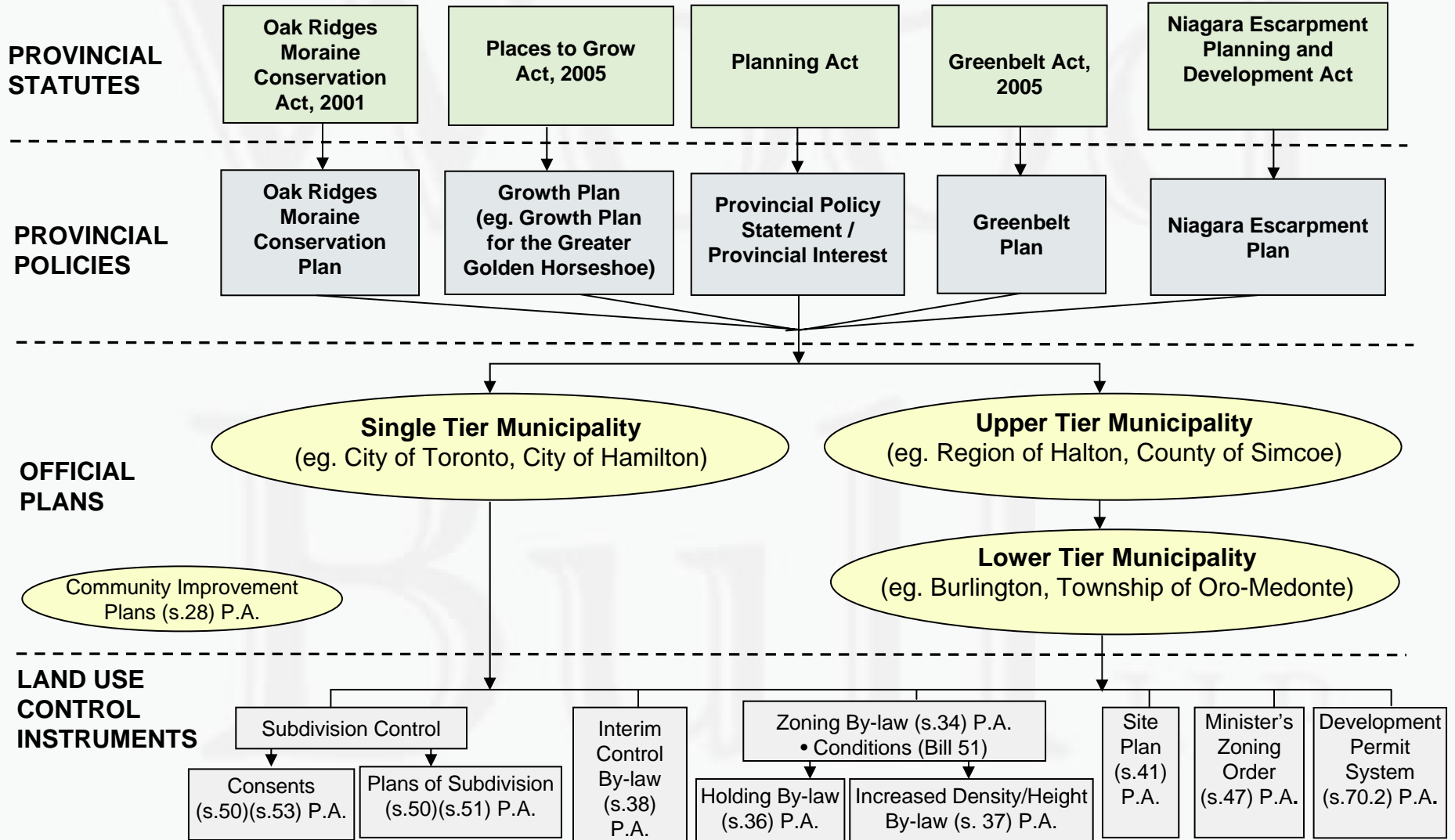
Barristers & Solicitors

3.0 Protecting Public Health and Safety

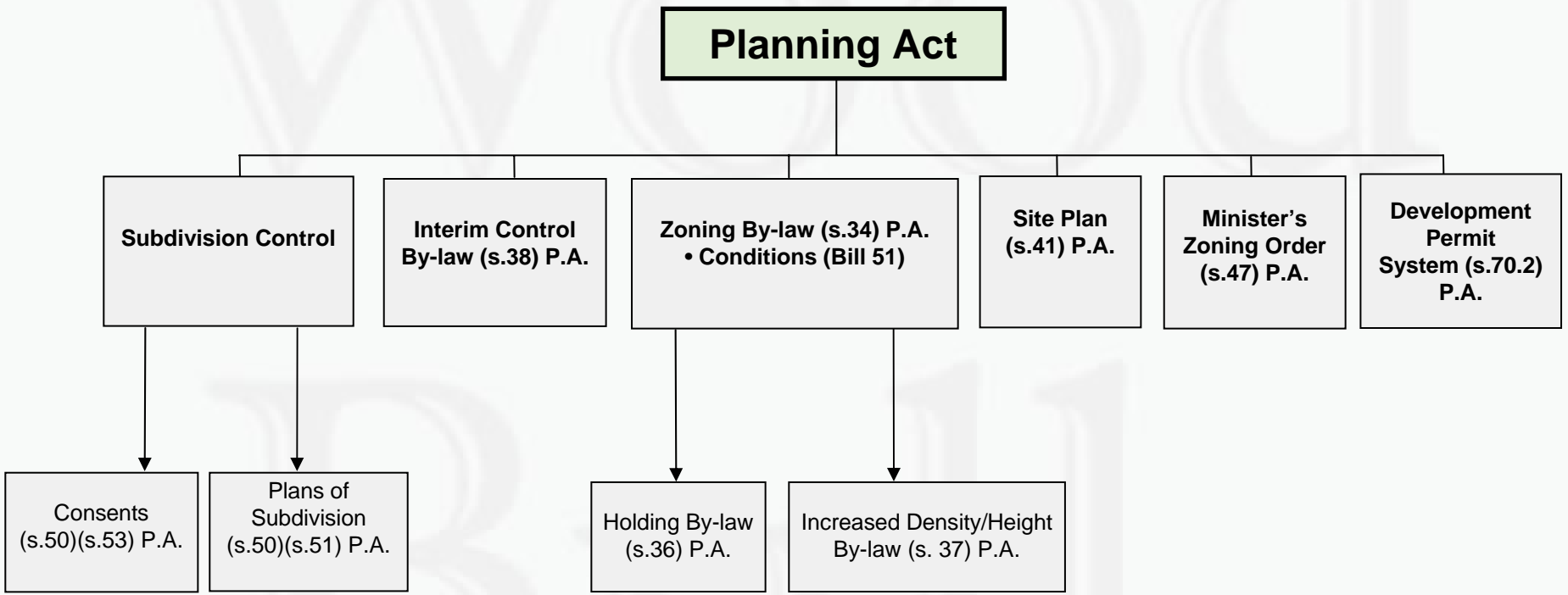
3.1 Natural Hazards

3.2 Human-made Hazards

Provincial / Municipal Planning Structure



Planning Act: Legislative Framework



Planning Act: Matters of Provincial Interest: Sustainable Development

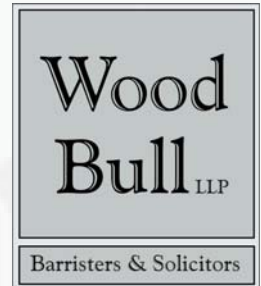
Wood
Bull_{LLP}

Barristers & Solicitors

2. The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as...

(q) The promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians. (Bill 51)

Planning Act: Site Plan Control: Sustainable Development



41 (4)(2) P.A. [Site Plan Control – Required Drawings]

- (a) the massing and conceptual design of the proposed building;
- (b) the relationship of the proposed building to adjacent buildings, streets, and exterior areas to which members of the public have access; and
- (c) the provision of interior walkways, stairs, elevators and escalators to which members of the public have access from streets, open spaces and interior walkways in adjacent buildings.
- (d) matters relating to exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, but only to the extent that it is a matter of exterior design, if an official plan and a by-law passed under subsection (2) that both contain provisions relating to such matters are in effect in the municipality. (Bill 51)**

Wood
Bull_{LLP}

Barristers & Solicitors

MUNICIPAL, PLANNING & DEVELOPMENT LAW

Wood Bull LLP

65 Queen Street West, Suite 1400

Toronto, Ontario, M5H 2M5

Tel: 416-203-7160

Fax: 416-203-8324

Web: www.woodbull.ca

Dennis Wood

Telephone: 416-203-7718

Email: dwood@woodbull.ca