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# Land Use Planning And Appeal System

June 19, 2012

Ministry of Municipal Affairs and Housing

# Shift in the Planning System

## Challenges

- Managing Growth & Congestion
- Preserving Green Space, Natural Resources & Agricultural Lands
- Directing Development Where Services & Infrastructure Are Available
- Sustainable Community Building, Built Environment
- Planning For A Resilient Economy

## Stronger Provincial Direction

Planning Reform – 2004 & 2007  
 PPS 2005  
 Greenbelt Plan  
 Growth Plan



## Planning Act Changes 2004 & 2007

### Upfront Policies & Rules

- Updated Municipal Documents
- Stronger Review Standard
- New/Enhanced Municipal Planning Tools for Built Environment

### Enhanced Consultation

- Pre-Consultation
- Complete Application
- Enhanced Public Notification
- Longer Timeframes

### Dispute Resolution & Land Use Appeal Changes

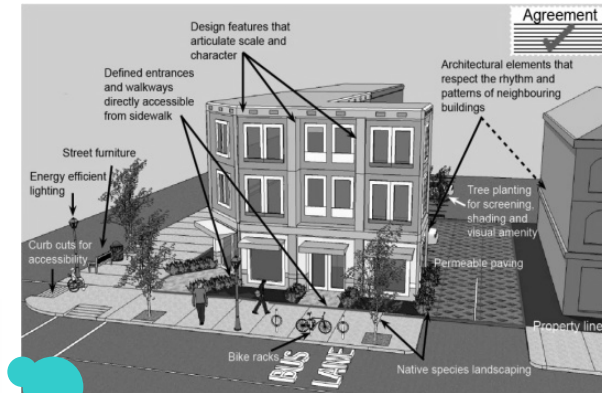
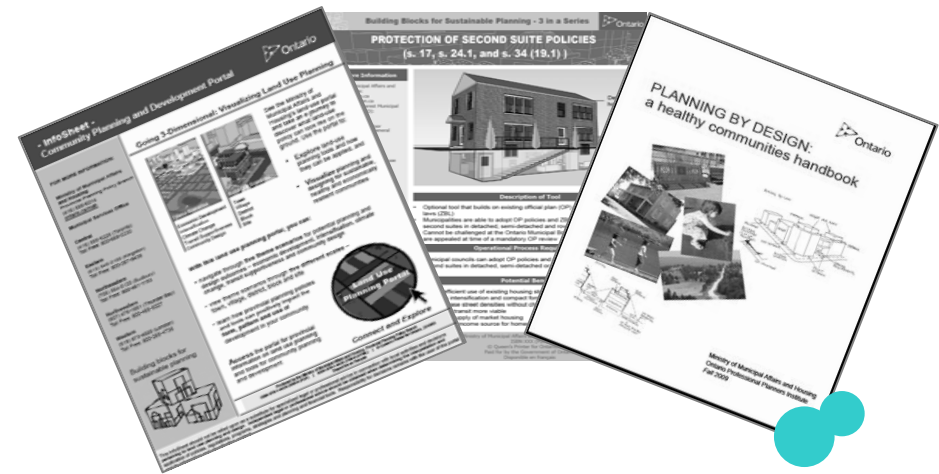
- Optional Local Appeal Bodies
- Recognition Of Municipal Role
- Limited Appeals
- Declaration of Provincial Interest

# Land Use Tools for Healthy Communities

Shift in planning system provides a range of planning tools to support communities and built environment.

## Planning Tools

- Minimum/Maximum Standards in Zoning By-laws
- Protection of Employment Lands
- Height and Density Bonusing
- Site Plan Control – Exterior Design Controls
- Development Permit System
- Community Improvement Plans

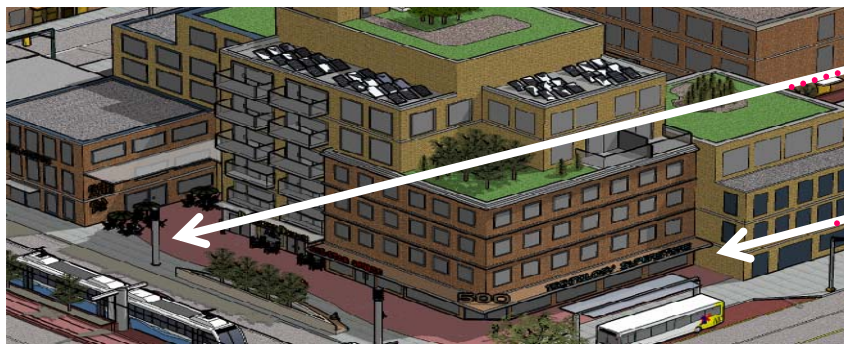


# Development Permit System (DPS)

**An alternative approval system that replaces all zoning. It is based on upfront rules so as to facilitate and streamline development, promoting community building, enhancing environmental protection and economic readiness.**

- New framework which combines three processes into one (zoning, site plan, and minor variance)
- Optional new tool – municipalities may choose to use by adopting an official plan amendment and passing a development permit bylaw (with public input and appeal rights)
- Allows for both permitted uses and discretionary uses subject to criteria (setbacks, density, etc.), and a variation of minimum or maximum development within specified limits and can incorporate cultural heritage, urban design elements
- Once the DPS is in place, only the applicant can appeal decisions or non-decisions on development permit applications
- Any change to the official plan policies or development permit bylaw requires community involvement

**DPS on the Ground**



**A patio could be permitted as a discretionary use**  
(conditions applied, avoiding zoning by-law amendment or a minor variance, site plan application)

**Municipalities can secure sustainable streetscape improvements**  
(such as bicycle parking facilities & tree planting)

# Snapshot: Land Use Appeals

A snapshot of Ontario Municipal Board decisions on planning matters from a sample cross section of municipalities (north, south, rural, urban):

## Where

- The highest Board activity is in Southern Ontario
- In comparing large versus small municipalities across Ontario, large/urban centres experienced the majority of cases reviewed
- Community groups participated mostly in southern Ontario

## What is Appealed

- “Approved decisions” (i.e. municipally adopted, passed or approved including provincial approvals) constituted 40% of appeals
- Majority number of community group appeals related to a municipal “approved decision”

## Who Appeals

- Most appeals were generated by proponents
- Community groups generated about 25% of appeals
- Municipalities were involved in almost 80% of all Board hearings
- Community groups were involved, as either party or participant, in about 60% of cases

## Experts

- Community groups retained an expert in approximately 40% of cases in which they were involved
- When community groups were successful, an expert(s) was generally retained

## Application Types

- Zoning by-laws were appealed more often than official plans/official plan amendments and subdivisions/condominium applications

## Decisions

- 48% of municipal approvals are maintained by the Board
- When a municipality refused or did not make any decision, the Board allowed the appeal 65% of the time
- 30% of all cases were subject to a settlement

# Snapshot: Municipal Uptake of Planning Tools July 2011

