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TO:	CHAIR AND MEMBERS PLANNING & ENVIRONMENT COMMITTEE
FROM:	JOHN M. FLEMING MANAGING DIRECTOR, PLANNING AND CITY PLANNER
SUBJECT:	INFORMATION REPORT CHANGES TO THE <i>PLANNING ACT</i> THROUGH THE <i>SMART GROWTH FOR OUR COMMUNITIES ACT</i> (BILL 73) MEETING ON MONDAY, AUGUST 22, 2016

RECOMMENDATION

That, on the recommendation of the Managing Director, Planning and City Planner, the following report **BE RECEIVED** for information.

IT BEING NOTED THAT further reports will be provided to address specific policy and process changes required as a result of the Smart Growth for Our Communities Act (Bill 73), including:

- A. Public participation and engagement in the planning process, including notice procedures and policies;
- B. Complete application requirements to include a proposed strategy for consulting with the public with respect to the request;
- C. Consideration of exception to the two year “time-out” on privately initiated applications to *The London Plan* and other instances where the time-out provision applies.
- D. Update processes for receiving funds through bonusing agreements or as cash-in-lieu of parkland dedication.

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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June 1, 2015 – Planning and Environment Committee – Information Report: Bill 73 Amendments to the *Planning Act*. This information report provided information regarding what where at that time draft changes to the *Planning Act*.

BACKGROUND

In early 2015 the Province released draft changes to the *Planning Act*, contained in the *Smart Growth for Our Communities Act* (Bill 73), that were intended to improve the planning system in Ontario by improving processes related to citizen engagement; certainty, stability, and costs; local decision making and accountability; dispute resolution; and transparency. These changes were reviewed by the Standing Committee on Social Policy in the fall of 2015 and received Royal Assent on December 3, 2015. Most of the changes did take effect upon Royal Assent, but rather on July 1, 2016 by Royal Proclamation. This delay allowed new and updated regulations to be prepared for the implementation of the new legislation prior to it coming into effect.

In general, the changes support municipalities in their capacity to make planning decisions and implement planning policies, with a focus on making the planning system more transparent and accessible to the public. In the information report presented to PEC in June, 2015 on the draft version of Bill 73, staff reported that we support the new direction in this legislation, and the version that is now in effect maintains the overall

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intent that was discussed at that time.

This report includes a summary of the changes to the *Planning Act* and their implications for the City of London. It includes a description of changes that may be required and opportunities to improve our planning processes as a result of the new legislation. This report does not address changes in Bill 73 to the *Development Charges Act*. This report does not make any specific recommendations regarding changes to London’s planning policies or processes, as it is intended to provide a higher level overview of the new requirements of the *Planning Act*. Separate reports will be prepared in the future to address specific policy or procedural changes that may be required as a result of the *Smart Growth for Our Communities Act*.

SUMMARY OF CHANGES TO THE <i>PLANNING ACT</i>
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The changes made to the *Planning Act* through Bill 73 are, in general, favourable in that they strengthen the City’s ability to implement planning policies and defend them before the Ontario Municipal Board (OMB). A detailed summary of the various changes to the *Planning Act* is included in Appendix A, which also describes some of the implications of each change for the City of London. This section includes highlights of the most significant changes to the *Act*.

Provisions for New Official Plans

Some significant changes were made to the process for preparing and implementing new Official Plans. Given the recent adoption by Council of *The London Plan*, and that it is now being review by the Minister of Municipal Affairs for approval, these changes have come at an opportune moment for the City. Even though *The London Plan* was adopted before the changes to the *Planning Act* came into effect, the Plan will receive the full benefit of the new legislation because approval by the Minister will occur after the new legislation has taken effect. Some of the key changes that have been made regarding new official plans include:

- Universal appeals of an entire new official plan are no longer permitted. This means that *The London Plan* cannot be appealed in its entirety, and all appellants must specify what policies are of concern to them.
- Appellants are now required to explain the reasons for an appeal in respect of provincial and local policies, or they risk having their appeal dismissed without a hearing. This will discourage frivolous appeals and will ensure that if any are submitted they will be resolved quickly.
- A two year “time-out” is now in place on privately initiated applications to amend new official plans after they come into effect, which means that the City will not be required to consider any amendments for the first two years of *The London Plan*, allowing us to concentrate on implementing the new policy regime.
- There is now a 10-year cycle to complete the first review of new official plans, followed by 5-year reviews thereafter. This will allow the City to concentrate on the implementation of *The London Plan*. The City has the option of completing the review sooner than 10 years if Council so wishes.
- Built form has been added to the list of matters that are of Provincial interest. This change is in line with the new planning direction taken in *The London Plan*, which places much greater emphasis on built form and city design.

Time-Outs on Amendments to New Plans or Zoning By-laws

The revisions to the *Planning Act* seek to give municipalities more ability to implement new planning policies or regulations through time-outs on certain privately initiated applications. This process is described as it relates to new official plans above, but it

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also applies to new zoning by-laws and to applications for a minor variance following the approval of a zoning by-law amendment. In all cases Council may consider exceptions to these time-outs, either for specific applications or for classes of application. There is an immediate need to determine if exceptions will apply to minor variance applications as these may occur after the approval of any zoning by-law amendment. Exceptions from the time-out following the approval of a new by-law will be considered if a new zoning by-law is prepared, just as similar exceptions need to be considered for *The London Plan* at this time. There is also a 5-year time-out provision following the approval of a Community Planning Permit System, which is discussed later in this report.

Alternate Notice Provisions

Another focus of Bill 73 is improving public engagement and participation in the planning process. This includes new provisions that allow alternate forms of notice and more flexibility in terms of the contents of public notices that are provided. *The London Plan* has incorporated some of these changes, such as listing email notice as an alternative to regular mail, but additional changes may be required as a result of the new legislation. The Planning Division is currently reviewing the City’s notice procedures and policies through its “improving public engagement in the planning process” project that is aimed at enhancing the ease and accessibility of public engagement in all planning processes. That ongoing review will consider and apply the new requirements of the *Planning Act* where appropriate. Amendments to the notice policies in the current Official Plan and *The London Plan* may be recommended as a result of this review.

Community Planning Permit System

Through the changes to the *Planning Act* in Bill 73, the Province is encouraging municipalities to consider a Community Planning Permit System (CPPS), which was formerly called a Development Permit System. A CPPS would replace a traditional zoning by-law and may be applied city-wide or in specified geographic areas only. When a development application is submitted, a CPPS would address all of the issues that are now dealt with in the Zoning By-law Amendment, Site Plan, and Minor Variance application processes. A CPPS is viewed as a more development-friendly and streamlined planning system that has greater potential to produce high quality development. It integrates the consideration of design matters into the planning process at an earlier stage. In a CPPS all design matters can be considered at the same time as other policy-related planning concerns, and could be integrated more easily into a development agreement.

To provide an incentive for municipalities to consider a CPPS instead of traditional zoning, the new legislation includes a 5-year time-out period on privately initiated applications to amend a CPPS, whereas there is a 2-year time-out for a new Zoning By-law. The new legislation also enables the Province to require municipalities to adopt a CPPS, but there is no indication that this will happen in the near term.

<p>SUMMARY OF NEW AND AMENDED REGULATIONS UNDER THE <i>PLANNING ACT</i></p>
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The *Smart Growth for Our Communities Act* received Royal Assent on December 3, 2015 but most of the changes to the *Planning Act* did not come into effect until a Royal Proclamation was made on July 1, 2016. The reason for this delay was to allow the Province to prepare new and updated regulations under the *Planning Act* for the implementation of the changes in the legislation. This section includes a description of the new and updated regulations, and any implications they have for the City that go beyond what was described with regards to the changes to the *Act* itself. The new or amended regulations under the *Planning Act* include:

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1. O. Reg. 173/16 (Community Planning Permits) – This is a new regulation that replaces O. Reg. 608/06 (Development Planning Permits).

If the City determines to establish a CPPS, this regulation lists the policy and process requirements to prepare and implement the system. It gives direction on issues such as enabling Official Plan policies, notice requirements, forms of development to which it applies, and other matters.

2. O. Reg. 174/16 (Transition Matters Relating to the Smart Growth for Our Communities Act, 2015) – This is a new regulation.

This new regulation outlines transition matters for the *Planning Act* amendments contained in Bill 73. These relate primarily to different types of planning applications submitted under the current policies and dictates whether the new legislation applies based on the timing of the application. With regards to the timing of *The London Plan*, because the Plan will be approved after the changes came into effect, the Plan is subject to the new requirements of the *Planning Act*, as amended by the *Smart Growth for Our Communities Act*.

3. O. Reg 175/16 (Minor Variance Applications) – Amends O. Reg 200/96

Minor changes have been made to this regulation to reflect *Planning Act* changes primarily regarding alternate notice provisions and procedures for sending information to the OMB following an appeal

4. O. Reg. 176/16 (Consent Applications) – Amends O. Reg 197/96.

Minor changes have been made to this regulation to reflect *Planning Act* changes primarily regarding alternate notice provisions.

5. O. Reg. 177/16 (Requests to Amend or Revoke Minister’s Zoning Orders) – Amends O. Reg. 546/06.

Minor changes have been made to this regulation to reflect *Planning Act* changes primarily regarding the addition of a proposed strategy for consulting with the public to the list of materials to be provided in an application.

6. O. Reg. 178/16 (Plans of Subdivision) – Amends O. Reg. 544/06.

Minor changes have been made to this regulation to reflect *Planning Act* changes primarily regarding alternate notice provisions, the addition of a proposed strategy for consulting with the public to the list of materials to be provided in an application, and addressing how public comments influenced the decision to approve or refuse an application.

7. O. Reg. 179/16 (Zoning By-laws, Holding By-laws and Interim Control By-laws) – Amends O. Reg. 545/06.

Minor changes have been made to this regulation to reflect *Planning Act* changes primarily regarding alternate notice provisions.

8. O. Reg. 180/16 (Official Plans and Plan Amendments) – Amends O. Reg. 543/06,

Minor changes have been made to this regulation to reflect *Planning Act* changes primarily regarding alternate notice provisions, the addition of a proposed strategy for consulting with the public to the list of materials to be provided in an application, and addressing how public comments influenced the decision to approve or refuse an application.

These new and updated regulations have come into effect as of July 1, 2016. As such, the City is required to comply with the new requirements listed above immediately. Wherever possible changes are being made to existing City procedures to be in line with the new *Planning Act* requirements. Any significant changes to City processes will be outlined in a future report.

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NEXT STEPS – REQUIRED ACTIONS TO COMPLY WITH BILL 73

The changes to the *Planning Act* and to regulations under the *Planning Act* made by Bill 73 support the City’s ability to make and implement planning decisions, while also requiring greater public engagement and access throughout the planning process. As a result of the new legislation some minor revisions to the City of London’s planning process are required. Each of these changes will be discussed in greater detail in a future report to the Planning and Environment Committee, which will also include recommended process or policy revisions. The required changes include:

- Review and update public notice policies and procedures as required – this review is currently ongoing and will address alternate notice provisions and the requirement to explain the effect of public input on a Council decision.
- Update requirements for complete applications as required to include a proposed strategy for consulting with the public with respect to the request.
- Review and consider if or when to permit an exception to the two year “time-out” on privately initiated applications to *The London Plan*, as well as in other instances where the time-out provision applies.
- Update processes for receiving funds through bonusing agreements or as cash-in-lieu of parkland dedication, to ensure statements are available in accordance with the new requirements.

PREPARED BY:	SUBMITTED BY:
JUSTIN ADEMA, MCIP, RPP PLANNER II, LONG RANGE PLANNING AND RESEARCH	GREGG BARRETT, AICP MANAGER, LONG RANGE PLANNING AND RESEARCH
RECOMMENDED BY:	
JOHN M. FLEMING, MCIP, RPP MANAGING DIRECTOR, PLANNING AND CITY PLANNER	

August 15, 2016
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**Appendix A – Summary of Changes to the *Planning Act* Made
By the *Smart Growth for Our Communities Act* (Bill 73)**

	<i>Planning Act</i> Amendment¹	Legislation Reference¹	Previous <i>Planning Act</i> Requirement¹	Implications for London
1	<p>Planning Advisory Committees (PACs)</p> <ul style="list-style-type: none"> • All upper-tier municipalities and those single-tier municipalities in southern Ontario (except Township of Pelee) required to establish PACs • All PACs (whether required / discretionary) must have at least one citizen member 	Section 8	PACs have been authorized under <i>Planning Act</i> since 1983. Municipalities had ability to create PACs, at their discretion	<p>As a result of this change the City of London is required to include a PAC as part of its planning process. The City will have discretion regarding what planning matters will be reviewed by this committee, and because several existing advisory committees deal with planning matters already, no changes may be required to our planning process to meet this <i>Planning Act</i> requirement.</p> <p>While a new committee may not be needed to fulfill these new <i>Planning Act</i> requirements, there may be an opportunity to improve our planning process with a PAC. Because London is moving towards a new planning approach in <i>The London Plan</i>, establishing a PAC may be an opportunity to enhance public engagement and provide additional feedback to City Council that could focus on city-building by ensuring the vision, values, and key directions established in The London Plan are upheld in all decisions of Council.</p> <p>REQUIRED ACTIONS – None. But Council may consider establishing a separate Planning Advisory Committee.</p>

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¹Information quoted from the Job Aid summary provided by the Ministry of Municipal Affairs and available online at <http://www.mah.gov.on.ca/Page13778.aspx>

	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
2	<p>Enhanced Requirement to Have Regard to Public Input</p> <ul style="list-style-type: none"> Requirement that the OMB must have regard to all information received by the municipality in adjudicating non-decision appeals and clarification that OMB and approval authorities must have regard to both written and oral submissions received at the municipal level 	Section 2.1	No specific requirement for OMB to have regard to any information, including written and oral submissions received by the municipality from the public, for non-decision appeals	<p>The intent of this change is to ensure that there is consistent information provided when decisions are made on planning issues by either City Council or an OMB member. It also will ensure that information provided to the City will be considered by the OMB member even if there is an appeal of a non-decision by City Council.</p> <p>This new requirement in the <i>Planning Act</i> will not affect the process of reviewing applications by the City, but may lead to better results at the OMB as all information will be considered.</p> <p><u>REQUIRED ACTIONS</u> – None. City Clerk to ensure that appropriate information is sent to the OMB with each appeal.</p>

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	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
3	Enhanced Alternative Notice Provisions <ul style="list-style-type: none"> • Municipalities authorized to expand alternative notice procedures for additional planning matters 	Subsections: 17(19.3)-(19.4.1) 34(14.3)-(14.4.1) 51(19.3.1)-(19.3.3) 53(4.3)-(4.5)	Alternative notice was allowed for OPAs, ZBLs, ZBAs, CIPs in respect of narrower range of requirements	<p>The new alternative notice provisions will allow the City to provide notice in more effective ways that are more in line with current communications trends. For instance, email notice is now permitted as an alternative to the standard mail notices.</p> <p>The City is currently undertaking a review of our community engagement and notice procedures, and the new provisions of the <i>Planning Act</i> will be taken into account when considering alternative methods of notice. These changes will be discussed in detail in an upcoming report to the Planning and Environment Committee.</p> <p>REQUIRED ACTIONS – None. Alternate notice provisions are optional, but may present an opportunity to improve London’s planning process and will be considered.</p>
4	Requirement to Explain Effect of Public Input <ul style="list-style-type: none"> • Municipalities and approval authorities required to explain effect of public input, if any, on planning decisions 	Subsections: 17(23)-(23.2), 17(35)-(35.2) 22(6.6)-(6.8) 34(10.9)-(10.11), 34(18)-(18.2) 45(8)-(8.2) 51(37)-(38.2) 53(17)-(18.2)	No previous requirement for municipalities and approval authorities to explain the effect of the public input on their decision	<p>In order to improve transparency and consistency in decision making, the <i>Planning Act</i> now requires municipalities to provide information on what effect public comments had on a decision. The City will have discretion on how this is communicated and at what level of detail.</p> <p>This new requirement will be considered in the ongoing review of our citizen engagement procedures, and it will be addressed in an upcoming report to the Planning and Environment Committee.</p> <p>REQUIRED ACTIONS – Need to determine how information will be presented and make any necessary modifications to notice procedure. Note that this has been in effect since July 1, 2016 and new wording has already been incorporated into Notices.</p>

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	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
5	Requirement to Include Public Consultation Policies in Official Plans <ul style="list-style-type: none"> • Municipal official plans must include description of measures and procedures for informing and obtaining views of the public on OPAs, zoning by-laws, plans of subdivision and consents 	Subsections 16(1)-(2)	Municipalities could include public consultation policies in official plans but were not required to do so	<p><i>The London Plan</i> includes policies regarding the measures and procedures for informing and obtaining views of the public on planning applications. As such the City has met this new <i>Planning Act</i> requirement already and no changes to <i>The London Plan</i> are required. Policies will be included in the review of community engagement and notice and may be discussed in an upcoming report to the Planning and Environment Committee.</p> <p><u>REQUIRED ACTIONS</u> – None. Policies may be updated as a result of the review of notice and public engagement.</p>
6	PPS Review Cycle- 10 Years <ul style="list-style-type: none"> • PPS review cycle changed from 5 to 10 years 	Subsection 3(10)	Requirement to commence a review of PPS at least every five years from the date of issue to determine need for revision	<p>This change will not impact City procedures. This will reduce the frequency of updates to the Provincial Policy Statements and, therefore, reduce the regularity of Official Plan reviews that would be required to ensure conformity to a new PPS.</p> <p><u>REQUIRED ACTIONS</u> – None.</p>

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	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
7	Requirement to Submit Draft OP/OPA to MMA <ul style="list-style-type: none"> • Municipalities required to provide copy of a proposed OP / OPA to MMA at least 90 days prior to notice of public meeting (where MMA is the approval authority and the OP is not exempt from approval) 	Subsections 17(17.1)- (17.2)	No specific timeline for submitting draft official plan documents to MMA in advance of a public meeting	Most Official Plan Amendments approved by the City of London are exempt from approval by the Minister of Municipal Affairs. When an amendment does require review and approval by the minister, such as in the case of a new Official Plan or comprehensive review, additional requirements for circulation will be followed. <u>REQUIRED ACTIONS</u> – New protocol to be followed next time the MMA is approval authority on a City planning application.
8	Upper-/Lower-Tier Conformity <ul style="list-style-type: none"> • Prevents certain approvals and appeals of lower-tier OP / s. 26 OPA unless it conforms with upper-tier in effect/adopted OP / s. 26 OPA 	Subsections: 17(34.1)- (34.2) 17(40.2)- (40.4) 21(2)	Lower-tier municipalities were not restricted in their ability to appeal an upper-tier's non-decision in relation to the lower-tier's OP update or new OP	N/A – the City of London is a single-tier municipality. <u>REQUIRED ACTIONS</u> – None.
9	10-Year Review Cycle for New Official Plans <ul style="list-style-type: none"> • New Official Plans must be reviewed and revised, as necessary, within 10 years of coming into effect 	Subsections: 26(1)-(1.2) 26(7)	Municipalities required to update official plans no later than every 5 years	This change is intended to encourage municipalities to prepare new plans from time to time, and benefits the City of London because it means a review of <i>The London Plan</i> is not required for ten years after it comes into effect. Municipal Council will have the option of reviewing the plan when they see fit based on monitoring efforts and need within the 10-year period. <u>REQUIRED ACTIONS</u> – None.

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	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
10	2-Year “Time-out” – New Official Plans and Zoning Bylaws <ul style="list-style-type: none"> No privately-initiated applications to amend a new official plan or zoning by-law for 2 years, unless supported by municipality 	Subsections: 22(2.1 - 2.2) 34(10.0.0.1) - 10.0.0.2)	Privately-initiated amendments to OPs and zoning by-laws permitted at any time	<p>This time-out will aid the City in its implementation of <i>The London Plan</i> by alleviating the pressure to deal with amendment applications immediately after adoption. Council may still amend <i>The London Plan</i> through City-initiated amendments. There is also an opportunity for Council to pass a resolution to permit certain applications or classes of applications it deems appropriate. At this point no such resolution is recommended, however should an issue arise with regards to The London Plan later on such a resolution to permit an amendment application could be considered.</p> <p><u>REQUIRED ACTIONS</u> – Need to consider when and how exceptions will be made to allow privately initiated amendments to <i>The London Plan</i> in the first two years after it comes into effect. Staff will continue to monitor the need for such exceptions.</p>
11	New Provincial Interest-Built Form <ul style="list-style-type: none"> Section 2 of <i>Planning Act</i> includes new provincial interest relating to built form – “built form that is well designed, encourages a sense of place, provides for public places that are of high quality, safe, accessible, attractive and vibrant” 	Section 2	“Built form” was not specifically included as one of the 18 listed provincial interests	<p>The London Plan places greater emphasis on the built form than any previous planning approaches taken by the City. This change to the <i>Planning Act</i> is a validation of this new direction and will provide good support in defense of policies that speak to the built form as it relates to individual development proposals and other city building initiatives.</p> <p><u>REQUIRED ACTIONS</u> – None.</p>

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	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
12	Built Environment Policies in Official Plans <ul style="list-style-type: none"> Requirement for official plans to contain policies related to the built environment 	Subsection 16(1)	No previous requirement to explicitly include built environment policies in OP's OP's were required to contain policies related to "goals, objectives and policies established to manage and direct physical change and the effects on the social, economic, and natural environment of the municipality"	As described above, <i>The London Plan</i> includes policies for the built form and the built environment. As such this new requirement of the <i>Planning Act</i> has been met. <u>REQUIRED ACTIONS</u> – None.
13	Protection of Employment Lands <ul style="list-style-type: none"> Municipalities no longer required to revise their employment land policies / designations at time of official plan update 	Previously Subsection 26(1)	Municipalities were required to revise, by either confirming or amending, their employment land policies and designations at 5-year official plan update. As a result, any party could appeal employment land policies / designations at this time	When the first comprehensive review of <i>The London Plan</i> is undertaken, which will not be more than ten years after it comes into effect, it will be determined whether a review of employment land policies or place types is necessary. <u>REQUIRED ACTIONS</u> – None.

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	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
14	90-Day “Time-Out” for OP / OPA <ul style="list-style-type: none"> Approval authority and adopting municipality / applicant can agree to pause of up to 90 days in 180-day decision timeline for approving Official Plan / OPA 	Subsections 17(40)-(40.1)	No previous ability to suspend decision timeframe	This provision would allow the City additional time to resolve a dispute related to the approval of an official plan amendment. The extra time must be agreed to by the applicant. <u>REQUIRED ACTIONS</u> – None. Implementing this time-out may require that Council gives staff delegated authority to come to such an agreement.
15	Renaming of Development Permit System (DPS) <ul style="list-style-type: none"> DPS name changed to Community Planning Permit System (CPPS) 	Section 70.2.1	System was known as the Development Permit System (DPS)	The renaming of what was previously called a Development Permit System to a Community Planning Permit System is a better reflection of what processes are included and is the preferred name by City staff. Use of this new name is optional. <u>REQUIRED ACTIONS</u> – None. The term “Community Planning Permit System” is already included in <i>The London Plan</i> and will be used from now on by the City.
16	5-Year “Time-Out” for CPPS <ul style="list-style-type: none"> No privately-initiated amendments to CPPS for 5 years, unless supported by municipality 	Subsection 70.2(2.1)	Applications to amend DPS official plan policies or DP by-law could be made at any time	A 5-year time-out was included in the <i>Planning Act</i> to incentivize municipalities to approve a CPPS. A CPPS would replace the standard zoning by-law amendment, minor variance, and site plan application processes with one streamlined process. <u>REQUIRED ACTIONS</u> – None.

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	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
17	Requiring Use of CPPS <ul style="list-style-type: none"> • New authority authorizing MMA Minister or upper-tier municipality to require local municipality to establish CPPS for purposes specified by regulation 	Section 70.2.2	Use of DPS was at municipal discretion	The Minister of Municipal Affairs may require the City to establish a CPPS. Staff have been advised that there are no plans to take this action in the near future. <u>REQUIRED ACTIONS</u> – None.
18	Complete Application Requirements for Official Plan Amendments <ul style="list-style-type: none"> • Change to clarify transition - applications for OPAs are subject to previous policies / legislation only if the complete application was made prior to transition date 	Section 22.1	n/a	This section addresses transition protocols to the new <i>Planning Act</i> requirements. Any complete applications submitted prior to July 1, 2016 will not be subject to the new complete application requirements. <u>REQUIRED ACTIONS</u> – None.

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	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
19	No Appeal of Specific Provincial Approvals <ul style="list-style-type: none"> No appeals of official plans / OPAs that implement specific provincially-approved matters (see last column for details) 	Subsections: 17(24.4)-(24.5) 17(36.4)	Most matters, including provincially-approved matters, could be appealed to OMB when being implemented in municipal policy documents	Delineations of the boundary of any vulnerable area as defined in the <i>Clean Water Act</i> , 2006, which includes significant groundwater recharge areas, highly vulnerable aquifers, surface water intake protection zones, or wellhead protection areas cannot be appealed in London. Other policies listed in the legislation do not apply in the City of London municipal boundary. <u>REQUIRED ACTIONS</u> – None.
20	No Appeal of Second Units <ul style="list-style-type: none"> Change removes ability to appeal second unit policies at time of an OP update 	Previously Subsections: 17(24.2) 17(36.2)	Municipal second unit policies included in an update of the official plan could be appealed by any party	Policies for Secondary Dwelling Units, when approved, cannot be appealed at any time. <u>REQUIRED ACTIONS</u> – None.
21	No Ability to Appeal Entire New Official Plan <ul style="list-style-type: none"> Changes remove ability for an appellant to appeal an entire official plan 	Subsections: 17(24.2)-(24.3) 17(25)(a) 17(36.2)-(36.3) 17(37)(a) 21(1)	Any party could appeal the entire official plan	After <i>The London Plan</i> is approved by the Minister of Municipal Affairs there will be an opportunity to submit appeals. This change removes the ability to appeal the entire Plan, instead requiring only specific policies to be the subject of an appeal. The intent of this change is to streamline OMB hearings by scoping them to only the specific concerns. This may enable us to resolve appeals faster or have portions of the plan come into effect while certain appeals are still outstanding. <u>REQUIRED ACTIONS</u> – None.

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¹Information quoted from the Job Aid summary provided by the Ministry of Municipal Affairs and available online at <http://www.mah.gov.on.ca/Page13778.aspx>

	Planning Act Amendment¹	Legislation Reference¹	Previous Planning Act Requirement¹	Implications for London
22	Limit Open-Ended Appeals for Non-Decisions <ul style="list-style-type: none"> • Changes allow approval authorities to establish optional time limit for additional appeals, following an appeal of a non-decision of OPs / OPAs 	Subsection 17(41.1)	No ability for approval authorities to create a time limit for additional “non-decision” appeals	<p>In some Ontario municipalities there have been concerns with appeals being continuously submitted for non-decisions while previous appeals on the same non-decision were being resolved. This has the potential to create a never-ending cycle of appeals for a development application. This change will allow the City to set a window of 20 days after an appeal is submitted for a non-decision, after which no further appeals may be submitted. After that period all appeals can be resolved without the risk of any more being submitted.</p> <p><u>REQUIRED ACTIONS</u> – None. This option may be considered when an appeal is received for a non-decision.</p>
23	Clearer Reasons for Appeals <ul style="list-style-type: none"> • Appellants need to explain the reasons for an appeal in respect of provincial / local policies - failure to do so means that appellant may not be able to argue issue before OMB 	Subsections: 17(25.1) 17(37.1) 17(45) (c.1) 34(19.0.1) 34(25)(b.1)	Notice of appeal simply requires reasons for the appeal to be set out	<p>This change will help to scope and clarify the issues to be addressed in all future appeals. This will also reduce the incidence of frivolous appeals, and may result in certain appeals being dismissed before a hearing is scheduled.</p> <p><u>REQUIRED ACTIONS</u> – None.</p>

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24	<p>Alternative Dispute Resolution (ADR) - 60-day "Time-Out"</p> <ul style="list-style-type: none"> Changes allow council or approval authority to determine, after an appeal is made, if ADR is appropriate prior to sending the appeal record to OMB and extend time for sending record where pursuing ADR 	<p>Subsections: 17(26.1)-(26.4) 17(37.2)-(37.5) 22(8.1)-(8.4) 34(11.0.0.1)-(11.0.0.4) 34(20.1)-(20.4) 51(49.1)-(49.4) 53(27.1)-(27.4)</p>	<p>ADR could be used to try to resolve planning disputes but the deadline for forwarding the appeal record to the OMB remained unchanged (i.e., 15 days)</p>	<p>Alternative dispute resolution is optional and may be attempted by the City, with the aid of the new 60 day time-out, to settle appeals before they are submitted to the OMB.</p> <p><u>REQUIRED ACTIONS</u> –None. ADR procedures may be considered.</p>
25	<p>2-year "Time-out" for Minor Variances</p> <ul style="list-style-type: none"> Changes remove ability to apply for a minor variance for 2 years following the passing of an applicant-initiated zoning by-law amendment, unless application is permitted by Council (through resolution) 	<p>Subsections 45(1.2)-(1.4)</p>	<p>Applications for minor variances could be made at any time following applicant-initiated ZBA</p>	<p>This change is in response to an issue that has been identified in some Ontario municipalities where applicants attempted to undermine a council decision on a zoning by-law amendment by applying for a minor variance immediately following the municipal council's decision, to incrementally increase some aspect of the development beyond what the council had considered appropriate.</p> <p>In some instances minor variances to an approved zoning by-law amendment may be required to resolve detailed or technical issues that come up after the approval of a zoning by-law amendment, such as through the site plan approval process. Council may permit a minor variance in these instances by resolution.</p> <p><u>REQUIRED ACTIONS</u> – Need to consider when and how exceptions will be made, if applicable, to allow minor variances to an approved zoning by-law amendment.</p>

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26	<p>Additional Criteria for Minor Variances</p> <ul style="list-style-type: none"> • New authority to establish additional criteria through provincial (LGIC) regulation (timing TBD) • New authority for municipalities to establish additional criteria through municipal by-laws 	Subsections 45(1.0.1)-(1.0.4)	Minor variance applications are subject to the 4 tests set out in s. 45 of <i>Planning Act</i>	<p>There is a new opportunity to pass a by-law that includes additional tests for consideration in the review of a minor variance application. These are optional and may be considered in the future.</p> <p><u>REQUIRED ACTIONS</u> – None. Additional criteria may be considered in the future at Council’s discretion.</p>
27	<p>Reporting for Density Bonusing and Parkland Fees</p> <ul style="list-style-type: none"> • Municipal treasurers required to provide council with an annual financial statement, that is available to the public, related to density bonusing and parkland monies 	Subsections: 37(5)-(10) 42(17)-(20) 51.1(5) 70.1(1)(24.1) - (24.2)	Money collected by municipalities subject to the reporting requirements as outlined in the Municipal Act / City of Toronto Act	<p>In cases where money is collected through a bonusing agreement or in lieu of parkland dedication, the will now be required to provide financial statements</p> <p><u>REQUIRED ACTIONS</u> – Process for reporting on funds collected for the specified reasons will be reviewed in accordance with this new legislation.</p>

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28	Alternative Parkland Dedication Rate for Cash-in-lieu Dedications <ul style="list-style-type: none"> Maximum alternative parkland rate changes from 1 ha for every 300 units to 1 ha for every 500 units for cash-in-lieu 	Subsections: 42(6)-6.0.3) 51.1(3)-(3.2)	Maximum alternative parkland dedication rate was 1 hectare for every 300 units for both land dedications and cash-in-lieu	The City will be limited in the amount of money that can be collected in lieu of parkland dedication. This is meant to incentivize the actual dedication of land, which will be considered when reviewing development applications. <u>REQUIRED ACTIONS</u> – None. The new rate will be applied when cash-in-lieu of parkland is collected. The new requirement is already reflected in <i>The London Plan</i> .
29	Parks Plans Requirement <ul style="list-style-type: none"> Requirement for municipalities to develop parks plans, in consultation with school boards and, as appropriate, the public, prior to adopting new / updated alternative parkland official plan policies 	Subsections: 42(4.1)-(4.3) 51.1(2.1)-(2.3)	Parks plans were not required	The City of London has a parks plan currently in effect, which fulfills this requirement and preserves the City's ability to require dedication of parkland. <u>REQUIRED ACTIONS</u> – None.

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