



peterborough

Community Planning Permit System

EDUCATION BOOKLET



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What is a Community Planning Permit System?

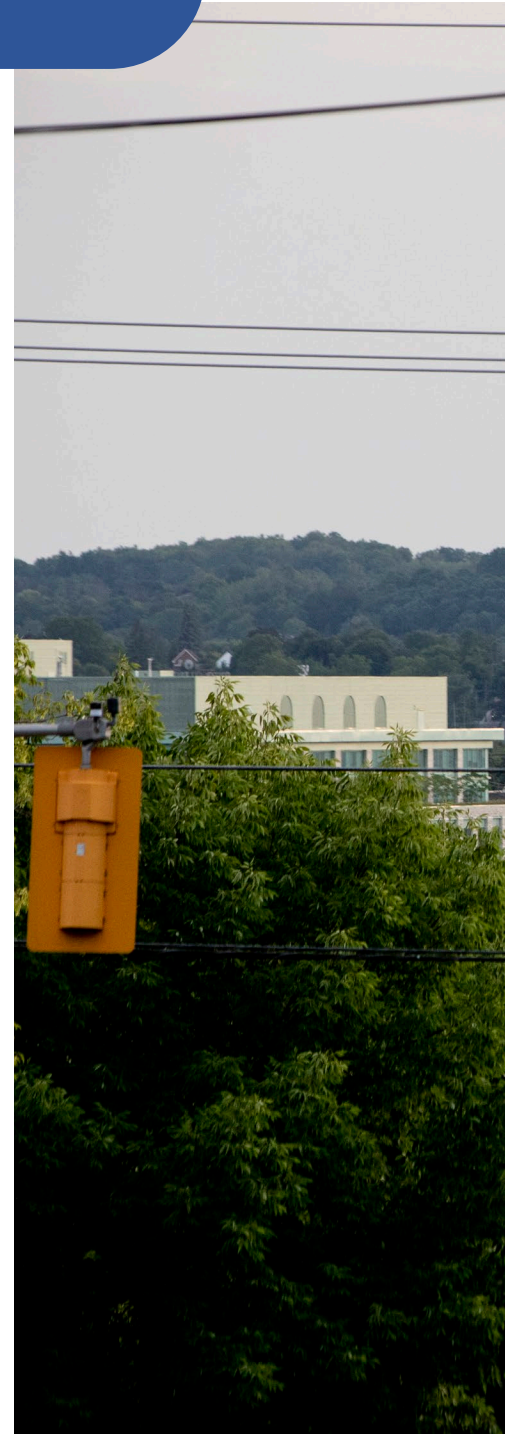
The Community Planning Permit System (CPPS) is a land use planning tool available to municipalities in Ontario that combines **Zoning By-law Amendments, Minor Variances** and **Site Plan Applications** into one single application and approval process.

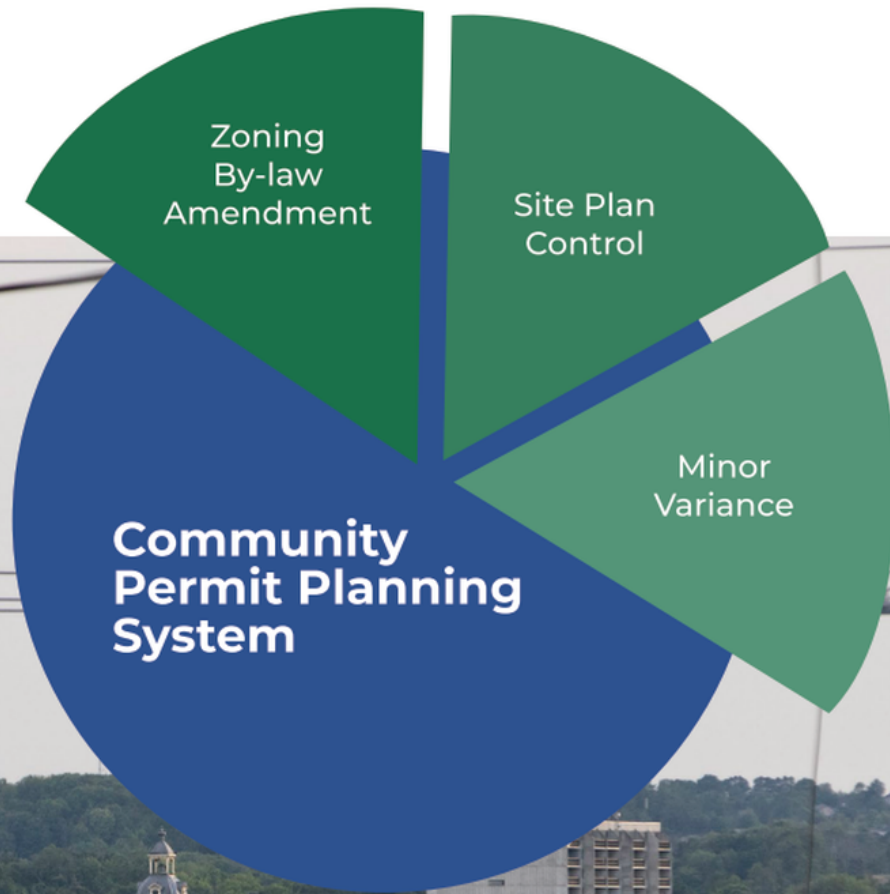
Formerly known as the Development Permit System (DPS), a CPPS provides an alternative to the traditional planning approval process. Over the past decade, the CPPS has slowly gained traction in Ontario municipalities as collective understanding of the tool has evolved.

The City's new Official Plan acknowledges the CPPS as a strategic planning tool to facilitate intensification and redevelopment. Key benefits of this tool in Peterborough would include:

- A streamlined development process;
- Increased regulation flexibility and design standards;
- Opportunity to apply a broader scope of review;
- Opportunity to implement the City's new Urban Design Guidelines; and
- Support for local objectives such as increased affordable housing supply, meeting density and intensification targets, promoting high quality design and preserving cultural heritage.

A CPPS process would be administered through a new CPP By-law, in place of all or a portion of the City's Zoning By-law. A CPP By-law could be applied to the entire City or specified geographic areas. Once a CPP By-law is in effect, the City can issue Planning Permits to allow development to occur if an application meets the standards set out in the CPP By-law.







What is a Minor Variance?

A **Minor Variance** allows a property owner to request a minor modification to the requirement of the Zoning By-law to use or develop land in a way that does not conform to the Zoning By-law, but follows its general intent and purpose. There are four tests that must be met to approve a Minor Variance, under Section 45(1) of the Planning Act, which shall confirm the application is:

1. Minor in nature;
2. Desirable for the appropriate development or use;
3. Maintains the general intent and purpose of the Official Plan; and
4. Maintains the general intent and purpose of the Zoning By-law.

Requests for Minor Variances are considered by the City's Committee of Adjustment. Through Bill 23 in 2022, the Province restricted appeal rights to the Ontario Land Tribunal (OLT) for Minor Variance decisions to applicants, municipalities and certain agencies only.

What is a Zoning By-law Amendment?

A **Zoning By-law Amendment (ZBA)** is required if a proposed development does not comply with the City's Zoning By-law and relief is not minor enough to be sought by way of a Minor Variance. ZBA decisions are made by City Council. An applicant, or any person or public body who made verbal presentations at a public meeting or provided written submissions before the by-law was passed, may appeal a ZBA to the Ontario Land Tribunal (OLT).

What is Site Plan Approval?

As permitted by Section 41 of the Planning Act, all lands within the City of Peterborough are identified as a **Site Plan Approval** Area. The primary function of Site Plan Approval is to allow City Staff to work with applicants in addressing site-specific design elements such as the location of buildings and structures, site layout, parking and landscaping.

Provincial CPPS Legislation

The legislative framework authorizing municipalities to implement a CPPS dates back more than 15 years, however, it is only recently that the tool has gained more popularity and attention through implementation by municipalities and changes to the Planning Act (1990).

2007
O. Reg 608/06
Development Permits

In 2007, the Planning Act was updated to enable the implementation of a development approvals framework known as the **Development Permit System (DPS)**. The tool was first implemented through *Ontario Regulation 608/06* to offer municipalities the option of managing development in a more streamlined, flexible manner.

2017
O. Reg 173/16
Community
planning Permits

Ten years later, *Ontario Regulation 608/06* was revoked and the tool was re-implemented and introduced as the **Community Planning Permit System (CPPS)**. *Ontario Regulation 173/16* is still in effect today, governing how a CPPS may be implemented.

2019
Bill 108
More Homes,
More Choice Act

Bill 108 introduced the following CPPS changes to the Planning Act:

- The Minister of Municipal Affairs and Housing was given the power to order municipalities to establish an area-specific CPPS. To our knowledge, no municipality has yet been ordered to establish a CPPS. Much like all other municipalities, the City of Peterborough itself is looking into the implementation of a CPPS.
- Opportunities for municipalities to implement **Inclusionary Zoning (IZ)** were confined to Protected Major Transit Station Areas (PMTSAs) or areas where a CPPS has been adopted or established in response to an order made by the Minister. Peterborough does not contain any PMTSAs.



2022
Bill 109
More Homes for
Everyone Act

In April 2022, Bill 109 introduced several changes to the Planning Act, amongst other legislative changes. No changes were proposed to the CPPS process. The new refund provisions with respect to application decisions do not apply to CPPS applications.

2022
Bill 23
More Homes Built
Faster Act

In November 2022, Bill 23 introduced significant amendments to the Planning Act and other legislation, a few of which include:

- Permissions to develop up to three residential units per lot;
- Restricted third-party appeal rights for Minor Variances and Consents; and
- The exemption of residential developments of 10 units or less from Site Plan Control, removing the ability for municipalities to control external architectural design.

Importantly, no changes were proposed to the CPPS process. Through a CPP By-law, a municipality may still enforce Site Plan Control for residential developments of 10 units or less.

Who Else Has Implemented a CPPS?

Only a few municipalities in Ontario have implemented a Development Permit (DP) By-law under the previous legislation or a more recent Community Planning Permit (CPP) By-law.

Lake of Bays was one of the first municipalities to implement a DPS in 2001 as part of a Provincial pilot project, specifically for their waterfront areas. The Township was one of five DPS pilot municipalities and notably, the only one to actually enact a DP By-law. The municipality passed a Township-wide CPP By-law in 2021.

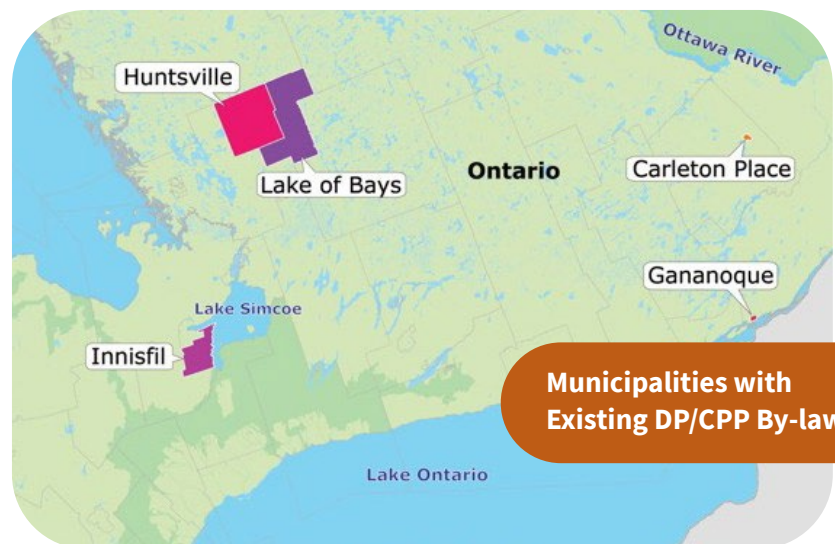
Brampton's DP By-law for Main Street North DPS was approved in 2015 and encompasses the lands that generally span Main Street North between Church Street and Vodden Street. The objectives of the DPS By-law are to promote development and redevelopment in the area while retaining the distinct character of the area, promoting green streets, improving landscaping, supporting pedestrian and transit initiatives, and establishing the downtown area as a destination.

Innisfil's "Our Shore" CPPS was implemented in 2017 to control development along the Lake Simcoe shoreline. The Town is currently undertaking a Town-wide CPPS Study.

Gananoque adopted a Town-wide DP By-law in 2011, with the objectives of preserving and enhancing character, protecting environmental features and promoting a sustainable development pattern.

Carleton Place's DP By-law came into effect in 2008. The Town-wide DPS is intended to preserve small-town character, improve the waterfront area, preserve existing neighbourhoods, rehabilitate industrial properties, expand green spaces, diversify culture and recreation, and protect the natural environment.

Huntsville passed their Town-wide CPP By-law in 2022, after undertaking a comprehensive two-year study. The Town's main intent was to hone in on the waterfront, site alteration and vegetation removal, which the Town previously had little control over.





Current CPPS Studies

While a number of municipalities have been considering the implementation of a CPPS, the following have initiated public studies.

Burlington is in the process of developing area-specific CPP By-laws for their three Go Station MTSAs, following the completion of Area-Specific Plans.

Markham is currently exploring options to integrate a CPPS into the current planning framework.

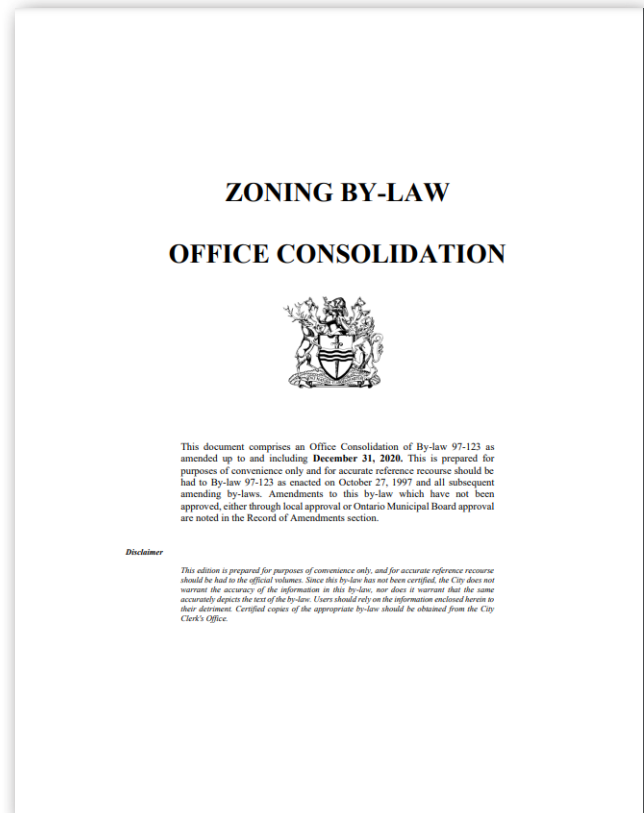
Waterloo completed the University Avenue Gateway Strategy. One of the recommends of the Strategy was to explore how a CPPS may support a streamlined development process for redevelopment applications along the University Avenue Gateway corridor.

Ottawa has initiated a pilot study for a new CPPS within the Kanata North Economic District.

How Does a CPP By-law Differ from the City's Zoning By-law?

A CPP By-law in Peterborough would replace all or a portion of the City's existing Zoning By-law, depending on whether the CPPS is City-wide or area-specific. It is recommended the City consider either a City-wide CPPS or a Strategic Growth Areas CPPS. If an area-specific CPP By-law is passed, the City's current Zoning By-law would still apply for properties located outside of the CPPS Area.

A CPP By-law is similar to a Zoning By-law in that it regulates the use of land and establishes performance and development standards. Of similar intent to "Zones" within a Zoning By-law, a CPP By-law typically establishes and maps "Precincts" or "Districts". The City's current Zoning By-law would provide the foundation for the establishment of Precincts and inform the fundamental content of the CPP By-law.



Greater Controls

Both CPP and Zoning By-laws establish requirements such as, but not limited to: lot area; building setbacks and height; number of units and buildings; landscaping; and parking requirements.

CPP By-law's enable municipalities to provide greater controls and conditions regarding aspects of development that typically fall outside of zoning such as **urban design, landscaping, tree removal, site alteration, natural feature protection and flood plain and natural hazard limitations. Community benefits** such as public art contributions or the provision of other community amenities can also be secured through CPP agreements.

What Does the Community Planning Permit Process Cover?

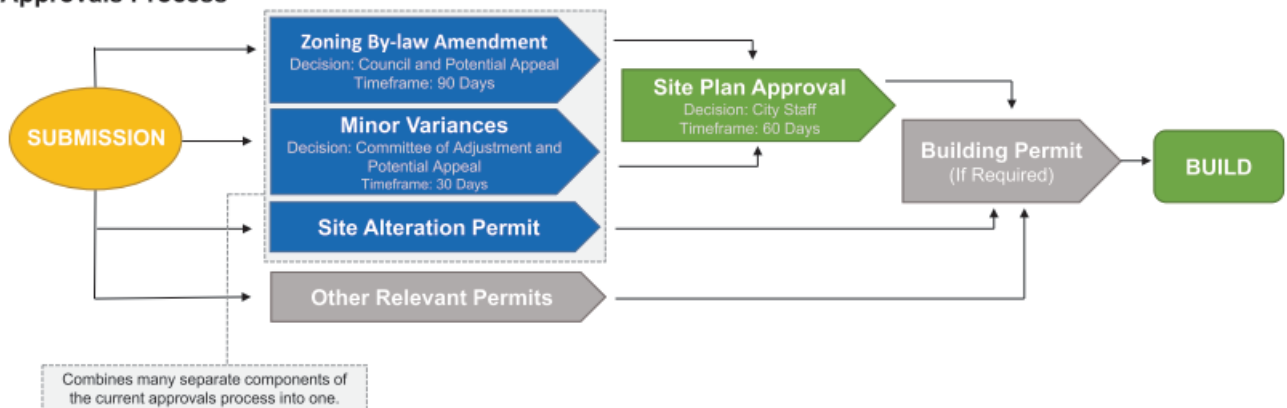
Through Peterborough's current planning process, Zoning By-law Amendments, Minor Variances and Site Plan Approval are completed in parallel or consecutively as multiple separate applications. Through a CPPS, the combination of these three application types into one single streamlined approvals process allows for a broader scope of review, as well as considerable flexibility in the application of development standards and land use permissions. A CPP By-law does not replace the need to obtain a Building Permit after a Planning Permit is approved.

For residents, homeowners and developers, a CPPS reduces the number and complexity of applications that need to be submitted, as well as the overall development timeline. The implementation of a CPPS has the potential to reduce decision times by several months.

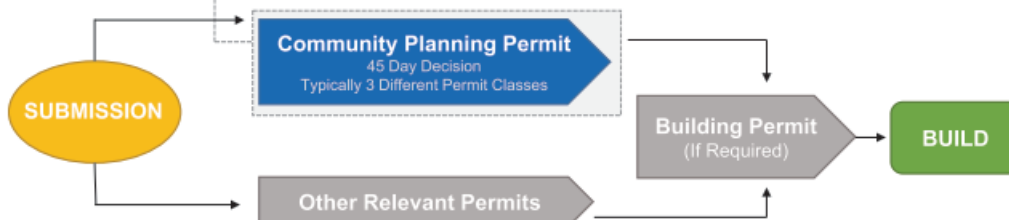
For City Staff, a CPPS allows approval decisions to be made more quickly, with all relevant information. Development applications submitted under a CPPS must be reviewed by the municipality and decided on within **45 days**.

Current Process and CPPS Process Comparison

Current Approvals Process



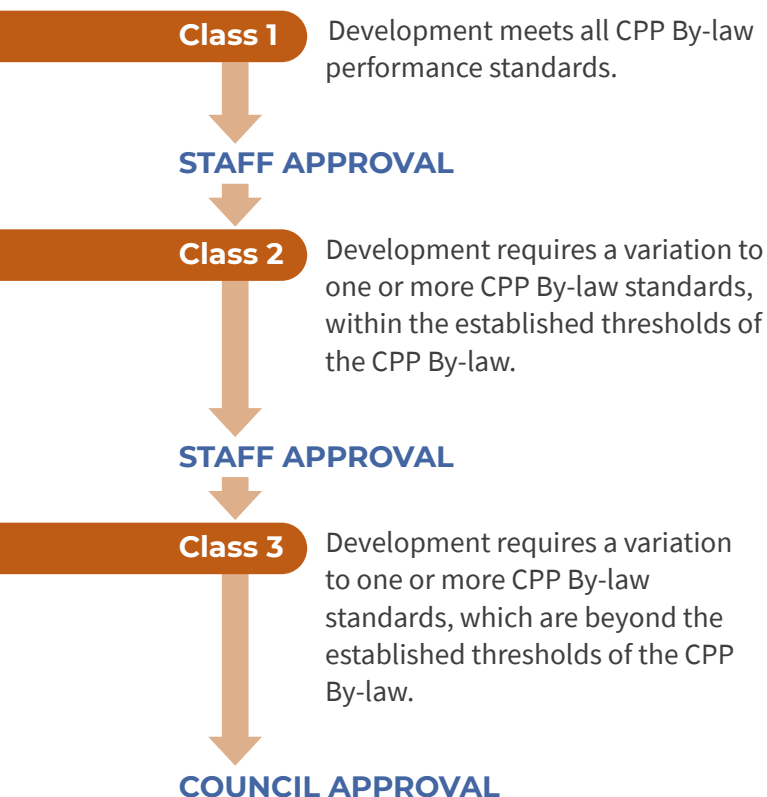
CPPS Process



Approval Authority

A Planning Permit application may be approved by Staff, a Planning Advisory Committee or Council. A CPPS is quite flexible in the way it can be set up with respect to permit classes and approval authority. Most CPP By-laws establish two to three permit classes. Applications that meet all or most performance standards are typically approved by Staff, while more complex applications that need significant variation from the CPP By-law standards are approved by a Planning Advisory Committee or Council.

The City has the ability to develop their own permit class structure and thresholds for variations. The following general structure is recommended as a starting point:



Consultation

All public and stakeholder consultation is front-ended, meaning it is part of implementing the CPPS-enabling Official Plan policies and the CPP By-law itself. This is different from the traditional planning process where public consultation is firmly embedded. The CPPS legislation does not require public notification of Planning Permit applications, nor any public meetings. In practice however, most municipalities require public notification for higher permit class applications, which is the recommended approach.

Appeals

Anyone who participated in the CPPS implementation process could appeal the Official Plan Amendment or passing of the CPP By-law to the Ontario Land Tribunal (OLT). Once in place, decisions on a development application may only be appealed by the applicant to the OLT. There are **no third-party appeals** for CPP By-law applications.

Conditions of Approval

A CPP By-law can impose conditions of approval to be addressed. This is a way to ensure that a decision is made within the legislated 45 day time frame, where certain matters may require additional work or study prior to final approval being granted. Similar to a Site Plan Agreement, an applicant may be required to enter into an agreement with the City registered on title to address the conditions.

Administrative Process Comparison

While there are key administrative process differences between a traditional application framework and a CPPS application framework, it is important to recognize that the main individual milestones of the application framework are common to both processes. The following represents the key steps from all perspectives, including City Staff, Council and applicants, highlighting key differences.

	Traditional Process	CPPS Process
Step 1: Pre-Submission Consultation	<ul style="list-style-type: none"> City and all applicable agencies identify submission requirements. Record of Pre-Application Technical Adequacy Review is obtained. 	<ul style="list-style-type: none"> City and all applicable agencies identify submission requirements. City identifies type of Planning Permit application (Class 1, 2 or 3).
Step 2: Application Submission and Public Notice	<ul style="list-style-type: none"> Application deemed “complete”. <ul style="list-style-type: none"> ZBA - Must be deemed complete within 30 days of submission. Circulation to City Staff and agencies for review. ZBA and Minor Variance - Public notice sent out. 	<ul style="list-style-type: none"> Application does not need to be deemed “complete”. Flexibility in determining when to “start the clock” for review (45 day timeline). Circulation to City Staff and agencies for review. No legislative requirement for notice, however in practice, notice is recommended for higher Permit Class applications (flexibility in approach).
Step 3: Application Review	<ul style="list-style-type: none"> City Staff and agencies review application. ZBA - Staff Report and recommendations to Council. Minor Variance: Staff comments with recommendations to Committee of Adjustment. 	<ul style="list-style-type: none"> City Staff and agencies review application. Written evaluation/report (ZBA, Minor Variance and Site Plan combined). Staff recommendation for higher Permit Class applications approved by Council. Flexibility in addressing Site Plan matters.
Step 4: Decision	<ul style="list-style-type: none"> ZBA - Council (within 90 day timeframe) Minor Variance - Committee of Adjustment Site Plan - Director of Planning 	<ul style="list-style-type: none"> City Staff or Council depending on Permit Class (within 45 day timeframe) May impose conditions of approval.
Appeal Rights	<ul style="list-style-type: none"> ZBA - Applicant, the City, the Minister or any person who made verbal or written comments. Minor Variance - Applicants, the City, the Minister and certain public bodies. 	<ul style="list-style-type: none"> Only the applicant can appeal a decision. No third party appeal rights.

Can Inclusionary Zoning and Community Benefits be Implemented through a CPPS?

A number of municipalities have been considering the use of a CPPS as a way to implement Inclusionary Zoning (IZ), the provisions for which are set out in the Planning Act and Ontario Regulation 232/18. According to the Planning Act, a municipal Official Plan may authorize IZ within:

- A Protected Major Transit Station Area; or
- An area in which a CPPS has been adopted or established in response to an order by the Minister of Municipal Affairs and Housing.

Currently, there are differing interpretations on where IZ may be implemented based on the above Planning Act provisions. While IZ may be implemented within a Protected MTSA (PMTSA), it remains unclear whether a CPPS would need to be established by the Minister in order to implement IZ, or if it could apply within a City-initiated CPPS Area.

In addition, Community Benefit Charges (CBC) are not applicable under a CPPS, but the CPP by-law may outline “services, facilities and matters” (which do not seem to be limited by Bill 23 maximum thresholds). In addition, a CPP By-law may outline instances where a municipality will consider increased height and density in exchange for “services, facilities and matters”.

Inclusionary Zoning (IZ) is a municipal planning tool that mandates or incentivizes developers to provide affordable housing within new market-rate developments of 10 or more units, with the overall intent to increase equity in housing in areas that are the focus for new development.



Why is Peterborough Looking at Implementing a CPPS?

There are a number of reasons why Peterborough may ultimately choose to implement a CPPS. Some of the benefits of implementing a CPPS include:

- Make development approval processes more streamlined and efficient by combining Zoning By-law Amendments, Minor Variances and Site Plan Approval into one single application and approval process;
- Get housing to market quicker;
- Support local priorities (for example, community building, developments that support public transit, and greenspace protection);
- Flexibility in the application of development standards and land use permissions, providing more certainty to the public and stakeholders on the future use of land; and
- Opportunity to regulate and promote design excellence that is not available to be regulated under the current site plan approval process. The Central Area Urban Design Guidelines (UDG) and the draft Mixed-Use Corridor UDG provide a starting point for urban design items to be captured by the CPP By-law.

Overall, the City is in a good position to develop a CPP By-law as the new Official Plan was recently updated and approved by the Province in April 2023. The new Official Plan would provide a strong foundation for the development of a new CPP By-law to further implement the updated vision, principles and land use direction for Peterborough.





PLANNING AND DEVELOPMENT SERVICES

If you have any questions for require
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