

Smart Growth for our Communities Act, 2015

Highlights of Key Changes in the Planning Act

These changes take effect on July 1, 2016, and more detail on the changes can be found on our website at ontario.ca/mah

Enhancing Public Engagement

Municipalities and approval authorities must explain the effect of public input on planning decisions.

Official plans must include procedures for consulting with the public on amendments to official plans, zoning by-laws, plans of subdivision and consents.

Upper and single-tier municipalities in southern Ontario, except the Township of Pelee, must create Planning Advisory Committees with public representation.

Longer Review Cycles

10-year review cycle for Provincial Policy Statement.

10-year update cycles for new official plans.

Resolving Disputes

Appellants need to clearly explain the reasons for their appeal (that are based on provincial and local policy).

Official plan policies that implement certain provincially-approved matters cannot be appealed.

Entire new official plans cannot be appealed.

90-day "time-out" during an official plan/official plan amendment process to resolve disputes.

After an appeal is made, the municipality/approval authority can determine if a 60-day extension to the 15-day period to forward an appeal to the OMB is appropriate to allow for alternative dispute resolution.

Minor Variances

Municipalities can create local criteria to assess minor variance applications.

The province may, through regulation, establish additional provincial criteria for minor variances.

Community Planning Permit System (CPPS)

Development Permit System is now called Community Planning Permit System to better reflect key strengths of this land use tool.

No applications for private amendments to a new CPPS for five years, unless allowed by council resolution.

Parkland

Maximum alternative parkland rate for cash-in-lieu is 1 hectare for 500 units.

Municipalities must work with school boards to prepare a parks plan before developing or updating official plan policies for the alternative parkland rate.

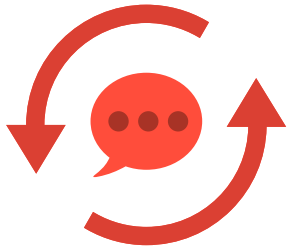
Municipal treasurers must provide council with annual financial statements on monies collected for parkland and section 37 funds.

Two-Year Period of Stability

No private applications to amend new official plans and zoning by-laws for two years, unless permitted by council resolution.

No applications for minor variances after privately-initiated zoning by-law amendments for two years, unless allowed by council resolution.

Enhancing Public Engagement



Public engagement is a key part of the planning process. Changes to the Planning Act require planning authorities, including municipalities, to explain the effect of public input on planning decisions.

Municipalities also need to include public consultation policies in their official plans.

Upper-tier municipalities (typically counties or regions) and single-tier municipalities (typically larger cities) in southern Ontario, except the Township of Pelee, are required to create Planning Advisory Committees (PACs), with at least one citizen representative, to advise councils on planning matters.

PACs play an advisory role in the planning process, similar to heritage committees and urban design committees. They are not decision-making bodies.

Councils determine the type of planning matters PACs can comment on, their role, and how the public is appointed to these committees.



Resolving Disputes

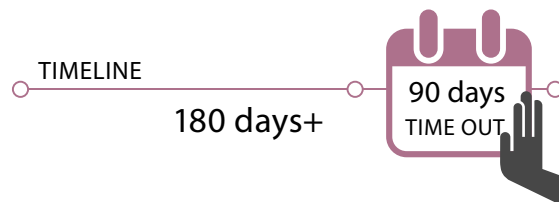


Clearer reasons are required for appeals of official plans, zoning by-laws and amendments to those documents where an appellant wants to argue that the decision does not appropriately reflect the Provincial Policy Statement, a provincial plan, or an applicable official plan. This is intended to help scope appeals, provide more transparency on what will be raised during OMB hearings, and help reduce the number of baseless appeals.

The changes provide for new items that cannot be appealed, including: official plan policies that put in place certain provincially-approved items (e.g. Greenbelt Area, Protected Countryside Area, or MOECC-approved source water protection boundaries), entire new official plans and second unit residential policies in official plan updates.

The changes give municipalities additional time to resolve disputes prior to the consideration of appeals by the OMB, including:

- Having the option for an additional 90-day “time-out” to the 180-day decision timeline for approval authorities under the Act to help resolve issues involving official plans and amendments.
- Also having an optional 60-day extension for alternative dispute resolution (ADR) after an appeal is made and before sending the record to the OMB.



Minor Variances



Changes to the Planning Act provide the province with the authority to make regulations that provide criteria for a minor variance.

Municipalities now also have the ability to establish additional criteria for minor variances that add to provincial criteria and can help better respond to local issues. Municipalities would set out local criteria through a municipal by-law, which would be open to a public review and appeal process.

The ability of municipalities to establish local criteria for minor variances is independent of a provincial regulation.



Parkland



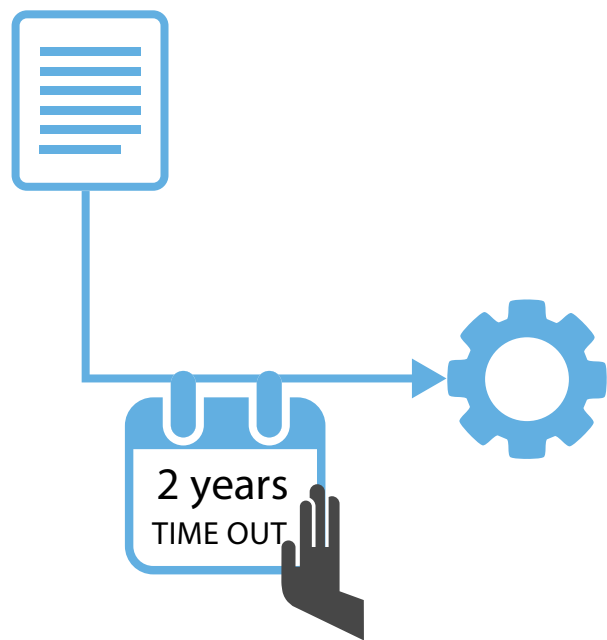
When municipalities take cash instead of land for parkland, known as “cash-in-lieu” dedications, the maximum alternative parkland rate changes from 1 hectare for 300 units to 1 hectare for 500 units. The new rate can help to encourage more parkland dedication instead of cash payments and help to provide parks to address needs in communities more quickly.

Before developing or updating official plan policies for the alternative parkland rate, municipalities need to work with school boards to prepare a parks plan. Parks plans can help communities plan strategically and provide potential opportunities to identify and discuss future sites in the community.

Municipalities also need to provide annual financial statements on their use of parkland and section 37 (density bonusing) funds. This provides citizens with more opportunities to see how and where parkland funds are being spent. Monies collected through section 37 will be placed in a special account, similar to the one already required for parkland.



Two-Year Period of Stability



A two-year limitation on private amendments to new official plans and zoning by-laws helps to increase stability and certainty in communities. It gives municipalities more time to implement new official plan policies or zoning provisions without having to contend with immediate pressure to amend these documents. During this two-year period, municipalities may amend these planning documents and may also permit applications by resolution.

The two-year limitation applies only to new official plans and new comprehensive zoning by-laws.

A two-year limitation also applies to applications for minor variances after a privately-initiated zoning by-law amendment, unless council passes a resolution to allow the application. This change provides more certainty by removing the ability to by-pass the zoning process and revisit the original zoning decision through a simplified minor variance process.



Community Planning Permit System (CPPS)



The Development Permit System has been renamed the Community Planning Permit System. This change reflects a key strength of the system: combining the zoning, minor variance and site plan processes creates a streamlined development approval system, gives communities greater certainty about the form and shape of development, and helps communities better set out and implement their vision.

Once a CPPS is established by a municipality, there would be a five-year period of stability where private applications to amend official plan policies and by-laws to implement the system would not be allowed. Only the municipality would be able to amend CPPS documents during this period. However, the municipality could pass a resolution to permit private applications during this five-year period.



Longer Review Cycles



The Provincial Policy Statement review cycle has changed from five years to 10 years in order to provide a more stable provincial policy framework for municipalities, and to work better with the review cycle for provincial plans.

Updates to new, comprehensive municipal official plans are required every 10 years. A longer review cycle allows municipalities to use their resources more efficiently.

The 10 year update cycle would apply when an existing official plan is repealed and replaced with a new plan.

Once an official plan has been updated after 10 years, it will be subject to five year updates, unless it is replaced again.

