

COMMUNICATION 136035

Received From: Niki Dwyer MCIP RPP, Director of Development Services
Addressed To: Committee of the Whole
Date: April 8, 2025
Topic: Development Approval Validity Periods
Development Permit By-law Amendment

BACKGROUND

Purpose and Effect

The purpose of the application is to amend the Development Permit By-law to permit additional flexibility with respect to the issuance of extensions and the validity periods of decisions respecting applications for Development Permits.

The By-law currently states that Development Permits may be approved for a maximum period of one (1) year and a concurrent one (1) year time limit for fulfilling conditions imposed in connection to a Development Permit as well as provisions limiting the approval of extensions.

The Amendment will permit applicants up to three (3) years from the date of approval to fulfill any conditions and execute a Development Agreement with the Town if applicable. The amendment will also permit extensions of the lapsing period for a cumulative total of no more than one (1) year at the discretion of the Director of Development Services and any period in excess of one (1) year by resolution of Council, but in no case shall the validity period be extended beyond seven (7) years from the date of the original approval.

Description of the Subject Lands

The proposed amendment is intended to apply generally to all properties within the Town of Carleton Place as identified in Schedule A of Development Permit By-law 15-2015.

COMMENT

Provincial Policy Statement (2024)

The purpose of the PPS is to provide policy direction on matters of provincial interest related to land use planning and development. However, the role of the plan is to identify defining features and providing direction to local and regional governments on their coordinated policy implementation on cross-boundary basis. Matters pertaining to the administration of development approvals are not reflected in the *Provincial Policy Statement*.

Lanark County Sustainable Communities Official Plan (SCOP) (2012)

The purpose of the Lanark County SCOP is “to facilitate the integration of land use planning policies with sustainable action plans designed to facilitate the implementation of planning goals and objectives”. The SCOP provides some direction in policy regarding the administrative criteria for the evaluation of applications under the various Planning Act application measures, including Development Permits. Specifically, the SCOP encourages lower tier municipalities to consider the adoption of Development Permit By-law enabling language within their own Official Plans in order to provide a “streamlined

approach... including delegation of some approval authority” to allow for a flexible and clearly articulated process (Policy 8.2.5).

The proposed administrative amendment reflects the intention of this policy and can be concluded to be consistent with the intent of the *Lanark County Sustainable Communities Official Plan*.

Town of Carleton Place Official Plan, as amended (2015)

The Town’s *Official Plan* is required to have enabling language within it respecting the administration and implementation of a *Development Permit System* in accordance with *Ontario Regulation 173/16: Community Planning Permits*.

Section 6.13 of the *Official Plan* establishes the vision and objectives of the use of a Development Permit system for use within the community and provides a minimum framework for application requirements, pre-consultation, supporting studies and reports, discretionary uses, variations, delegations of authority, exclusions, conditions of approval or provisional approval, and the use of agreements for implementation of conditions of approval. The policies of the *Official Plan* are intended to be further refined for implementation through the provisions of the *Development Permit By-law* itself.

This proposed Development Permit administrative amendment conforms to the policies of the *Official Plan*, as amended, and maintains the intent of the policy to provide specific implementation direction at the By-law level.

Development Permit By-law 15-2015

The Development Permit By-law presently provides a strict expiry of approved development permits of up to one (1) year with a concurrent one (1) year limit for fulfilling conditions. Language within the policy may also be interpreted to include a (singular) six (6) month extension to the approval providing a maximum of 18 months to execute a Development Agreement with the Town and receive an issued Building Permit (including paying all building and development fees).

In recent years, staff have seen an increasing number of applications lapsing within this approval window while applicants proceed to clear conditions of approval and wait for optimum market conditions to proceed with construction. This is not an experience unique to Carleton Place. In 2024, the Province amended the Planning Act to recognize a minimum validity period of three (3) years for site plan approvals, while zoning amendments are considered valid for the life of the policy (typically 5-10 years).

The proposed amendment will bring the Town’s Development Permit By-law into alignment with the provincial standard, minimize administrative burdens on staff and Council to re-consider applications which have already been adjudicated, reduce costs to the developer for additional processing fees and provide greater certainty in the approvals process.

The amended text of the Development Permit By-law is proposed to read as follows:

2.29 VALIDITY PERIODS, TIME FOR FULLFILMENT OF CONDITIONS AND EXTENSIONS

- 1) A Development Permit, including a Provisional Development Permit, shall be valid for a period of three (3) years from the date of the approval granted pursuant to Section 2.25;
- 2) If a Provisional Development Permit has been issued pursuant to Section 2.25 and the applicant has not, within a period of three (3) years from the date of the approval, fulfilled any conditions required to be met prior to issuing a Development Permit including, if applicable, the execution of a Development Permit Agreement, the Provisional Development Permit shall lapse;
- 3) An applicant may, prior to expiry of the validity period set out Section 2.29 1) above or the lapsing period set out in Section 2.29 2) above, request one or more extension(s) of the validity period and/or lapsing period, which request may be granted:
 - i) by the Director of Development Services, in their sole and absolute discretion, for a cumulative total extension of no more than one (1) year, taking into account any prior extension(s) granted; and,
 - ii) by resolution of Council, for any period in excess of one (1) year, in its sole and absolute discretion, provided that no extension shall be provided which extends the validity period or lapsing period beyond a date which is more than seven (7) years from the date of the approval granted in accordance with Section 2.25.
- 4) Any request made by the applicant in accordance with Section 2.29 3) shall be accompanied by:
 - i) a rationale for the requested extension;
 - ii) any other supporting information or material requested by the Director of Development Services; and,
 - iii) any fee payable pursuant to Town of Carleton Place By-Law No. 74-2024 (Fees and Charges), as amended or replaced.
- 5) Any decision made by the Director of Development Services or by Council with respect to a request for an extension pursuant to this Section 2.29 is final.

STAFF RECOMMENDATION

THAT Council pass a by-law to amend *Development Permit By-law 15-2015* in accordance with DPA-01-2025 respecting Validity Periods for Development Approvals as outlined in the report by the Director of Development Services dated April 8, 2025.

ATTACHMENT:

- 1) Amended Draft By-law