

COMMUNICATION 131108

Received from: Niki Dwyer, MCIP RPP, Director of Development Services
Addressed to: Committee of the Whole
Date: October 13, 2020
Topic: Development Permit By-law Housekeeping Amendment
– Progress Update

SUMMARY

Staff commenced the formal public consultation process under the Ontario Planning Act respecting a “Housekeeping Amendment” and update of the existing Development Permit By-law in January 2020.

The existing Development Permit By-law was approved by Council in 2015 and has not been subject to substantial amendment since that time. The 2020 Amendment was proposed to: clarify existing policies that have been subject to misinterpretation, add additional definitions, and update the policy to be consistent with legislative changes enacted by the Province of Ontario.

Following an initial public meeting conducted on March 3, 2020 and further to substantial comments reviewed from major developers in Carleton Place, the Amendment was placed on hold by Council on March 10 in order to permit a more robust review of the proposed amendment.

COMMENT

The Director of Development Services has reviewed the content of the proposed Amending By-law, consulted with the in-house planning consultant and Development Review Team, and reviewed the comments previously submitted during the public consultation period earlier this year.

On September 17, 2020 the Director conducted a Virtual Town Hall with identified developers and builders who had provided comments respecting the scope and proposed policies. Minutes of the meeting are attached to this report for Council's reference.

At this time, staff recommend that Committee direct the Planning Department to commence a new consultation process in accordance with the Ontario Planning Act including a drop-in Open House (similar to the Bridge Street Redevelopment which was undertaken on September 16) and a Virtual Public Meeting. COVID-19 social distancing measures will be required, and the viability of an in-person Open House will be assessed in accordance with the Health Unit's recommendations closer to the meeting date.

The scope of the Amendment will include many of the proposed changes that were previously identified by staff with the notable exclusion of the following:

- An increased front yard setback for residential dwellings;
- Limitations on the number of townhome blocks in a row;

- Limitations on the adjacency of townhome blocks on opposite sides of the street.








With the concurrence of Council, staff will complete a “track-change” draft of the proposed Amendment which will be circulated to Council, previous participants in the process and publicly at the time of Notice of Consultation.



Once the public process commences, there may be a need to assess the proposed changes or include additional amendments. Staff will evaluate and include an analysis of each public comment received to assess how the proposed amendment addresses the concerns.

Housekeeping Amendments are a recommended practice and in some cases are statutory requirements to ensure that planning policy is consistent and in conformity with the Official Plan, Provincial Policy Statement and Planning Act. As a result, it is strongly encouraged that Council proceed with the present Housekeeping Amendment to bring the Development Permit By-law in compliance with applicable law.

Staff anticipates this will be the last opportunity to perform such a review until the statutory Development Permit By-law amendment scheduled to follow the 10-year Official Plan Review currently underway. The statutory Development Permit By-law Amendment is proposed to take place in 2023 in accordance with the Long-term Capital Plan.

With Council’s direction, staff anticipates the following timeline for consultation:

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Sunday
October 11	October 12	October 13	October 14	October 15	October 16	October 17
		Direction from Council			Notice of Amendment Posted	
October 18	October 19	October 20	October 21	October 22	October 23	October 24
		Track-change By-law Available for Viewing				
October 25	October 26	October 27	October 28	October 29	October 30	October 31
				Open House		
November 1	November 2	November 3	November 4	November 5	November 6	November 7
		Open House Material Posted Online				
November 8	November 9	November 10	November 11	November 12	November 13	November 14
		Public Meeting	Public Meeting Material Posted Online			
November 15	November 16	November 17	November 18	November 19	November 20	November 21
		Staff to analyze comments received				

November 22	November 23	November 24	November 25	November 26	November 27	November 28
		Staff to prepare final track change By-law				
November 29	November 30	December 1	December 2	December 3	December 4	December 5
			Staff report with Comments Analysis and final draft By-law posted publicly			
December 6	December 7	December 8	December 9	December 10	December 11	December 12
		Staff Present Final Report to Council				

Should Committee be satisfied with the proposed amendment, staff will prepare the final amending text to come forward at the first Council meeting in January 2021. Following a decision to approve or deny the proposed amendment, staff will circulate a formal Notice of Decision in accordance with the Planning Act which includes a 20-day appeal period, where any party who has participated in the public process may choose to appeal the decision of Council to the Local Planning Appeals Tribunal should they disagree with the decision.

Staff anticipates that with appropriate consideration and discussion of concerns or comments from the public, an appeal is unlikely or can be managed through mediation.

STAFF RECOMMENDATION

THAT Council directs staff to prepare a draft “Development Permit By-law Amendment” and commence consultation processes in accordance with the Planning Act.