

COMMUNICATION 132004

Received From: Niki Dwyer, RPP MCIP, Director of Development Services
Addressed To: Committee of the Whole
Date: December 8, 2020
Topic: Development Permit By-law - Housekeeping Amendment (DPA-01-2020)

BACKGROUND

Purpose and Effect:

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 (DP) in compliance with applicable law.

Generally, the amendments proposed as part of this application fall into the following categories:

1. Amendments to conform to provincial legislation;
2. Correct errors and omissions in the existing text;
3. Provide clarity to existing provisions;
4. Consolidate uses in land use designations which have been previously permitted by Permit applications;
5. Provide administrative clarity;
6. Consolidate previous amendments; and
7. Establish new provisions.

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.

Description of the Subject Lands

The proposed amendment to the by-law will apply to all lands designed under the By-law within the Town of Carleton Place.

COMMENT

Evaluation

Provincial Policy Statement (2020)

The PPS provides policy direction on matters of provincial interest related to land use planning and development. As per Section 3(5)(a) of the Planning Act, R.S.O. 1990, all planning decisions must be consistent with the PPS.

The PPS encourages Municipalities to manage and direct land use activities in healthy, livable and safe communities by promoting efficient development patterns and accommodate an appropriate range and mix of land uses within the settlement area (Policy 1.1.3.2).

Healthy livable communities in Settlement Areas will be composed of a range of uses supportive to the long-term needs of the community and will be encouraged to take the form of intensified redevelopment where appropriate for the context of the community (Policy 1.1.1).

The new (2020) PPS also places heavy emphasis on form and function planning through the acknowledge of the benefits of sense of place and promotion of well-designed built form as a means of defining character and conserving communities (1.7.1e)) and promoting a built form design which optimizes energy efficiency and conservation (1.8.1f)). These principals can be best achieved through the use of a Development Permit By-law.

Official Plan (2015)

The Carleton Place Official Plan (OP) has been established to achieve a vision of maintain and celebrating the heritage of the community through balanced and sustainable growth and supporting a unique sense of place for residents. The OP's core guiding principals identify a proactive approach to preserve existing buildings, landscapes and natural features and ensuring that future growth supports the development of clear employment areas to complement residential expansion.

In order to support these goals, the OP includes a substantial policy framework respecting "Community Design" which is further bolstered through the use of a Development Permit By-law, rather than traditional Zoning regulations. As the OP and DP By-law were created and adopted at approximately the same time, the policies appropriately reinforce reciprocal policies and regulatory requirements.

It is however noted that the OP has not been subject to thorough review within the last 15 years and as a result there are several structural and administrative provisions which require updating to conform to current provincial policy. The Town is presently undertaking a Comprehensive Review of the plan which will assist in analyzing the need for amendments to the text of the policy.

The present Housekeeping Amendment continues to be consistent and in conformity with the Official Plan, and while it brings the municipality closer to conforming with Provincial legislation, it will not be fully compliant until the next comprehensive DP update in 2022 following the adoption of the Official Plan Amendment.

Comments Received

The application for the Housekeeping Amendment has been circulated in accordance with the requirements of the Planning Act.

An Open House was conducted on October 29th, 2020 during which two (2) participants sought general information regarding the amendment. No objections or material comments were provided pertaining to the amendment.

The statutory Public Meeting was conducted on November 10th, 2020 with comments provided by one (1) participant, Mr. Ben Clare of McIntosh Parry. Mr. Clare provided a verbal summary of comments he had previously provided in writing.

Staff has received eight (8) comment submissions respecting the proposed amendment. Appendix A of the staff report includes a summary of the comments received, staff's response and a note respecting the need to make further amendment to the By-law as a result of the submissions.

Summary

In response to comments received, staff recommends making the following additional notable revisions to the By-law:

1. Inclusion of "Automotive Body Shop" as an additional permitted use in the Business Campus (S Pentz)
2. Lower the calliper for tree removal from 200mm to 150mm (Urban Forest Committee)
3. Increase the maximum frontage of driveways for semi-detached dwellings from 45% to 50% in order to increase on-site parking (Cavanagh Development)
4. Introduction of further provisions respecting the erection of boathouses and docks on the Mississippi River (MVCA)
5. Provide flexibility to analyze the requirement for "Parking Studies" as a component of reduced parking requests (B Clare)
6. Further clarity for Secondary Suite/Additional Residential Unit provisions (B Clare)
7. Introduction of additional use, "Veterinarian Establishment"; "Church" etc. (B Clare)
 - a. *Definitions of the undefined uses will be sourced from existing policies in adjacent municipalities (i.e. City of Ottawa).*

Staff also acknowledges that the circulated draft of the amendment included modifications to the provisions of the "Mississippi Residential Sector". Since the circulation of the amendment, Council has provided staff direction to proceed with DPA-03-2020 respecting the Mississippi Residential Sector specifically. As a result, staff will withdraw all of the present proposed amendments to Section 4.3 in order to deal with the amendment through a separate application.

STAFF RECOMMENDATION:

THAT Council pass a comprehensive housekeeping by-law amending the text and Schedule A of the Development Permit By-law 15-2015.

APPENDIX A – PUBLIC COMMENTS RECEIVED

Commenter	Policy Reference	Comment	Municipal Response	Revision Recommended
Steve Pentz	5.2.1	I see that “automotive repair garage” is proposed as a new use to be added to the Business Campus. Would you consider also adding “automotive body shop” to the Business Park designation? (Relates to 119 Roe Street)	“Automotive Body Shop” is a defined use within the Development Permit By-law and is not inconsistent with other discretionary uses in the Business Campus.	Yes
Urban Forest Committee	1.1	Requested wording: DPS “shall” include regulations for Tree Cutting and Site Alteration	The Policy refers to the legislated requirements of a DPS – the Planning Act permits that DPS <i>may</i> including Site Alteration policies. No change recommended	No
	2.10	<p>This section is extremely weak and must be strengthened, as it is an issue.</p> <ul style="list-style-type: none"> • Must be a fine for those who do not apply for a permit on a sliding scale and this should go into the regulations. • Must have a security deposit to ensure the Environmental Impact Statement is followed. The contractor must show that all the requirements such as fencing around identified trees and waterways have been completed before contractors begin. If not, security deposit is forfeited to the town. This is also on a sliding scale. This would also apply to subdivisions, which come under the county. 	<p>The Planning Act does not provide opportunities for establishing set fines for violations of Zoning By-laws or DP By-laws. Violations are managed through prosecution under Section 67 of the Planning Act.</p> <p>Security Deposits can be taken for all on-site and off-site works. The requirement for a security can be detailed in the Development Permit agreement rather than the By-law.</p>	<p>No</p> <p>Include in Agreement instead of By-law</p>
	2.13	<p>d) The removal of vegetation within 30 metres of the Mississippi River and/or existing watercourses.</p> <p>e) The removal of trees having a calliper of 150 mm or more, for the purpose of facilitation of new development.</p>	<p>The requested language is consistent with that used in other Planning Policy.</p> <p>Request reduces the threshold by 50mm and does not change the intent of the policy.</p>	<p>Yes</p> <p>Yes</p>

	2.16	1) Development is setback a minimum of 30.0 metres from the Mississippi River and a minimum of 10 metres from existing waterways	The requested language is inconsistent with that used by the Conservation Authority – recommend changing to 15m for consistency.	Yes
	2.17	Class 1 5) The removal of trees having a calliper of 150 mm or more, for the purpose of facilitating new development Class 1A v)- Must include Green Infrastructure	Request reduces the threshold by 50mm and does not change the intent of the policy. This is a significant change to the policy and will require some additional policy respecting which “green infrastructure” will be acceptable. Suggest postponing to a more specific amendment.	Yes No
	2.22	Commencing a development prior to pre consultation could result in a fine of \$5,000 ?? Supporting Studies and Reports- Low Impact Development Studies Record of Site Condition The committee would like to know what is “Source Water Protection Study” as we had problems when we requested such.	The Planning Act does not provide opportunities for establishing set fines for violations of Zoning By-laws or DP By-laws. Violations are managed through prosecution under Section 67 of the Planning Act. It’s wise to recommend additional technical requirements. Source Water Protection Studies are completed in accordance with the Mississippi-Rideau Source Water Protection Plan and are reviewed by the Rideau Valley Conservation Authority in accordance with the Clean Water Act.	No Yes No
	2.26	viii “Grading or alteration with consideration of LID and Green Infrastructure	Noted consideration for additional clarity – not anticipated to result in new intent of the policy.	Yes

		Cash in lieu of parkland – Usually not acceptable- ask council what do they want	Comments are noted – the intent of the policy is to provide scope to general powers.	No
	2.27	Financial guarantees are essential and should be of such value to ensure the work is completed to the satisfaction of the town	Comment noted.	No
	3.28	No development should be located in the floodplain with climate change at our doorstep. The 100-year flood line must be looked at and be realistic. Council needs to be proactive and not reactive and not allowing development in flood plains.	Comment noted.	No
	3.23	When dealing with landscaping native species are to be used unless otherwise directed by the town	This is a significant change to the policy and will require some additional policy respecting which “green infrastructure” will be acceptable. Suggest postponing to a more specific amendment.	No
	3.23	It is recommended Parking areas use Permeable pavement as a Low Intensity Development mechanism to reduce Storm Water Runoff.	This is a significant change to the policy and will require some additional policy respecting which “green infrastructure” will be acceptable. Suggest postponing to a more specific amendment.	No
	3.39	Setbacks From Existing Watercourses. Needs to be reorganized Need a section for the Mississippi River Need a section for other existing watercourses.	Sections pertaining to Source Water Protection (3.39) have been adopted concurrent with other lower-tier municipalities in the Mississippi-Rideau Watershed. It is therefore not recommended that alterations are made without first consulting with the RVCA.	No
	3.40.2	Do Strom Water Management Ponds have the same classification as a sewage storage area?	Existing policy language is general enough to refer to the prevailing Class D Guidelines applicable to the day. No recommended changes.	No
	3.44	Vegetation Removal or Site Alteration	The requested language is inconsistent with that used by the	

		<p>As such, the Town, by means of this By-law, requires that all development be set back 30 metres from the Mississippi River, wetlands and other related waterways.</p> <p>Second paragraph Environmental Impact Statement undertake by a professional qualified to perform the evaluation, the standards outlined above may be varied as determined by the EIS and a Hydrological Study</p>	<p>Conservation Authority – recommend changing to 15m for consistency.</p> <p>Hydrological Studies may be requested as part of a complete application in accordance with Section 2. Including them as a requirement pre-vegetation removal along a shoreline is sensible, however blanket wording for any removal outside of a natural heritage feature may be excessive.</p>	<p>Yes</p> <p>Yes – to paragraph 1.</p>
	3.45	Water Supply, Sewage Disposal and Storm Water Systems	<p>Comment is reasonable and appropriate for most sizes of Stormwater Management Systems. Will examine Class D Guidelines for consistency in wording and scale.</p>	Yes.
John Angelosante (Cavanagh Development)	2.19	Class 1 and 1A Development permits should be approved at a staff level	Comment noted.	No
	2.22	You have indicated that you would like to add reports as required thru the planning process I think that the required reports should be requested by the town at time of pre-consult stage or within 30 days	<p>Comment noted. It is the goal of the amendment to require pre-consultation sessions which will allow the opportunity to request studies/reports. In some cases, as a proposal evolves it may be appropriate to request further studies during the application review (i.e. initial consultation notes requirement for an EIS – EIS recommends a Species at Risk Assessment)</p>	No
	6.3.2	<p>Single family homes, we are still looking to have 35 ft lots with two car garage and a double driveway.</p> <p>On a 35 ft lot increasing the max. driveway lot frontage to 50% would allow for this.</p>	<p>At least 50% of the lot frontage is required to soft landscaping. This leaves the remaining 50% for hard surfacing which may be composed of drive aisles.</p>	No

		In Meadow Ridge we have done this using a DP1 – many builders have two storey units with two car garage. That would provide 4 parking spots 2 in garage and two in driveway eliminating the on street parking and still provide an affordable unit to a family.		
	6.3.2	This would not be required on 50 or 60 ft lots as two car garages will work fine in these sizes.	Comment noted.	No
	6.3.2	The balance of frontage should have soft landscaping as I see many units adding interlock and concrete or installing additional asphalt which takes away from the curb appeal of the unit.	Comment noted. We certainly hear from residents that they would like to maximize the 50% hard surface for driveway width. This is permitted by the By-law presently and no change is proposed at this time.	No
	6.3.4	Semi detached units should also have 50% max. driveway frontage. On a 7.5 meter lot width the 50% max width would allow for a 14 ft. driveway and oversize garage allowing for 2 cars in driveway and 2 cars in garage again helping in the and still providing a street curb appeal.	No change presently proposed however, the requested revision would allow for additional on-site parking and provide relief to on-street overflow. Recommend change will increase from 45% to 50%.	Yes.
	6.3.8	Townhomes you have already expressed that the main garage foundation should be 6m not 9m this will eliminate all the issues and the 70%. Garage width will allow for oversize driveways and garages allowing for more space in driveway and garage – on a 20ft lot builders can allow for a 14ft garage door and larger driveway allowing for a car and some storage and a car in garage.	Correct – original draft of By-law had a typo.	Yes
	6.0 (overall)	The setbacks that are in the development permit for towns and semi units plus singles are very achievable however an architect should be able to show that he	Comments noted for the record. This is certainly the intent of permitting variations via Class I	No.

		<p>has used the intent of the setback, but may vary them in order to achieve a streetscape.</p> <p>That allows him to provide a unit or block of towns that are architecturally appealing to all and maintain the high level that both homeowners.</p> <p>The town is requesting some of the units that have been built or are being built do not provide this look. Some builders do engage a licenced architect to provide elevations and layouts that are both practical and have a “wow “ factor</p> <p>Which leads to the point of having a design committee or review of plans at a stage prior to building permit application.</p>	permits to establish visual interest in the community.	
	6.0 (overall)	In an architectural point the closer that the units are to the lot line allows for an “old village look” which is why many people are attracted to the Town of Carleton Place , Arnprior and smaller towns, this should be maintained	Comments noted.	No
Frances Moore	General	This purpose of this email is to ensure I receive notification of any decision regarding the proposed Development Permit By-law Amendment (Section 34 and 70.2).	Participation noted.	No
Erica Buffam	3.36	Is there an amended building height proposed for the accessory suites/buildings? Or is it still restricted to a building height of 4.5 metres in section 3.2 part 8.	No – it is not the intent of the revisions to amend the building height for accessory structures (including Secondary Suites)	No.
MVCA	3.36	<i>On privately serviced lots, it shall be demonstrated that there is adequate water and sewer capacity to accommodate the secondary unit, as part of a scoped hydrogeological review.</i>	Private services are not permitted within the Town of Carleton Place without an Official Plan Amendment, which would include a Hydrogeological review.	No

		<i>Additional units shall not be permitted in the 1:100 year flood plain, as defined by the Conservation Authority.</i>	Comment is reasonable and reflective of other Planning Policy (i.e. PPS).	Yes
	3.38	<p><i>Where the shoreline has been hardened by means of a break wall...15.0 metres.: We are not clear on the rationale for a reduction from 30 m to 15 m if the shoreline is hardened. We would suggest that each application be assessed on a site-specific basis to assess a reduction from 30m, as part of a DPA. To that end, we recommend the exclusion of bullet 1.</i></p> <p>In general, we do not find that EIS's of a scoped nature are useful in assessing the impact of single lot development with reduced waterbody setback. A broader EIS review is required <i>that considers the overall intent of the minimum setback requirement, an assessment of the overall development capacity, conveyance, and function of the waterbody; the sensitivity of the waterbody; cumulative impacts; biophysical conditions such as soil depth, slope angle, and vegetation cover; and natural hazards.</i> Any reduction in waterbody setback should only be considered if all constraints have been addressed and better alternatives do not exist.</p> <p><i>Boathouse....</i></p> <ul style="list-style-type: none"> • Add the following bullets: 	<p>This section is not proposed to change in the amendment, however the recommendation by the MVCA is reasonable and appropriate without dramatically changing the impact of the existing policy. Review of application should be conducted through a Class II/III permit.</p> <p>Recommended wording is reasonable and considered to be an appropriate planning practice.</p> <p>Recommended revisions are appropriate and consistent with</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

		<ul style="list-style-type: none"> • A maximum of one (1) boathouse is permitted on each lot; • The maximum gross area of a boathouse shall not exceed 47 square metres; • <i>A boathouse shall not exceed 4.5 metres in total height and is limited to a single storey;</i> • <i>The Mississippi Valley Conservation Authority shall be contacted to determine if a permit is required; and</i> • <i>The Ministry of Natural Resources and Forestry shall be contacted for a boathouse below the high water mark of the waterbody, to determine if a permit is required.</i> • Add following definition of a boathouse: <i>Means a one-storey accessory building that does not contain habitable living space, has an opening to the waterbody of an appropriate size to accommodate a boat and is connected to the waterbody by a boat slip, boat lift, or marine railway.</i> <p>2. Boatport/Launch...</p> <ul style="list-style-type: none"> • Add the following text: <i>...and to a maximum width of 3 m. A maximum of one (1) boatport is permitted on each lot; and</i> • <i>The Mississippi Valley Conservation Authority and the Ministry of Natural Resources and Forestry shall be contacted to determine if a permit is required.</i> <p>3. Dock...</p> <ul style="list-style-type: none"> • Add the following text to the end of the bullet: <i>...and to a maximum width of 2 metres, unless otherwise permitted by the Mississippi Valley Conservation</i> 	<p>similar Zoning/Development provisions in adjacent municipalities within the watershed. The proposal is contextually appropriate to Carleton Place's policies and clarify the administrative requirements to comply with other general provisions of the existing DP By-law.</p>	
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		<p><i>Authority and any other authority having jurisdiction;</i></p> <ul style="list-style-type: none"> • A maximum (1) dock is permitted on each lot; • <i>Docks shall be limited to floating, cantilevered or post dock construction unless otherwise permitted by the Mississippi Valley Conservation Authority;</i> • <i>The surface area of a dock shall not exceed 15 square metres in area, unless otherwise permitted by the Mississippi Valley Conservation Authority and any other authority having jurisdiction;</i> • <i>A dock shall not be constructed closer than 3 metres from the nearest adjacent side lot line where the lot abuts another property and shall not encroach on adjacent lot lines when the lot boundaries are extended into the water;</i> • <i>Despite the above, no dock shall be constructed which constitutes a navigation or safety hazard; and The Mississippi Valley Conservation Authority shall be contacted to determine if a permit is required.</i> <p><i>8. New Bullet: No new development shall result in a further reduction in the minimum waterbody setback requirement, compared to the existing structure.</i></p>		
	3.44	<p>With respect to the Mississippi River, we recommend that all proposed development within 30m of the high water mark of the river, be subject to a site specific review, as part of a DPA.</p>	<p>A DPA application is reserved for structural amendments to the Development Permit By-law. Staff would recommend that development within 30m of the high watermark of the Mississippi River be subject to a Class II/III permit.</p>	Yes

		<p>In general, we do not find that EIS's of a scoped nature are useful in assessing the impact of single lot development with reduced waterbody setback. A broader review is required, <i>that considers the overall intent of the minimum setback requirement, an assessment of the overall development capacity, conveyance, and function of the waterbody; the sensitivity of the waterbody; cumulative impacts; biophysical conditions such as soil depth, slope angle, and vegetation cover; and natural hazards</i>. Any reduction in waterbody setback should only be considered if all constraints have been addressed and alternatives do not exist.</p>	<p>The recommendation by the MVCA is reasonable and appropriate without dramatically changing the impact of the existing policy.</p>	
	12.4	<p>This bullet appears to deal with flood plain. Therefore, we recommend the reference to the <i>unstable slopes</i>, be removed. And, add a new bullet to deal with slopes as outlined in 6. below.</p> <p><i>Modification of the flood plain...Mississippi Valley Conservation Authority and the Ministry of Natural Resources.</i></p> <p>Remove reference to the Ministry of Natural Resources.</p> <p>Replace a. and b. with the following: <i>The reconstructed building or addition must be constructed in accordance with MVCA's Regulation Policies and relevant floodproofing requirements.</i></p>	<p>Comment noted and identified as technical in nature.</p>	Yes

		New bullet: <i>Any new building or structure or any expansion of; or addition to, any buildings or structure;, or any site alteration, within and adjacent to a steep slope (i.e. greater than 3 m in height and a 5:1 (horizontal:vertical)) may be subject to Ontario Regulation 153/06. The Mississippi Valley Conservation Authority shall be consulted to determine if a permit is required and to ensure that development proceeds in a safe manner.</i>		
	Schedule A	Rename <i>Flood Fringe</i> to <i>1:100 year Flood Plain</i>	Comment noted and identified as technical in nature.	Yes
Ben Clare, McIntosh Perry	1.3	Should be updated to indicate where the Development Permit By-law gets its authority under the Planning Act. Should also contain a section to talk about what the Planning Act requires in order for the Development Permit By-law to be updated.	Comments and noted and will be included in the final amended draft.	Yes
	2.3	Suggestion to replace with "Director of Development Services."	Previously amended.	No
	2.6	Suggestion to update section to ensure only "development" as defined in the Planning Act is subject to permitting under the By-law.	Comments are noted and will be included in the final amended draft.	Yes
	2.9	Suggestion to replace with "Director of Development Services."	Previously amended.	No
	2.11	The Municipality should not have authority to change the Development Permit By-law without public process. Though changes are minor, this could potentially impact development. What does the Planning Act require?	Wording in Section 2.11 is standard for Zoning By-laws across Ontario and is intended to only permit typographical, technical or reference amendments which do not impact the nature, scope, or intent of the policies.	No

	2.15 (2)	Should have mechanism/ability to be exempt from Pre-Consultation based on proposal.	Staff conduct Pre-consultations in a manner and scope relative to the type of proposal. Where there is little benefit to an in-depth pre-consultation session, the consultation is brief but is still of value to identify the project as an anticipated application.	No
	2.15 (3)	<p>Overly prescriptive.</p> <p>Requirements should be identified by way of pre-consultation.</p> <p>For example, elevations may not be applicable for all applications.</p> <p>"Planning Department" should become "Director of Development Services."</p>	Comments are noted and valuable. Section 2.22 provides authority for staff to identify any requirements that are necessary to review the application. Section 2.15(3) to be removed.	Yes
	2.15 (1-5)	<p>Definition should align with Planning Act.</p> <p>Does Town have authority to require Development Permits for other work (e.g. vegetation removal)?</p> <p>We also note that part of item 5 under the development definition section has been removed. Has anything else been removed from the By-law?</p>	The definition of "development" in the DPS includes such activities as site alteration and the removal of vegetation. This is a broader definition of development than what is established under section 41 (site plan) of the Planning Act.	No
	2.16	Last paragraph exempts compliant development from DPs, but seems to indicate "Planning approval" of a site plan is required. Is that the intent and what does this Planning approval entail?	The existing process in reviewing Building Permit applications includes the provision of a "plot plan" or "site plan" to validate that the proposal is consistent with the DP By-law. Wording in the provision to be clarified to differentiate	Yes
	2.17	Too difficult to determine what a particular proposal is classified as. Also too subjective providing "Municipal Planner" with too much authority.	Comment noted. The intent of the amendment is to try and further clarify what class of permit is required in each instance.	No

		Does the Planning Act give the Municipality the authority to require compliance with design criteria?	Reference to “Municipal Planner” has been removed. Yes, LPAT has supported that a Development Permit By-law may require prescriptive design criteria.	No
	2.17.1	Item 5 appears to include a separate item 6.	Comment noted but cannot find referenced point.	No
	2.17.2(2)	Should refer to Development <u>Agreement</u> ?	Comment noted	Yes
	2.17.2(3)	Is the intent of (a) to match the 'four tests' per Section 45 of the Planning Act and should this provision match Provision 1(1) for Class 1? (d) should match updates to Section 2.6.	Yes – the intent is for the analysis to be similar to the commonly applied “four tests” and Class I and Ia permits should be identical.	Yes
	2.17.3(6)	"or which would result in a variance to development standards" is redundant. Refer to 2.17.3(4).	Comment noted.	Yes
	2.17.3(9),(10) and (11)	Why do certain land uses fall under Class 2? Provided the proposal complies with the By-law, it should be Class 1.	In some cases there is a required to execute a Development Agreement in order to collect securities for the work and ensure servicing, grading and drainage on the development site is appropriate. In this case a Class II permit would be required even if the proposal was compliant with the By-law.	No
	2.17.3(12)	This does not constitute development.	Cannot find reference	No
	2.17.3(14)	Is the intent that a simple addition to a residential development would trigger a Class 2 Development Permit?	If the residential development was a prohibited use in the designated area, then yes the “expansion or extension” would require a Class II permit.	No
	2.17.4(2)(i)	Suggestion to remove the word "existing" from "plan of subdivision."	Comment noted.	Yes
	2.17.4(2)(ii)	Please confirm a DP3 is required for variations in cladding/colour.	Yes, but only within the Mississippi Residential District	No

	2.17.4(2)(i v)	Does this insinuate that Committee can make a determination on the completeness of an application? Perhaps this should be the responsibility of the Director of Development Services.	Yes, Council reserves the right to request additional studies, reports or information prior to making a decision. Alternatively, this can be required through a holding provision. Provision is redundant to general powers of decision making.	Yes
	2.17.4(4)	Isn't it possible that technical studies and reports might be required to ensure full and complete review of any class of Development Permit?	This is a true statement and in cases where technical studies are required a Development Agreement is required to ensure the recommendations of the studies are satisfied. If a Class I permit application was found to require supporting studies, it would be elevated to a Class II/III permit as appropriate.	No
	2.17.4(6)	Does this include access?	Comment unclear.	No
	2.17.4(9)	This item is already addressed by 2(i). There is no Section 6.5.	Comment noted.	Yes
	2.18	This section could address housekeeping amendments as well.	Comment noted.	No
	2.19	Authority for referral should sit with Director of Development Services.	Previously amended.	No
	2.19.1	Authority for referral should sit with Director of Development Services.	Previously amended.	No
	2.22	This makes 2.15.3 redundant. It appears as though this section is trying to list all possible studies. Suggestion to rework to provide key examples.	The policy has been revised to include the phrase "...may be required to submit, but not limited to, the following..." in order to provide flexibility.	No
	2.22	Please add "under exceptional circumstances."	Comment unclear.	No
	2.23	Lots of redundancy within this section and with section 2.20.	Comment noted – recommend removing "Class II" and "Class III" specific provisions.	Yes

	2.24	Suggestion to change "Municipal Planner" to "Director of Development Services."	Previously amended.	No
	2.25	Please provide clarity on timelines/deadlines. Minor departures or deviations from approved plans should be accommodated within a development agreement.	Comment noted – timelines/deadlines are as prescribed in the Planning Act.	No
	2.26(2)	Suggestion to remove 2.26(2).	Comment noted.	No
	2.27(e)	Addressed in Section 2.24.	Comment not found.	No
	2.27	Please elaborate on "lain dormant." 2.27.2 is unnecessary given the nature of 2.27.1.	Comment not found.	No
	2.28	2.28 should be consolidated with 2.24.	Section does not exist.	No
	3.2(1)	The word "and" should be replaced with "or." This would apply to situations where the principal use is not associated with a principal building or structure (e.g. salvage yard, transport terminal).	Comment noted.	Yes
	3.2(5)	"no-encroachment zone" should be replaced with "No Encroachment Zone" to acknowledge the definition in the By-law.	Comment noted.	Yes
	3.6	Suggest that "or other permits as necessary" is replaced with "or other applicable approval authorities."	Comment noted.	Yes
	3.7	Can exceptions be made by way of a Development Permit Application? Provision should clarify this. Should 3.7, 3.13, and 3.26 be combined?	Comment noted. No – each of the sections deal with different scenarios of non-conformity and development.	Yes No
	3.12.1	It appears that 3.12.1 is intended to apply to secondary dwelling units or basement dwelling units in multiple dwellings. Does this impact density maximums?	No – O Reg 299/199 prevails over the authority of a Zoning/DP By-law to regulate the density of the residential uses unless servicing capacities exist or planning	No

			justification can demonstrate unmitigated adverse impacts.	
	3.13	Should 3.7, 3.13, and 3.26 be combined?	No – each of the sections deal with different scenarios of non-conformity and development.	No
	3.14	Is there a fence By-law?	No	No
	3.15	Coloured elevations may not be applicable to all proposals. Does the Planning Act give the Municipality the authority to require compliance with design criteria?	Yes, LPAT has supported that a Development Permit By-law may require prescriptive design criteria.	No
	3.26	Should 3.7, 3.13, and 3.26 be combined?	No – each of the sections deal with different scenarios of non-conformity and development.	No
	3.26.9	Development Permit should only apply to "development."	Agreed.	No
	3.29.1	Specifics would be useful on type, height, etc. of screening (fence, landscape?). Items 3 and 4 overlap.	Comment noted. Will clarify.	Yes
	3.29.2	"no-encroachment zone" should be replaced with "No Encroachment Zone" to acknowledge the definition in the By-law.	Comment noted.	Yes
	3.30(1)	With respect to the minimum length of a parking space, and provisions 4.4.6.2, 6.3.2.2, etc., note that six metres might not comply with Section 7 of the Town's By-law No 46-2003 re: on street parking.	Comment noted. Will advise By-law Services.	No
	3.30(2)	By-law should provide flexibility to waive requirement for a Parking Study in certain instances. Parking reductions should not necessarily trigger reviews of movements and access.	Comment noted. "Shall be accompanied" to be changed to "may be required"	Yes
	3.30(4)(iii)	Suggestion to increase maximum permitted width of combined access and egress driveways from 12 to 14 metres to accommodate flaring out of driveways at	Flaring typically occurs beyond the property line at the street-line. 12m egress at the property line would still	No

		property lines. Provision should also clarify that widths are measured at property lines.	accommodate flaring at connection to the street.	
		Is the intent to require 3.5 metre widths for single residential driveways (single, semi, town)?	No – provisions only apply to “parking area for more than four vehicles”.	No
	3.30(4)(iv) and (v)	Please confirm why 2 metre landscape buffer is required when fence is also proposed. Suggestion that typical landscape requirements should apply.	Additional setback of 2m with a fence supports mitigation of impacts on adjacent properties.	No
	3.30.1	Suggestion to rework provision numbering.	Comment noted.	Yes
		Suggestion to make Type B space widths equivalent to minimum required widths within 3.30.1.		
	3.30.2	Suggestion to list commercial/ other uses that are subject to this provision.	Provision refers to requirements of the OBC for accessibility compliance.	No
	3.30.5	Suggestion to restructure and rework to not require cash-in-lieu for every parking reduction.	Town to complete a “Parking Study/Strategy” to assess the value and appropriate considerations for acceptance of cash in lieu.	No
		Should cash-in-lieu apply to Downtown District only?	Additional amendments to come forward in 2022.	
	3.31.1 (2)	Appears to be redundant. Suggestion to revisit.	Comment noted.	Yes
	3.32	"no encroachment zone" should be replaced with "No Encroachment Zone" to acknowledge the definition in the By-law.	Comment noted.	Yes
		For accessible ramps and walkways, By-law should identify permitted projection, not trigger need for Development Permit.	Comment noted.	Yes
	3.32.1	Replace word "guidelines" with "provision."	Comment noted.	Yes
		Please clarify which provision applies to decks.	Provisions have been introduced to provide a sliding scale of setbacks varying based on height of structure.	No
		Suggestion to remove final paragraph.	Comment noted.	Yes

	3.32.2	Please clarify which provision applies to decks.	Comment noted	Yes
	3.32.3	Please clarify which provision applies to decks.	Comment noted	Yes
	3.32.4	Note: no requirements for rear yard setback.	Comment noted	Yes
	3.36	<p>Second paragraph in this section is repetitive. This information (i.e. type of dwelling unit where it's permitted), is also repeated in provision 3.36.4.</p> <p>Two secondary suites is mentioned a couple times: once in the paragraphs, another time in in provision 3.36.2. This appears repetitive to the reader.</p>	Comment noted – will clarify wording of provisions.	Yes
	3.36(8)	How is the floor area addressed for a second secondary suite?	Floor area is contemplated in 36.6(6) as a percentage of primary dwelling area. Minimum dwelling unit areas must comply with OBC.	No
	3.36(9)	<p>Is it reasonable to expect properties to accommodate 3+ parking spaces? We note that a Traffic Study is required to reduce parking requirements, per 3.30.2.</p> <p>Often, secondary suites are pursued to accommodate elderly family members.</p>	<p>The More Homes More Choice mandate was to encourage the construction of affordable rental accommodation – rather than to accommodate family members specifically as has been contemplated in previous Acts. As a result, each “household” should be provided with adequate access to parking for their individual needs.</p> <p>Section 3.30.2 has been amended to provide flexibility.</p>	No
	3.36(10)	Not clear if "accessory building" refers to a detached secondary suite.	Comment noted – this is the intent. Will clarify	Yes
	3.41	Confusion could come about due to the amount of time a temporary structure vs a temporary use could be permitted.	Comment noted.	Yes

		Suggestion to replace the word "tarpauline" with "tarpaulin."		
	3.43	Is this section referring to a Development Permit By-law Amendment? If so, should this section be consolidated with 2.18?	No – this section is referring to Class I/II/III permit applications – not a formal By-law amendment.	No
	3.44	Can the Development Permit By-law regulate vegetation removal? This section also appears to be overly prescriptive and lacking in flexibility. For example, not all trees in all instances are desirable, and compensation or replacement planting could be favourable. The section states that a TPP is required in support of development applications and later also states that a TPP may be required in certain instances. An Environmental Impact Statement should provide direction in some of the instances.	Yes, a DP By-law can include site alteration and tree preservation provisions in accordance with O Reg. 173/06 .	No
	4.1.1	Suggestion to change "School - Commercial private" to "School - Commercial" per the Definitions.	Comment noted	Yes
	4.1.3	The second sentence might not be warranted for every development and the requirement for an Urban Design Brief shall be established at pre-consultation.	Comment noted – agreed. Statement to be removed.	Yes
	4.2.8	"Planning Department" should become "Director of Development Services."	Previously amended.	No
	4.3.1	Was Townhouse Dwelling intended to be included as a Permitted Use?	Note – the Town is undertaking DPA-03-2020 respecting an amendment to Mississippi Residential Sector Provisions. The draft for adoption will not include any revisions to the Mississippi Residential Sector which will be dealt with separately.	Yes
	4.4.1	Because there is more than one definition, "School - Public" and "School - Private" should be listed as separate uses.	Comment noted	Yes
	4.4.6(4)	Consider updating to match 6.3.2.4.	Comment noted	Yes

	6.1	Because there is more than one definition, School -Public and School - Private should be listed as separate uses.	Comment noted	Yes
	6.3.1	Consider having no requirement for <u>maximum</u> exterior side yard build within area. DP1s have been required in this regard, especially for irregular lots. This also applies to 6.3.3, 6.3.5, and 6.3.7.	The Town wishes to ensure that dwellings are built within reasonable distance to the street, as a result there is a strong desire to continue with established maximum setbacks from front and exterior side yards in order to frame the street.	No
	6.3.8	Please provide reason for increase in minimum garage foundation set back of 9.0 metres from front or exterior lot line.	Note – this was a typo in the revised draft of the By-law circulated. No change is proposed to the front yard setback from the existing policy.	No
	6.3.10	Please provide reason for use of word "Style." Suggestion to consider adjusting Definitions to improve clarity on this. For instance, Apartment "Building" is defined.	Comment noted – will revise to reference built form per definition.	Yes
	6.3.10(3)	Please provide reason as to why the number of dwellings that are permitted within an apartment on an arterial or collector roadway was reduced from seven to four.	Note – this was a typo in the revised draft of the By-law circulated. No change is proposed.	No
	6.3.10(5)	Could be problematic.	Comment noted	Yes
	6.3.10(12)	This is already captured by 3.32.4.	Comment noted	Yes
	6.4.2(1)	This provision should not be necessary.	Comment noted	Yes
	6.4.2(3) and 6.4.2(4)	These provisions are generally problematic and need to be revisited. In our opinion, a Development Permit By-law should be specific and not general.	Comment noted but not specifically found	No
	6.4.3	Please provide an example as to how density within the neighbourhood would be calculated.	Comment noted but not specifically found	No
	7.4(3)	Suggestion to replace with "Director of Development Services."	Previously amended	No

	8.1	Suggestion to change "School - Private / Commercial" to "School - Commercial" and "School - Private" per Definitions.	Comment noted	Yes
	8.4(1)	Suggestion to replace with "Director of Development Services."	Previously amended	No
	10.4(1)	Suggestion to replace with "Director of Development Services."	Previously amended	No
	11.4	Suggestion to replace with "Director of Development Services."	Previously amended	No
	12.4(1)	Suggestion to replace with "Director of Development Services."	Previously amended	No
	Definitions	<p>Suggestion to ensure permitted uses in Development Permit By-law are all defined in Definitions. For example, "Veterinarian Establishment" and "Church" are permitted uses in the Mississippi Transitional Sector but are not defined in Definitions.</p> <p>As well, some definitions provided do not appear as a permitted uses in the By-law. An example of this is "Brewery/Winery/Distillery."</p>	Comment noted – will review and include new definitions per industry standards.	Yes
Louis Antonakos	General	General objection to provisions regulating and prohibiting the erection of sea-containers within the municipality	Housekeeping Amendment does not presently include sea-cans in the policy	No

