

HOW CAN THE DEVELOPMENT PERMIT SYSTEM BE USED TO ACHIEVE RESIDENTIAL  
INTENSIFICATION OUTCOMES IN THE SUBURBS?

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# HOW CAN THE DEVELOPMENT PERMIT SYSTEM BE USED TO ACHIEVE RESIDENTIAL INTENSIFICATION OUTCOMES IN THE SUBURBS?

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Master of Planning  
In  
Urban Development  
Ryerson University

## ABSTRACT

The Province of Ontario made the Development Permit System (DPS) available to all municipalities in 2006, with the hope that municipalities could use this new tool to achieve various policy objectives, including intensification. Under the *Growth Plan*, municipalities have been instructed by the Provincial government to identify areas for redevelopment in order to meet the 40 per cent intensification target. Many suburban municipalities have been challenged to meet this target, and have requested Provincial assistance, and/or new regulatory tools. The DPS is one tool that has seen little use. This Major Research Paper explores the viability of the DPS for achieving intensification objectives in Port Whitby. The four existing DPS by-laws are compared, and other alternatives to zoning from different jurisdictions are reviewed. Lessons learned are incorporated into a set of recommendations to inform the Town of Whitby's approach to their upcoming Port Whitby zoning review.

Key words: Land use planning, intensification, policy implementation, planning tools

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## 1. Introduction

With the introduction of *Places to Grow: A Growth Plan for the Greater Golden Horseshoe* (MMAH, 2006) the Province of Ontario embarked on a comprehensive planning regime guided by “smart growth” principles including higher densities, intensification of existing built-up areas, and principles of transit-oriented development. The current year, 2016, marks the tenth anniversary of these policies, as well as the statutory requirement for the Province to undertake their review.

The minimum residential intensification target, one of the main pillars of the *Growth Plan*, was one of the challenges raised by various suburban municipalities through the Province’s consultation process. *Places to Grow* requires that upper-tier municipalities across the Greater Golden Horseshoe (GGH) achieve a minimum intensification target of 40 per cent. This means that 40 per cent of all new development should occur within the existing Built-Up Area, promoting higher densities which will allow for more efficient service delivery and support public transit. For every three dwellings built in Designated Greenfield Areas, two should be created through intensification.

*Places to Grow* was accompanied by population and job growth forecasts for each of the Upper- and Single-Tier municipalities, looking forward to 2031. Following the adoption of the *Growth Plan*, the Province directed municipalities to develop intensification strategies in order to accommodate the forecasted growth, and to bring their official plans into conformity. After undertaking this exercise, municipalities identified key locations for intensification including strategic nodes and corridors, as well as transit station areas (Filion & Kramer, 2012). Policies to help achieve this intensification have subsequently been incorporated into official plans. Meeting the 40 per cent intensification target is more than just a matter of designating land and waiting for developers to build it. As of 2014, a number of the upper tier municipalities fell short of the 40 per cent minimum (MMAH, 2015).

For the first 10-year review of the Provincial Land Use Plans, the Province appointed former City of Toronto Mayor David Crombie to lead a panel of experts<sup>1</sup> who would make recommendations for updating the four Plans. These include the *Growth Plan*, the *Greenbelt Plan*, the *Oak Ridges Moraine Conservation Plan*, and the *Niagara Escarpment Plan*. All of the Plans work together to limit urban sprawl and the degradation of natural systems, while promoting vibrant, dense, and connected urban and suburban communities. Even though the Plans have a lot of synergies, the four are administered by different Provincial ministries. The 2015 Review was a historic event, because it represented a more holistic and integrated approach to regional planning in Ontario. Throughout the spring of 2015, individuals, municipalities, and organizations had the opportunity to provide feedback to the Crombie panel and share their experiences from the first decade of the Plans. Upon receipt of this feedback and following extensive community consultation, the Crombie Panel wrote a report recommending amendments to the Plans, including a number of suggestions related to residential intensification, such as:

- Potentially increasing intensification targets, where appropriate;
- Requiring municipalities to do better reporting of their intensification rates;
- Providing guidance to municipalities to assist with policy implementation; and
- Encouraging the use of regulatory tools, including the Development Permit System (Crombie et al., 2015)

The objective of this paper is to contribute to the body of evidence for alternative regulatory tools. Traditionally, municipalities have two types of land use tools at their disposal: regulations (zoning), and incentives (financial, or through bonusing). The Development Permit System (DPS) is a relatively new instrument that has been available to municipalities since 2006. The Provincial Government established the DPS through Ontario Regulation 608/06, under subsection 70.2 of the *Planning Act*. According to the Province's DPS Handbook (MMAH, 2008), the efficient use of land through intensification is one of the key objectives of a DPS. However, it has not yet been successfully implemented for this purpose in Ontario. To date, only four

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<sup>1</sup> Advisory Panel members included Keith Currie, Leith Moore, John MacKenzie, Rae Horst, David Crombie, Debbie Zimmerman

municipalities have implemented a DPS. These include Lake of Bays, Gananoque, Carlton Place, and Brampton.

The DPS gives municipalities the ability to promote compact form and encourage a mixture of land uses through the official plan and development permit by-law. The official plan sets out the general objectives for the DPS. The DPS by-law establishes the range of permitted uses, urban design standards, as well as the conditions whereby a proposal that falls outside of the standards could still be permitted. The body of this paper considers the potential for implementing a Development Permit System in Port Whitby. Port Whitby is an area of 183 hectares in the Town of Whitby, on the shore of Lake Ontario. Currently the area is home to 2,000 people and contains 500 jobs, but is projected to house more than six times this by 2031, with 12,500 people and 3,290 jobs (SvN Architects + Planners, 2015b).

In order to achieve these targets, the town of Whitby has commissioned a number of policy documents to guide development in the area, including a Secondary Plan, Urban Design Guidelines, and a Community Improvement Plan. These documents were received by Council in November 2015, and circulated for public input and agency comments (Planning and Development Department, 2015). Port Whitby presently contains a mixture of land uses, including low density residential, light and heavy industrial, and recreational. The policies provide for a variety of residential forms, mixed use, institutional, and commercial land uses in Port Whitby.

The central question of this Major Research Paper is: **How can a Development Permit System be used to achieve residential intensification outcomes in the suburbs?** This question is explored through an initial literature and policy review to provide a framework for understanding the policy context in Ontario. The justification for suburban intensification and its associated challenges are also reviewed. Then, a comparative analysis of existing development permit by-laws is used to survey the use of the system in Ontario to date. The Ontario DPS examples are contrasted with a brief review of zoning alternatives from other areas of Canada, the US, and Europe. This analysis forms the basis for a set of recommendations to inform the creation of a DPS for Port Whitby, should the municipality elect to use the system in their upcoming zoning review.

## 2. Methods

The classical model of urban planning practice can be traced back to Patrick Geddes and the early days of the profession (Geddes, 1915). This model, based on the 'survey-analyze-plan' approach, is still used to this day. This Masters Research Paper will be an inquiry into the planning phase, the final step of the process. Planners collect and analyze data, with the end goal of developing a plan for a community, area, or site. This exploratory research consists of both a literature review and a methodological study, in order to assess the utility of one tool in specific, the Development Permit System.

### 2.1. *Literature Review*

The first part of this research project is a literature review that has been undertaken to examine the suburban experience with residential intensification. The benefits of residential intensification and challenges to policy implementation are explored, in order to make the case for more efficient development patterns and practices. Second, literature and policy documents on the DPS are examined in order to understand how this instrument can support policy objectives like intensification. The challenges to implementing a DPS are also explored.

The primary sources for this literature review include consultant reports, municipal policy documents, and newspaper or blog articles. These documents were retrieved through basic web searches as well as searches of municipal websites. The academic literature was also searched via online research databases like Scholars Portal. Relevant published research and academic dissertations were retrieved. Finally, key informants were contacted, including planners who have worked on the DPS in Ontario, for their insight into other potentially relevant documents.

### 2.2. *Policy Comparison*

The second part of this research involves a comparison of the four in-force development permit by-laws in Ontario. The by-laws of Brampton, Lake of Bays, Gananoque, and Carlton Place are compared on a number of criteria related to structure and content. They are also assessed for whether they appear to meet the stated aims of the provincial DPS legislation.

### 2.3. *Applied Case Study of Port Whitby*

The third part of this research follows an applied case study approach, in order to test the use of the Development Permit System as a planning tool to achieve intensification objectives in Port Whitby. This area was chosen as a case study because of its identification as an intensification area in OPA 90 to the Whitby Official Plan (Town of Whitby, 2010). Port Whitby has subsequently been the subject of a custom-made regulatory framework, including a Secondary Plan, Urban Design Guidelines, and Community Improvement Plan. A comprehensive policy review provides the basis for the final product of this report: A set of recommendations for the application of the Development Permit System to guide redevelopment and intensification in Port Whitby.

### 3. Policy Context

#### 3.1. *Places to Grow*

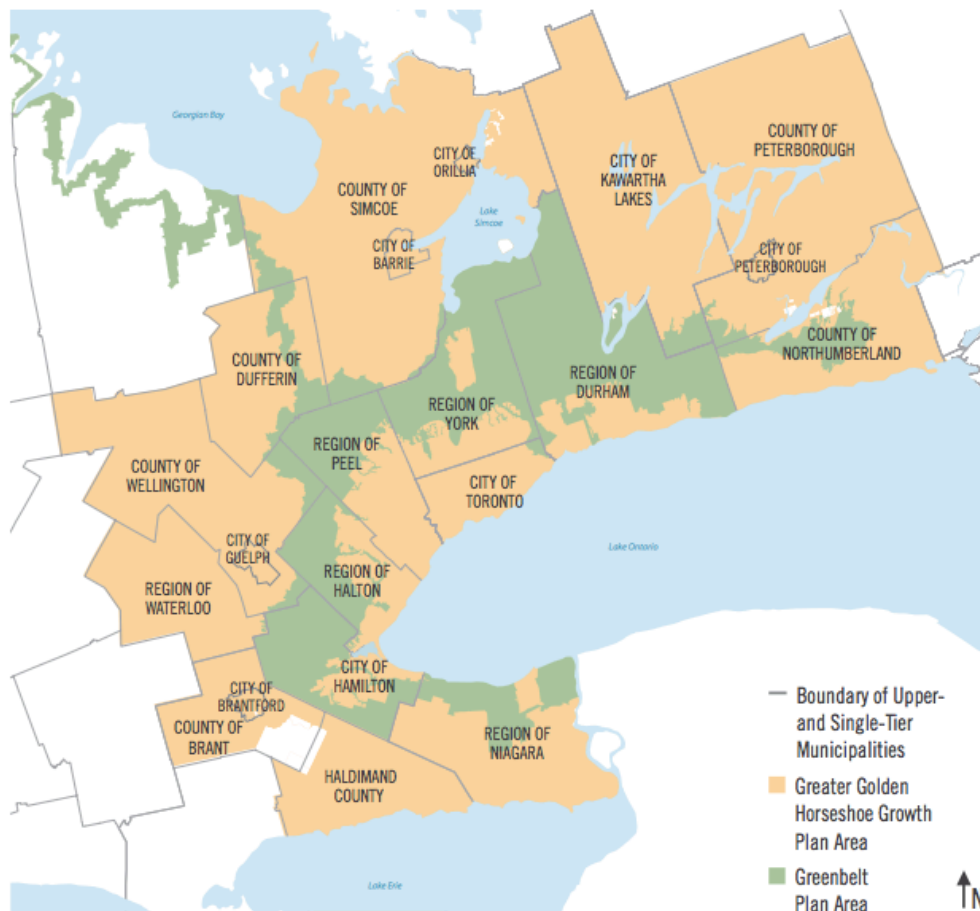
The *Growth Plan for the Greater Golden Horseshoe* emerged as a response to rapid growth on the fringes of the Greater Toronto and Hamilton Area (GTHA) over the last half of the 20<sup>th</sup> century, consuming greenfield land at an unprecedented pace. With the recognition that the status quo could not go on, the Ontario Government created a series of plans to direct land use in the region, with the objective of accommodating an estimated 9 million more people, without substantially increasing the urban boundary. This was not a new concept to the City of Toronto, which was almost entirely built out at the time the *Growth Plan* was created. The suburbs and exurbs of the Toronto region, on the other hand, were still expanding, eating up some of the most productive farmland in the country and using infrastructure and services inefficiently, at high cost to municipalities and taxpayers. **Table 1** summarizes the past and forecasted population growth for the City of Toronto and surrounding regions.

Reference Scenario	POPULATION								
	2001	2006	2011	2016	2021	2026	2031	2036	2041
Region of Durham	528	584	631	691	770	861	970	1,081	1,190
Region of York	763	932	1,072	1,199	1,330	1,459	1,585	1,699	1,788
City of Toronto	2,584	2,611	2,725	2,865	2,975	3,081	3,193	3,298	3,400
Region of Peel	1,032	1,213	1,350	1,455	1,559	1,660	1,766	1,871	1,968
Region of Halton	391	458	520	575	645	726	815	910	1,004
City of Hamilton	510	524	540	568	601	640	683	732	776
<b>GTAH TOTAL</b>	<b>5,807</b>	<b>6,322</b>	<b>6,837</b>	<b>7,353</b>	<b>7,881</b>	<b>8,427</b>	<b>9,011</b>	<b>9,591</b>	<b>10,127</b>
County of Northumberland	81	84	85	88	91	96	100	105	110
County of Peterborough	56	59	57	61	64	67	70	73	76
City of Peterborough	75	78	82	86	90	97	103	109	115
City of Kawartha Lakes	72	77	75	79	83	90	95	101	107
County of Simcoe	254	273	288	314	346	380	416	456	497
City of Barrie	108	134	141	155	173	191	210	231	253
City of Orillia	30	31	32	34	36	38	41	44	46
County of Dufferin	53	56	59	63	67	73	77	81	85
County of Wellington	84	89	90	92	100	110	122	132	140
City of Guelph	111	120	126	142	154	166	177	184	191
Region of Waterloo	457	499	528	573	624	681	742	789	835
County of Brant	33	36	37	39	42	45	49	53	57
City of Brantford	90	94	96	104	114	126	139	152	163
County of Haldimand	45	47	46	48	50	53	57	60	64
Region of Niagara	427	442	446	463	483	511	543	577	610
<b>OUTER RING TOTAL</b>	<b>1,976</b>	<b>2,118</b>	<b>2,189</b>	<b>2,339</b>	<b>2,516</b>	<b>2,724</b>	<b>2,942</b>	<b>3,148</b>	<b>3,349</b>
<b>GGH TOTAL</b>	<b>7,783</b>	<b>8,440</b>	<b>9,026</b>	<b>9,693</b>	<b>10,397</b>	<b>11,151</b>	<b>11,954</b>	<b>12,739</b>	<b>13,476</b>

**Table 1: Population Growth Forecasts to 2041: Reference Scenario (in multiples of 1000)**

(Hemson Consulting Ltd., 2013)

The *Growth Plan* area includes Toronto and the inner ring suburban municipalities in Hamilton, Halton, Peel, York, and Durham region, as well as the urban centres in the outer ring municipalities like Niagara Region, Peterborough, Barrie, Guelph, and others. These areas are quite different from Toronto, and yet, under the *Growth Plan*, many of the same Provincial policies apply. **Figure 1** is a map of the upper tier municipalities in the GGH.



**Figure 1: Upper- and Single-Tier Municipalities in the Greater Golden Horseshoe**  
(MMAH, 2015)

Under the Growth Plan, Upper- and Single-Tier municipalities are required to establish a Settlement Area Boundary to serve as a limit to urban expansion. The Settlement Area contains both the Existing Built-Up Area, and the Designated Greenfield Area, which typically consists of farmland on the urban fringe where development is permitted (see **Figure 2**).



**Figure 2: Built Boundary and Settlement Area Boundary**

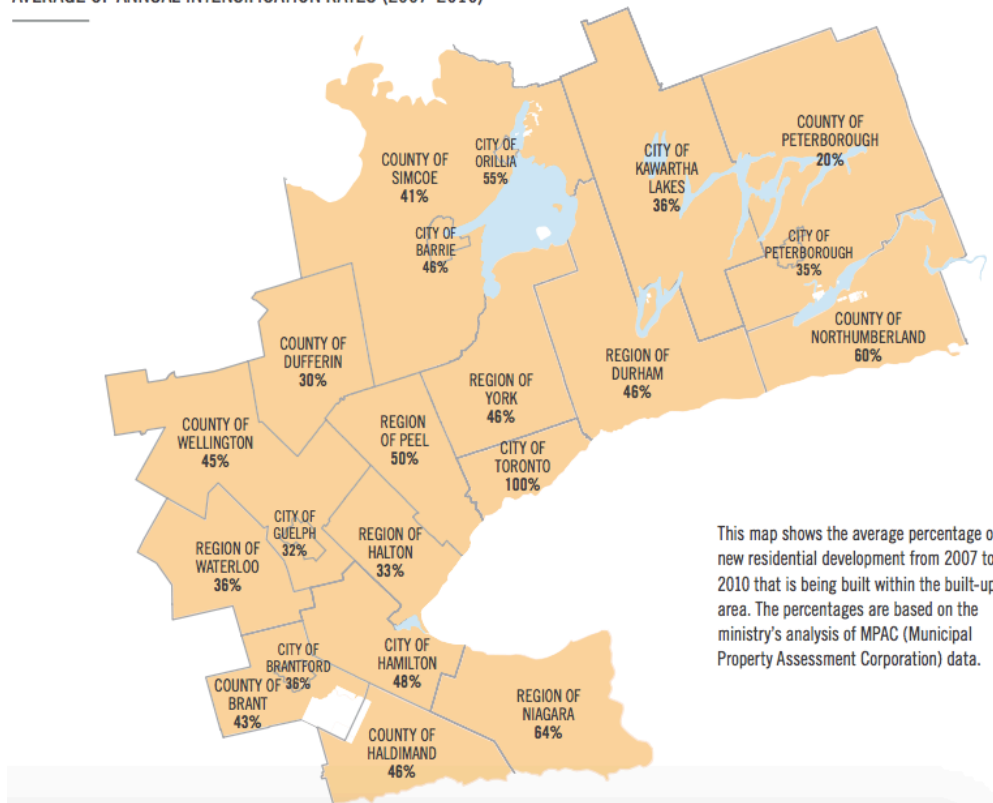
(Allen & Campsie, 2013)

Upper- and Single-Tier municipalities are also required to achieve a minimum intensification target of 40 per cent. This means that 40 percent of all new development is to occur in the existing Built-Up Area. Municipalities in the Outer Ring (i.e. beyond the Greenbelt) are permitted to request a lower target, subject to approval by the Minister. The Upper-Tier municipalities can also voluntarily set higher targets, or they can assign different targets to their Lower Tier municipalities, so long as the average is 40 per cent. Intensification is defined in the Provincial Policy Statement (MMAH, 2014) as “the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) expansion or conversion of existing buildings.”

**Figure 3** illustrates the intensification levels that were achieved by the upper tier municipalities between 2007 and 2010.

**MEASURING RESIDENTIAL INTENSIFICATION**  
**AVERAGE OF ANNUAL INTENSIFICATION RATES (2007-2010)**



**Figure 3: Average annual intensification rates among Upper- and Single-Tier Municipalities (2007-2010)**

(MMAH, 2015)

### 3.2. The Crombie Report

In 2015, the Province initiated a review of the *Growth Plan*, along with three other regional land use plans: The *Greenbelt Plan*, the *Oak Ridges Moraine Conservation Plan*, and the *Niagara Escarpment Plan*. The Minister of Municipal Affairs appointed the Honourable David Crombie, former Mayor of Toronto, to lead a coordinated review of the Plans. Following months of stakeholder consultation, the Advisory panel led by Mr. Crombie released their recommendations in a report titled “Planning for Health, Prosperity and Growth in the Greater Golden Horseshoe: 2015-2041” (Crombie et al., 2015).

This report reaffirms the need for a coordinated approach to growth and development in the Greater Golden Horseshoe in order to accommodate a 50% increase in population and a

40% increase in jobs. The amount of land needed to accommodate this growth depends on the rate of intensification, and the density of new development in each municipality. Over the first decade, the Provincial Plans have had some impact in terms of decreasing land consumption. Between 2001 and 2011 the population of the GTHA grew by 18%, but the urban area only expanded by 10% (Crombie et al., 2015).

The Crombie panel made 87 recommendations categorized under six strategic directions. The strategic directions included: Building Complete Communities, Supporting Agriculture, Protecting Natural and Cultural Heritage, Providing Infrastructure, and Mainstreaming Climate Change, and Plan Implementation. The recommendations were based on a consideration of the advice provided during 17 Town Hall Meetings held across the GGH; over 19,000 submissions from the public, stakeholders and municipalities; site visits to places of interest in the region; and background papers prepared by staff of various Provincial Ministries. The Crombie Report includes a number of recommendations that are relevant to this Major Research Paper. Within the Building Complete Communities section of their report, the panel makes the following recommendations related to residential intensification (*see **box 1**, next page*).

Taken together, these recommendations reaffirm that intensification is a crucial objective for municipalities in the Greater Golden Horseshoe, but that it should not be pursued at any cost. Intensification projects need to be integrated into existing communities with sensitivity and good design, and complemented by a vibrant public realm and improved community amenities that benefit everyone. Additionally, the Panel recommended that the Province address the feasibility of intensification projects by providing municipalities with guidance and tools to achieve the targets.

### **Box 1: Crombie Panel recommendations related to intensification**

#### **Recommendation 1**

Specify that all new developments in existing built-up areas and in designated greenfield areas should support the development of complete communities by incorporating:

- Urban design including built form, streetscapes, green infrastructure and open spaces that support human health, a pedestrian-friendly environment and a vibrant public realm (see, for example, Peel's Healthy Community Index or Toronto's Walkability Index)
- Identification and protection of cultural heritage
- Opportunities to facilitate the creation of secondary suites in new and existing building stock
- Integration of residential and retail/commercial development in a way that supports active transportation and transit

#### **Recommendation 10**

With a view to increasing intensification targets to better support the goals of the plans to sustain productive agricultural lands, protect natural resources, achieve compact urban form, support transit, reduce traffic congestion and lower greenhouse gas emissions:

- Assess and apply potential increases in intensification targets in conjunction with related recommendations in this report regarding higher density targets in designated greenfield areas, better support for transit-related intensification and stronger criteria for settlement boundary expansions (see Recommendations 14, 15 and 20)
- Require municipalities, with guidance and support from the Province, to measure and report annually on the achievement of intensification targets

#### **Recommendation 11**

Provide more specific best-practice guidance to municipalities on how to optimize opportunities to accommodate growth within existing settlement areas in a way that supports complete communities

#### **Recommendation 12**

Address barriers to intensification and the development of affordable housing by encouraging use of tools such as up-to-date zoning, the development permit system, community improvement plans, and reduced residential parking requirements where transit and active transportation options exist.

(Crombie et al., 2015)

### 3.3. *Justification for intensification*

The 40 per cent residential intensification target in the *Growth Plan* requires some explanation, particularly from a suburban point of view. Intensification can be justified from environmental, economic, social, public health, and market perspectives (Filion & Kramer, 2012). These will be discussed in turn.

First, intensification helps to protect agricultural land and natural heritage resources. If development is taking place within the existing built-up area, then there is less demand for the conversion of “white belt” lands that are valuable for food production, as well as the ecological services that nature provides (Wilson, 2013). When intensification is accompanied with investments in transit and the public realm, it can help get people out of their cars thereby contributing fewer greenhouse gas emissions (Burda et al., 2012).

From a municipal budget perspective, infill development is far less costly to service (Blais & Slack, 2013). Land developers pay for the installation of infrastructure to service new communities on the urban fringe, but the municipality is responsible for the ongoing maintenance of this infrastructure, and for providing both hard services (like water and sewers) and soft services (like libraries and schools) to the new communities. Due to the sprawling nature of greenfield development, the cost per capita of providing these service is much higher than in more dense areas areas (CMHC, 1997; Thompson, 2013).

Intensification is desirable from a social perspective for a number of reasons. Intensification is a crucial ingredient for creating complete communities, where people can live, work, and play (Environmental Defense, 2015). Intensification helps communities achieve a certain level of population density, which is necessary to support local businesses and services. From a sociological perspective, intensification creates more opportunities for social interaction. This stands in contrast to the isolating nature of conventional suburban environments (Kuntsler, 1994). Finally, intensification can help to create a variety of housing types, which will appeal to people at different ages or income levels. This is important for social cohesion and democracy (Forrest & Kearns, 2001).

Intensification can have important public health outcomes. If intensification is accompanied by other elements of a complete community, it can support alternative modes of

transportation (Ewing & Cervero, 2010). Population density is key to making transit viable, and transit users are more likely than automobile commuters to achieve the recommended 30 minutes of physical activity per day. In addition, complete communities with amenities and places of work that are close to where people live are also more supportive of active transportation than conventional suburbs (Frank et al., 2006).

Increasingly, intensification can be supported from a housing market perspective. A number of recent reports on housing market trends suggest that there is growing demand for complete communities, density, and transit. A 2012 study from the Pembina Institute and Royal Bank found that an overwhelming majority of residents of the Greater Toronto Area (GTA) favour neighbourhoods that are walkable, close to work and accessible by rapid transit (Burda, 2012). A recent report from the Neptis Foundation found that greenfield land consumption was slowing down, even before the Growth Plan (Neptis Foundation, 2015).

There is unprecedented evidence in support of residential intensification in suburban communities. So why do municipalities in the Greater Golden Horseshoe insist on needing more land for greenfield development? The next section will discuss a number of the difficulties municipalities face with intensifying.

### *3.4. Challenges to Intensification*

When the Province initiated its review of the four Provincial Land Use Plans, municipalities, stakeholders and private citizens were invited to submit their comments on the plans, and to recommend changes to the policies. A number of municipalities reported challenges meeting the residential intensification target, and recommended that it be reduced. Municipalities such as Guelph claim that they were only able to meet the target in the first ten years because of vacant and unconstrained land within the Built-up Area, and that, going forward, they will not be able to achieve the target because these sites are all used up (Planning Urban Design and Building Services, 2015).

A number of factors pose real challenges to achieving the 40 per cent intensification target. Some of these factors relate to the regulatory framework, zoning in particular, while others have to do with the development process. Perception and lack of knowledge are other

key barriers, and, in many locations, the economics of intensification projects don't make financial sense yet. These will be discussed in turn.

## Regulatory Framework

In most cases, if a property owner or developer wants to build an intensification project, they will be required to apply for a zoning by-law amendment, as many forms of intensification are prohibited by the in-force zoning. Additional regulatory provisions are barriers to intensification, including parking standards (OHBA, 2015) and parkland dedication requirements (BILD, 2011). These provisions can be impossible to meet in an infill or redevelopment situation, given the small size of intensification sites and the developer's desire to maximize profit by building greater height and density. Where municipalities provide the option of cash-in-lieu of parkland, the formula for calculating the payment may cause the project to be financially unviable, since intensification projects in the suburbs have slimmer profit margins than downtown Toronto (OHBA, 2015).

## Time and Cost

The overall time and expense of the development process can also deter property owners from pursuing an intensification project. This process can be lengthy, with the statutory public meetings, requirements for various supporting studies, and an unknown number of revisions requested by the municipality. When a site requires an official plan or zoning by-law amendment, the various procedural elements can mean an even longer delay before the first shovel hits the ground. **Table 2** lists the maximum review times for various planning applications as set out in the *Planning Act*. For a developer, time is money. The faster a project can be brought to market, the more appealing and feasible it is.

	Zoning By-law Amendment	Minor Variance	Site Plan Application
Maximum review time	120 days	30 days	30 days

**Table 2: Maximum review times for various planning applications under the *Planning Act***

The development charges that are incurred on a per-unit basis can be the proverbial straw that breaks a developer's feasibility calculation. Development charges are calculated as the cost to the municipality of servicing new properties, levied as a fee on that development. They are calculated in a variety of ways, with the most common method being the cost per unit. This favours low density, single unit residential, and discourages higher density residential forms, despite the fact that the actual cost of servicing a unit in a mid- or high-rise building is far lower than the cost of servicing a single detached home on a greenfield. A thorough examination of development charges is outside the scope of this paper. A number of excellent publications deal with this topic, including Pamela Blais' *Perverse Cities* (Blais, 2011).

### **Lack of knowledge**

Because intensification projects differ substantially from greenfield ones, if a developer does not have experience with this kind of development they are unlikely to attempt one. In areas where intensification is a fairly novel phenomenon, there is also the market risk involved in being the first developer to take on this type of project. There may also be a lack of knowledge about the tools and incentives available. A developer will assess the feasibility of development before they purchase a site; therefore, the policies and programs that impact a developer's pro forma should be made explicit.

### **Lack of tools**

As recommended by Crombie et al. (2015), municipalities need more Provincial support and tools to achieve intensification objectives. The Development Permit System is a tool that the Province made available to municipalities in 2006, and it is cited in the Crombie Report as one of the key tools that municipalities should be encouraged to employ to achieve intensification objectives. To date, no municipality has done so. The Main Street North DPS in the City of Brampton has intensification as one of its goals, but this is not substantiated by a target number of people and jobs.

## **Lack of market**

Every tool in the box will not be enough to encourage intensification if the market is just not there yet. Regulations can be put in place, and incentives can be offered, but developers will not build what they can not sell, and even incentives might not be enough to encourage development in an area where people have no desire to live. There is also the risk of over-regulation. A municipality can have all the policies in place, and be armed with the right regulatory tools to achieve their objectives, but developers are easily dissuaded by overly onerous processes. If a municipality wants to encourage development they also need to be somewhat flexible in their regulations.

## **Community resistance**

A municipality may find that the existing community can put up quite a strong resistance to an intensification project. Even in Toronto where intensification is the norm, communities often resist infill projects; whether high-rise, mid-rise, or stacked townhouses. In suburban communities in the GTHA, residents may assume that “intensification” means a high-rise condo on Main Street, although this is typically not the case. Municipal planners have the responsibility of interpreting the Provincial policies for their communities, and any explanation of intensification policies should include a discussion of the benefits of “gentle density”. This term is often used to refer to low- or mid-rise infill projects, along avenues and near nodes, that does not change the overall aesthetic or feel of the existing stable neighbourhood. Two reports from the Pembina Institute and OHBA profile different options for this type of development: mid-rise construction (Burda & Collins-Williams, 2015), and laneway housing or secondary suites (Vijayakumar & Collins-Williams, 2015). Existing residents need to understand why intensification is important, as well as how it benefits them.

### **3.5. *Regional development initiatives***

Despite the above noted challenges, intensification projects are popping up all over the GTHA. A number of suburban municipalities, including Burlington and Brampton, are approaching “build out”, where they have no remaining greenfield land for new development.

Mississauga was the first suburb to be entirely built out. As of 2011, all new development in Mississauga is categorized as intensification.

Intensification projects in the suburbs range from severances to create new lots in existing low-density residential areas, to the creation of new suburban downtowns with mid- to high-rise projects in areas like Mississauga, Markham, and Vaughan. Intensification is quickly becoming a fact of life in the suburban GTHA, and municipalities are adapting in different ways. When municipalities were required to bring their official plans into conformity with *Places to Grow*, Peel and Waterloo Regions decided to set targets of 50 per cent and 45 per cent for intensification (Allen & Campsie, 2013), rather than the Province's minimum 40 per cent. Other municipalities in the Outer Ring were permitted to set lower targets (MMAH, 2015).

In order to meet the Provincial target, municipalities have had to seek development opportunities within the existing built-up area. One major suburban intensification project involved the redevelopment of the former St Lawrence Starch lands along the waterfront in Port Credit, Mississauga. This award-winning project transformed 10.5 hectares of formerly industrial land into a mixed use, transit-oriented development (CMHC, 2007). The Port Credit Village development contains 410 residential units at a density of approximately 39 units per hectare, and approximately 1,400 square meters of commercial office space and 3,700 square metres of retail. The City of Mississauga is currently undertaking master planning for two other areas on the Port Credit waterfront, the former Imperial Oil lands at 70 Mississauga Road South and the area around the marina at 1 Port Street East (City of Mississauga, 2016).

But who is moving to intensification areas in the suburbs? The CMHC case study of Port Credit reports that the primary market for housing in the Port Credit Village development was empty nesters and affluent professionals. Other research shows that the desire for walkable, urban living outside of downtown Toronto has a broader appeal. In a report co-produced by RBC and the Pembina Institute, findings suggest that residents of the Greater Toronto Area prefer neighbourhoods that are walkable, close to work, and accessible by rapid transit (Burda, 2012). What about the millennial generation (born approximately 1980-2000)? A recent report from the Urban Land Institute found that while approximately 1/3 of millennial survey respondents classified themselves as "city people", only 13% actually lived in downtowns

(Lachman & Brett, 2015). Overwhelmingly, millennials reported a preference for denser, walkable, mixed use environments. As millennials get older and start to have children, the question remains, will they stay in the city? Trends in the United States suggest that young people are following in the parents' footsteps, out to the suburbs. But they are choosing the older, inner suburbs, still within transit distance of downtown (Henderson, 2015).

Provincial policy in Ontario is waiting for the market demand to catch up with transit and planning priorities. In 2011, Metrolinx released a set of guidelines for development around major transit stations, what they refer to as "Mobility Hubs". The Guidelines identify 51 Mobility Hubs and establish a typology based on six urban contexts and three transportation functions (**Table 3**). Each mobility hub can be classified under both typologies.

Urban Context	Transportation Function
Central Toronto	Entry
Urban Transit Nodes	Transfer
Emerging Urban Growth Centres	Destination
Historic Suburban Town Centres	
Suburban Transit Nodes	
Unique Destinations	

**Table 3: Metrolinx Mobility Hub Typology Categories**

(Metrolinx, 2011)

In some cases, municipalities have integrated the Mobility Hub Guidelines into their planning policies. Metrolinx is also undertaking master planning at a number of GO station areas, where the agency owns vast parking lots and other nearby land. The Mobility Hub Guidelines will be implemented in this way, but otherwise municipalities are under no obligation to plan according to the Guidelines, and Metrolinx has no jurisdiction to regulate land use, development, or urban design. Andrew Keenan wrote his Ryerson Masters dissertation on the potential for using the Development Permit System to implement the Mobility Hubs Guidelines (Keenan, 2012). As Keenan points out, "effectively integrating land-use regulations with proposed transit routes is important to ensuring the Plans' [*The Big Move and Growth Plan*] success, and the regional transit system's economic viability." (Keenan, 2012, p. 2).

#### 4. Policy Review: The Development Permit System

At the Second National Conference on City Planning and Congestion in 1910, Frederick Law Olmstead Jr. said:

*“regulation should always be in a state of flux and adjustment, on the one hand, with a view to preventing newly discovered abuses, and, on the other hand, with a view to opening a wider opportunity of individual discretion at points where the law is found to be unwisely restrictive”* (Talen, 2012, p. 176).

It was in this spirit that the Government of Ontario made the Development Permit System available as an alternative approach to land use regulation.

##### 4.1. *Provincial legislation*

The Development Permit System (DPS) combines zoning, site plan control, and minor variance into a single streamlined process. The DPS is permitted under subsection 70.2 of the *Planning Act*. It gives municipalities the ability to promote compact form, and encourage a mixture of land uses through the official plan and development permit by-law. Site-specific elements such as setbacks, parking, and urban design can be addressed at the development permit stage, without the need for a minor variance or zoning by-law amendment (MMAH, 2008). Ontario Regulation 608/06 specifies that the council of a municipality is the approving authority, which removes the role of the Committee of Adjustment. Council can also delegate approval authority to a committee of council, a committee appointed by council, or staff.

The Provincial regulation (O. Reg. 608/06) outlines the procedure for implementing a DPS (Province of Ontario, 2006). A municipality must follow the steps as described in **Box 2**:

## Box 2: Steps to establishing a Development Permit System

1. Council must pass an amendment to the Official Plan to allow for the creation of a DPS By-law. The Official Plan must specify:
  - a) The area where the system will apply
  - b) The scope of authority that may be delegated to staff or a committee
  - c) The specifications for the areas under the by-law, including:
    - I. The municipality's goals, objectives, and policies
    - II. The performance-based criteria that will be used to determine whether any development may be permitted
    - III. Potential conditions that *may* be imposed through the DPS

The Official Plan Amendment may also specify:

- I. The information and materials that are required for a complete DPS application
- II. The classes of development that are covered by the DPS, and any classes that may be exempt
- III. The requirements for the provision of specified services, facilities and other matters in exchange for height and density

2. After passing the Official Plan amendment, Council can direct staff to prepare the Development Permit System By-law which contains:
  - a) A description of the area to which the by-law applies
  - b) Permitted and discretionary uses and definitions
  - c) Minimum and maximum standards for development and permitted variations
  - d) Review and notice procedures
  - e) The process for amending development permits
  - f) Actual conditions of approval
  - g) Scope of delegated authority, including any limitations

The by-law may also contain:

- a) Prohibitions of any development or change in land use without a permit
  - b) Defined classes of development
  - c) Exemptions for any defined class or land use from requiring a development permit
  - d) List of classes of development or land uses that may be permitted if the criteria in the OP and by-law have been met (discretionary uses)
  - e) Criteria that council may use to evaluate an application
  - f) Range of possible variations from the development standards
3. A landowner or developer may apply for a development permit with respect to land that is subject to the development permit by-law. Council can require that additional information and materials be included, and can refuse to consider the application until the information and materials are provided.
  4. On consideration of a development permit application, council or staff may:
    - a) Refuse the application;
    - b) Approve the application and issue a development permit with no conditions attached;
    - c) Approve the application and require that conditions be met before issuing a development permit;
    - d) Approve the application, require that conditions be met before issuing a development permit and, when the conditions have been met, issue a development permit with conditions attached.
  5. If the council fails to make a decision within 45 days after the date on which the information and material and fee are received, the applicant may appeal to the Municipal Board against the failure to make a decision.
  6. Once the final decision has been issued, only the applicant has the power to appeal the decision to the OMB.

(Province of Ontario, 2006)

#### 4.2. *Difference between the DPS and conventional zoning*

The roots of conventional zoning can be traced back to the 1926 US Supreme Court Case *Village of Euclid vs. Amber Realty*. This case established that zoning, as a form of government control over individual property rights, was constitutional. Euclidean zoning allocates single-use categories to areas or blocks, and maintains separation between potentially disharmonious uses (Hirt, 2013). Like a conventional zoning by-law, the DPS is a document that regulates the use of land and incorporates various standards that are applied along with permitted and discretionary uses. It can also include provisions for variations to development standards, provided that the proposed development meets a number of pre-defined criteria. The definition of development under a DPS is expanded, relative to that in a zoning by-law. Because of this, a DPS can incorporate regulations around heritage preservation, urban design, tree cutting, and site alteration. In addition to replacing the zoning by-law (S 34 of the Planning Act), the DPS by-law also replaces Section 41 (Site Plan Approval), and Section 45 (Powers of Committee).

The DPS process is a departure from conventional development application procedures because it combines the application for zoning by-law amendments, minor variance, and site plan approval into a single process, with a 45-day turnaround time. Before a developer or landowner submits a development permit application, they may be required to meet with staff in order to determine what studies will be required, and what conditions might be imposed before approval can be issued. The DPS by-law specifies the criteria that will be used to evaluate an application, and these are known by proponents in advance.

One of the main differences between the a DPS by-law and a zoning by-law concerns the use of conditions on development. Conditions can be imposed that must be met prior to a permit being issued, or attached to the permit itself. The types of conditions must be explicitly described in the OP Amendment and the DP by-law, and can include:

- conditions related to the removal or restoration of vegetation;
- conditions related to site alteration;
- conditions related to the provision of specified facilities, services and matters in exchange for a specified height or density. (Meridian Planning Consultants Inc., 2008)

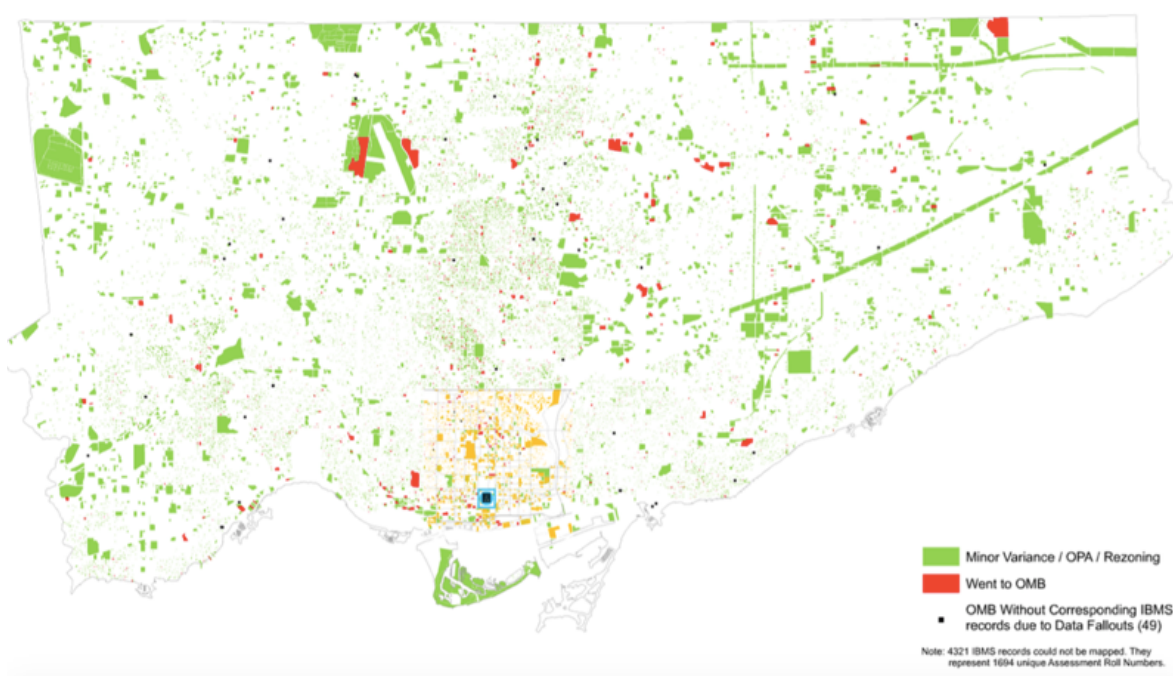
The conditions must be clear, precise, and quantifiable, and must not deal with interior layout or design, or the manner of construction and construction standards, and they must be satisfied to a standard that is satisfactory to council. The DPS is different from conventional zoning, because the current zoning system does not leave room for variation. If a developer wants to build something other than what is permitted as-of-right, they will need to apply for a minor variance or zoning by-law amendment. Through this process, municipal planners are able to negotiate various conditions. The preponderance of these types of negotiations has led to the labelling of the current approach as “lets make a deal planning” (Garrett, 2012).

The DPS has been promoted as a “policy-first” approach to land use regulation. Because of this, the municipality should strive for meaningful public consultation in the creation of the by-law. This is an opportunity for planning staff, politicians, and community members to discuss their objectives and hopes for the future. Planning staff are responsible for creating the conditions for high quality dialogue, where participants feel they are being listened to. Staff might look to the lessons learned from communicative planning theory (Healey, 1992) when they are considering their approach. The agreed-upon vision resulting from this engagement can be written in to the policies of the DPS so that any new development can be evaluated against how well it supports the community’s goals for the future. Once the DPS is in place, there are no third party rights to appeal an application.

Under the current system, there are statutory requirements for public meetings regarding any zoning by-law amendment, and neighbours have the right to oppose a minor variance application at a Committee of Adjustment hearing. After the municipality approves either type of application, members of the public still have the right to appeal the decision to the Ontario Municipal Board (OMB). At the OMB hearing, lawyers for the proponent, the municipality, and the appellants make a case for what they consider to be “good planning”. There are many issues with the OMB, and the Province is currently undertaking a review of its role. It should be noted that, under the DPS, the role of the OMB is restricted to general appeals on the official plan policies or by-law. After the by-law has been passed, only the applicant has the right to appeal the municipality’s decision.

The DPS implies a greater role for planning staff. Because the DPS by-law contains provisions for variations on the development standards, each application is essentially considered “as-of-right”. O. Reg. 608/06 specifies that municipal councils have the authority to establish a development permit by-law, to approve or reject applications under such a by-law, and that the scope of authority can be delegated to staff. Certain categories of development may be considered more minor, such as tree removal or changes to an existing building. Other categories, such as a new construction or a lot severance, would require the approval of Council. This is different from the existing approach, where minor variances are directed to the Committee of Adjustment, while Site Plan Applications and Zoning By-law Amendments go to Council.

In his presentation for the Centre for Urban Research and Land Development at Ryerson University, Toronto Planner Joe D’Abramo concluded that comprehensive zoning by-laws are no longer serving the purpose of as-of-right certainty in development-intensive communities (D’Abramo, 2014). This is due to the preponderance of site-specific amendments and re-zoning that have occurred, with the result that the actual built form of the city is inconsistent with the as-of-right zoning. The map in **Figure 4** illustrates the number of minor variances, re-zonings, and official plan amendments in the city of Toronto between January 2001 and November 2013.



**Figure 4: All Minor Variance, OPA/Rezoning Applications, and OMB Occurrences in the City of Toronto, January 2001 to November 2013**

(D'Abramo, 2014)

#### 4.3. *Benefits of the DPS*

The intended benefits of a Development Permit System have been well documented. In the Development Permit System Handbook (MMAH), the Ministry of Municipal Affairs and Housing outlines the benefits related to efficiency, policy implementation, flexibility, and time. Through a review of this document, and other commentary about the DPS, the benefits of the system were identified. **Table 4** lists the potential benefits, and whether they would accrue to the major stakeholders (municipalities, proponents, and the community).

Description of Benefit	Who benefits?		
	Municipality	Proponent	Community
<b>OPA and DPS by-law creation</b>			
Collaborative approach to planning <i>The community is involved in establishing the vision and objectives for the DPS</i>	Y	N/A	Y
May be tailored to the needs of each area <i>The OPA identifies which lands or categories the by-law would apply to</i>	Y	N/A	Y
Clear expectations of objectives for development that would result <i>The by-law is explicit in its standards, conditions, and criteria for approval</i>	Y	Y	Y
Proactive approach to change <i>The community vision for development becomes the as-of-right provisions</i>	Y	Y	Y
Broader definition of “development” <i>Can include landscaping, façade improvements, site alteration, vegetation</i>	Y	N	Y
Discretionary uses permitted provided certain criteria are met <i>Promotes flexibility and a mixture of compatible uses</i>	Y	Y	Y
Flexibility in development standards <i>Min and max, plus a specified range of variation</i>	Y	Y	N
Conditions of approval <i>Wide range of conditions can be applied</i>	Y	N	Y
<b>DP approval process</b>			
One application and approval process <i>As opposed to 3 for ZBL amendment, minor variance, site plan</i>	Y	Y	N/A
Expedited 45-day timeline for approvals <i>As opposed to 120 days for ZBL amendments</i>	Y	Y	N/A
Lack of 3 <sup>rd</sup> party appeals <i>Only the applicant is allowed to appeal a decision</i>	Y	Y	N
Complete application <i>Enhanced requirements for studies and documentation to support applications</i>	Y	N	Y
Lower application costs	N/A	Y	N/A
Improved transparency	Y	Y	Y
Consistency in process	Y	Y	Y
Removes political interference	N	Y	N

**Table 4: Benefits of the DPS to municipalities, developers, and community members**

#### 4.4. *Challenges of the DPS*

In his Major Research Paper for the Local Government Program at the University of Western Ontario, Joe Netherly outlines eight hypotheses for why there has been so little uptake of the Development Permit System in Ontario:

1. The natural conservatism of Ontarians;
2. council desire to maintain power;
3. a catalyst event having or not having occurred;
4. activist theory criticisms on curtailed public comment;
5. lack of knowledge of DPS;
6. satisfaction with a current framework for approvals;
7. time or cost concerns;
8. certain demographic or municipal structural concerns.

(Nethery, 2011)

Mr. Netherly conducted a survey of 303 senior planning administrators in Ontario in order to determine which of these hypotheses could explain respondents' consideration of the DPS. He determined that lack of knowledge about the system was a statistically significant factor in explaining a lack of consideration of the DPS. Netherly also found that respondents from municipalities with a higher number of OMB cases were more likely to have considered the DPS. From this it was suggested that until planners are faced with more challenging development proposals, they are likely to think that existing zoning system is sufficient.

This study provides important insight into why planners have or have not considered the DPS, but it does not address the hypothesized challenges from any other perspective. Like in section 4.3, the challenges to the DPS will now be discussed according to the various stakeholder groups involved.

#### **Municipality**

A City of Barrie staff report contains a summary of planning staff's investigation into the DPS (Infrastructure Development and Culture, 2011). The staff report raises two concerns:

- 1) the time and cost required to craft a Development Permit By-law;
- 2) the risk of setting inadequate standards and development criteria, resulting in a less effective by-law.

Planners from the City of Brampton have given a number of presentations regarding their experience implementing the DPS for Main Street North. In an October 2014 presentation at Ryerson University, they discussed their challenges including:

- 1) the complex range of building characteristics in the study area;
- 2) the need for ongoing education and training for staff, stakeholders, Council, and the public;
- 3) uncertainty about how best to structure the document.

(City of Brampton Planning Department, 2014)

An additional challenge for the municipality is ensuring that the up-front community engagement that goes into creating the policies is of high quality, and that it has involved a broad spectrum of the public. Municipalities regularly hold public meetings for development proposals, community plans, and other planning studies, but this engagement is of varying quality. It is an important obligation for planners to make sure that the policies in the DPS reflect the vision and objectives of residents, because once the policies have passed, the community no longer has the right to appeal a development decision.

The 45-day timeline could also prove to be a challenge for municipalities, especially for classes of development that require Council approval. If there is not enough time to get the application on the agenda for Council or a Committee, then they cannot approve it within the 45 days, and the proponent has the right to appeal the lack of decision to the OMB.

## **Proponent**

A review of the submissions to Toronto City Council for their consideration of the Development Permit System identified a number of letters from representatives of the development industry (Toronto City Planning, 2014). These letters voiced some concerns about the proposed Official Plan Amendment to implement the DPS. These parties were apprehensive that the policies created excessive discretion for City planners, leading to greater uncertainty in

the process—a matter the DPS was intended to correct. Some were also concerned that the process for amending a development permit by-law would be overly onerous, and recommended that the City incorporate policies similar to the minor variance process.

In general, developers lack understanding of the development permit application process and are unsure of how to negotiate the conditions that could be imposed on a new project. Typically, developers prefer jurisdictions with the most permissive regulations, so an overly complex DPS with layers of regulations could serve as a deterrent to development in a DPS area. This is an unfortunate irony, but it reflects the popular idiom “better the devil you know than the one you don’t”. Future research might look at the development applications received by the City of Brampton under the Main Street North DPS. At time of writing, there have been no applications since the OMB gave the policies final approval in October, 2015.

## **Community**

A presentation by Jessica Wilson, Vice Chair of the Confederation of Resident and Ratepayer Associations (CORRA) in Toronto, outlines some of the community concerns with the DPS (J. Wilson, 2014). The primary community concern is the lack of third party appeals to a development decision. As discussed in **Table 4**, this can be seen as a benefit to the municipality and developer, but it removes the public from the development process. Wilson was also apprehensive that, even after extensive community consultation, the approved by-law would not reflect the community vision, particularly with regard to height and density. The third concern that Wilson brought up was the delegation of decision making, removing both residents and the people who they have elected to represent them from having a say in development decisions. The final worry from the residents’ perspective was the lack of funding available for DPS studies for each individual neighbourhood, and would this result in more generic DPS guidelines that would apply across the city?

The benefits and challenges discussed above will now be applied to a specific case study, where they will be considered in the context of the Port Whitby area.

## 5. Port Whitby Case Study

### 5.1. *Context*

The history of the Town of Whitby is directly linked to the establishment of the harbour at Port Whitby, which was long considered to be one of the best harbours on the North Shore of Lake Ontario. Port Whitby became a busy commercial port, where goods were exchanged between boats and surface transportation. A railway was constructed in 1871 connecting Port Whitby and Port Perry to the north, to transport grains from the northern farms of the region. In the 20<sup>th</sup> century, Port Whitby became an important industrial hub, with manufacturing, oil storage, and commercial shipping. Many of these former factory, marine, and oil refinery properties are still in use for other purposes, though some are currently vacant. Port Whitby has evolved into a harbour for pleasure crafts rather than freight shipping, with a large marina, lakefront greenway, and other recreational amenities.

Employment numbers in Port Whitby have declined along with the decline of industry. Currently, employment in the area is primarily retail and service jobs, catering to the surrounding residential community and those nearby. The area is bordered to the east and west by large employment areas. At the north end of Port Whitby, the Whitby GO station provides 30-minute service to and from downtown Toronto along the Lakeshore East line. The residential areas in Port Whitby contain an eclectic mix of low, mid, and high rise housing, with a variety of architectural styles and construction techniques.

Amendment 90 to the Whitby Official Plan identifies Port Whitby as an area for intensification in order to meet the town's population and job targets as set out by Regional Official Plan Amendment (ROPA) 128 (Durham Region, 2009; Town of Whitby, 2010). Both of these amendments were required in order to bring both the regional and local plan into conformity with the *Growth Plan* (MMAH, 2006). OPA 90 sets a target of 10,500 more people and 3,290 more jobs in the Port Whitby/Whitby GO station area by 2031. Planning staff at the Town were directed to create policies to guide this dramatic intensification.

## 5.2. Existing Regulatory Framework

In November of 2015, staff presented the planning framework to guide development in Port Whitby to the Planning and Development Committee of Council (Planning and Development Department, 2015). This included draft versions of the Secondary Plan (SP), Community Improvement Plan (CIP), and Urban Design Guidelines (UDG). The Town hired consulting firm SvN Architecture + Planning (formerly Planning Alliance) to coordinate the project and complete the three documents. The draft documents have been circulated for public input and agency comment. Once all feedback has been received, reviewed and assessed, final recommendations will be brought forward for adoption by Council.

The Secondary Plan provides an update to the Whitby Official Plan in order to ensure “that future planned land uses in the Port Whitby area reflect long term community needs, allow for an environment of self-sufficient economic prosperity in Port Whitby, and help to develop the waterfront as an anchor with linkages to the existing downtown” (Planning and Development Department, 2015). Some of the key objectives of the secondary plan include: achieving the intensification targets for people and jobs, improving the vibrancy of the Port Whitby area, and promoting sustainable transportation options.

Please refer to **Appendix A** for a map of the land use designations in the Secondary Plan. The Secondary Plan includes policies to ensure that sustainability and urban design matters are addressed through the development approval process. It also has additional policies that provide for enhanced urban design, including: landscaping, architectural character and the public realm (SvN Architects + Planners, 2015b). The Secondary Plan establishes the regulatory weight of the accompanying Urban Design Guidelines, which enhance the policies in section 6.2 and section 11.1. The two documents are to be read together during the review of a development application. In addition, the Secondary Plan specifies that, for certain proposed developments, an Urban Design Plan maybe required as part of a complete application. It does not specify under which conditions an Urban Design Plan would be necessary, but that the UDG would be used to evaluate the proposed development. Policies 11.1.17.3 and 11.1.17.4 give additional weight to the UDG for landscaping and plantings, as well as the restoration of enhancement of building facades.

The Secondary Plan makes it very clear that matters of urban design are a priority for the redevelopment of Port Whitby. The UDG set out specific development strategies for Port Whitby as a whole and for four specific sub areas: The GO station site, Brock Street South, the Waterfront Area, and the Stable Low-Rise Neighbourhood (Dufferin Street) (SvN Architects + Planners, 2015c). See **Appendix B** for a map of the four sub-areas where different urban design policies apply. The UDG emphasize public realm improvements, gentle transitions between new development and the existing neighbourhood, and a pedestrian scale.

The Secondary Plan and Urban Design Guidelines can be considered the regulatory “sticks” to guide development in Port Whitby, but the policymakers in Whitby recognized that they would need a range of “carrots” as well, to incentivize the kind of change that is sought. The Port Whitby Community Improvement Plan (CIP) was developed on the basis that redevelopment initiatives should act as a catalyst for future development in Port Whitby. A CIP is a tool under Section 28 of the Planning Act that allows municipalities to provide incentives for development within specifically defined areas. The Port Whitby CIP also includes priorities for municipal investment, including the redesign of Watson Park and active transportation network improvements (SvN Architects + Planners, 2015a). The CIP lays out various options for incentives that are designed to encourage private sector investment, redevelopment, and construction activity in Port Whitby. The recommended options include façade and building revitalization grants, tax increment grants, brownfield tax assistance, grants for seeking design advice, and development charge exemptions.

One proposed CIP program that is relevant to this paper is the Residential Intensification grant, to encourage landowners to add secondary suites to existing residences or to retrofit existing multi-unit buildings. The program would provide a grant equal to the costs of rehabilitating existing residential units and/or constructing new residential units on the basis of \$15 per square foot of habitable floor space rehabilitated or constructed to a maximum grant of \$15,000 per unit and a maximum of 4 units per property/project (SvN Architects + Planners, 2015a).

The CIP acknowledges that the zoning regulations for Port Whitby should be updated to reflect the preferred land use scenario in the Secondary Plan. The existing land use designations

in the area include residential zones, flood zone, open space, highway commercial, harbour industrial, shopping centre commercial, and holding zones. See **Appendix C** for a map of the existing zoning in Port Whitby. A review will be necessary in order to bring the zoning into conformity with the Secondary Plan, and this presents the perfect opportunity for the Town of Whitby to consider a Development Permit By-law instead of traditional zoning. The next section will look at the four existing Development Permit By-laws in Ontario to ascertain some key takeaways and recommendations the use of the DPS in Port Whitby.

### *5.3. Review of the in-force by-laws in Ontario*

When the Development Permit System was first being considered, the Province sponsored pilot testing in five municipalities: Toronto, Hamilton, Waterloo Region, Oakville, and Lake of Bays. The DPS pilot testing was enabled through Ontario Regulation 246/01.

Of these five, only Lake of Bays was successful in carrying their DPS through to full implementation (Township of Lake of Bays, 2004). Since then, three other municipalities have also implemented the DPS: Carlton Place (Town of Carlton Place, 2015), Gananoque (Town of Gananoque, 2010), and Brampton (City of Brampton, 2013). The Carlton and Gananoque by-laws are comprehensive, and have been designed to govern every land use designation in the municipality, with a few exceptions. Brampton's by-law is specific to the Main Street North area in downtown Brampton, with the expressed purposed of encouraging development while protecting heritage features. The Lake of Bays by-law concerns itself with development along lakefront properties in the municipality, with the aim of protecting sensitive shoreline vegetation areas. **Appendix D** contains a table which compares these four by-laws for their structure and content and assesses their strengths and weaknesses, as well as how the by-law meets the Province's objectives for the system.

### *5.4. Lessons learned for Port Whitby*

Should the Town of Whitby consider the DPS to guide redevelopment and intensification in Port Whitby, the existing by-laws are very instructive in terms of both form

and content. Specific policies will be discussed in the next section, the lessons discussed here relate to the structure of the by-law and the application process.

#### **a) Applicability**

The four by-laws vary in their scope, as discussed above. A comprehensive, town-wide by-law may work well in the context of a small municipality like Carlton Place or Gananoque, but it might not work in a larger city with a greater variety of buildings and structures. In larger municipalities, the scope of the DPS should be similar to that of a secondary plan. Planners in Brampton structured the by-law in an interesting way, with Chapter 1 of the By-law containing general policies applicable to any Development Permit Area, and Chapter 2 containing policies specific to Main Street North. The City did this intentionally, with the goal that additional areas could be brought into the DPS in the form of new chapters added to the by-law.

It is worth discussing the official plan policies that enable the DPS in each municipality. O. Reg. 608/06 requires that the Official Plan Amendment specify the goals and objectives of the System. The OPA for the DPS in the City of Toronto was appealed to the OMB by a number of parties, many of whom took issue with the vague nature of the policies. The Brampton OPA enables the use of the DPS across the municipality, with the broad objectives of shortening review times, adding flexibility, simplifying the regulatory environment and establishing a comprehensive policy basis for future development (City of Brampton, 2011). However, it also states that “Detailed policies regarding the establishment of a Development Permit System shall be contained within the applicable Secondary Plan”. So the OPA contains additional amendments to the Main Street North Secondary Plan, which establish the guidelines for its use in that area.

The DPS for Port Whitby should be enabled through Section 10 – Implementation, with general guidelines for its use. The Secondary Plan for Port Whitby (Section 11.1 of the Official Plan), should contain the specific objectives of the DPS in this specific area.

## **b) Objectives**

The objectives of the DPS should be consistent with the objectives of the Secondary Plan in Section 11.1.2. These objectives are already highly specific, and consistency will ensure that the vision for Port Whitby is clear to residents and developers, and so that staff are able to apply conditions on development that directly serve the objectives in of the Secondary Plan.

## **c) Format**

The format for the by-law should be as linear as possible, so that it can be easily understood. The Brampton By-law is overly complicated, as one must refer to both chapter 1 and 2, and consider the Urban Design Guidelines in addition to the provisions for each district. The Brampton by-law does contain numerous tables that assist with interpretation, but these are buried within nearly 300 pages of text. The Gananoque by-law is the most straightforward, as the district policies contain both the development standards for each use, and the design criteria. These district policies are overlaid in two areas with additional policies to encourage the protection of waterfront access and views, and to encourage additional landscaping and landmark features at entrances to the Town (Town of Gananoque, 2010). The Gananoque by-law is also the most transparent with regard to how variations are considered and what types of application require staff versus council approval. The Gananoque and Carlton Place By-laws are quite similar in structure, and this format would provide a good baseline for Port Whitby. All three of the urban DPS by-laws contain numerous visuals to assist with interpretation of the policies. Use of visuals is crucial in order to communicate the vision and explain the functions of the development standards.

## **d) Application Requirements and Pre-consultation**

If transparency is one of the objectives of the DPS, then the by-law should be very explicit about the types of documents that may be required to support different types of application. The Brampton by-law is the most thorough in identifying the standard and potential submission requirements for different types of application, and the Port Whitby by-law should follow this example.

Because there may be additional studies required depending on the site or type of development, the Port Whitby DPS by-law and OP policies should mandate a pre-consultation meeting between the developer and planning staff. This is beneficial to all parties for several reasons:

- 1) it will ensure that staff receive all of the required documents in order to make a decision within the 45-day timeline;
- 2) it will allow staff to identify the areas of public/municipal interest with regard to the individual site. This will assist with the negotiation of conditions;
- 3) It will provide more clarity for developers with regard to municipal objectives and the flexibility that could be permitted.

#### **e) Classes of Development and Delegation of Authority**

All of the DPS by-laws distinguish between different classes of development, or types of applications, with the different review processes that they entail. Given the expanded definition of development under the DPS, it is important that the Port Whitby by-law is very clear about how specific applications will be dealt with. This adds transparency to the process, and allows staff to efficiently allocate time to dealing with applications. It also ensures that not every proposal has to go through the same rigorous process of review, and that developers and the public are clear about what types of application are exempt from certain procedural requirements.

#### **f) Role of the public**

This is one of the greatest points of contention around the DPS. If the DPS effectively allows for most types of development as-of-right, and there is no third party appeal process, then the role of the public in decisions about development in their community is significantly curtailed. The Brampton By-law makes it clear that there is no requirement for public notice or involvement. The other three by-laws include opportunity for public comment on the more significant categories of application that require council approval. However, it is hard to determine how this feedback would get incorporated into the final decision.

Perhaps, for certain classes of development, the Town of Whitby could incorporate a public meeting as part of the pre-consultation phase. After a developer meets with planning staff, both parties could hold an open house to present the fundamentals of the proposal and the conditions that staff are seeking to apply. This public consultation would give the community a chance to bring up any other issues that may have been missed by staff. A number of developers in Toronto are already using this technique, holding public open houses in advance of submitting an official application to the city. A notable example is the future development on the Honest Ed's site at Bloor and Bathurst streets. Westbank, the developer, held an initial public meeting where residents had the chance to respond to their concept designs. Westbank then incorporated community feedback into their official application to the City (Wright, 2015).

#### **g) Conditions**

The conditions on development are a defining feature of the DPS, but the manner in which they are applied remains unclear. Each of the four existing by-laws lists a range of conditions that *may* be applied in the processing of a development application, but it must be assumed that these are negotiated on a case-by-case basis. There is no method or formula for assessing the relative value or fairness of the conditions to be applied in exchange for variation to one or more development standards. This is one area where all of the existing by-laws fall short of the goal of transparency. If the process for determining conditions on development is not made clear, then this is just an extension of the “let’s make a deal” approach that plagues the current system.

There is no obvious solution to this problem. In this case, the goals of transparency and flexibility run counter to each other: providing a range of conditions that “may” be applied provides greater flexibility to the municipality, but it also adds uncertainty for developers who may not be able to anticipate which conditions they might be required to satisfy. The Port Whitby DPS could be more clear by stating what the priority conditions for development are for certain types of application, or for certain areas under the by-law. For example, the proposed trail system in the Secondary Plan could be identified in the DPS, requiring the conveyance of

land as a condition on the development of any properties it passes through. For residential developments, landscaping and public realm improvements could be the priority.

#### 5.5. *DPS policies to achieve intensification objectives*

The DPS could help achieve intensification objectives in Port Whitby through specific development policies that relate to the following six areas: Parking, parkland dedication, public realm, urban design, secondary suites, and height and density bonusing. These will be discussed in turn.

#### **Parking**

Parking standards can be seen as a barrier to intensification, particularly in the suburbs. Infill sites do not typically have a lot of land for surface parking, and higher density units in the suburbs sell for way less than in downtown Toronto, so expensive underground parking is often not feasible. Suburban municipalities also tend to have higher parking space requirements because of the car-oriented nature of suburban lifestyles.

In areas that are well served by public transit, like Port Whitby, the case can be made for decreasing some of these standards. The standards in **Table 5** were taken from the Metrolinx Mobility Hubs guideline for parking standards in Urban Typology Category 4: Historic Suburban Town Centres. These can provide a starting point for establishing alternative parking requirements in Port Whitby.

Office (per 100m2 GFA)	Residential		Retail (per 100m2 GFA)
	Single unit (per unit)	Multiple unit (per unit)	
0.5 - 2.5	1	0.75 - 1.2	0.5 - 5.0

**Table 5: Parking Standards for Historic Suburban Town Centres**

Source: (Metrolinx, 2011, p 81)

### *Cash in lieu of parking*

The municipality may accept cash in lieu of parking in order to facilitate the creation of shared, municipally-administered parking facilities in Port Whitby. A mixed-use parking calculation formula might be considered as a method to determine the parking contribution for a proposed development.

### **Parkland**

Section 42 of the *Planning Act* allows municipalities to require a conveyance of land for park purposes as a condition of new development. The municipality may also allow cash-in-lieu of parkland, calculated as a ratio based on the value of the land. The amendment to the *Planning Act* through Bill 73 lowers the amount of land required for multi-unit residential developments from 1 hectare per 300 dwelling units to 1 hectare per 500 dwelling units (Province of Ontario, 2015). However, the method for determining the value of the land remains unclear. Is it the value of the land before development? Or after? Is it the value as assessed for taxation purposes? Or is it negotiated?

Because the conditions included under the Development Permit System can replace the requirements under Section 42, the parkland dedication requirement can differ in a Development Permit Area. The Whitby Official Plan currently requires the conveyance of lands for park or other public recreational purposes at a rate of 1 hectare for each 312 dwelling units. (Town of Whitby, 1994). This will have to be updated to reflect the new standard in the *Planning Act*. To improve transparency, the Town might look to connect cash-in-lieu payments with budgeted items in section 8.0 of the *Waterfront Parks and Open Space Master Plan* (Brook McIlroy, 2013).

### **Public Realm**

Brampton's DPS includes a condition whereby applicants may be required to provide sustainable design elements within the public realm at no charge to the municipality. In an intensification area, especially one where active transportation is encouraged, it is important that there are provisions within the development standards that create a vibrant, engaging,

pedestrian environment. The Port Whitby Urban Design Guidelines contain various provisions for the public realm in each of the three character areas, but these are just guidelines. Including these in a DPS as conditions on development would allow the municipality to more easily acquire a conveyance of land for sidewalk widening, landscaping and storm water management, or multi-use paths to connect with the waterfront trail.

## **Urban Design**

The Urban Design Guidelines for Port Whitby are implemented through the review of development applications, and the Secondary Plan specifies that certain types of development may require an Urban Design Plan (S 11.1.17.3). The UDG specify what the Urban Design Plan should include, but it is not clear for what types of development this would be required. It can be assumed that this might be applied under the Site Plan Control phase for commercial or multi-unit residential development.

The DPS by-laws for Brampton, Carlton Place, and Gananoque all incorporate urban design as one of the development standards under each District or DP area. The Brampton by-law is the most comprehensive, but also the most challenging to use. The Gananoque by-law is the most straightforward, in that specific design criteria are included in the provisions for each Development Permit Area designation. There are also two overlays which contain additional criteria that apply to properties within the Waterfront and Entrance sectors.

A Development Permit System for Port Whitby might follow the approach used in Gananoque, with general design criteria for each of the 6 designations in the secondary plan, and additional provisions for the 4 character areas of the *Urban Design Guidelines*.

## **Secondary Suites**

In order to promote intensification, secondary suites should be permitted as-of-right through the Development Permit By-law in all ground-related housing types. The existing Whitby zoning by-laws already allow for secondary suites (what they term accessory apartments) in single detached and semi-detached dwellings, subject to conformity with zone provisions. The Port Whitby DPS should specify the manner in which these suites are

constructed and/or built in to the existing home, and provide additional design guidelines to help to ensure that these units are gracefully integrated into the character of the neighbourhood. The Residential Intensification Grant from the CIP would support the creation of additional units in the manner that is sought by the DPS provisions.

### **Height and Density Bonusing**

The Development Permit System can incorporate the policies that municipalities use to extract community benefit through granting additional height and/or density to a development under Section 37 of the *Planning Act*. Section 37 is not used very much outside of Toronto, but some suburban GTHA municipalities have passed their own Section 37 by-laws in recent years. The main critique of the Section 37 process in Toronto is that community benefits are negotiated on a site-specific basis, between the developer and the local ward councillor. This makes the process highly unpredictable for the developer, and can result in funding for a councillor's pet projects, rather than something the community actually needs.

The Town of Whitby does not currently use Section 37. Height and density bonusing is only relevant in areas where the real estate market is hot, and where developers can be assured of significant profits from additional floors of development. In the case of Port Whitby, where the municipality is working to encourage development, the additional fees might make the area less appealing. The Brampton DPS contains policies to enable the municipality to use height and density bonusing, but it also states that the by-law should set out "a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required, and the height or density of development that may be allowed" (Chapter 1, Section 5.7). The Main Street North by-law does not establish this relationship, so perhaps the City did not intend to impose this as a condition on development as of yet. The DPS for Port Whitby could also include this policy to allow for the use of bonusing sometime in the future.

### 5.6. *Using the Port Whitby planning framework to build a Development Permit System*

The existing planning framework contains many of the fundamental components of the DPS. The Secondary Plan contains guidelines for the land use designations included in **Appendix A** in sections 11.1.5 through 11.1.13. The designations include:

- Low Density Residential
- Medium Density Residential One
- Medium Density Residential Two
- Mixed Use Residential One
- Mixed Use Residential Two
- High Density Residential Mixed Use
- Community/Institutional
- Commercial

The guidelines in the Secondary Plan include permitted uses and ranges for height and density. These land use designations can be applied as “districts” in the DPS, similar to the Carlton Place by-law (Town of Carlton Place, 2015), with additional development standards, such as the permitted ranges for:

- Lot area, lot coverage, lot frontage
- Front, rear, and side yard setbacks

Other general policies can be adopted from the Port Whitby Urban Design Guidelines, Including:

- Facades, entrances, and encroachments such as porches and canopies
- Angular planes and step-backs
- Access and parking

In addition, the tall buildings guidelines can be integrated into the standards for the High Density Residential Mixed Use district. The Area-Specific Urban Design Guidelines for the four character areas can be incorporated into the DPS as overlays, like in the Gananoque by-law (Town of Gananoque, 2010). These overlays provide additional guidance and control for the built form and public realm.

The Urban Design Guidelines also provide direction as to where the DPS conditions could be applied. The guidelines for street furniture, public art, building materials, and landscape design can be used in the formulation of conditions on development in the by-law.

The criteria used to evaluate development applications could be based on the objectives of the Secondary Plan and the sustainability matters outlined in the Port Whitby Sustainable Community Plan (Planning Alliance, Meridian Planning Consultants Inc., & Arup, 2011). In this way, there is a direct lineage connecting the DPS by-law with the policy documents that preceded it. This ensures that development is more likely to be consistent with the community objectives for Port Whitby.

The Secondary Plan and Urban Design Guidelines can be used to define a wide range of policies and standards for the DPS. Following the framework used in the Gananoque and Carlton Place by-laws, this should be sufficient. Will it provide adequate control and yet be open to individual discretion and creativity? Will it help achieve the vision for Port Whitby, or will it deter development? If only the Town of Whitby had the luxury of trying it out, and seeing if it works. Unfortunately, policymaking rarely works this way. However, the Town should recognize that, aside from traditional Euclidean zoning, a wide variety of land use regulations are in use around the world. Some of these will be discussed in the next section.

## 6. Alternative approaches to Zoning

Approaches to regulating land use and urban form can be conceived of on a spectrum: from greater flexibility to greater predictability (Talen, 2012). Cities across Canada, the US, and Europe utilize different regulatory tools to achieve policy objectives. A comprehensive evaluation of these methods is outside the scope of this paper, but seven different approaches will be briefly discussed. Further research might look to evaluate the relative effectiveness of these systems in achieving policy aims, such as intensification.

### **Planned-unit Development and Floating Zones**

Planned-unit Development (PUD) is a form of land use control that was introduced following World War II. The population was growing rapidly, and municipalities were expanding out into new greenfield areas with master-planned subdivisions. PUD can be used in the place of zoning to regulate use, lot size, setback, lot coverage, and other development standards, with some flexibility (Whittemore, 2015). In her study of 25 large cities in the United States, Hirt (2013) found that PUD was a tool used to varying extents by all municipalities, but most often in the context of new single-use residential development on greenfields.

PUDs are related to the more recent concept of “floating zones” which can be used as an overlay on existing zoning to encourage a particular form of development or redevelopment. Floating zones contain the same information as standard zones, but they are not designated on the zoning map. Brian Ohm describes the floating zone in his online textbook:

“Once enacted into law, the zone it “floats” over the community until, upon approval of an application, it is “brought down to earth” to be affixed to a particular parcel through an amendment to the zoning map.” (Ohm, 1999)

Floating zones can be used when the municipality identifies a desired form of development, but does not have a location in mind. They can help achieve policy priorities, but they have also been used to allow for the creation of big-box retail plazas or other market-driven development forms.

### **Performance Zoning**

Another US alternative is Performance Zoning, whereby traditional zoning categories are replaced by regulations that control new development based on the expected environmental impact of the proposed project (e.g. noise, vibration, traffic). Introduced in the 1980s, performance zoning has not had a lot of uptake, likely because of the complexities involved in preparing and evaluating an impact study for each development project (Hirt, 2013).

### **Form-based Code**

Form-based code (FBC) is an approach that has garnered a lot of attention in recent years. The use of this method can be traced back to the first New Urbanist community of Seaside, Florida (Talen, 2012). FBCs do not seek to regulate uses, but they control form explicitly, with building lines, façade treatments, and public realm requirements. Regulations vary depending on locational intensity, with more intense uses along commercial streets, and smaller lot sizes in more urban locations. Land use designations are categorized as “restricted”, “limited” or “open” with respect to allowable uses (Talen, 2013). Form-based codes can require conveyances for laneways and paths to improve connectivity, and elements of building design that promote enclosure and active street frontages. As of 2011, there were 200 form-based codes in the United States, and another 126 in development (Talen, 2012). FBCs are at the more predictable end of the spectrum; to the extent that they have been criticized by architects as limiting design ingenuity and creativity.

### **Free-market approach**

In Houston, zoning is seen as a violation of private property rights (Qian, 2011), but this does not mean that there is no government control over land use. Houston’s city code divides the city into an urban and suburban zone, where different densities are allowed. Plans of subdivision are required to meet minimum lot sizes, minimum parking requirements and setbacks, street widths and block sizes. Neighbourhood master plans are also used to guide redevelopment, sometimes in coordination with the designation of Tax Increment Reinvestment Zones. Private landowners, or homeowners’ groups, can also impose regulations through private deed restrictions (Qian, 2011).

## **Approaches to Land Use Regulation in Europe**

Sonia Hirt has written a number of papers on land use regulations. In a 2012 article, she contrasts Euclidean zoning with regulatory practices in five European Countries, including England, France, Germany, Sweden, and Russia (Hirt, 2012). Hirt concludes that Europeans do not “zone” for the complete separation of uses, although they do provide area-based public regulations that restrict development options. These regulations are more focused on form rather than function. England is the most pronounced opposite of Euclidean zoning, where planning authorities make decisions on a case-by-case basis, following precedent. Approval decisions are made based on a generalized area plan, and policy priorities established by the federal government through a series of Planning Policy Statements (Hirt, 2012).

## **The Development Permit System in British Columbia**

Vancouver, along with many other municipalities in British Columbia, use their version of the Development Permit System. The City of Vancouver is divided into zones, and the zoning by-law contains permitted and conditional uses, as well as development standards. It also identifies where the Director of Planning can permit variation from those standards (City of Vancouver, 2012). The City of Vancouver also has a number of Comprehensive Development (CD) Districts. For example, the False Creek North Comprehensive Development District was created to guide the redevelopment of a former industrial area into a new, mixed use community (City of Vancouver, 1998). When an application is submitted for a site within a CD district, planning staff have the ability to obtain a development that fits the long term vision for the area, and to negotiate public amenities such as waterfront access or affordable housing. The CD designation also allows the municipality to enforce urban design guidelines to create more compact, complete communities.

## **The “Two Kings” in Toronto**

A radical example of a zoning approach is from our own backyard. The “Two Kings” was a strategy to revitalize King Street East and West in Toronto. This strategy took the form of an amendment to the Toronto Official Plan and Zoning By-law to allow as of right development

with general height limits, maximum flexibility in land use policies, new built form standards, and relaxed standards for parking and loading. This experiment is largely recognized as a success, and the City's own evaluation study demonstrates that the policies have been successful in increasing property values, tax assessments, employment, and transit use (McKellar & Amborski, 2009).

## 7. Reflections and Recommendations

Based on the above literature review, the comparison of development permit by-laws, and the brief discussion of alternative means of land use regulation, a number of questions should be considered by the Town of Whitby in their review of the zoning for Port Whitby.

### *1) How can land use regulations strike a balance between predictability and flexibility?*

This is the “sweet spot” where the DPS supposedly rests. It should have sufficient regulations so that the community and the developers know what they are getting. It should also be flexible enough to allow for the creativity of proponents and their designers, and control for municipal planning staff. But how much flexibility is desirable? This requires an open conversation between citizens, planners, and politicians.

### *2) How can the DPS be written in a way that presents the vision and the intended effect of regulation?*

The community vision is the cornerstone of the Development Permit System; it holds everything else together. But visions are hard to write, and even harder to operationalize. If the DPS is to be effective, the vision needs to be very clear. It requires total buy-in from the community and from potential developers, and it also requires a great deal of trust. If the DPS is successful in meeting its objectives, then it benefits everyone. If it is not clear enough, then it will not succeed. Articulating the vision and objectives of the DPS is more important than the provisions, because the provisions are flexible, as long as the variation serves the overall goal.

### *3) Is there a way that the conditions of the DPS can be made more explicit, or the manner of determining them more transparent?*

In their responses to the City of Toronto’s OPA to enable the use of the DPS, the development industry took issue with the lack of clarity around the conditions that could be applied. This is a challenging issue to solve. The flexibility around conditions allows for the recognition of the fact that every site is different, and that the context of development changes over time. But it does not make for a very transparent process. Steps must be taken to remedy this. Municipalities considering the DPS should examine the process used in Vancouver, where the whole process of negotiation is open to the public, and various committees are invited to

weigh in on the merits of a proposed development (Grant, 2009). The community is heavily involved in the visioning and goal setting process, and this consensus has resulted in a strong sense of trust between citizens, planners, politicians, and developers.

*4) How does one ensure effective community input into the creation of the by-law?*

This is a question for future study. Public consultation is arguably the most important element of the Development Permit System, so there is definitely a role for skilled facilitators and public consultation experts in getting the community vision and priorities right. It is not necessarily a bad thing that the DPS restricts third party appeal rights, if the community has confidence that the by-law and planning staff represent their interests. However, the policies should require proponents and planners to engage with representatives of the community for more significant classes of development applications, and for the discussion around the conditions to be applied on that development.

## 8. Conclusion

In her book *City Rules*, Emily Talen cites city planners from Newark, New Jersey in 1919, as they justified the need for zoning: “We must have zoning to protect what we have got” (Talen, 2012, p. 176). By and large, this is still the justification for relying on our myriad outdated zoning by-laws in Ontario. But this isn’t planning, this is development control. In 2006, the Province enabled municipalities to do real planning, using the Development Permit System. If written in a way that truly strikes a balance between flexibility and predictability, the DPS can put forward a clearly articulated vision for the future of a community, and identify the steps required in order to get there.

The Development Permit System does have potential to be effective in Port Whitby. It can promote intensification in a substantive way by incorporating more progressive policies related to parking, parkland dedication requirements, urban design, secondary suites, and bonusing. The Development Permit application process is quite favourable to intensification projects, due to short timelines, fast approvals, and the range of variations permitted for development standards. As a “policy-first” approach, it has the potential to be prescriptive rather than restrictive, leading to the creation of a vibrant, complete, and sustainable community.

But the Development Permit System is challenging to effectively implement. The planning department would have to do a significant amount of front-end work, which goes beyond simply re-writing a policy document. The DPS requires a comprehensive public engagement effort, and the establishment of new structures for checks and balances in the place of the Committee of Adjustment. It would also have to find that delicate balance between flexibility and predictability, with politicians giving up their need for control, and with increased trust in planners as the stewards of the public good.

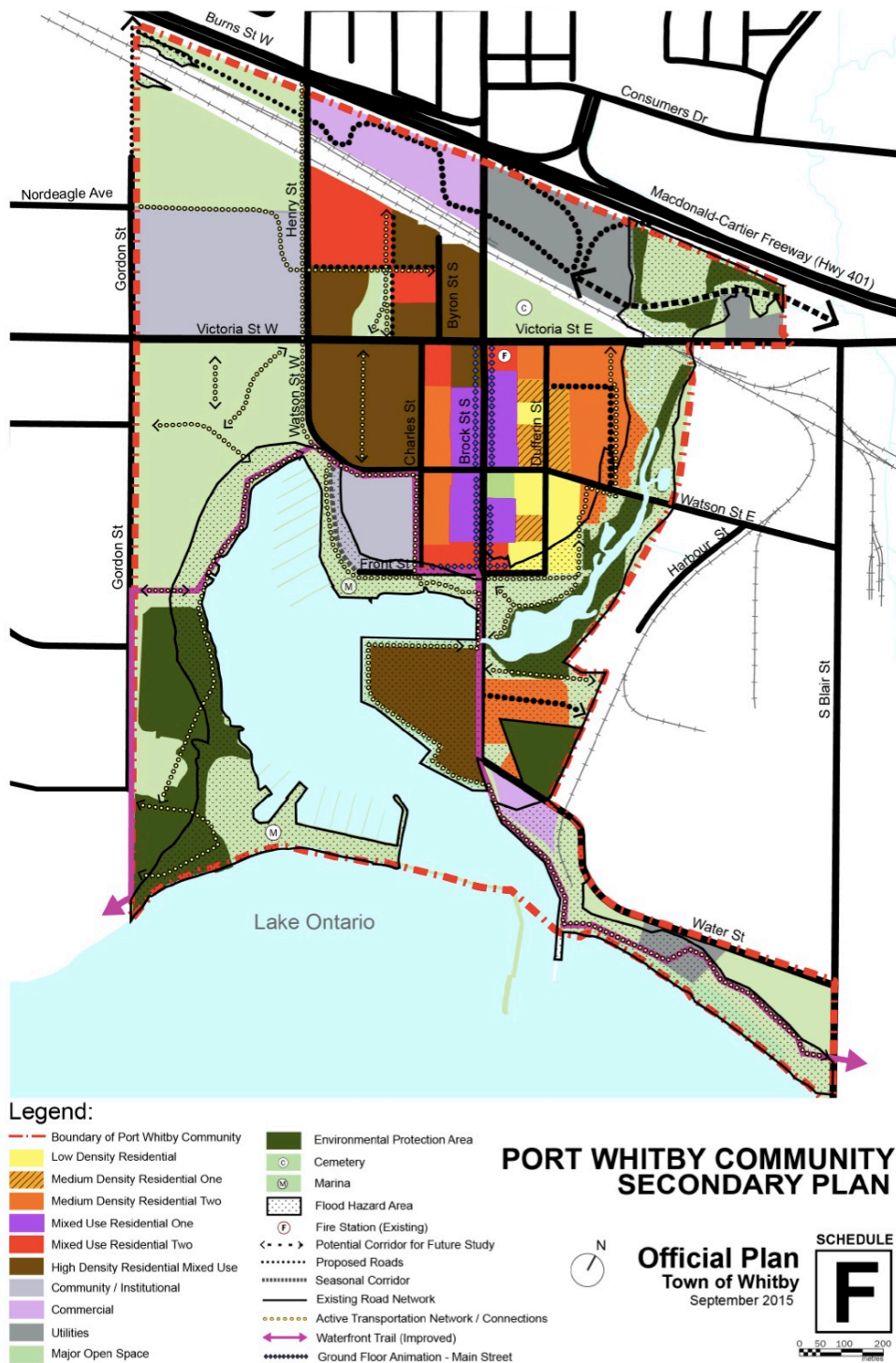
The Development Permit System also places new responsibilities on planners. In 1993, John Friedman published an article titled “*Toward a Non-Euclidian Mode of Planning*”. He writes: “We are moving into a non-Euclidian world of many space-time geographies, and it is the recognition of this change that obliges us to think of new and more appropriate models” (Friedmann, 1993, p. 482). The Development Permit System is a model that requires planners

to be “normative, innovative, political, transactive, and based on social learning” (ibid., p. 483). This is a departure from the current planner-as-regulator role, and this is something that communities, politicians, and planning departments would have to adapt to.

The Development Permit System is a tool that remains relatively untested in Ontario, particularly in intensification contexts. To answer the initial research question: Yes, the Development Permit System should be used in intensification areas like Port Whitby, but the DPS in Ontario is still in its infancy. Policymakers in the Town of Whitby or elsewhere should look to elements of land use regulatory systems that are used in other contexts, to create a Development Permit By-law that more effectively meets the Province’s aims and allows communities to build the future they want.

## Appendices

### Appendix A: Port Whitby Secondary Plan Map



## Appendix B: Port Whitby Urban Design Guidelines Character Areas

- 1. The GO Station site
- 2. Brock Street South as “Main Street”
- 3. The Waterfront
- 4. Stable Low-Rise Neighbourhoods

The Urban Design Guidelines are structured to provide

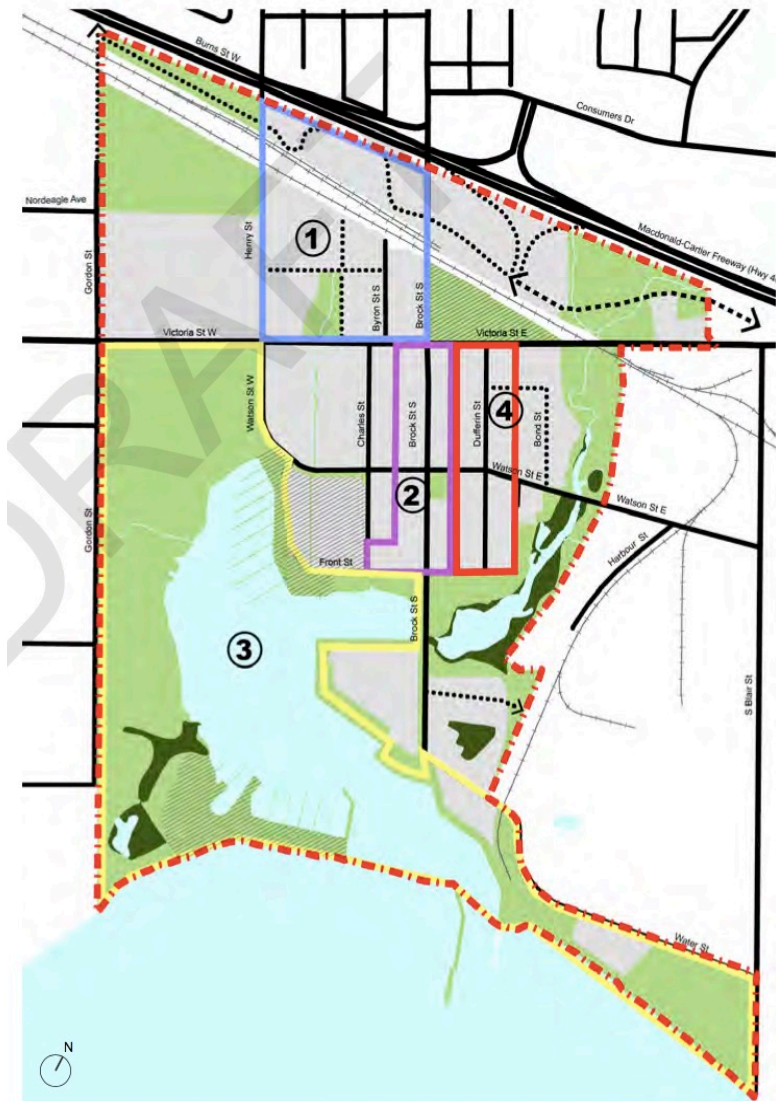
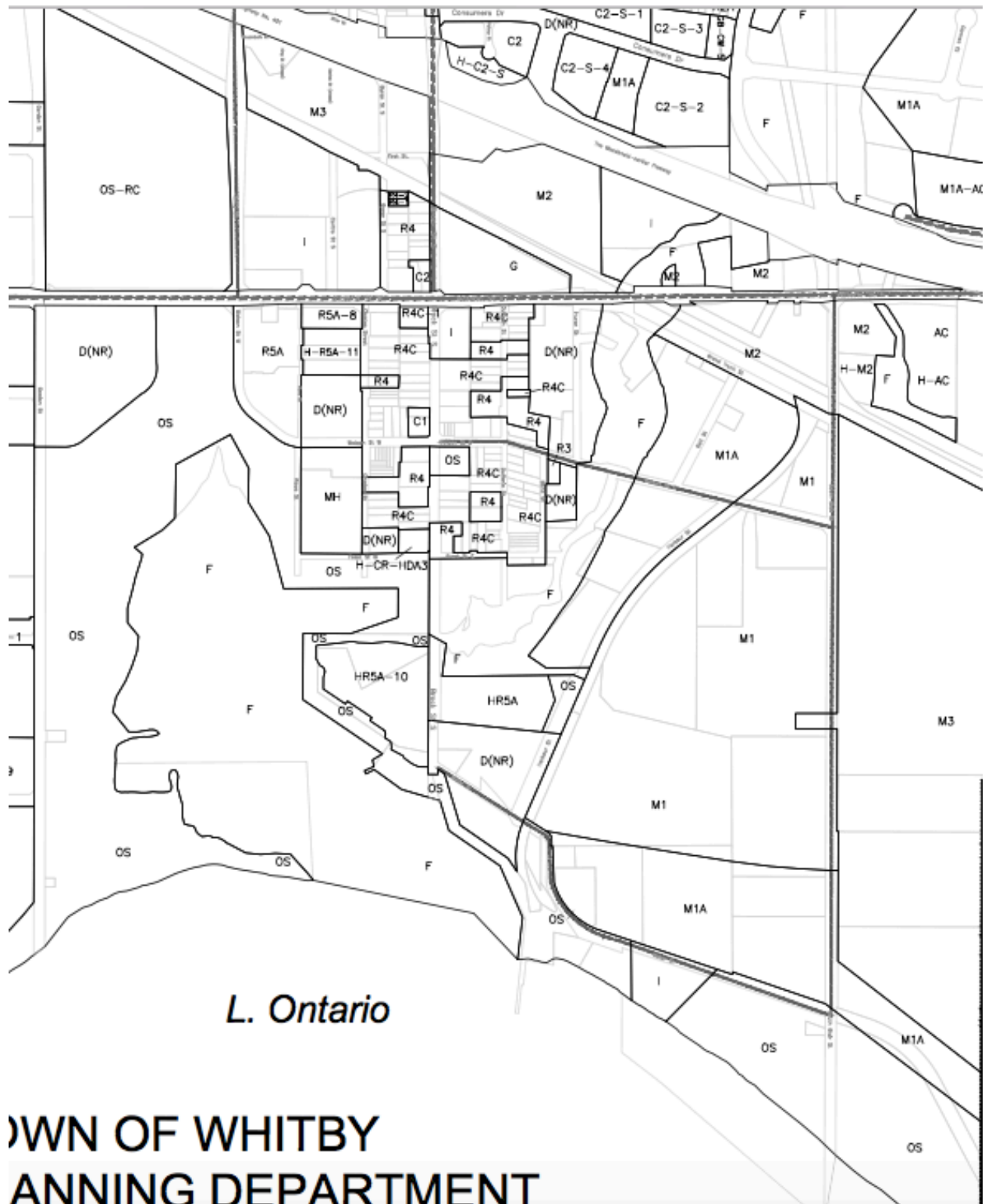


Figure 2.2 Character Areas

Appendix C: Existing zoning in Port Whitby (By-law 2585)



*Appendix D: Development permit by-law Comparison Table*

	<b>Brampton</b>	<b>Carlton Place</b>	<b>Gananoque</b>	<b>Lake of Bays</b>
<u><b>STRUCTURE</b></u>				
<i>Applicability</i>	Main St North, Downtown Brampton	All the lands falling within the municipal boundaries of the Corporation of the Town of Carleton Place	All the lands falling within the municipal boundaries of the Corporation of the Town of Gananoque	This By-law applies to lands falling within the Waterfront designation of the Township of Lake of Bays, as set forth in the Official plan.
<i>Objective</i>	To support redevelopment while maintaining the heritage character of downtown Brampton	Preservation of the existing small-town character, improvement of commercial areas, increased opportunities and diversity of employment land uses, provision of a wide range of recreational activities and facilities, preservation of a healthy Mississippi River and the conservation of heritage and cultural resources.	To preserve and enhance the Town's unique "small town" heritage, preserve our historic and environmental character, and provide a high quality of life through a sustainable development pattern.	Protection of shoreline vegetation and views
<i>Format</i>	Chapter 1 – General Provisions 1. Explanatory Note 2. Application 3. Administration 4. Interpretation 5. Development Permit Requirements 6. General provisions 7. Residential general provisions 8. Commercial general provisions 9. Industrial general provisions 10. Definitions Chapter 2 – Main Street North 1. Explanatory note and structure	1. Explanatory Note 2. Administration 3. General provisions 4- 11. Development Permit by-law designations 12. Environmental Constraints 13. Built form inventory 14. Built form design criteria Definitions	4. Explanatory Note and Intent 5. Administration 6. General provisions 4-11. Provisions for the 11 areas 12. Environmental constraints 13. Waterfront overlay 14. Entrance overlay 15. Definitions	Explanatory Note 1. Introduction 2. Administration 3. Definitions 4. General provisions 5. Development permit areas 6. Conditions 7. Exceptions

	2. Applicability 3. Vision and Policies 4. Development Regulations 5. Application Processing 6. Design Guidelines			
<i>Application requirements</i>	Appendix A1-1 lists supporting studies, plans and materials that may be required, but also states that specific requirements depend on the type of application	S 2.21 lists the supporting studies and reports that may be required to assist in the application review process, but that the exact requirements will be established through the mandatory pre-consultation	S 2.19.1 provides a list of technical and supporting studies that may be required.	Conditions requiring specific additional studies described in S 6 (but no general list)
<i>Pre-consultation</i>	Strongly encouraged	Required before submission of the application in order to determine which studies/reports are required	Required	N/A

<i>Definition of development</i>	<p>(Ch 1 S 5.1) A Development Permit is required when it is proposed to:</p> <ul style="list-style-type: none"> <li>(1) construct, erect or place one or more buildings or structures on a lot;</li> <li>(2) increase the size of an existing building or structure;</li> <li>(3) establish additional parking spaces;</li> <li>(4) establish driveways or modify driveways for motor vehicle access;</li> <li>(5) alter the grade of the land and/ or place or dump fill on the land;</li> <li>(6) change from one permitted land use to another if the applicable regulations for a specific Development Permit System area identify such change as requiring a permit;</li> <li>(7) remove vegetation as further set out in the applicable regulations for a specific Development Permit System area;</li> <li>(8) undertake a matter that is subject to criteria set out in the regulations for the applicable Development Permit System Area;</li> </ul>	<p>(S 2.13) For purposes of this by-law, development means:</p> <ul style="list-style-type: none"> <li>a) The construction, erection or placing of one or more buildings or structures on land;</li> <li>b) The making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability;</li> <li>c) The laying out and establishment of : <ul style="list-style-type: none"> <li>i) a commercial parking lot; or,</li> <li>ii) site for the location of three or more mobile homes as defined in subsection 46(1) of the Planning Act R.S.O., 1990 as amended; or,</li> <li>iii) site for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of the Act;</li> </ul> </li> <li>d) The removal of vegetation within 30 metres (98.4 feet) of the Mississippi River.</li> <li>e) The removal of trees having a caliper of 200 mm or more, for the purpose of facilitation of new development.</li> </ul>	<p>(S 2.14) For purposes of this by-law, development means:</p> <ul style="list-style-type: none"> <li>a) The construction, erection or placing of one or more buildings or structures on land,</li> <li>b) The making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability,</li> <li>c) The laying out and establishment of a parking lot;</li> <li>d) The removal of vegetation within thirty (30) metres of the Gananoque or the St. Lawrence Rivers in accordance with the General Provisions as outlined in Section 3.43.</li> </ul>	<p>(S 2.20) For the purposes of this by-law, development means:</p> <ul style="list-style-type: none"> <li>a) the construction, erection or placing of one or more buildings or structures on land, or the making of an addition or alteration to a building or structure that has the effect of substantially increasing its size or usability,</li> <li>b) the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers or of sites for the location of three or more mobile homes as defined in the Planning Act or of sites for the construction, erection or location of three or more land lease community homes as defined in the Planning Act;</li> <li>c) site alteration, including but not limited to the alteration of the grade of land, blasting and the placing or dumping of fill, in accordance with Section 4.84 or;</li> <li>d) the removal of vegetation in accordance with Section 4.84.</li> </ul>
<i>Exemptions</i>	<p>(Ch 1 S 5.1) The placement of a portable classroom on a school site of a district school board is exempt from the requirement for a development permit if</p>	<p>(S 2.15) Single dwelling units and semi- detached units provided that such development or proposed</p>	<p>single dwelling units, semi-detached dwelling units and duplex dwelling units provided</p>	<p>It is intended that residential development which complies with the standards in the by-law, which is not located on or</p>

	the school site was in existence on January 1, 2007.	development is deemed to be in conformity with the requirements, standards, and provisions within the designated Residential Development Permit Area (S 2.15)	that such development or proposed development is deemed to be in conformity with the requirements, standards and provisions within the designated Residential Development Permit Area, and the following standards (s 2.16)	adjacent to a sensitive feature, which does not involve extensive clearing, and which does not involve development within the shoreline yard, would generally not require a development permit. (section 2.21)
<i>Classes of development permit</i>	Table 5-1 outlines 20 different types of proposals with their submission requirements, review process, and fees	4 (section 2.26)	3 (section 2.17)	2 categories – 1 requires staff approval, 2 requires council
<i>Delegation</i>	(Ch 2 S 5.5.11) Council delegates its authority outlined in Chapter 1, Section 5.6 of the Development Permit System By-law to a Director in the City's Planning, Planning & Infrastructure Services Department with respect to the Main Street North Development Permit System Area.	(S 2.24) Council hereby delegates to staff, the authority to issue provisional approvals and development permits, in accordance with the following: Class I and Class IA permits shall be issued by the Director of Planning and Development or designate; Class II permits shall be issued by the Director of Planning and Development or designate subject to policies outlined in Section 2.19 and 2.20 of this By-law. Class III and IV permits shall be issued by the Director of Planning and Development or designate upon approval by Committee.	(S 2.19.5) Council hereby delegates to staff, the authority to issue provisional approvals and development permits, in accordance with the following: Class I permits shall be issued by the Manager of Community Development; Class II permits shall be issued by the Manager of Community Development as authorized by the Planning Advisory Committee or Council subject to policies outlined in Section 2.18 of this By-law. Class III permits shall be issued by the Manager of Community Development as authorized by Council subject to the policies outlined in Section 2.18 of this By-Law.	(S 2.22) Council hereby delegates to staff, the authority to issue provisional approvals and development permits, in accordance with the following chart: (specifies applications requiring staff approval and applications requiring council approval)
<i>Public notification</i>	(Ch 2 S 5.5.7) In the Main Street North DPS, there is no requirement for public	Only for class II, III, and IV, public has minimum 15 days	Only for class II and III, public has minimum 15 days to	Only for development permits requiring council approval

	notice and involvement in the review of a DP application, as a significant amount of opportunity for public consultation was provided in the development stages of DPS area. However, there may be instances where informal public meetings or open house sessions with respect to a particular application may be sought.	to comment	comment	
<i>Identifies Character areas?</i>	Y	Y	N	N
<i>Number of district or designations? (zones)</i>	5 Districts	11 districts	12 DP areas	4 DP areas
<i>How it deals with variances</i>	(CH 2 S 5.5.4) e. Where variances are permitted, they shall be as- sessed against the following criteria: i. That the criteria under Section 5.5.3, as applicable are achieved; ii. That it maintains the general purpose and intent of the Official Plan; iii. That it maintains the general purpose and intent of the DPS regulations set out under Part 4.0; iv. That the variance is desirable for the appropriate development of the land; and, v. That the variance is minor in nature. f. Variances shall be permitted only in the ranges provided if so indicated under Part 4.0: Regulations.	Variations to this By-law may be permitted subject to a formal application to the Town of Carleton Place. Approval of variations to By-law standards are subject to the following procedures: 1. Staff may vary the standards, provisions and requirements of this By-law as per the specific criteria below and Section 2.16 of this By-law and the Official Plan of the Town of Carleton Place; 2. Council may vary the standards, provisions and requirements of the Development Permit By-law up to 100% of the stated standards	Staff may vary the standards, provisions and requirements of this By- Law as per the specific criteria below and the Official Plan of the Town of Gananoque; Council may vary the standards, provisions and requirements of the Development Permit By-Law up to 100% of the stated standards subject to the criteria outlined below and provided that the proposal is consistent with and complies with both the Official Plan of the Town of Gananoque and the Provincial Policy Statement	2.29 Variations to the standards in this by-law may be permitted, where identified, and when requested by the applicant, provided that a development permit is obtained, in accordance with the following procedures: a) Staff Variations require that, when staff are satisfied that the variation(s) requested do not conflict with the criteria for staff variations, as summarized in Schedule C of this by- law and further detailed in the Official plan, a Development Permit be issued subject to any other applicable provisions of this By-law. b) Council Variations may be granted for up to 100% from the stated standard and require

				<p>that, when Council is satisfied that the variation(s) requested do not conflict with the criteria for Council Variations, as summarized in Schedule C of this by-law and further detailed in the Official plan, a Development Permit be issued subject to any other applicable provisions of this By-law.</p> <p>c) Despite subsections (a) and (b) above, if in the opinion of the Township, the Official plan and Development Permit By-law criteria for Staff and Council Variations are not met, the application may be denied or an application to amend this by-law may be required.</p> <p>Variations requiring staff or council approval are set out in provisions under area designations.</p>
<i>Development Permit Approval Criteria</i>	<p>(Ch 2 S 5.5.3) The approval of any development requiring a Development Permit pursuant to Part 5.4 of this Section of the By-law may be considered provided:</p> <ol style="list-style-type: none"> <li>1. The proposed development supports the further intensification and use of the lands within the DPS area and its transformation into a mixed use area;</li> <li>2. The character and stability of existing and well- established residential neighbourhoods in</li> </ol>	<p>Proposal is consistent with and complies with both the Official Plan of the Town of Carleton Place and the Provincial Policy Statement 2014 of the Province of Ontario and any other legislation as applicable.</p> <p>The following regulatory standards, provisions and design requirements and/or administrative provisions shall be evaluated and</p>	<p>The following regulatory standards, provisions and design requirements and/or administrative provisions shall be evaluated and adhered to before approval and issuance of a development permit:</p> <p>a) Residential development will occur in an orderly and logical fashion, and will be serviced by full municipal services except as otherwise permitted herein.</p>	<p>(Schedule C)</p> <p>C.1 Where a development permit for any variation is required, in addition to the other requirements of this by-law, the following provisions will be addressed to the satisfaction of the Township, prior to the issuance of a development permit:</p> <p>a) the natural waterfront will prevail with built form blending into the landscape and shoreline;</p>

<p>the vicinity of the DPS area is maintained;</p> <ol style="list-style-type: none"> <li>3. The proposed development is compatible, in terms of built form, use of materials and colour, with the historic character of adjacent buildings and neighbourhoods;</li> <li>4. The proposed development assists in defining Main Street by buildings and/or public spaces, where the proposal is located on Main Street;</li> <li>5. Any existing built heritage resources are retained wherever possible to provide continuity between the past and the present;</li> <li>6. If an addition to a heritage building is proposed, that it is undertaken in a manner that is consistent and compatible with the character and scale of the existing building in terms of built form and building design, use of materials and colour;</li> <li>7. The proposed development facilitates a more efficient use of urban land and the establishment of human scale pedestrian environment;</li> <li>8. The proposed development will have a built form and facade relationship to the street that is consistent with other buildings on the same side of the street;</li> <li>9. As many of the existing mature</li> </ol>	<p>adhered to before approval and issuance of a development permit:</p> <ol style="list-style-type: none"> <li>1. Development will be restricted from areas of environmental hazards and/or physical limitations, such as poor drainage, organic soils, flood susceptibility and erosion or steep slopes unless the proposal is shown to mitigate the hazard and physical limitations.</li> <li>2. All development proposals will require demonstration of conformity to the Official Plan of the Town of Carleton Place and the Provincial Policy Statement, 2014. Supporting studies and reports may be required to demonstrate same prior to the approval and issuance of any development permit.</li> <li>3. All development proposals will be evaluated with respect to adverse impacts as defined herein. The applicant will be required to demonstrate no adverse impact or provide for buffering to mitigate the adverse impact prior to the approval and issuance of any development permit.</li> <li>4. Development proposals shall be subject to all</li> </ol>	<p>Development and re-development of infill lots will be encouraged and compact development will be supported. The preservation of the existing small-town character of the community is a priority.</p> <ol style="list-style-type: none"> <li>b) All development proposals will be evaluated with regard to enhancing the community as a desirable place to live, work, play and visit.</li> <li>c) Development will be restricted from areas of environmental hazards and/or physical limitations, such as poor drainage, organic soils, flood susceptibility and erosion or steep slopes unless the proposal is shown to mitigate the hazard and physical limitations.</li> <li>d) All development proposals will require demonstration of conformity to the Official Plan of the Town of Gananoque and the Provincial Policy Statement, 2005. Supporting studies and reports may be required to demonstrate same prior to the approval and issuance of any development permit.</li> <li>e) All development proposals will be evaluated with respect to adverse impacts as defined</li> </ol>	<ol style="list-style-type: none"> <li>b) natural shorelines will be retained or restored;</li> <li>c) disturbance on lots will be limited and minimized;</li> <li>d) vegetation will be substantially maintained on skylines, ridge lines or adjacent to the top of rock cliffs;</li> <li>e) native species will be used for buffers or where vegetation is being restored;</li> <li>f) rock faces, steep slopes, vistas and panoramas will be preserved to the extent feasible; and</li> <li>g) building envelopes and the associated activity area will be defined and the remainder of the property shall remain generally in its natural state.</li> </ol>
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	<p>and healthy trees on site are retained as possible and appropriate landscaping added to enhance the aesthetics of the site;</p> <p>10. Appropriate measures are undertaken to maximize the infiltration of stormwater into the ground;</p> <p>11. That the policies set out in Part 3.0 of this By-law are met;</p> <p>12. That the regulations which are specific to a use or a development standard as set out in Part 4.0 of this By-law are met;</p> <p>13. That the site development standards and guidelines including Section 6.0: Urban Design Guidelines, and the City-wide Development Design Guidelines, as established by the City and as applicable to the subject lands are met; and,</p> <p>14. That the site proposal is in accordance with the policies of the City's Official Plan.</p>	<p>requirements of this By-law. 5.A Development Permit will be issued by staff when satisfied that all criteria of this By-law have been met or as directed by Council.</p>	<p>herein. The applicant will be required to demonstrate no adverse impact or provide for buffering to mitigate the adverse impact prior to the approval and issuance of any development permit.</p> <p>f) Development proposals shall be subject to all requirements of this By-Law.</p>	
<i>Variances not permitted</i>	<p>(Ch 2 S 5.5.4) Variances are not permitted to the following standards:</p> <ul style="list-style-type: none"> <li>i. Prohibited Uses (subject to the exception noted in the regulations)</li> <li>ii. Outside Storage</li> <li>iii. Screening of Mechanical Equipment</li> <li>iv. Loading Spaces and Waste</li> </ul>	N/A	<p>Only those things described as prohibited in the additional provisions for each area</p>	<p>Different across designations and provisions, for ex: lot area, shoreline activity area, height</p>

	Disposal			
<i>Uses visuals</i>	Y	Y	Y	N
<u>REGULATIONS AND CONDITIONS RELATED TO INTENSIFICATION</u>				
<i>Parking</i>	2 per single dwelling unit, 1.21 for one bedroom rental apartment, 1.25 per one bedroom condo	2 per dwelling unit, 1.25 per apartment (p 35) OR cash-in-lieu	2 per dwelling unit, 1.25 per apartment (p 36) OR cash-in-lieu	2 per dwelling unit
<i>Bicycle parking</i>	In the Commercial Mixed Use district (CMU2-DPS) Two of the required parking spaces shall be utilized for parking for bicycles and two- wheeled motorized vehicles. A minimum of one of these spaces must be exclusively for bicycles.	(S 3.32) Bicycle parking required for all new development, various calculations	N/A	N/A
<i>Parkland Dedication</i>	An applicant may be required to provide cash-in-lieu of parkland, if required by a by-law passed pursuant to Section 42 of the Planning Act (Ch 1 S 5.2)	(S 2.26) As a condition to the approval of the plans and drawings the Town of Carleton Place may require the owner of the lands to provide cash in lieu of parkland	N/A	Standard 2 or 5% parkland dedication OR cash in lieu
<i>Conveyance of land for municipal purposes</i>	Yes (Ch 1 S 5.2)	Yes (S 2.26)	Yes (s 2.19.6)	Yes (S 6)
<i>Public realm improvements</i>	An applicant may be required to provide sustainable design elements, which include trees, shrubs, hedges, plantings and other ground cover, permeable paving materials, street furniture, curbed ramps, waste and recycling containers and bicycle parking facilities within the public realm at no charge to the City of Brampton (Ch 1 S 5.2)	No	Sometimes included under design criteria for each designation	No
<i>Urban design</i>	Building design policies included in the	All development is required	Each designation has its own	No

	General Provisions (ch 2 s 3.5.3). The design guidelines (ch 2 s 6) are also implemented through the Development Matrix under the provisions for open porches, streetscape standards, additions, tree replacement, signage, and stormwater management). Also, as a condition of development, an applicant may be required to use building materials and colours in accordance with the policies and requirements and guidelines set out for the Permit System Area (Ch 1 S 5.2)	to adhere to the standards in S 14 Built Form Design Criteria	set of design criteria that will be applied during the review of an development permit application.	
<i>Secondary suites</i>	(Ch 1 s 7.14) In areas where two-unit houses are permitted by a specific DPS District they shall be in compliance with the applicable DPS by-law provisions of that district, the registration by-law for two-unit houses and all applicable safety standards.  (no districts in Ch 2 have two-unit house policies)	Permitted in single detached or semi-detached dwellings, townhouses, ancillary structures	(S 3.4) Permitted non-residential building and is occupied by the family of the owner of the non-residential building or by the family of a person employed on the lot where such dwelling unit is located; Permitted on a discretionary basis in single family residential with a Class II permit	Permitted as a discretionary use in “waterfront residential” designation
<i>Additional height and density provisions</i>	(Ch 1 s 5.7) With respect to conditions pertaining to additional height and density, before a condition can be imposed in this regard: (1) the General Provisions for Development Permit Systems or the provisions of the site-specific Development Permit shall specifically set out a proportional relationship between the quantity or monetary value of the facilities, services and matters that may be required and the height or density of development that may be allowed; and, (2) the General Provisions for	For a class IV permit, it states that conditions may include: request for increased density, relief of parking or loading, alternate cladding or colour	N/A	Increased building height of 10% or less is subject to staff approval, over 10% is subject to council

	<p>Development Permit Systems or the provisions of the site-specific Development Permit shall identify the area in which a density increase in exchange for the provision of specified facilities, services and matters may be considered and imposed as a condition of issuance of a Development Permit.</p> <p>The provisions in Chapter 2 do not set out this relationship or the areas where this might be considered. In the MSN DPS (ch 2 s 5.6) it simply says The City may consider the exchange of height and/ or density for the provisions of facilities, services and other matters in accordance with the Downtown Brampton Secondary Plan (SP 7) and Planning Act requirements.</p>			
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DOES THE DPS MEET THE OBJECTIVES SET OUT BY THE PROVINCE?

Rating scale: - (poor) + (ok) ++ (very good)

Transparency	-	-	+	-
	<p>This by-law is transparent in that it outlines the criteria used to determine whether a variation is permissible. However, it is not very transparent in how the wide range of conditions will be applied/calculated.</p>	<p>This by-law is very transparent in how it deals with variations and evaluation criteria, as well as the process for evaluating various classes of development. It is not explicit about the manner in which conditions are to be negotiated.</p>	<p>This by-law is very transparent in its process for evaluating applications. There is only a limited number of conditions that could potentially be applied, but these conditions are not directly related to the DPS objectives.</p>	<p>The process for applying and then obtaining a development permit is not clearly described, and there is no list of application requirements</p>

<i>Flexibility</i>	<p>-</p> <p>This by-law is very comprehensive in its regulations, leading one to think that it is actually not very flexible. It provides flexibility to the municipality, by outlining a wide range of criteria and conditions that MAY be applied, but this would not be beneficial to a developer nor would it lead to greater predictability.</p>	<p>+</p> <p>For most standards, there is potential for variation up to 100% (with council approval)</p>	<p>+</p> <p>There is potential for variation up to 100% (with council approval)</p>	<p>++</p> <p>The by-law is very clear on where there is room for flexibility in the standards</p>
<i>Efficiency</i>	<p>+</p> <p>45 days</p>	<p>+</p> <p>45 day</p>	<p>+</p> <p>10 + 45 days</p>	<p>-</p> <p>Timelines not described.</p>
<i>Ease of Use</i>	<p>–</p> <p>The Brampton DPS is not very easy to use. First, it is hard to understand how chapter 1 and 2 work together, since chapter 1 is supposed to be more general and chapter 2 more specific. The tables in chapter 2 section 4 are good in theory but hard to use. The number of provisions and standards is overwhelming, and it is hard to understand how the design guidelines interact with the district provisions. The use of tables and graphics in the design guidelines make interpretation easier. It would be helpful if this document came with a companion interpretation guide!!</p>	<p>+</p> <p>This by-law is relatively easy to use. The way it is broken down by districts and then by use category within each district is very straightforward. The use of a flow diagram to illustrate the application process is very helpful.</p>	<p>+</p> <p>This by-law uses overlays to add an additional layer of provisions for particular areas. The design criteria are integrated with the policies for each of the districts.</p>	<p>++</p> <p>The Lake of Bays By-law is quite simple to understand. Perhaps this is owing to its narrow scope and purpose.</p>

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### List of Abbreviations

CIP – Community Improvement Plan

DPS – Development Permit System

FBC – Form-based code

GGH – Greater Golden Horseshoe

GTHA – Greater Toronto and Hamilton Area

MMAH – Ministry of Municipal Affairs and Housing

OMB – Ontario Municipal Board

OPA – Official Plan Amendment

PUD – Planned Unit Development

SP – Secondary Plan

UDG – Urban Design Guidelines