

DO DEVELOPMENT PERMIT SYSTEMS INHERENTLY FACILITATE INTENSIFICATION
OBJECTIVES?

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Do Development Permit Systems Inherently Facilitate Intensification Objectives?
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Master of Planning,
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ABSTRACT

The purpose of this paper is to determine whether Development Permit Systems passively achieve policy-related intensification objectives in addition to explicit provisions. The methodology includes a brief history and review of applicable laws to explain how Development Permit Systems were created in Ontario. An overview of the Town of Gananoque policy documents is discussed and compared to Growth Plan intensification objectives. Development Permit System benefits and disadvantages are compared to Growth Plan intensification policies and Gananoque Official Plan residential policies to determine whether Development Permit Systems inherently achieve Growth Plan objectives. The key finding is that Development Permit Systems somewhat inherently achieve residential intensification policies, depending on whether the intensification provisions are included within the DPS to begin with and whether there are intensification policies included in the associated Official Plan policies.

Key Words: Urban Planning, Development Permit Systems, Urban Density, Town Planning, Intensification, Growth Plan, Town of Gananoque, Official Plan

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1. INTRODUCTION

Currently in the Province of Ontario, Development Permit Systems (DPS) are being touted as effective and useful ways of meeting intensification objectives, by giving municipalities a relatively new tool that allows for flexibility and built-in provisions that make achieving intensification easier.¹ However, there is not much literature that explains what inherent benefits the function of DPS really provide,² and in what circumstances they are best used. Instead, DPS generally “[empower] municipalities to achieve their local land use policy goals and key provincial policy objectives. Municipalities can use the DPS to build communities that are sustainable and desirable, and create places where people will want to live, work, play and invest” (MMAH, 2008). Further, there is no literature on whether DPS are best applied to intensification areas that are indicated by Ontario Growth Plan Policies. Some planning materials note other benefits of the DPS, like its ability to speed up and simplify the development approvals process and facilitate responsible development.³ As of March 2017, Brampton is the only Growth Plan-area municipality that has implemented DPS. It does not include any intensification targets, and contains some direction on where intensification should be situated.⁴ There is literature that supports the DPS as a tool that provides a plethora of benefits for intensifying areas, but at this point in time it is unclear as to whether the DPS achieves benefits that other types of land use provisions and performance standards are able to.

¹ MMAH, 2008; Cool Communities Group, 2012

² Nethery, 2011

³ Pembina Institute, 2015; Nethery, 2011; MMAH 2008

⁴ City of Brampton, 2013

If the function of DPS do not achieve policy objectives better than other means, then why is that important? Again, DPS are specifically touted as a tool to achieve certain benefits, but if the relationship between the functional benefits of DPS and planning policies do not inherently exist, then we need to determine if and when DPS are better than other zoning-type schemes. If DPS are going to be used as a way to achieve intensification targets in intensification areas, but they do not provide any such benefit, then we also need to determine if there are any better zoning-type alternatives to achieving intensification targets. Also, if this is the case, then this should attract more municipalities to adopt DPS if and when they identify issues that the benefits of a DPS can correct. The purpose of this report is to determine if DPS provide inherent functional benefits to intensification policies, beyond the provisions that are contained within them that conform to higher-order policies. If not, and if DPS are neutral toward intensification policies, then municipalities may either need to determine if other zoning-type schemes are better-suited to achieve intensification policies, or they might need to consider how to ensure that intensification policies are properly accounted for in DPS provisions.

2. METHODOLOGY

2.1 Applicable Law and Policy Review

This report will begin with a review of the laws that enable Ontario municipalities to establish Development Permit Systems. This will include the Commission on Development Reform in Ontario, Bill 163, Discussion Paper, 1998, Regulation 246/01, and Regulation 608/06. This legal framework will be considered as to how it affects Official Plans and Zoning By-laws in Ontario.

2.2 Policy Comparison and Analysis

A policy analysis of the Town of Gananoque Official Plan, the Town of Gananoque Community Improvement Plan, and the Gananoque Development Permit By-law will be done to consider how the Gananoque DPS implements Official Plan and Community Improvement Plan policies. The policies of Growth Plan will be briefly explained in order to create the comparison between intensification Growth Plan policies and Gananoque Official Plan policies. The point of comparing Growth Plan intensification policies to Gananoque Official Plan policies is to show how Gananoque approaches intensification very generally and minimally, while the Growth Plan sets specific intensification targets based on population forecasts.

2.3 Literature Review

A review of policies of the Growth Plan intensification objectives will be drawn against the Gananoque Official Plan intensification policies, and both of those sets of objectives will be compared against the standard of benefits and difficulties of Development Permit Systems. The benefits and difficulties of Development Permit

Systems will be conducted from a summarized literature review. The main question that will be addressed at this point will be, *what functional DPS benefits apply to either Growth Plan objectives or Gananoque Official Plan objectives more?* The final part of this report will consist of an analysis that will attempt to interpret the findings of how DPS functionally achieve residential growth and intensification policies between Growth Plan policies and Gananoque Official Plan policies.

3. THE DEVELOPMENT PERMIT SYSTEM

3.1 The Development Permit System in Ontario

Currently in Ontario, Development Permit Systems (DPS) are land use planning and urban design tools that municipalities may use in order to make the development process easier and more streamlined for all involved stakeholders, and allow them to reach the city and community building goals that they outline in their Official Plans.⁵ In tandem with achieving city building goals, DPS also allow for municipalities to achieve the environmental protection goals in their Official Plans. In addition to the Official Plan, Secondary Plans, and Zoning By-laws, the DPS allows municipalities to determine what kind of development is most appropriate for a particular area that would be included within a community in which the respective DPS applies to.⁶ For example, a DPS may define a community in which it applies to, and then may set out certain development performance standards and criteria that also conform to any urban design framework included in that same DPS. Therefore, a DPS is a kind of mixture of a Zoning By-law, Secondary Plan, and Urban Design Guideline. DPS provide benefits to developing communities beyond what is achievable by the processes of Official Plans, Secondary Plans, and Zoning By-laws alone.

According to the Ontario Ministry of Municipal Affairs and Housing (MMAH) *Development Permit System: A Handbook for Municipal Implementation*, DPS may be better-suited to a specific community in some instances where there is uncertainty of the development trends, even when there are development

⁵ MMAH, 2015

⁶ MMAH, 2008

requirements set out in a municipality's Official Plan policies and Zoning By-law.¹⁰ DPS are regulated by municipal development permit by-laws, and identify "the requirements for development up-front ... [and] maintains a similar level of certainty for landowners as exists with zoning in key areas such as permitted uses, development standards, and appeal rights on development permit applications" (MMAH, 2008). While this broad description of DPS seems identical to planning tools that are already available to municipalities, they also offer further efficiencies in the development approval process by providing one single approval to be made when otherwise multiple approvals would be necessary; quicker review timelines by municipal staff; limitations on appeal rights for certain stakeholders to safeguard against risk of extending approval timelines; and the ability to delegate development permits to certain municipal staff or council⁷. Ultimately, the main advantage that DPSs have over other typical development approval tools is that they quicken the approval process while ensuring that identified community development goals are met, and still uphold municipalities' authority as other approvals would.

DPS also allow for municipalities to incorporate better community inputs in a more organized and transparent manner than other development approval processes typically do. According to the MMAH, when a DPS area is established, communities are asked for their input on appropriate land uses and design requirements through visioning exercises for that respective area⁸ (See Appendix C or graphic below, for process of approving DPS and including community input).

⁷ MMAH, 2008

⁸ MMAH, 2008

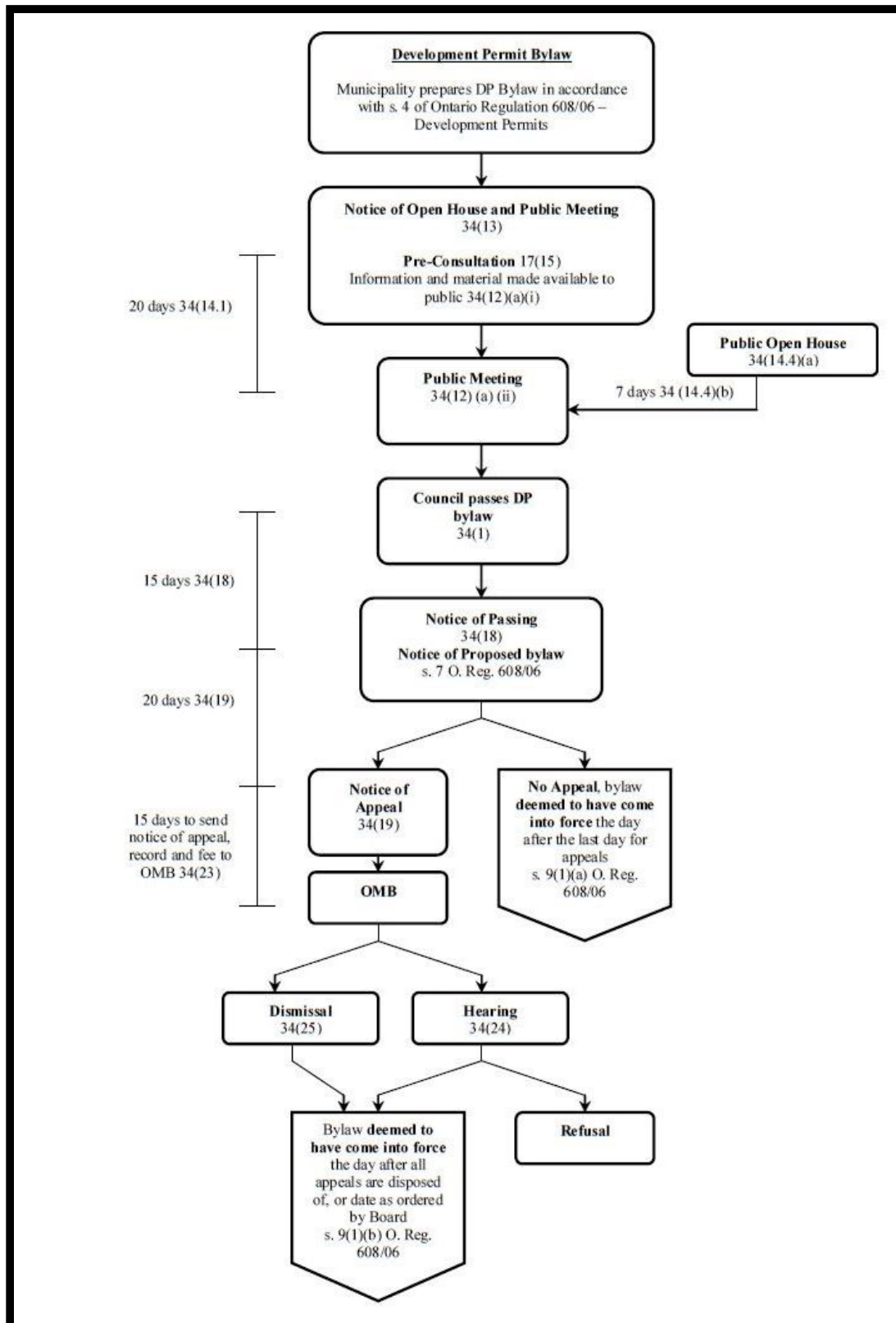


Figure 1: Development Permit Bylaw Process (MMAH, 2008)

Then, when a DPS is implemented into an area that takes account of the input submitted by community members, any applications that are approved by the

respective DPS must conform to that initial input that was incorporated into the creation of the DPS. This ensures that community preferences are realized while simultaneously expediting the process that would otherwise take longer through different approval processes. The DPS trades in the piecemeal input from community members that would otherwise be taken into account through other approval processes in order to ensure that the community as a whole commits to one, unified vision⁹. Then, when DPS applications are approved, it implicitly means that the agreed-upon community vision is being realized.

3.2 The Commission on Development Reform in Ontario

The Commission on Planning and Development Reform in Ontario, or the Sewell Commission, was released in 1993 to the Minister of Municipal Affairs. It advocates for changes made to the Ontario Planning Act that are involved with the connection between land use and efficient and sustainable ways to develop land while maintaining environmental integrity.¹⁰ Its purpose is to,

“...restore confidence in the integrity of the planning process, protect public interests, better define roles and relationships, focus more closely on protecting the natural environment, and make the planning process more timely and efficient.”
(Commission on Planning and Development Reform in Ontario, 1993)

Specifically, it offers recommendations on how municipalities may encourage more and better public involvement through the planning process and development approval processes, how disputes and appeals may be settled before necessitating they be forwarded to the Ontario Municipal Board, and how planning systems may

⁹ MMAH, 2008

¹⁰ Commission on Planning and Development Reform in Ontario, 1993

be streamlined for better efficiency and timeliness. All of these recommendations submitted by the Sewell Commission concentrate on meeting defined public objectives, and within these recommendations it puts forth the idea of DPSs. The report refers to DPSs as development permits, and explains that such a system would save considerable time when former processes that would otherwise would be used would take longer, and public interests would still be met with the same due attention.

The Sewell Commission lists some conditions that would result in the successful implementation of a DPS in a municipality, and it generally concludes that council would ultimately decide on general area policies and design guidelines, and staff would focus on the details of specific applications to ensure that they meet those policies. It also recommends that a committee be established for DPS application decisions to determine if proposals met the requirements set out in the policies, and this committee should represent different community stakeholders and interests.

3.3 Bill 163

The Province of Ontario responded to the Sewell Commission in 1994 by implementing some of the recommendations on DPS made with the addition of Section 70.2 of the Ontario Planning Act (RSO 1990). Bill 163 permitted municipalities to establish DPSs through local by-laws, and to delegate powers to municipalities to establish a DPS as set out by the regulation.¹¹

Some transcripts on discussions of the introduction of Bill 163 from the Standing Committee on Administration of Justice show that there were numerous

¹¹ Ontario, 1994

concerns with DPSs, but ultimately the committee fully supported the establishment of it.¹² Some of the concerns that were brought up regarded delegated authority of subdivisions, the volume of appeals to DPS regulations that could potentially bombard councils; and proper control of uses and protection of environmental lands. The committee also fully supported the alternative dispute resolution process that the Sewell Commission proposed, as it would better incorporate public participation but may limit the goal of time efficiency. Many members of the committee also determined that there would be unforeseen or unaccounted for consequences of the proposal, and that the reform was being decided upon too quickly.

3.4 Discussion Paper, 1998

The next advancement in the passing of Section 70.2 was the release of a discussion paper by the MMAH in 1998, entitled *Proposed Regulation to Establish a Development Permit System*.¹³ This discussion paper explains how the process of public input and consultation would be shifted to the beginning stages of implementing a DPS, instead of how public input is traditionally sought on the basis of individual proposals. Five specific issues under this general concern are raised by the discussion paper, and they all deal with the uncertainty of the flexibility that is actually included within a DPS:

1. Permitted uses: right balance between certainty and flexibility;
2. Role of Committee of Adjustment;
3. Scope of authority to impose conditions;
4. Transition; and, 5. Opportunities for public input (MMAH, 1998).

¹² Legislative Assembly of Ontario, 1994

¹³ MMAH, 1998

While the Province of Ontario intended DPS to be a streamlined hybrid of “existing zoning, site plan approval, and minor variance processes into a seamless procedure,” (Legislative Assembly of Ontario, 1994) the discussion paper explored how a DPS would be potentially implemented in a municipality with its limits on what it could achieve.

3.5 Regulation 246/01

After further studies and discussions on the topic of DPS in Ontario, the Province filed Regulation 246/01 in June 2001, which gave municipalities the authority to develop DPS bylaws and how they may implement DPS through its area, delegations of authority, objectives, conditions, and criteria of development.¹⁴

Regulation 246/01 grants authorization only to the areas it sets out in its Schedule 1, which includes parts of Hamilton, Oakville, Lake of Bays, Toronto, and the Regional Municipality of Waterloo. The regulatory powers that these areas are granted are matters of adoption, powers and limitations, bylaw provisions, administration, appeal conditions, and how the Ontario Municipal Board will be involved in appeal processes.

Some of the ways that Regulation 246/01 specifically allows municipalities to use DPS are as follows:¹⁵

- a) allows and limits specific conditions of approval, depending on policies in the municipal official plan and the conditions in the respective development permit by-law
- b) allows municipalities to require specific information to be submitted as part of DPS applications when specified in municipal Official Plans

¹⁴ Development Permits, O Reg 246/01

¹⁵ Ontario's Regulatory Registry, 2006

- c) enables municipalities to exempt classes of development or uses of land from the information requirements that must be provided with a development permit application.
- d) enables municipalities to regulate the external design details of buildings subject to policies being articulated in the municipal official plan and the conditions being specified in the development permit by-law.
- e) enables municipalities to delegate authority to approve or refuse a development permit application to a committee established by council, as well as to a municipal employee, subject to that delegation being articulated in the municipal official plan and development permit by-law.
- f) clarifies that existing site plan agreements continue to apply and that any amendments to these agreements would be by way of a new agreement under the DPS.

(Ontario's Regulatory Registry, 2006)

3.6 Regulation 608/06

In 2007, Regulation 246/01 was revoked and Regulation 608/06 came into force and effect. This newer Regulation includes much of the same policies that were initially brought forth by Regulation 246/01, and applies the DPS to the entire province. It also:

- a) expands the scope of conditions that municipalities may impose as part of DPS applications
 - b) Allows for Section 37 of the Planning Act to be used in conjunction with the DPS, as long as Official Plan policies and respective DPS policies explicitly detail what a municipality may require.
 - c) Entitles municipalities to particular information in DPS applications as long as this information is specified in the respective Official Plan.
 - d) Allows municipalities to regulate external building designs, as long as those regulations are included in Official Plan policies and the policies within the applicable Development Permit By-law.
 - e) Requires the approval authority to make a decision on DPS applications within 45 days of the application submission, and an applicant may appeal a decision no more than 20 days after it is rendered.
 - f) Non-applicants may not make appeals on decisions.
- (Development Permits, O Reg 608/06)

3.7 Development Permit Systems and Official Plans

O. Reg 608/06 controls how a municipality must make changes to its Official Plan if it intends on establishing a Development Permit System within its boundaries. Specifically, Section 3 of the Regulation sets out these parameters. It requires that municipalities establish defined areas in which particular DPS apply to,¹⁶ so that one defined DPS area is only affected by the DPS provisions which apply to it. No DPS can apply to an area that is not included within its applicable boundary, and these areas must be defined within the DPS by-law. Official Plans must explain if and how council will delegate any authorities granted by the DPS By-law to committees or staff.¹⁷ If a municipality proposes any DPS areas within a DPS by-law, it must include the objectives and policies for any particular DPS area in its Official Plan, as well as determine the uses of land and types of developments permitted.¹⁸ The land uses and permitted types of development must conform with the objectives and policies indicated by the Official Plan, which may also determine what materials are necessary to be submitted along with a development permit application in a DPS area. Official Plans may also dictate if and how additional density or height may be granted to developments in exchange for specified benefits to the municipality.¹⁹

3.8 Development Permit Systems and Zoning By-laws

O. Reg 608/06 does not include any specific provisions or requirements related to Zoning By-laws, other than that the provisions within section 34 of the Planning Act apply up to the point until Development Permit Regulation overrides

¹⁶ O Reg 246/01, s.3(1)(a)

¹⁷ O Reg 246/01, s.3(1)(b)

¹⁸ O Reg 246/01, s.3(1)(c)

¹⁹ O Reg 246/01, s.4 & O Reg 246/01, s.5

specificities contained within section 34.²⁰ Section 34 of the Planning Act contains provisions of zoning by-laws, and provisions therein can be applied in tandem with provisions included in DPS by-laws: “For example, the DPS can be used to take advantage of the changes made to site plan powers that provide, subject to meeting certain requirements, new authority to municipalities to promote development that is attractive, well-integrated and environmentally sustainable...” (MMAH, 2008).

²⁰ O Reg 246/01, s.4(1)

4. ANALYSIS: TOWN OF GANANOQUE DEVELOPMENT PERMIT SYSTEM

4.1 Town of Gananoque Overview

The Town of Gananoque is beyond the regulatory boundary of the Growth Plan. However, there are important similarities and differences between DPS that are located within the Growth Plan, and with the Gananoque DPS. For the sake of this comparison, Growth Plan intensification objectives will be considered to determine if and how those objectives are better-suited to be applied through a DPS compared to the Gananoque Official Plan policies, and vice versa. Chiefly, the main question to be set up and discussed here is, “what benefits and drawbacks do DPS provide, and in what circumstances are the benefits most realized and the drawbacks minimized?”

The Town of Gananoque is located in the Leeds and Grenville United Counties of Ontario, situated on the northern shoreline of the Saint Lawrence river, east of Kingston Ontario by about 25 kilometres²¹ (See Appendix K for location map). From 2011 census data, its population is 5194, and in 2006 it was 5289 (Statistics Canada, 2011). The town is known for its close proximity to the Thousand Islands and amenities like fishing, theatre, and historical buildings.²² Currently, the only planning policies that relate to the Town of Gananoque are the Provincial Policy Statement 2014, The Town of Gananoque Official Plan, the Town of Gananoque Community Improvement Plan, and the Town of Gananoque Development Permit System.

²¹ Google Maps, 2017

²² In Gananoque, 2010

4.2 The Official Plan

The Town of Gananoque's current regulatory framework is simple and straightforward as it only includes an Official Plan, a Community Improvement Plan (CIP), and the DPS. Although the town is located with the United Counties of Leeds and Grenville, it is not included within the administration of the county, and so the United Counties of Leeds and Grenville Official Plan does not include any provisions that pertain to it. Therefore, the only municipal-level policies that pertain to it are its own.

The Gananoque Official Plan divides the town into six land uses areas: Residential; General Commercial; Highway Commercial; Lowertown; Employment Lands; and Open Space (See Appendix F for the Town of Gananoque Official Plan Land Use Map). The Official Plan is meant to provide the highest level of land uses for the town for twenty years from the time it was completed in 2008, and its vision of change within that twenty years is "...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" (Town of Gananoque, 2008). Some of the guiding principles that are derived from the vision statement include the improvement of the Lowertown area, revitalizing the downtown area while respecting architectural heritage, increasing employment opportunities, the protection of the natural environment, and the improving quality of residential areas with "appropriate housing types, densities, and transitions from adjoining land uses" (Town of Gananoque, 2008).

The Official Plan makes it clear that its general intent is to direct development within the town's settlement area, and that it should also be directed in already-developed areas by means of intensification. Lastly, increases in density and intensity will be modest by way of redevelopment when it does not result in negative impacts on heritage or on the existing character of neighbourhoods (Town of Gananoque, 2008). It is clear that Gananoque considers the existing character of its neighbourhoods as one of its most valuable assets, and aims to increase the quality that it has already established as a gateway to the 1000 Islands to the east.

The land use policies are broken down into land use areas: Lowerton, Residential, Commercial, Employment, Rural and Open Spaces, and Environmental.

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The Lowertown area is a heritage waterfront district, where all eight of the guiding principles directly apply to the area. It is the town's desire to change this area into a regional destination, to be used for its natural heritage qualities, pedestrian-friendly urban design, existing businesses and street-related retail uses, and water-related recreation, among other features. Generally, the Lowertown area policies enforce its specific objectives by preventing development in natural heritage areas that are to be protected, enhancing vegetated areas, and including specific setback and protection measures so that impacts to natural features are minimized. Site plan control applies to all development in the area, along with the Lowertown Urban Design Guideline (UDG), and the following land uses are permitted within this area:

- Low Medium and High density residential
- Tourism commercial uses

²³ Town of Gananoque, 2008

- Service commercial uses
 - Arts and cultural uses
 - Office commercial uses
 - Home based employment
- (Town of Gananoque, 2008)

The Official Plan specifically explains that no high density residential uses will be near low residential uses in this area, and that the DPS will delineate land uses based on architectural form and compatibility.²⁴

Residential areas in the Gananoque Official Plan are described as being a diverse range of "...heritage homes in the Lowertown district, to apartment dwellings in multi storey buildings, to single dwelling subdivisions, to mixed use buildings with local commercial, schools and residential uses" (Town of Gananoque, 2008). The intent in residential areas is twofold: to preserve existing residential neighbourhoods and to intensify for new residential stock (See Appendix H for residential Policy Area Map). However, it is important at this point to point out that while the Gananoque Official Plan allows for intensification, it does not prescribe it. It does not include within it any type of intensification targets or areas. It uses the term *intensification* loosely to describe infill development, redevelopment, efficient uses of land, and the development of brownfield sites.²⁵ The residential policy objectives, in general, speak to providing more housing at varying densities, ensuring that the volume of residential needs are met, and ensuring that any intensification that does occur is complementary to abutting land uses, built forms, and design within residential areas.²⁶ Therefore, this policy area seeks to intensify and create more complete communities, while still maintaining neighbourhood characters to a degree. This

²⁴ Town of Gananoque, 2008

²⁵ Town of Gananoque, 2008

²⁶ Town of Gananoque, 2008

policy section prescribes a housing density target of twelve units per gross hectare by way of low to high density housing, with higher densities preferred to be located closest to neighbourhood amenities (Town of Gananoque, 2008).

Lastly, the Town of Gananoque Official Plan includes policies on Commercial Areas, of which there are two types: General Commercial and Highway Commercial (See Appendix I for Official Plan Commercial Policy Area Map). It is important to point out that the General Commercial Policy Area is located in a central area of Gananoque, surrounded mostly by residential areas. The permitted uses include small-scale commercial uses and community services, and a brief mention of mixed use commercial with residential uses above or behind storefronts. However, there is no further mention of intensification of the residential part of the mixed uses, which is surprising considering this area seems to match the intensification objectives outlined in the *Residential Policy area*, even though this is an entirely different policy area. It would be fair to expect that the General Commercial Policy Area would be well-suited to accommodate intensification considering the Official Plan generally encourages higher density residential development to be situated in locations in close proximity to commercial designations. Again, the two policy areas are different, but the closest proximity of a residential use to a commercial use would be considered to be in the same area as mixed use development, and policy that explicitly directs intensification of mixed use would be expected. Even within the General Commercial Policies, there is no mention of mixed uses or residential intensification (See **Figure 2** below).

3.3.2.1.2 General Commercial Policies

All new commercial development, and infill commercial development in existing areas shall provide adequate off-street parking. Access to parking shall be designed to minimize conflict between pedestrian and vehicular traffic. Access to commercial development from residential streets shall be avoided.

New or redeveloped commercial uses in the General Commercial designation shall be oriented to pedestrian and vehicular traffic with an emphasis on the ease of movement for pedestrians between commercial establishments.

Where off street parking is required due to development or redevelopment of commercial land uses, such parking shall generally be located to the side or rear of establishments in order to foster a pedestrian friendly environment.

Council may consider the development of commercial design guidelines or the use of a Development Permit System to influence or control design of building mass and scale, facades, streetscape design, pedestrian amenities, signage and gateway features. In the absence of additional direction site plan control will be applied to ensure that the general intent of these policies is achieved.

Figure 2: Town of Gananoque Official Plan General Commercial Policies (Town of Gananoque, 2008)

4.3 Community Improvement Plan: Downtown Revitalization and Brownfield Development

The Gananoque Community Improvement Plan (CIP) is another framework that is to be considered after the Official Plan, "...to provide an opportunity to develop and redevelop properties within the boundaries designated as a Community Improvement Project Area" (Town of Gananoque, 2012). The first area to which it applies is roughly the same area as the Gananoque Official Plan General Commercial Area, but includes some more lands to the south along King Street East (See Appendix J for CIP area map). The other areas are brownfield sites that are scattered throughout the town, mainly along the western and northern boundaries. Though the CIP does not contain any regulations or policies that new developments must meet, it instead provides financial incentives to developments to meet its guidelines. It generally aims to make the CIP areas cleaner and more attractive with more employment and mixed uses. However, intensification or increases in density

are not included within the CIP objectives, as it primarily attempts to increase the aesthetic quality of pre-existing buildings in Area A, and to remediate and rehabilitate brownfield properties located in Area B. The greater purpose of the CIP is to make the lands in Area A more attractive for residents to either live, work, or spend time in. For the lands in Area B, the purpose is to make them useable and increase the available land for development within the town without needing to expand the built-up boundary.

Although Official Plan policies take primacy over CIP policies, CIP policies are identified and included within the Official Plan so that they may be enforced through certain Planning Act applications. Some of the Town of Gananoque's specific CIP goals and objectives, specifically that could apply to DPS, are as follow:

- i. To revitalize, intensify and strengthen residential, commercial, cultural and employment opportunities;
 - iv. to enhance and reinforce linkages between the areas and the waterfront open space system;
 - x. To facilitate the remediation, rehabilitation and/or redevelopment of existing Brownfield sites;
 - xvii. To encourage infilling and redevelopment of vacant or underutilized land as with Brownfield sites
- (Town of Gananoque, 2012)

CIP goals and objectives are typically broad in order to allow for flexibility in the resulting policies that apply to specific areas, as indicated above from the Town of Gananoque CIP. However, policies in the CIP give direction on what incentives are available for specific types of projects in certain areas identified within the CIP. Clear explanations of the purpose, eligibility, timing, and terms of these incentives are indicated. Thus, the purpose of the CIP is to provide ways to achieve its goals and objectives, and although those goals and objectives are quite broad, they would be improved upon by more specific land use policies contained within the Official Plan.

4.4 The Development Permit System

The Town of Gananoque brought its Development Permit By-law into force-and-effect in October 2010, and was approved at the Ontario Municipal Board in November 2010. The Gananoque Development Permit System completely replaces the need to make applications for minor variances, site plan approvals, and zoning by-law amendments for lands that fall within the DPS area because of the way it prescribes specific types and scales of development, and then accommodates variations within a certain range depending on the context of development property. Because the entire town is within the DPS area, the DPS replaced the former Zoning By-law completely (See Appendix E or graphic below for the DPS area).

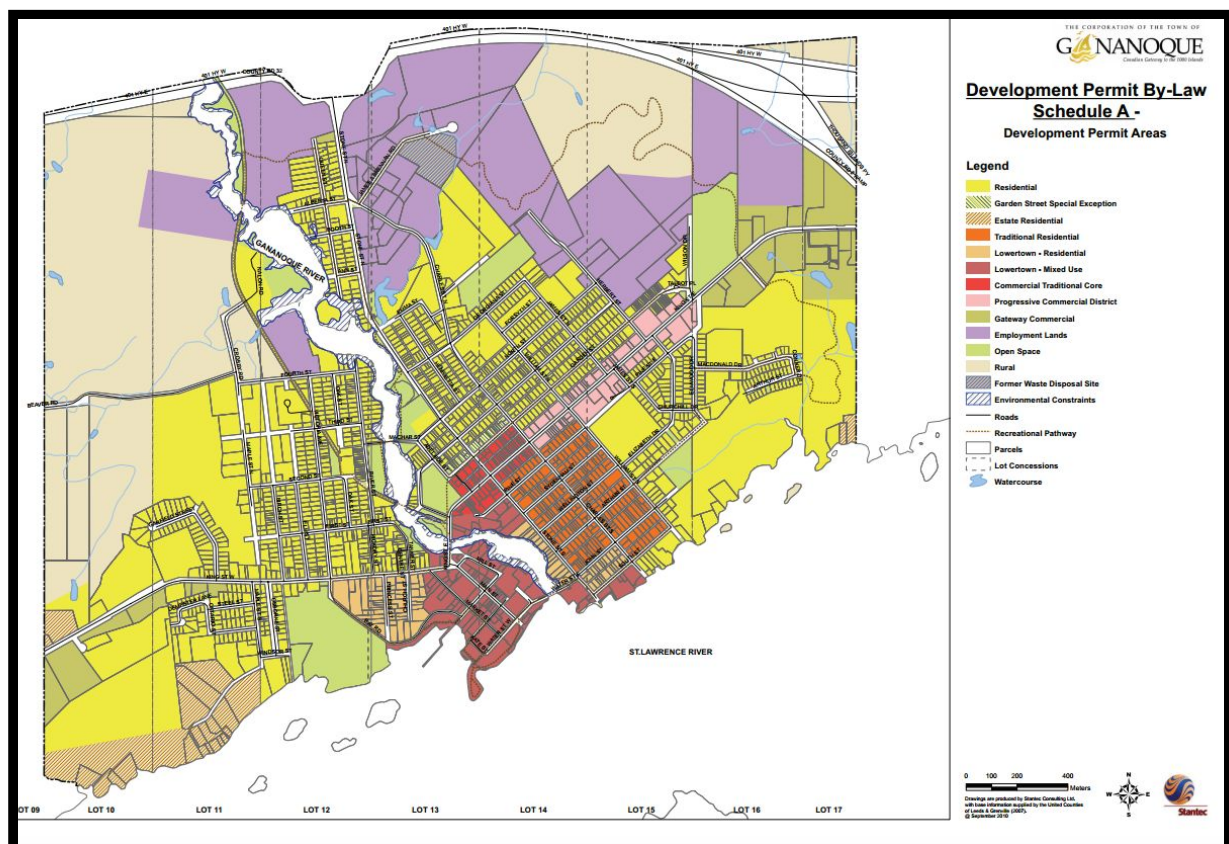


Figure 3: Town of Gananoque Development Permit By-law Schedule A. Stantec Consulting Ltd. (2010).

As such, the Town of Gananoque does not currently have a Zoning By-law.

The DPS by-law includes fifteen sections:

- 1) Explanatory Note and Intent
 - 2) Administration
 - 3) General Provisions
 - 4) Lowertown Mixed Use
 - 5) Development Permit Area Designations
 - 6) Commercial Traditional Core
 - 7) Progressive Commercial District
 - 8) Gateway Commercial
 - 9) Employment District
 - 10) Rural
 - 11) Open Space
 - 12) Environmental Constraints
 - 13) Waterfront Overlay
 - 14) Entrance Overlay
 - 15) Definitions
- (Town of Gananoque, 2010)

The DPS begins with its explanatory note and general intent as it applies to all areas designated within it. It explains its main intention is,

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.
(Town of Gananoque, 2010)

This is especially important and helpful, only because any provision set out in the DPS, and any development application made to it now has a standard to apply itself to, to determine if it meets the intent of the DPS. Of course, this statement also helps to show that if any development proposal can meet this standard, then it will meet the general intent and purpose of the Gananoque Official Plan, as it includes this intent within its list of objectives as discussed above.

The DPS includes three different classes of development permits.²⁷ The first generally meets the DPS requirements with zero impact to adjacent properties, but still does not meet one or two provisions. The second class generally does not meet the provisions of the DPS, but impacts to adjacent properties can be mitigated or the use of the land is permitted. The third class of development permit does not meet the provisions of the DPS, but impacts can still be mitigated, or the proposal conforms to Official Plan policies, or the land use is still appropriate even though it does not conform to any policies.²⁸ This is just an example of the details involved in the process of the DPS, but the important aspect of this is that it allows for some interpretation, while still providing for a way to start an interpretation in the first place. The entirety of the DPS is laid out in this way, where it will provide a range of allowances based on the judgment of the approval authority to decide on the merits of a development on a context-by-context basis. There are some instances where the DPS sets hard-and-fast regulations with no room for flexibility, but these requirements are generally performance standards like parking space areas and setback requirements. Even with these performance standards, however, the DPS does not include much restriction beyond what seems absolutely necessary.

The DPS sets out five distinct areas that all have their own applicable set of provisions. The areas are Lowertown Mixed-Use, Lowertown Residential, Commercial Traditional Core, Employment District, and Rural. Each of the five area designation sections begins with an explicit statement on its intent, which is to allow for a range of uses designed in a specific way to achieve a particular result in how

²⁷ Town of Gananoque, 2010

²⁸ Town of Gananoque, 2010

the area is used.²⁹ They then list the permitted uses with pictures given as examples for a kind of pictorial design guideline of the kinds of design aesthetics that would be expected in the area. Discretionary uses are also given in each of the sections, which are defined as permitted uses that are “...subject to a municipal review to confirm that the use is both desirable and appropriate in the proposed location on the basis of the physical and functional design of the structure(s) and use(s) and subject to the provisions of the applicable Area Designation” (Town of Gananoque, 2010). In some cases, design criteria are given for specific uses, and in most cases further provisions are indicated for requirements like setbacks, parking spaces, or special exceptions. Any lands that are not included within one of the five DPS areas are covered under the general provisions.

The Town of Gananoque DPS is reasonably open-ended, in that it leaves room for variation between uses and built forms depending on neighbourhood context and allowances within its provisions. Perhaps the most dynamic part of the by-law is the class system, of the three classes of development permit application types within a DPS area, because it provides a framework and method of determining if and by how much a development proposal fits within the context of the DPS area. Though there are other indications of this in the DPS, the class system shows that the DPS focuses on the proposal within the context of adjacent lands and neighbourhood instead of how well it conforms to the provisions set out in it like a performance-based Euclidean zoning by-law typically does.

²⁹ Town of Gananoque, 2010

5. GANANOQUE DEVELOPMENT PERMIT SYSTEM & ONTARIO GROWTH PLAN

5.1 Benefits and Difficulties of Development Permit Systems in General

In order to properly compare how well the function of DPS achieves Gananoque residential intensification objectives to Growth Plan-based residential intensification objectives, it is first necessary to establish a standard by which to compare the two. An appropriate standard for this comparison is the identification of benefits of DPS in general, and these observations can then be compared to different residential intensification objectives. From this standard, policy objectives will then be compared to the benefits to determine if they are inherently achieved by the beneficial functions of DPS (and not by the provisions included in DPS). To be clear, the benefits of DPS will be identified as products of the function of DPS without taking any possible provisions into account. The purpose of this is to determine if the functional framework of DPS passively helps to achieve policy objectives beyond the explicit provisions included within DPS itself.

Table 1: Advantages of the DPS

Advantage	Explanation	Related Only to Intensification?
Regulatory Transparency ³⁰	DPS by-laws are explicit in what should be and should not be approved. ³¹ Because DPS include ranges on allowable variations from the provisions, and criteria for when variations should be approved, the DPS becomes more transparent. ³² This advantage addresses	No Whether or not a DPS area is also an intensification policy area, the benefit of regulatory transparency still exists.

³⁰ Nethery, 2011; Wood, 2014; Wilson, 2014; City of Toronto, 2014

³¹ Nethery, 2011; Wilson, 2014

³² Wood, 2014

	some common criticisms of zoning in Ontario, as “Having specific standards leaves less room for ad hoc interpretation of generally generic policies,” (Nethery, 2011). Stakeholders have a better sense of what kinds of developments should be approved under the DPS.	
Advantage	Explanation	Related Only to Intensification?
Quick Approvals ³³	As discussed, <i>Development Permits, O Reg 608/06</i> requires that a decision is made on applications made under the DPS within 45 days of its submission. ³⁴ Relative to zoning by-law amendment applications, minor variances applications, and Official Plan applications, this process is quicker. ³⁵	No. Whether or not a DPS area is also an intensification policy area, the benefits of a quick approval does not necessarily and only apply to intensification areas. There is no necessary relationship between quickness of development and intensification, especially because the purpose of intensification is to direct development within a built-up area within the timeframe of when development occurs.
Streamlining the Development Approvals Process ³⁶	Without a DPS established for an area, development must be approved through Official Plan amendments, Zoning by-law amendments, and minor variances, depending on if and when each of those three processes applies to the proposal. ³⁷ Because DPS incorporate Official Plan policies right into their own policy, ³⁸ no Development Permit applications will necessitate an Official Plan. Also, DPS replaces Zoning By-laws for its applicable area.	No. Whether or not a DPS area is also an intensification area, the benefit of streamlining still applies. Streamlining to the development approvals process benefits various stakeholders associated with a development permit, because it allows the process to be better understood by stakeholders. ³⁹ It also allows for better understanding of what policies apply to a DPS area, considering a DPS should incorporate Official Plan objectives and policies.
Flexibility ⁴⁰	Even if a development proposal does conform exactly to the provisions set out in a DPS, the DPS “Allows as-of-right approvals where the development	No. Whether or not a DPS is also an intensification area, the benefit of flexibility still applies. Flexibility allows

³³ Nethery, 2011

³⁴ Development Permits, O Reg 608/06

³⁵ Nethery, 2011

³⁶ Nethery, 2011; Wood, 2014; Wilson, 2014; City of Toronto, 2014

³⁷ Wood, 2014; Nethery, 2011; City of Toronto, 2014

³⁸ Wood, 2014

³⁹ Wilson, 2014

⁴⁰ Nethery, 2011; Wood, 2014; City of Toronto, 2014

	proposed varies” (Nethery, 2011). DPS include some provisions to allow for ranges of variation from requirements. This includes discretionary uses and “...variation from development standards, within specified limit” (Wood, 2014).	for a range in variation of land uses and built forms for the DPS. While this will benefit intensification areas to be able to achieve larger built forms and discretionary uses that are compatible with and beneficial to their community context, this benefit still applies to non-intensification areas. Non-intensification areas may benefit from this flexibility as well, considering that variations to performance standards and discretionary uses do not mean that lands will automatically be granted this variance; it means that within the proper context of an existing area, these variations may be compatible.
Advantage	Explanation	Related Only to Intensification?
Limitation of OMB Appeal Rights ⁴¹	When a development permit application is made under a DPS, only the applicant has the right to make an appeal to the Ontario Municipal Board. ⁴² Appeals may be made when a decision is not made within 45 days from the date of submission, and when an applicant disagrees with a decision. The benefit of this is that appeals cannot be made by the public on approved development permit applications, as these applications will have then be deemed to be in accordance with the DPS and Official Plan, and so they will meet community planning objectives.	No. Whether or not a DPS area is within an intensification area, the benefit of the limitation of appeal rights still applies. This benefit mostly affects timing for when a development can reach the end of the approval process.

These five benefits of DPS apply equally to intensification areas and non-intensification areas. However, the one benefit of flexibility may potentially prove to be more effective with intensification target areas; if an area is determined as such by an Official Plan, then the DPS allows for variation to its provisions. However,

⁴¹ Nethery, 2011; Wood, 2014; Wilson, 2014; MMAH 2008

⁴² MMAH, 2008

variation to provisions should not be relied on when addressing intensification targets, because variations are just that - they are unplanned for and contextual variances to the as-of-right permissions. Therefore, in order to meet intensification targets, a DPS should allow for the desirable intensity without the necessity of variation to its provisions.

Now that the benefits of DPS have been established, they will be used to determine if they can help to achieve policy objectives. However, disadvantages of DPS need to be determined as well, as they could potentially limit the benefits of DPS and make policy objectives more difficult to achieve. There is not much literature on the drawbacks of DPS,⁴³ and the comments that do exist are limited in their explanation. See Figure 3 below for DPS disadvantages.

Table 2: Disadvantages of the DPS

Disadvantage	Explanation	Related Only to Intensification?
Limitation of OMB Appeal Rights ⁴⁴	“The removal of public rights of consultation and appeal may incline decisions in favor of applicants. Moreover, residents and other 3rd parties may want to be consulted about or to appeal decisions on applications.” (Wood, 2014) Also,	No. This quality should not affect achievability of intensification objectives and targets. If they are set out by policy, and the approval authority of DPS are making decisions based on the applicable policies set out, then this should not negatively affect the ability to achieve intensification, nor should it make it easier. This concern was raised in regard to ensuring that community residents are able to appeal a decision that they do not feel is in their best interests. ⁴⁵
Change in Approvals Process Requires	Not only do DPS require an operational cultural change	No. Whether or not there is a “learning

⁴³ Nethery, 2011

⁴⁴ Nethery, 2011; Wilson, 2014; Wood, 2014

⁴⁵ Wilson, 2014; Nethery, 2011

Stakeholders to Learn How it Works ⁴⁶	within planning departments' traditionally conservative nature, ⁴⁷ but they also require staff, community members, and elected representatives to learn the new process. ⁴⁸ This may take some time considering stakeholders may be used to prior development processes.	curve" to learn the new processes involved with DPS, this should not have an affect how well DPS can achieve intensification objectives. There may be a risk in that if staff do not properly learn the DPS process, ⁴⁹ then they will not be able to properly apply relevant policies and objectives to it, but this consideration should not be assumed when staff are required to properly learn and implement new policy and process. This concern is brought up in regard to community needs and desires. ⁵⁰
Costs to the Municipality May be Higher Than Alternatives ⁵¹	"DPS studies are highly resource-intensive, on order of a Heritage Conservation District Study—which for a neighbourhood-scale area may cost roughly \$1 million" (Wilson, 2014). Although the above quote is unsubstantiated, it has been met with similar analyses that find the costs of establishing DPS more expensive than typical zoning by-laws. ⁵²	No. Whether or not DPS are more expensive to implement than other methods of land use controls, this should not affect how well they achieve intensification objectives. No matter how expensive it may be to implement a DPS by-law, this should not affect the objectives and provisions. These should be based on the policies laid out in the Official Plan. This concern was brought up in the context of financial burden to a municipality. ⁵³
DPS Allows for Delegation of Approvals to Staff or Committees ⁵⁴	Not only are councils generally reluctant to delegate approval authority to staff, ⁵⁵ but some also have concern that elected officials may not be making choices for their constituents. ⁵⁶ Instead, staff may be making	No. Whether or not council or staff make decisions on the merits of development permit applications, this should not affect achievability of intensification objectives. The DPS by-law and its provisions are what

⁴⁶ Nethery, 2011

⁴⁷ Nethery, 2011

⁴⁸ Nethery, 2011; Wilson, 2014

⁴⁹ Nethery, 2011

⁵⁰ Wilson, 2014; Nethery, 2011

⁵¹ Nethery, 2011

⁵² Nethery, 2011

⁵³ Wilson, 2014

⁵⁴ Wood, 2014

⁵⁵ Nethery, 2011

⁵⁶ Wilson, 2014

	decisions if given delegated approval authority.	affects ability to reach intensification goals, and as long as the DPS by-law and its provisions are being followed properly, it will not matter who makes the decision. The main concern brought up by this is that community concerns are being addressed. ⁵⁷
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These benefits and difficulties provide a good standard to apply to intensification and Official Plan policies to determine how well DPS can achieve certain objectives.

5.2 A Brief Overview of Growth Plan Objectives and Intensification Policies

On July 16th, 2006, the Growth Plan for the Greater Golden Horseshoe came into force and effect when the Province of Ontario approved the plan in an effort to decrease the rate of development into non-urbanized areas of lands in the Greater Greater Golden Horseshoe⁵⁸ (GGH) (See Appendix A or graphic below).

⁵⁷ Wilson, 2014; Nethery, 2011

⁵⁸ Neptis Foundation, 2015



Figure 4: Upper- and Single-Tier Municipalities in the Greater Golden Horseshoe (MMAH, 2015)

By slowing the development of the outer non-urbanized areas of the GGH, the Growth Plan seeks to limit what is commonly referred to as urban sprawl, “which contributes to traffic congestion, hinders the introduction of transit, adds to infrastructure costs, and degrades the natural environment” (Neptis Foundation, 2013). Alternatively, the Growth Plan directs a large portion of development to areas that are currently built-up, making current uses of land with in-place services and infrastructure (see Appendix B or graphic below).



Figure 5: General Land Designations in the Greater Golden Horseshoe (MMAH, 2015)

The Growth Plan also offers direction for new greenfield development to be compact and efficient, so that land may be used at a lower rate than would be needed otherwise, and transit can better service these new areas.⁵⁹

The work to develop the Growth Plan was initialized by unexpected population growth rates in the Greater Toronto and Hamilton Area (GTHA), which caused severe traffic congestion and environmental impacts affecting suburban residents' quality of life.⁶⁰ As these conditions grew worse for suburban residents, and populations in these areas continued to grow, political support for environmental protection and quality of life also increased as residents became more aware of the

⁵⁹ Growth Plan, Section 2.1

⁶⁰ See Eidelman (2010), especially *The Politics of Sprawl in Ontario* for an insightful discussion on how the 2003 provincial election made "sprawl" a mainstream policy issue

effects of sprawling development. The Growth Plan explains that the main issue is that the Greater Golden Horseshoe is one of the fastest growing areas in North America, and without proper planning policies in place to direct that growth, then “communities will continue to experience the negative aspects associated with rapid growth, such as increased traffic congestion, deteriorating air and water quality, and the disappearance of agricultural lands and natural resources” (MMAH, 2013). The policies it includes are intended to curb these effects as much as possible, as shown in the Growth Plan policy directions in **Figure 6** below.

- direct growth to *built-up areas* where the capacity exists to best accommodate the expected population and employment growth, while providing strict criteria for *settlement area* boundary expansions
- promote *transit-supportive* densities and a healthy mix of residential and employment land uses
- preserve *employment areas* for future economic opportunities
- identify and support a transportation network that links *urban growth centres* through an extensive multi-modal system anchored by efficient public transit, together with highway systems for moving people and goods
- plan for *community infrastructure* to support growth
- ensure sustainable water and wastewater services are available to support future growth
- identify natural systems and *prime agricultural areas*, and enhance the conservation of these valuable resources
- support the protection and conservation of water, energy, air and cultural heritage, as well as integrated approaches to waste management.

Figure 6: Growth Plan Policy Directions (MMAH, 2013)

According to the Growth Plan *Managing Growth* 2.2.2 policies, new growth and development should mainly occur within built-up areas through intensification.⁶¹

⁶¹ Growth Plan, Section 2.2.2

Intensification is defined as four different types of development: redevelopment of an existing built area or brownfield; the development of underutilized lots within built-up areas; urban infill; and the expansion of existing buildings. Further, intensification is generally regarded as development in an area at a higher density than what currently exists.⁶² Within built-up areas, municipalities or the Minister of Infrastructure identify intensification areas in their respective official plans and supporting policies to accommodate this intensification and meet intensification target(s). Intensification areas are meant to accommodate the majority of intensification, which should be made up of “... urban growth centres, intensification corridors, major transit station areas, and other major opportunities...” (MMAH, 2013).

Furthermore, municipalities are required to define Settlement Area Boundaries in their Official Plans,⁶³ which is where the majority of development should occur with a mix of land uses. Settlement Area Boundaries include built-up areas and rural settlement areas, and **Figure 7** shows this relationship between settlement areas, built-up areas, and intensification areas. As mentioned, intensification areas are only located within built-up areas, but built-up areas are not entirely intensification areas themselves. Municipalities or the Minister of Infrastructure define intensification areas depending on whether they can accommodate further development with pre-existing services, infrastructure, and density.

⁶² Growth Plan, Section 7

⁶³ MMAH, 2013

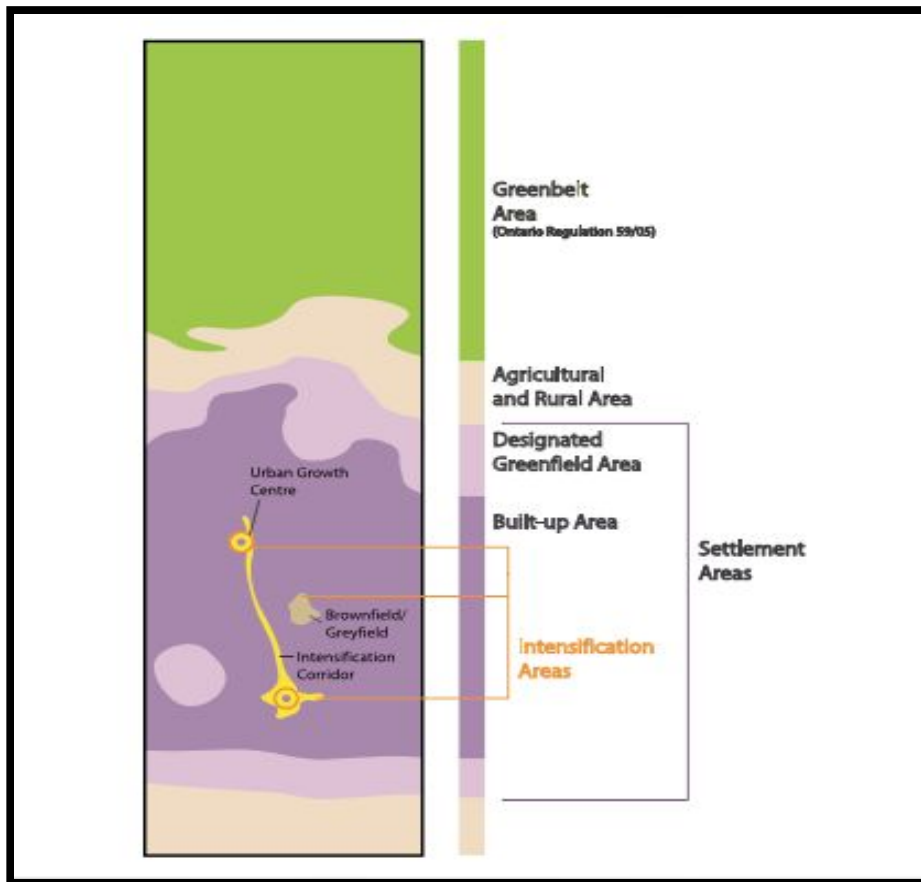


Figure 7: Growth Plan and Land Use Terminology (MMAH, 2013)

From the point when a municipality has defined intensification areas within a built-up area, intensification targets are determined based on population growth forecasts as shown in **Figure 6**. Upper and single-tier Municipalities are required to establish intensification targets so that a minimum of forty percent of the increase in population forecasted in **Figure 6** is located within built-up areas. Through their Official Plan policies, municipalities must also identify urban growth centres, intensification corridors, and major transit stations to achieve higher densities than other areas within built-up areas.⁶⁴ Municipal Official Plans must account for density and built form requirements that pertain especially to these intensification areas, and included in these particular Official Plan policies are the identification of scale of

⁶⁴ MMAH, 2013

developments, the mix of land uses, and appropriate transitions of built form to adjacent areas of lesser density.

Distribution of Population and Employment for the Greater Golden Horseshoe to 2041 (figures in 000s)								
			UPDATED FORECASTS					
	POPULATION	EMPLOYMENT	POPULATION			EMPLOYMENT		
	2031A	2031A	2031B	2036	2041	2031B	2036	2041
Region of Durham	960	350	970	1,080	1,190	360	390	430
Region of York	1,500	780	1,590	1,700	1,790	790	840	900
City of Toronto	3,080	1,640	3,190	3,300	3,400	1,660	1,680	1,720
Region of Peel	1,640	870	1,770	1,870	1,970	880	920	970
Region of Halton	780	390	820	910	1,000	390	430	470
City of Hamilton	660	300	680	730	780	310	330	350
GTAH TOTAL*	8,620	4,330	9,010	9,590	10,130	4,380	4,580	4,820

Table 3: Population and Employment Distribution and Forecasts for GGH (Hemson Consulting Ltd. (2013))

5.3 Comparison of Growth Plan Intensification Policies and Gananoque Official Plan Policies, to Benefits and Drawbacks of DPS

The respective residential intensification and density objectives of the Gananoque Official Plan and the Growth Plan must be compared to the above DPS benefits and drawbacks to determine if either of the two sets of objectives are more-suited to be fulfilled by DPS.

Table 4: Growth Plan Residential-related Intensification Objectives Compared to DPS Characteristics

Growth Plan Intensification Objectives	DPS Benefit Applicable?	DPS Difficulty Applicable?
2.2.2(1)(a) "...directing a significant portion of new growth to the <i>built-up areas</i> of the community through <i>intensification</i> " (MMAH, 2013)	None. Although there are DPS benefits that will help to achieve more growth in intensification areas, there are none that can help to decide where to allocate it.	None. There are no DPS drawbacks that should be able to affect where intensification is allocated.
2.2.2(1)(b) "...focusing <i>intensification</i> in <i>intensification areas</i> ," (MMAH, 2013)	None. Policy objectives for where intensification should go will not be uniquely helped by the benefits of the DPS. Other traditional types of zoning schemes could do this in the same way.	None. There are no DPS drawbacks that should be able to affect where intensification is allocated.
2.2.2(1)(d) "...reducing dependence on the automobile through the development of mixed-use, <i>transit-supportive</i> , pedestrian-friendly urban environments" (MMAH, 2013)	None. Although the permitted uses and provisions can help to achieve this objective, there are no benefits of DPS that can help to decide on what these uses and provisions should be.	None. There are no DPS drawbacks that should be able to affect where intensification is allocated.
2.2.3(1) "By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- and single-tier municipality will be within the <i>built-up area</i> ." (MMAH, 2013)	None. Although the permitted uses and provisions can help to achieve this objective, there are no benefits of DPS that can help to decide on what these uses and provisions should be.	None. There are no DPS drawbacks that should be able to affect where intensification is allocated.
2.2.3(6) "All municipalities will develop and implement through their official plans and other supporting documents, a strategy and policies to phase in and achieve <i>intensification</i> and the <i>intensification target</i> ." (MMAH, 2013)	None. Although the permitted uses and provisions can help to achieve this objective, there are no benefits of DPS that can help to decide on what Official Plan policies should be.	None. There are no DPS drawbacks that should be able to affect where intensification is allocated.
2.2.3(6)(b) "...encourage	None.	None.

<i>intensification</i> generally throughout the <i>built-up area</i> " (MMAH, 2013)	Although there are DPS benefits that will help to achieve more growth in intensification areas, there are none that can help to decide where to allocate it.	There are no DPS drawbacks that should be able to affect where intensification is allocated.
2.2.3(6)(c-j) Generally, intensification target areas and urban growth corridors, should be identified; appropriate scale of development for intensification areas should be determined; establish minimum density targets for intensification corridors. ⁶⁵	None. Although there are DPS benefits that will help to achieve more growth, reach intensification targets, and develop at appropriate scales in intensification areas, there are none that can help to decide where to allocate it.	None. There are no DPS drawbacks that should be able to affect where intensification is allocated.
2.2.3(7) Generally, intensification areas should "attract significant population ... growth," (MMAH, 2013) achieve the highest densities in built-up areas, and transition to lesser dense areas. ⁶⁶	Flexibility (may or may not be applicable). This benefit does not apply to any of the aforementioned objectives, except maybe for the transitioning of density between dense and less dense areas. This benefit may apply because of the as-of-right variations that may be built into DPS. However, these variations are not definite like provisions are in zoning by-laws. Therefore, the transitions that the Growth Plan speaks of can only be definite if the transitions are somehow explicitly considered by the DPS. This then brings up another issue, and that is whether transitions between densities should be relied on by variations (with the hope that the appropriate variations to provisions will be applied for). If not, then variations should be built into DPS by way of directly limiting built forms and uses, which does not take advantage of the DPS unique qualities.	None. There are no DPS drawbacks that should be able to affect where intensification is allocated.

Table 5: Gananoque Official Plan Residential Intensification Policies Compared to DPS Benefits and Difficulties

⁶⁵ MMAH, 2013

⁶⁶ MMAH, 2013

Gananoque Official Plan Objective	DPS Benefit Applicable?	DPS Difficulty Applicable?
3.1.1(1) “Protect and enhance existing residential uses in a mixed use setting” (Town of Gananoque, 2008)	<p>None.</p> <p>Although there are DPS benefits that will help to protect and enhance existing residential uses in mixed-use settings, it is up to staff and council to first establish permitted (and discretionary) uses and the necessary variations to performance standards that will allow the DPS to achieve this objective. The form of the DPS cannot do this itself; it is the as-of-right content of the DPS that will allow for this benefits. Therefore, DPS do not inherently achieve this objective. If anything, the benefit of <i>flexibility</i> will help this Official Plan objective as long as the necessary provisions are in place before this benefit can apply.</p>	<p>None.</p> <p>Whether or not a DPS includes the permitted and discretionary uses with associated performance standards to achieve this objective, none of the DPS difficulties should influence the implementation of those objectives.</p>
3.1.1(2) “Encourage new medium and high density residential uses in a mixed use setting” (Town of Gananoque, 2008)	<p>None.</p> <p>There are no DPS benefits that will help to encourage types of densities. This objective must be achieved by the decisions of staff and council when deciding to implement Official Plan policies into the permitted and discretionary uses, and provisions of the DPS. Again, this is a matter of whether the appropriate content is included into the DPS, rather than how the DPS functions.</p>	<p>None.</p> <p>Whether or not a DPS includes the permitted and discretionary uses with associated performance standards to achieve this objective, none of the DPS difficulties should influence the implementation of those objectives.</p>
3.1.1(4) “Encourage the rehabilitation and or conversion of vacant industrial buildings “ (Town of Gananoque, 2008)	<p>Flexibility.</p> <p>Considering this objective applies to lands that are designated mixed-use, which allow for both commercial and residential uses, the function of the DPS inherently benefits this objective by allowing for flexibility in whatever permitted uses are included in its content. The main difference between this objective and other objectives where DPS benefits do not apply, is that this objective applies the benefits of the DPS to the permitted uses included within the mixed-use area.</p>	<p>None.</p> <p>Whether or not DPS provisions allows for the rehabilitation or conversion of vacant industrial buildings, none of the DPS difficulties should influence the implementation of this objectives.</p>

<p>3.2.1(1) “Promote and support development which provides for affordable, freehold and/or rental housing with a full range of density types” (Town of Gananoque, 2008)</p>	<p>None. There are no DPS benefits that will help to encourage these types of housing. This objective must be achieved by the decisions of staff and council when deciding to implement Official Plan policies into the permitted and discretionary uses, and provisions of the DPS. This is a matter of whether the appropriate content is included into the DPS, rather than how the DPS functions.</p>	<p>None. Whether or not DPS provisions allows for the promotion and support of such development, none of the DPS difficulties should influence the implementation of this objectives.</p>
<p>3.2.1(2) “Designate a sufficient supply of land to meet the Town’s residential requirements” (Town of Gananoque, 2008)</p>	<p>None. There are no DPS benefits that will help to encourage a sufficient supply of housing to meet residential requirements. This objective must be achieved by the decisions of staff and council when deciding to implement Official Plan policies into the permitted and discretionary uses, and provisions of the DPS. This is a matter of whether the appropriate content is included into the DPS, rather than how the DPS functions.</p>	<p>None. Whether or not DPS provisions allows for the designation of a sufficient supply of lands to meet the Town’s requirements, none of the DPS difficulties should influence the implementation of this objectives.</p>
<p>3.2.1(3) “Ensure that land use policies and zoning do not establish barriers to a more balanced supply of housing;” (Town of Gananoque, 2008)</p>	<p>Flexibility. The benefit of flexibility inherently applies to this objective; the objective means to ensure that there are similar volumes of types of housing types available. As long as an area permits residential uses - that is, as long as staff and council ensure that the appropriate permissions are in place - then the functions of the DPS can work toward ensuring the there is a balanced supply of housing types.</p>	<p>None. Whether or not DPS provisions ensure that land use policies and zoning do not establish barriers to the supply of housing, none of the DPS difficulties should influence the implementation of this objectives.</p>
<p>3.2.1(4) “Ensure that residential intensification, infilling and redevelopment within existing neighbourhoods is compatible with surrounding uses in terms of architectural design and density;” (Town</p>	<p>Flexibility. The benefit of flexibility inherently applies to this objective. Again, as long as staff and council ensure that the appropriate permissions and standards are in place, the function of the DPS can be applied so that surrounding designs and densities are considered to</p>	<p>None. Whether or not DPS provisions ensure that development is compatible with surrounding uses, none of the DPS difficulties should influence the implementation of this</p>

of Gananoque, 2008)	determine how appropriate a development proposal is.	objectives.
3.2.1(5) “Allow for the redevelopment of vacant buildings for residential purposes in a mixed use environment” (Town of Gananoque, 2008)	None. There are no DPS benefits that will allow for the redevelopment of vacant buildings for residential purposes in mixed use environments. This objective must be achieved by the decisions of staff and council when deciding to implement Official Plan policies into the permitted and discretionary uses, and provisions of the DPS. This is a matter of whether the appropriate content is included into the DPS, rather than how the DPS functions.	None. Whether or not DPS allows for the redevelopment of vacant buildings for residential uses, none of the DPS difficulties should influence the implementation of this objectives.
3.2.1(6) “Encourage housing opportunities that are in proximity to work, shopping, and recreation to reduce the need to drive and encourage walking and cycling” (Town of Gananoque, 2008)	None. There are no DPS benefits that will help to encourage a sufficient supply of housing to meet residential requirements. This objective must be achieved by the decisions of staff and council when deciding to implement Official Plan policies into the permitted and discretionary uses, and provisions of the DPS. This is a matter of whether the appropriate content is first included into the DPS, rather than how the DPS functions.	None. Whether or not DPS allows such housing opportunities, none of the DPS difficulties should influence the implementation of this objectives.
3.2.1(7) “Permit a range of activities in residential areas including home-based Businesses, local commercial, bed and breakfasts, Heritage Tourist Inn group homes, churches, schools, community facilities and open space.” (Town of Gananoque, 2008)	None. There are no DPS benefits that will help to permit a range of activities in residential areas. This objective must be achieved by the decisions of staff and council when deciding to implement Official Plan policies into the permitted and discretionary uses, and provisions of the DPS. This is a matter of whether the appropriate content is first included into the DPS, rather than how the DPS functions.	None. Whether or not DPS allows such activities, none of the DPS difficulties should influence the implementation of this objectives.

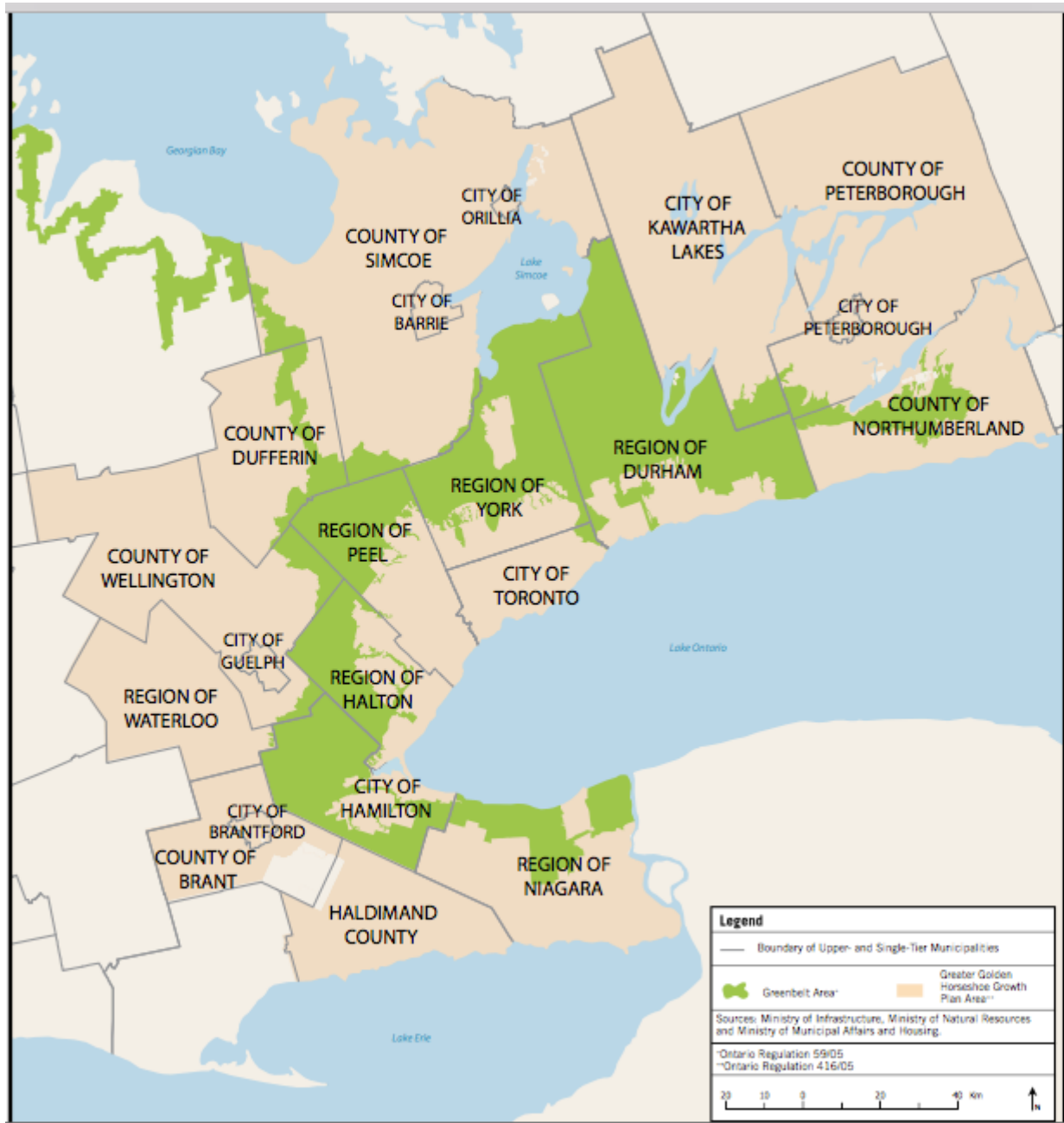
6. CONCLUSION

Based on the above comparison of Gananoque Official Plan and Growth Plan objectives to the benefits and difficulties inherent in the function of DPS, it is apparent that DPS somewhat inherently achieve residential intensification policies, depending on whether the intensifications provisions are included within the DPS to begin with. Therefore, the beneficial effect of *Flexibility* is conditional - the function of DPS can inherently work to further intensification provisions that are already contained within it, but cannot provide the benefit without those provisions there in the first place.

Of course, residential intensification policies are first achieved by way of the appropriate Official Plan objectives and policies, which is obvious even without this exercise. However, it is important to point out if Ontario municipalities are going to implement DPS to achieve certain desirable outcomes related to intensification, then in certain scenarios when the *Flexibility* benefit applies, those provisions will be furthered by DPS functionality. Intended DPS outcomes should be limited to the Official Plan policies that the DPS is meant to achieve, but it is useful to know that the function of DPS is not completely passive, and that it can further the intention of the provisions (content) it contains.

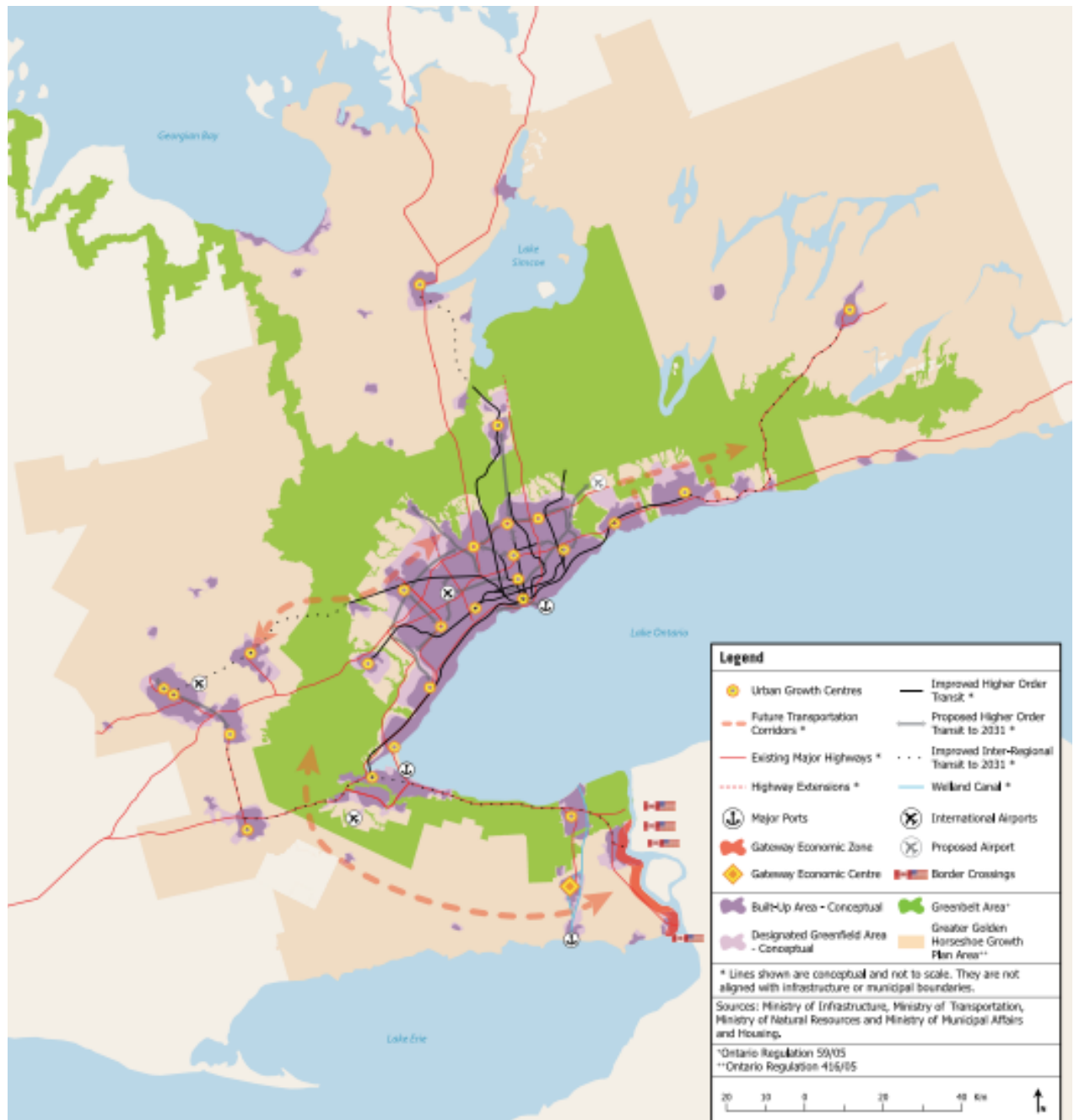
APPENDICES

Appendix A - Growth Plan for the Greater Golden Horseshoe Area



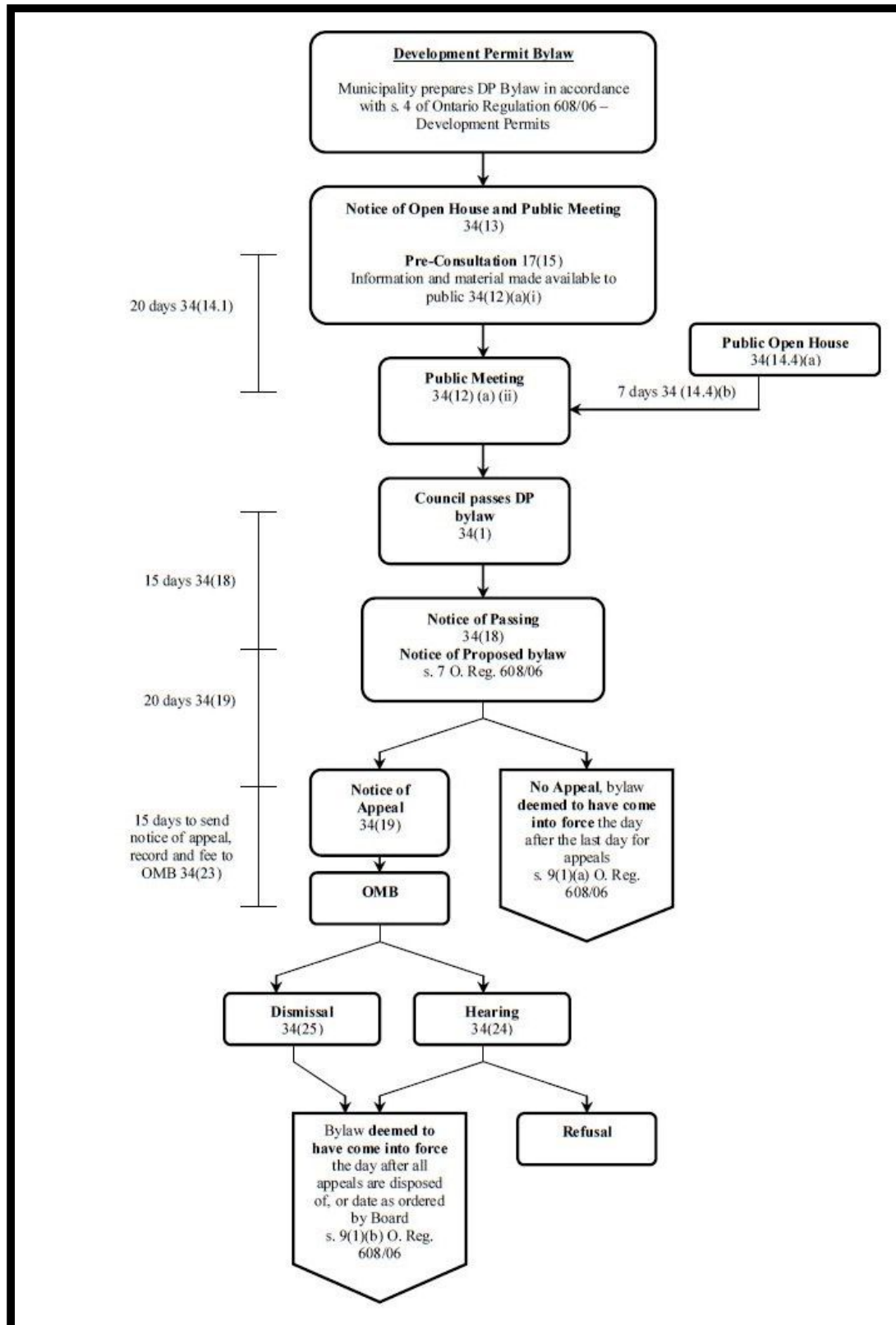
Upper- and Single-Tier Municipalities in the Greater Golden Horseshoe (MMAH, 2015)

Appendix B - Places to Grow Concept



General Land Designations in the Greater Golden Horseshoe (MMAH, 2015)

Appendix C - Development Permit Process From MMAH DPS Handbook



Development Permit Bylaw Process (MMAH, 2008)

Appendix D - Schedule 2 of O. Reg. 246/01: DEVELOPMENT PERMITS under Planning Act, R.S.O. 1990, c. P.13

SCHEDULE 1

1. Those lands in the City of Hamilton which are bounded to the north by the centre line of Wilson Street, to the east by the centre line of Catharine Street North and South, to the west by the centre line of James Street North and South, and to the south by the centre line of Jackson Street East.
2. Lands in the Town of Oakville in The Regional Municipality of Halton, being the land shaded in black on map numbered 211 identified by the stamp of the Registrar of Regulations on March 21, 2003 and filed with the Provincial Planning and Environmental Services Branch of the Ministry of Municipal Affairs in Toronto.
3. All lands within the Township of Lake of Bays within the following lakes and rivers and all lands which lie within 500 metres of the ordinary water's edge of those lakes and rivers:

Lake of Bays; and the following lakes:

Allen; Angel; Axle; Bella; Benson; Big Hoover; Big Stephen; Black; (Black River and south Muskoka subwatersheds); Blue; Brooks; Buck; Burns; Camp; Campstool; Carcass; Chalk; Chub; Circular; Cooper; Cotter; Cream; Crotch; Dan; Dickie; Dotty; Doughnut; Dunn; Eastell; Echo; Fifteen Mile; Fitzell; Fleming; Flossie; Foote; Fowler; Goodman; Gosling; Grandview; Greenish; Grindstone; Grouse; Hardup; Heck; Heeney; Helve; Horse; Insula; Jerry; Jill; Lasseter; Lee; Little Clear; Little Hoover; Little Margaret; Little Pell; Longline; Loon; Lower Raft; Lower Schufelt; Mansell; Margaret; Marion; Martin; Martencamp; McEwen; McReynolds; Menominee; Mink; Moot; Mug; Nelson; North Dotty; Oxbow; Pairi (Twin)1; Pairo 2; Peeler; Pell; Peninsula; Porcupine; Raven; Rebecca; Red Chalk; Ridout; Ril; Roundabout; Sage; St. Mary/Paint; Samlet; Schufelt; Seventeen Mile (Big East River and Lake of Bays subwatersheds); Sixteen Mile; Shapter; Shoe; Slim; Sly; Solitaire; South Nelson; South Tasso; Spaniel; Splatter; Steeple; Surprise; Tackaberry; Tasso; Teapot; Three Island; Tom; Tooke; Upper Oxbow; Upper Raft; Upper Twin; Verner; Walker; Whitehouse; Wildcat; Wilson; Wolfkin; Woodbine.

Rivers:

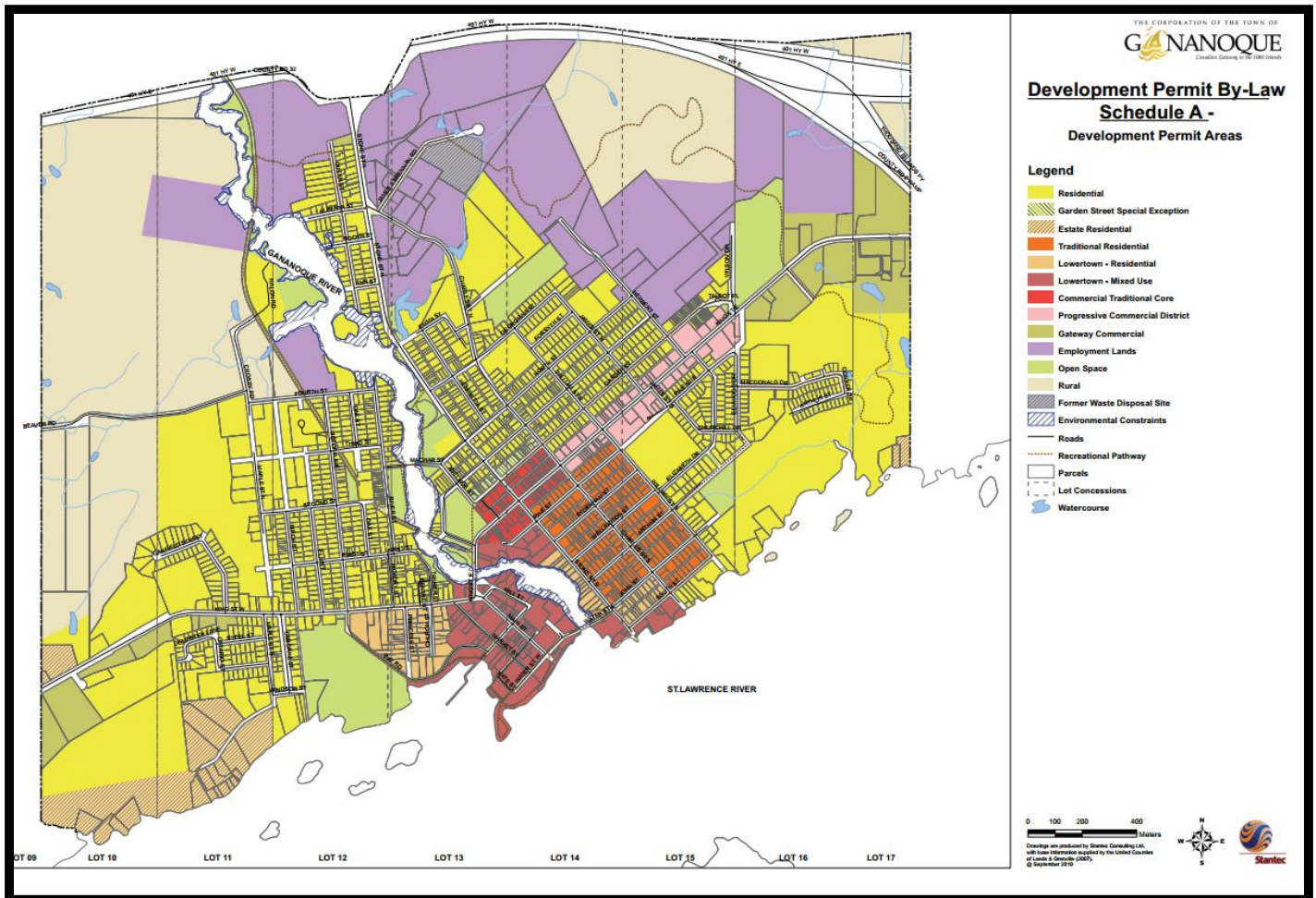
Big East; Black; Muskoka; Oxtongue.

4. Those lands in the City of Toronto known as the Central Waterfront Planning Area, generally lying to the east of Triller Avenue and to the west of Coxwell Avenue and bounded to the south by Lake Ontario, being the lands lying within the area outlined in red on a map numbered 206 identified by the Registrar of Regulations Office on June 11, 2001 and filed with the Provincial Planning and Environmental Services Branch of the Ministry of Municipal Affairs and Housing at Toronto.
5. Those lands in the City of Waterloo, City of Cambridge, City of Kitchener, Township of North Dumfries, Township of Wilmot, Township of Woolwich and Township of Wellesley in The Regional Municipality of Waterloo, being the lands outlined in red on a map numbered 207 and more specifically identified in maps 207A-E inclusive identified by the Registrar of Regulations Office on June 11, 2001 and filed with the Provincial Planning and Environmental Services Branch of the Ministry of Municipal Affairs and Housing at Toronto.

O. Reg. 246/01, Sched. 1; O. Reg. 90/02, s. 1; O. Reg. 78/04, s. 2.

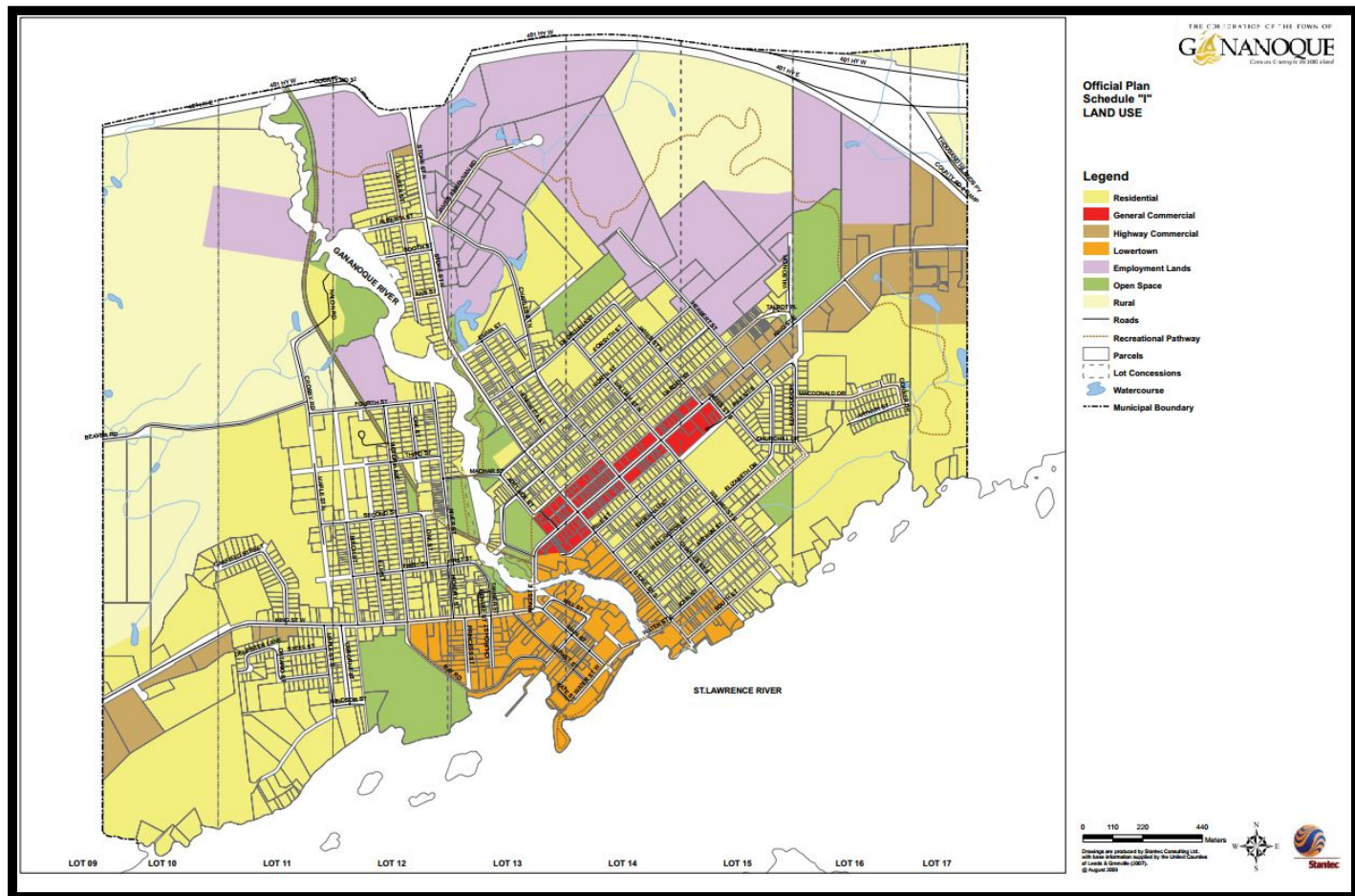
O. Reg. 246/01: DEVELOPMENT PERMITS under Planning Act, R.S.O. 1990, c. P.13

Appendix E - Town of Gananoque DPS Area



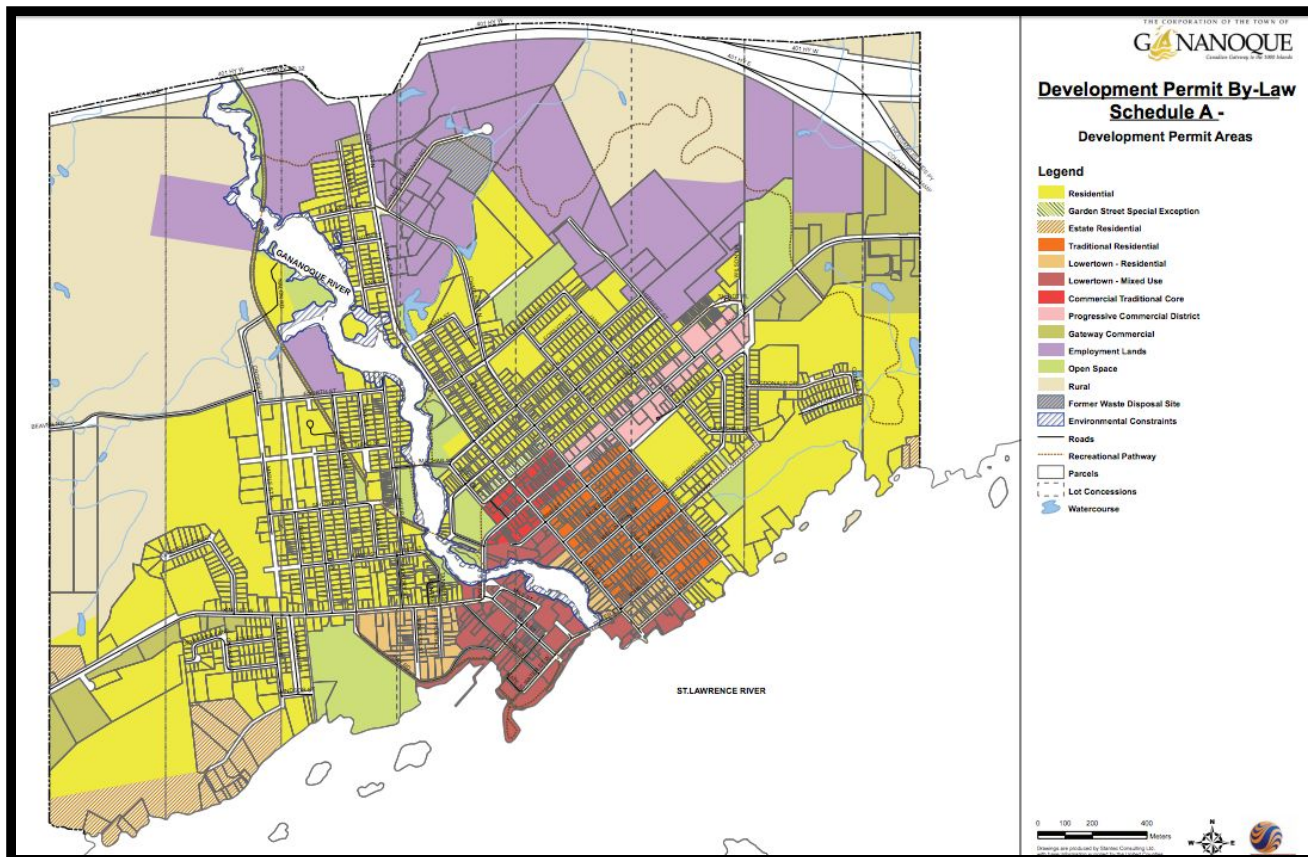
Stantec Consulting Ltd. (2010). Town of Gananoque Development Permit By-law Schedule A.

Appendix F - Town of Gananoque Official Plan Land Use Map



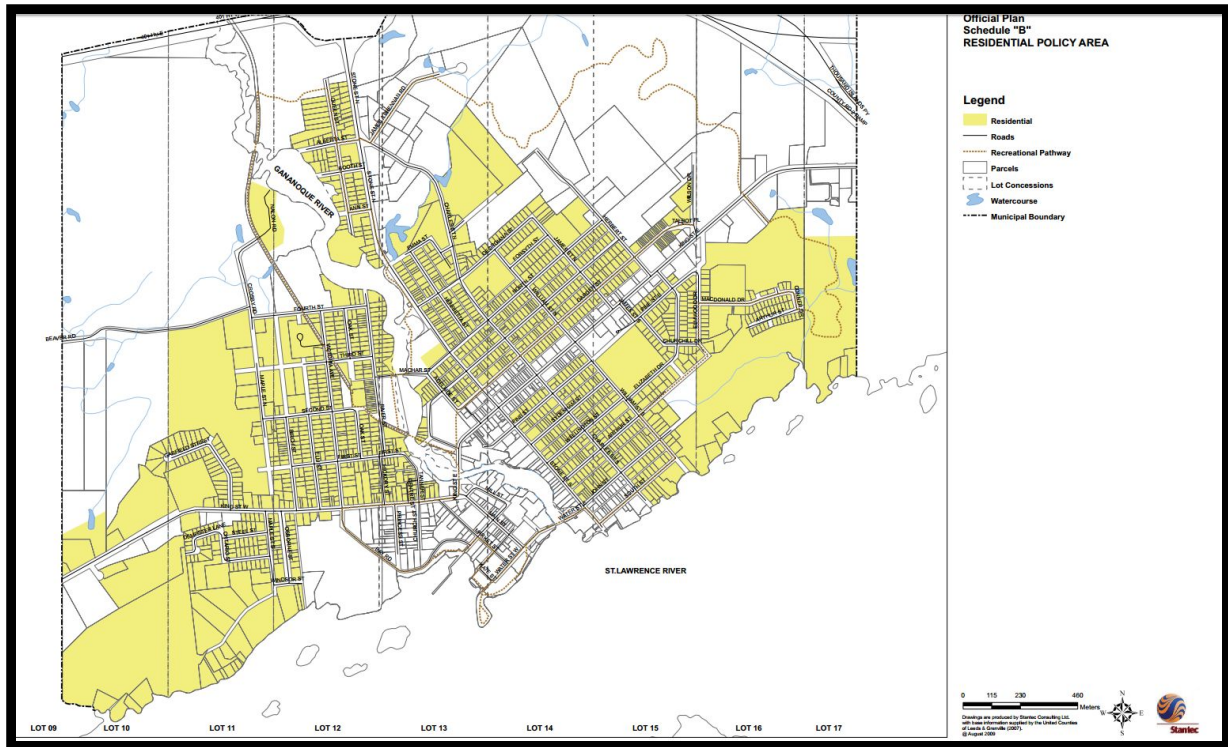
Stantec Consulting Ltd. (2009). Town of Gananoque Official Plan Land Use Map.

Appendix G - Development Permit By-law Schedule A



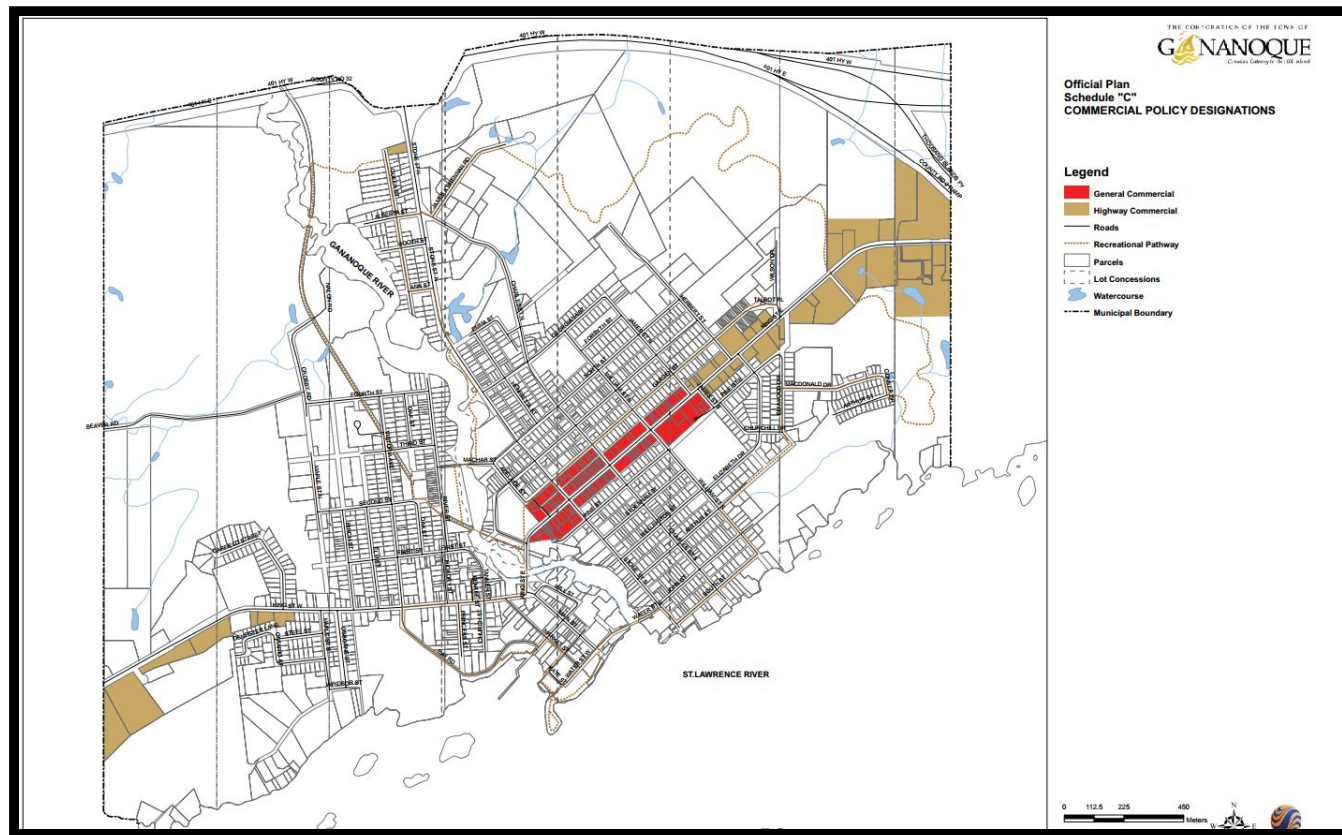
Stantec Consulting Ltd. (2010). Town of Gananoque Development Permit Bylaw, Schedule A.

Appendix H - Town of Gananoque Official Plan Residential Policy Area



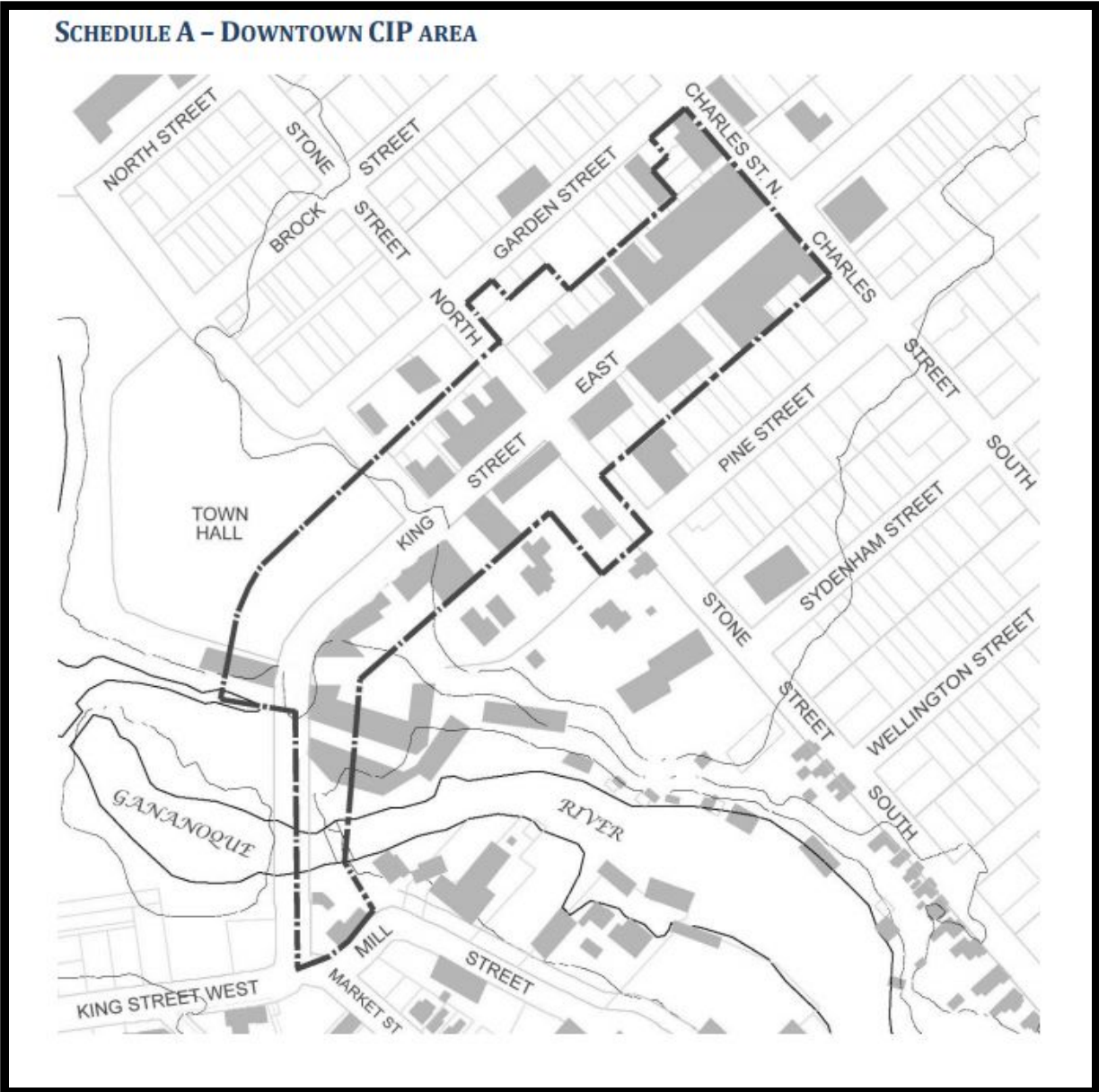
Stantec Consulting Ltd. (2009). Town of Gananoque Official Plan Residential Policy Area Map.

Appendix I - Town of Gananoque Official Plan Commercial Policy Area



Stantec Consulting Ltd. (2009). Town of Gananoque Official Plan Commercial Policy Area Map.

Appendix J - Town of Gananoque Community Improvement Plan Area Map



Town of Gananoque (2012). Town of Gananoque Downtown CIP Area Map.

Appendix K - Location Map of Town of Gananoque



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