

## Additional Information on Lifting of Holding ('H') Symbols, Exemptions for Draft Plans of Condominium and Community Permit Planning Systems

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### **Delegation of Lifting of Holding ("H") Symbols**

Section 36 of the *Planning Act* authorizes municipalities to apply a Holding ("H") Symbol to a Zoning By-law in order to delay the development of the site until specific conditions are met. Holding ("H") Symbols are often applied to achieve orderly staging of development, confirm adequate infrastructure and community services, ensure the execution of legal agreements, and/or ensure approval of any necessary supporting studies. The "H" is intended to be applied when the principle of the use has already been determined, but there are outstanding technical conditions that must be met prior to the development of the site.

When the conditions of the "H" Symbol have been met, it can be lifted through the submission of a Zoning By-law Amendment application to specifically remove the "H" Symbol. The application is submitted together with a fee and supporting material identifying that the conditions of the "H" have been met. Following a review of all applicable information and comments from agencies, Planning staff prepare a Report and By-law to Committee and Council for consideration.

When implementing a Holding "H" Symbol through a Zoning By-law Amendment, there is a public process and staff bring forward a Report and By-law with a recommendation to Committee and Council for consideration. These documents outline why the "H" is required and would identify the specific and detailed conditions of the "H" which must be met prior to it being lifted.

Delegating the approval authority and permitting staff to bring forward a By-law to remove the "H" symbol without an accompanying staff report, is one measure that Council can take to reduce delays associated with development approvals, while still protecting the interests of the municipality. The process to lift a Holding provision is administrative in nature as the land use decision has already been made. The application, i.e. site-specific zoning bylaw amendment for which the holding applies, has already gone through a public process and been approved by Council. Staff would continue to provide notice of the intent to lift the Holding "H" Symbol as required by the *Planning Act*.

### **Exemption of Draft Plan of Condominiums**

Currently the Town's standard process is that all condominium types (standard, common element, vacant land, phased and leasehold) are processed following the same process as draft plans of subdivision, where appropriate circulation is done, a public meeting is held and once satisfactory the proposal receives "draft approval" where the applicant then satisfies those conditions prior to final approval and registration of the Plan. However, only vacant land and common element condominiums are required to follow the full requirements of the *Planning Act*, including a statutory public meeting.

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The *Condominium Act* recognizes that in most cases condominium applications are simply approving the tenure of ownership and are not making a land-use planning decision. The Act provides that a municipality may exempt these types of condominiums from the “full draft plan requirements” under the Subdivision of Land Section of the *Planning Act*. Under the exemption, an application will be circulated to agencies and departments for comment and review to ensure that all matters and obligations related to the previously approved *Planning Act* applications are satisfied as they relate to the condominium. If the circulation determines that items remain outstanding, a letter would be issued outlining what steps/criteria need to be met for the condominium to register or the applicant will be told that a full draft plan of condominium is required. Once the Town is satisfied that all outstanding items are cleared, the plan can be registered. The actual registration/final sign-off of the condominium plan follows the exact same steps as a plan of subdivision. The exemption process streamlines the draft plan of condominium process and benefits the purchaser of these units allowing the developer to register the condominium sooner, without affecting any public interest matters.

The Town may exempt a draft plan of condominium application from receiving draft plan approval on an application-by-application basis, or by passing a By-law that identifies the classes of condominiums that will be exempted from approval. The *Condominium Act* and *Planning Act* do not expressly identify criteria under which an application for a plan of condominium may be exempt from the requirement to follow the full *Planning Act* approval process. In this instance, staff recommend following the practices of other municipalities that use this process. The Town would only exempt condominiums which have previous *Planning Act* approvals in place, and where no further conditions of approval are required by the municipality for the development to proceed. Staff is seeking Council authorization to exempt condominiums where the condominium is located on lands which have been subject to an approved Draft Plan of Subdivision, privately initiated Zoning By-law Amendment and/or Site Plan.

### **Community Permit Planning System (CPPS)**

The *Planning Act* provides for the ability to use a Community Planning Permit System (CPPS). A CPPS is a planning tool which looks to create streamlined and efficient development approval processes, reducing processing timelines. Essentially, a CPPS will replace Zoning and Site Plan application processes into one combined development process. The CPPS process is similar to the Niagara Escarpment Development Permit process.

The Town's New Official Plan introduces language suggesting that the Town explore implementing a CPPS. In order to proceed, the Town would need to examine the purpose, applicability and areas best suited for a CPPS, before adopting an Official Plan Amendment and passing a Community Planning Permit By-law. Similar to a Zoning By-law, the Community Planning Permit By-law would contain a list of permitted uses and development standards, such

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as land uses, height and density and would also specify classes of development or uses of land which are exempt from receiving a permit (i.e. sheds, pools). A Community Planning Permit By-law can be subject to appeal by anyone who participates in its formation.

The Town would also need to implement a process to issue permits once the system is in place. The Town would issue permits to allow development to occur if an application meets the standards set out in the Community Planning Permit By-law. Once the By-law is in place, only the person making an application for a permit can appeal a decision or lack thereof by the municipality.

Town staff are requesting that Council direct staff to determine how a Community Planning Permit System may be applicable in the Town.