

THE CITY OF



# Waterloo

# Community Planning Permit System

## Education Booklet



Planning & Design Inc.



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# What is a Community Planning Permit System?

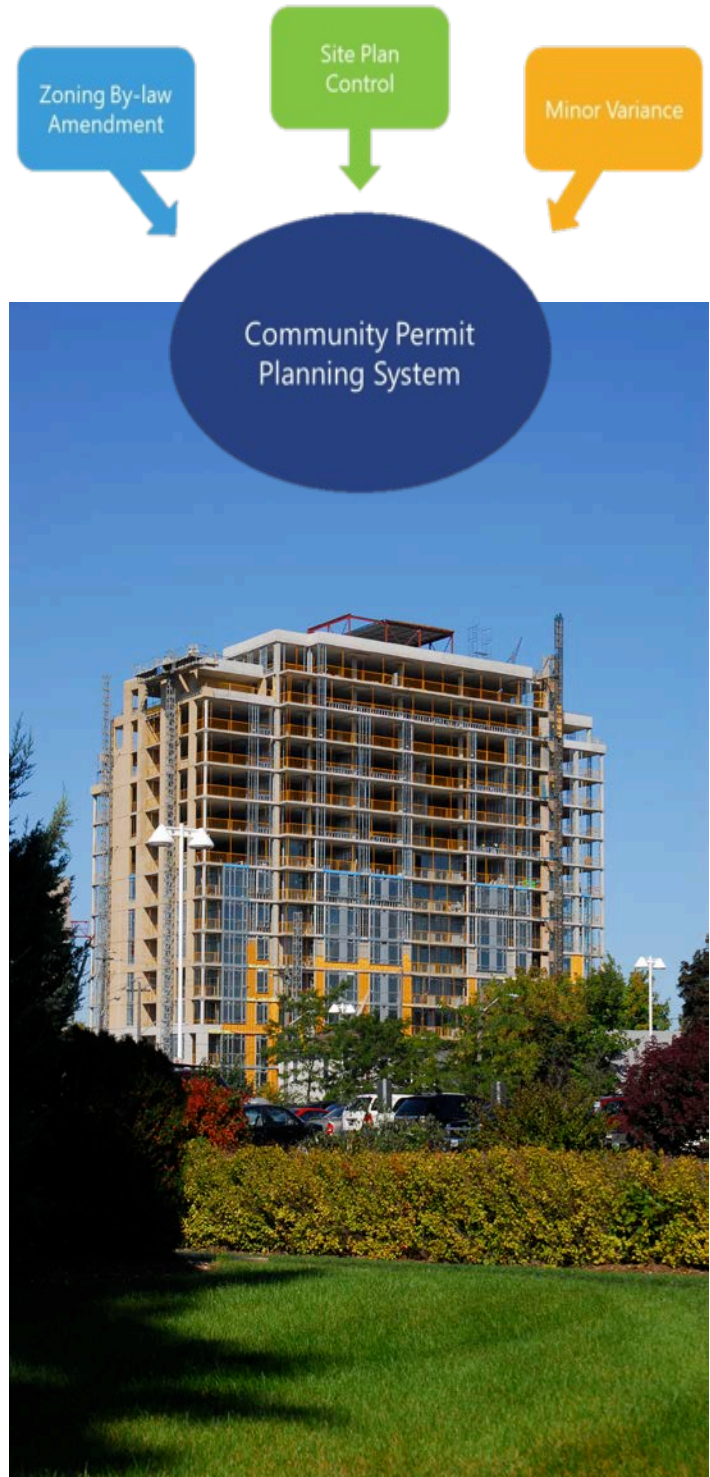
The Community Planning Permit System (CPPS) is a land use planning tool available to municipalities in Ontario that combines **Zoning By-law Amendments, Minor Variances** and **Site Plan Applications** into one single application and approval process.

Formerly known as the Development Permit System (DPS), a CPPS provides an alternative to the typical planning approval process. Over the past decade, the CPPS has slowly gained traction in Ontario municipalities as collective understanding of the tool has evolved. Key benefits of this tool in Waterloo would include:

- A streamlined development process;
- A more flexible system;
- The opportunity to apply a broader scope of review; and
- Support for local objectives such as increased housing diversity, transit-supportive development, promoting high quality sustainable design and environmental protection.

A CPPS process would be administered through a new CPP By-law, in place of all or a portion of the City's Zoning By-law 2018-050. A CPP By-law could be applied to the entire City, or specified geographic areas.

The City would need to amend their Official Plan by adopting policies for the CPPS Area(s) prior to or at the same time as adopting the CPP By-law. Once a CPP By-law is in effect, the City can issue Planning Permits to allow development to occur if an application meets the standards set out in the CPP By-law.



## What is a Minor Variance?

A **Minor Variance** allows a property owner to request a minor modification to the requirements of the Zoning By-law to use or develop land in a way that does not conform to the Zoning By-law, but follows its general intent. There are four tests that must be met to approve a Minor Variance, under Section 45(1) of the Planning Act, which shall confirm the application is:

1. Minor in nature;
2. Is desirable for the appropriate development and use of the land;
3. Conforms to the general intent of the Official Plan; and
4. Conforms to the general intent of the Zoning By-law.

Requests for Minor Variances are considered by the City's Committee of Adjustment. Through Bill 23 in 2022, the Province restricted appeal rights to the Ontario Land Tribunal (OLT) for Minor Variance decisions to applicants, municipalities and certain agencies only.

## What is a Zoning By-law Amendment?

A **Zoning By-law Amendment (ZBA)** is required if a proposed development does not comply with the Zoning By-law 2018-050 and relief is not minor enough to be sought by way of a Minor Variance. ZBA decisions are made by City Council. An applicant, or any person or public body who made verbal presentations at a public meeting or provided written submissions before the by-law was passed, may appeal a ZBA to the Ontario Land Tribunal (OLT).

## What is Site Plan Control?

As permitted by Section 41 of the Planning Act, the City has established the entirety of Waterloo as a **Site Plan Control Area**. The primary function of Site Plan Control is to allow City Staff to work with applicants in addressing site-specific design elements such as the location of buildings and structures, site layout, parking and landscaping.





# Provincial CPPS Legislation

The legislative framework authorizing municipalities to implement a CPPS dates back more than 15 years, however, it is only recently that the tool has gained more popularity and attention through implementation by municipalities and changes to the Planning Act (1990).

**2007**

*O. Reg 608/06*  
Development Permits

In 2007, the Planning Act was updated to enable the implementation of a development approvals framework known as the **Development Permit System (DPS)**. The tool was first implemented through *Ontario Regulation 608/06* to offer municipalities the option of managing development in a more streamlined, flexible manner.

**2017**

*O. Reg 173/16*  
Community Planning Permits

Ten years later, *Ontario Regulation 608/06* was revoked and the tool was re-implemented and introduced as the **Community Planning Permit System (CPPS)**. *Ontario Regulation 173/16* is still in effect today, governing how a CPPS may be implemented.

**2019**

*Bill 108*  
More Homes, More Choice Act

Bill 108 introduced the following CPPS changes to the Planning Act:

- The Minister of Municipal Affairs and Housing was given the power to order municipalities to establish an area-specific CPPS. To our knowledge, no municipality has yet been ordered to establish a CPPS. Much like all other municipalities, the City of Waterloo itself is looking into the implementation of a CPPS.
- Opportunities for municipalities to implement **Inclusionary Zoning (IZ)** were confined to Major Transit Station Areas (MTSAs) or areas where a CPPS has been adopted or established in response to an order made by the Minister.

**Nov. 2022**

*Bill 23*  
More Homes Built Faster Act

In November 2022, Bill 23 introduced significant amendments to the Planning Act and other legislation, a few of which include:

- Permissions to develop up to three residential units per lot;
- Restricted appeal rights for Minor Variances and Consents; and
- The exemption of residential developments of up to 10 units from Site Plan Control, removing the ability for municipalities to control external architectural design.

Importantly, no changes were proposed to the CPPS process. Through a CPP By-law, a municipality may still address elements that would typically be addressed through Site Plan Control for all development, including residential developments of 10 units or less.

# Who Else Has Implemented a CPPS?

Only a few municipalities in Ontario have implemented a Development Permit (DP) By-law under the previous legislation or a more recent Community Planning Permit (CPP) By-law.

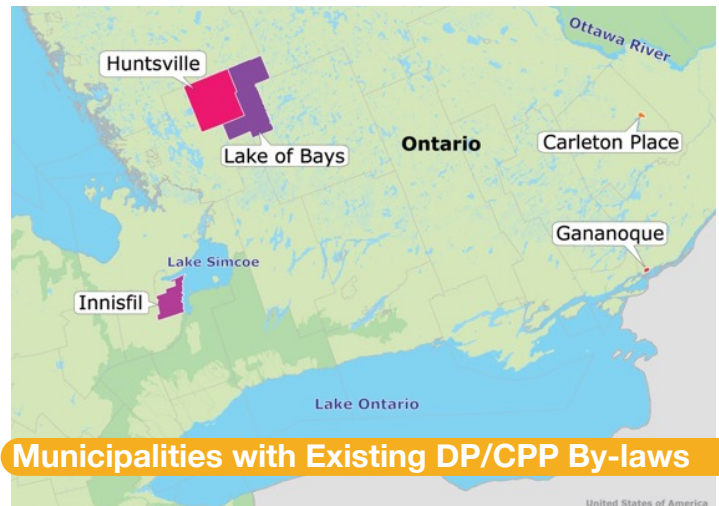
**Lake of Bays** was one of the first municipalities to implement a DPS in 2001 as part of a Provincial pilot project, specifically for their waterfront areas. The Township was one of five DPS pilot municipalities and notably, the only one to actually enact a DP By-law. The municipality passed a Township-wide CPP By-law in 2021.

**Carleton Place's** DP By-law came into effect in 2008. The Town-wide DPS is intended to preserve small-town character, improve the waterfront area, preserve existing neighbourhoods, rehabilitate industrial properties, expand green spaces, diversify culture and recreation, and protect the natural environment.

**Gananoque** adopted a Town-wide DP By-law in 2011, with the objectives of preserving and enhancing character, protecting environmental features and promoting a sustainable development pattern.

**Innisfil's** "Our Shore" CPPS was implemented in 2017 to control development along the Lake Simcoe shoreline. The Town is currently undertaking a Town-wide CPPS Study.

**Huntsville** passed their Town-wide CPP By-law in 2022, after undertaking a comprehensive two-year study. The Town's main intent was to hone in on the waterfront, site alteration and vegetation removal, which the Town previously had little control over.



## Current CPPS Studies

While a number of municipalities have been considering the implementation of a CPPS, the following have initiated public studies.

**Burlington** is in the process of developing area-specific CPP By-laws for their three Go Station MTSAs, following the completion of Area-Specific Plans.

**Brampton** is planning to develop a CPPS for their Queen Street East Corridor, following a Precinct Plan. The City already has a DP By-law for Main Street.

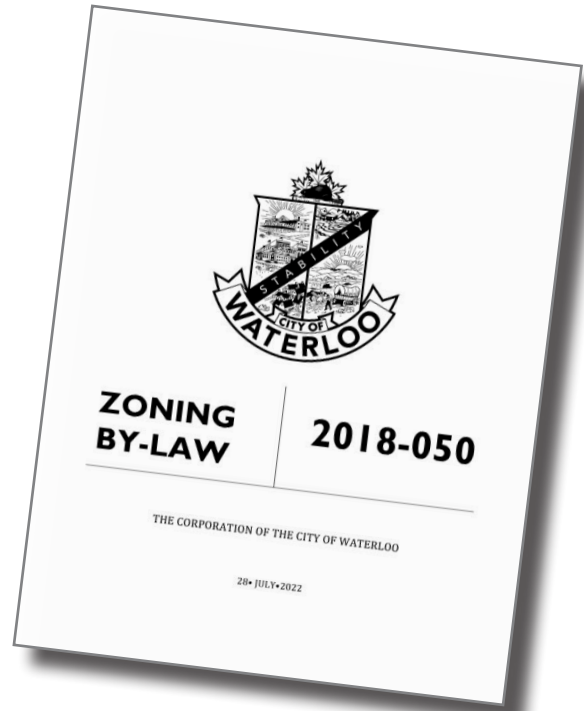
**Ottawa** has initiated a pilot study for a new CPPS within the Kanata North Economic District.

**Saugeen Shores** has been considering the implementation of a future CPPS to encourage housing diversity and affordability.

# How Does a CPP By-law Differ from the City's Zoning By-law?

A CPP By-law in Waterloo would replace all or a portion of the City's existing Zoning By-law 2018-050, depending on whether the CPPS is City-wide or area-specific. The City of Waterloo is currently considering implementing one or more "Pilot Areas" for a CPPS, and therefore, if this approach is taken, the current Zoning By-law would still apply for properties located outside of the CPPS Area.

A CPP By-law is similar to a Zoning By-law in that it regulates the use of land and establishes performance and development standards. Of similar intent to "Zones" within a Zoning By-law, a CPP By-law typically establishes and maps "Precincts" or "Districts". The City's current Zoning By-law would provide the foundation for the establishment of Precincts and inform the fundamental content of the CPP By-law.



## Greater Controls

Both CPP and Zoning By-laws establish requirements such as, but not limited to: lot area; building setbacks and height; number of units and buildings; landscaping; and parking requirements.

CPP By-law's enable municipalities to provide greater controls and conditions regarding aspects of development that typically fall outside of zoning such as **urban design, landscaping, tree removal, site alteration, natural feature protection and flood plain and natural hazard limitations. Community benefits** such as public art contributions or the provision of other community amenities can also be secured through CPP agreements.

## Opportune Timing

The City is in a good position to develop a CPP By-law as Zoning By-law 2018-050 was recently passed. In the implementation of CPP By-laws, many other municipalities have had to deal with updating provisions from old and outdated Zoning By-laws while also ensuring compatibility with their Official Plan.

In Waterloo, the development of a CPP By-law could easily incorporate the provisions and zone standards of the existing Zoning By-law and have the focus be on introducing those new controls that go beyond zoning permissions, as well as the implementation of the new streamlined processes.

# What Does the Community Planning Permit Process Cover?

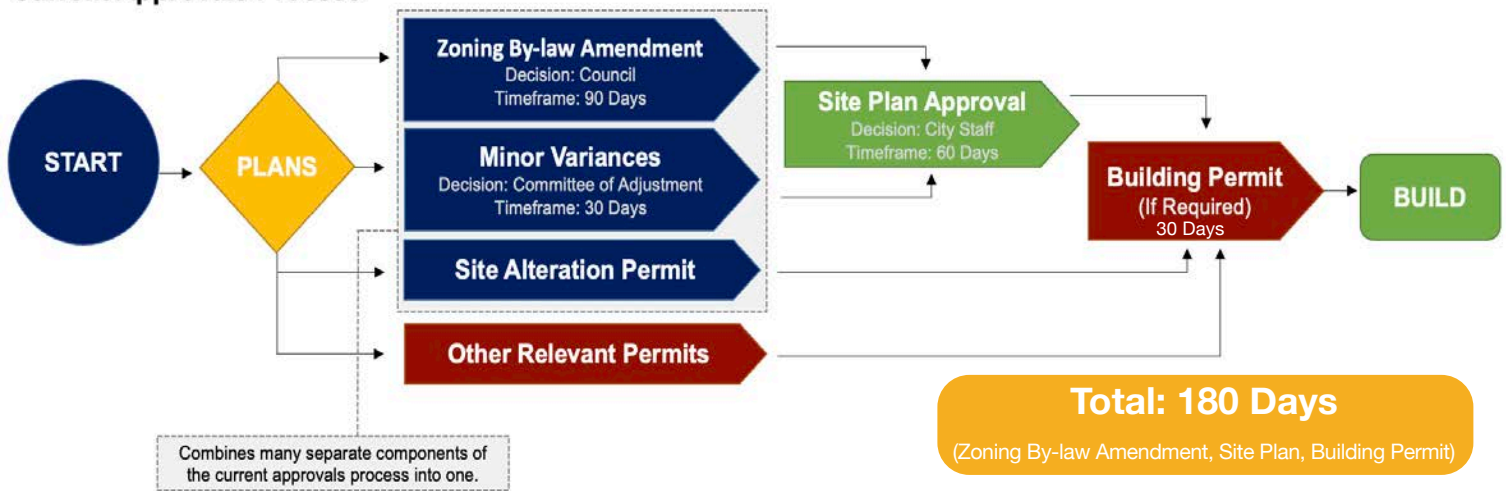
Through Waterloo's current planning process, Zoning By-law Amendments, Minor Variances and Site Plan Control are completed in parallel or consecutively as multiple separate applications. Through a CPPS, the combination of these three application types into one single streamlined approvals process allows for a broader scope of review, as well as considerable flexibility in the application of development standards and land use permissions. A CPP By-law does not replace the need to obtain a Building Permit after a Planning Permit is approved.

For residents, homeowners and developers, a CPPS reduces the number and complexity of applications that need to be submitted, as well as the overall development timeline. The implementation of a CPPS has the potential to reduce decision times by several months.

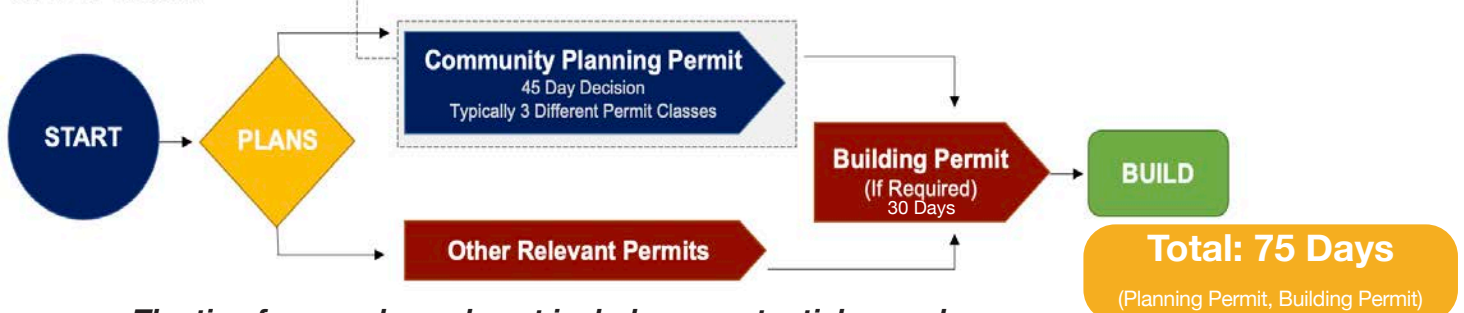
For City Staff, a CPPS allows approval decisions to be made more quickly, with all relevant information. Development applications submitted under a CPPS must be reviewed by the municipality and decided on within **45 days**.

## Current Process and CPPS Process Comparison

### Current Approvals Process



### CPPS Process



*The timeframes above do not include any potential appeals.*



## Approval Authority

A Planning Permit application may be approved by Staff, a Planning Advisory Committee (comprised of Staff and Council) or Council. A CPPS is quite flexible in the way it can be set up with respect to permit classes and approval authority. Most CPP By-laws establish two to three permit classes. Applications that meet all or most performance standards are typically approved by Staff, while more complex applications that need significant variation from the CPP By-law standards are approved by a Planning Advisory Committee or Council.

The City has the ability to develop their own permit class structure and thresholds for variations. The following general structure is recommended as a starting point:

**Class 1:** Development meets all CPP By-law performance standards.

**Staff Approval.**

**Class 2:** Development requires a variation to one or more CPP By-law standards, within the established thresholds of the CPP By-law.

**Staff Approval.**

**Class 3:** Development requires a variation to one or more CPP By-law standards, which are beyond the established thresholds of the CPP By-law.

**Council Approval** - *Provided appropriate municipal approval processes are in place.*

## Consultation

All public and stakeholder consultation is front-ended, meaning it is part of implementing the CPPS-enabling Official Plan policies and the CPP By-law itself. This is different from the traditional planning process where public consultation is firmly embedded. The CPPS legislation does not require public notification of Planning Permit applications, nor any public meetings. In practice however, most municipalities require public notification for higher permit class applications, which is the recommended approach.

## Appeals

Anyone who participated in the CPPS implementation process could appeal the Official Plan Amendment or passing of the CPP By-law to the Ontario Land Tribunal (OLT). Once in place, decisions on a development application may only be appealed by the applicant to the OLT. There are **no third-party appeals** for CPP By-law applications.

## Conditions of Approval

A CPP By-law can impose conditions of approval to be addressed. This is a way to ensure that a decision is made within the legislated 45 day time frame, where certain matters may require additional work or study prior to final approval being granted. Similar to a Site Plan Agreement, an applicant may be required to enter into an agreement with the City registered on title to address the conditions.



# Administrative Process Comparison

While there are key administrative process differences between a traditional application framework and a CPPS application framework, it is important to recognize that the main individual milestones of the application framework are common to both processes. The following represents the key steps from all perspectives, including City Staff, Council and applicants, highlighting key differences.

	Traditional Process	CPPS Process
<b>Step 1:</b> Pre-Submission Consultation	<ul style="list-style-type: none"> <li>City and all applicable agencies identify submission requirements.</li> </ul>	<ul style="list-style-type: none"> <li>City and all applicable agencies identify submission requirements.</li> <li>City identifies type of Planning Permit application (Class 1, 2 or 3).</li> </ul>
<b>Step 2:</b> Application Submission and Public Notice	<ul style="list-style-type: none"> <li>Application deemed “complete”.             <ul style="list-style-type: none"> <li><b>ZBA</b> - Must be deemed complete within 30 days of submission.</li> </ul> </li> <li>Circulation to City Staff and agencies for review.</li> <li><b>ZBA and Minor Variance</b> - Public notice sent out.</li> </ul>	<ul style="list-style-type: none"> <li>Flexibility in determining when an application is deemed “complete” (when the 45 day timeline begins). For example, after agency and department comments are received.</li> <li>Circulation to City Staff and agencies for review.</li> <li>No legislative requirement for notice, however in practice, notice is recommended for higher Permit Class applications (flexibility in approach).</li> </ul>
<b>Step 3:</b> Application Review	<ul style="list-style-type: none"> <li>City Staff and agencies review application.</li> <li><b>ZBA</b> - Staff Report and recommendations to Council.</li> <li><b>Minor Variance:</b> Staff comments with recommendations to Committee of Adjustment.</li> </ul>	<ul style="list-style-type: none"> <li>City Staff and agencies review application.</li> <li>Written evaluation/report.</li> <li>Staff recommendation for higher Permit Class applications approved by Council.</li> <li>Flexibility in addressing <b>Site Plan</b> matters.</li> </ul>
<b>Step 4:</b> Decision	<ul style="list-style-type: none"> <li><b>ZBA</b> - Council (within 90 day timeframe)</li> <li><b>Minor Variance</b> - Committee of Adjustment</li> <li><b>Site Plan</b> - Director of Planning</li> </ul>	<ul style="list-style-type: none"> <li>City Staff or Council depending on Permit Class (within 45 day timeframe)</li> <li>May impose conditions of approval.</li> </ul>
<b>Appeal Rights</b>	<ul style="list-style-type: none"> <li><b>ZBA</b> - Applicant, the City, the Minister or any person who made verbal or written comments.</li> <li><b>Minor Variance</b> - Applicants, the City, the Minister and certain public bodies.</li> </ul>	<ul style="list-style-type: none"> <li>Only the applicant can appeal a decision.</li> <li>No third party appeal rights.</li> </ul>

# Can Inclusionary Zoning be Implemented through a CPPS?

A number of municipalities have been considering the use of a CPPS as a way to implement **Inclusionary Zoning (IZ)**, the provisions for which are set out in the Planning Act and *Ontario Regulation 232/18*. According to the Planning Act, a municipal Official Plan may authorize IZ within:

- A Protected Major Transit Station Area; or
- An area in which a CPPS has been adopted **or** established in response to an order by the Minister of Municipal Affairs and Housing.

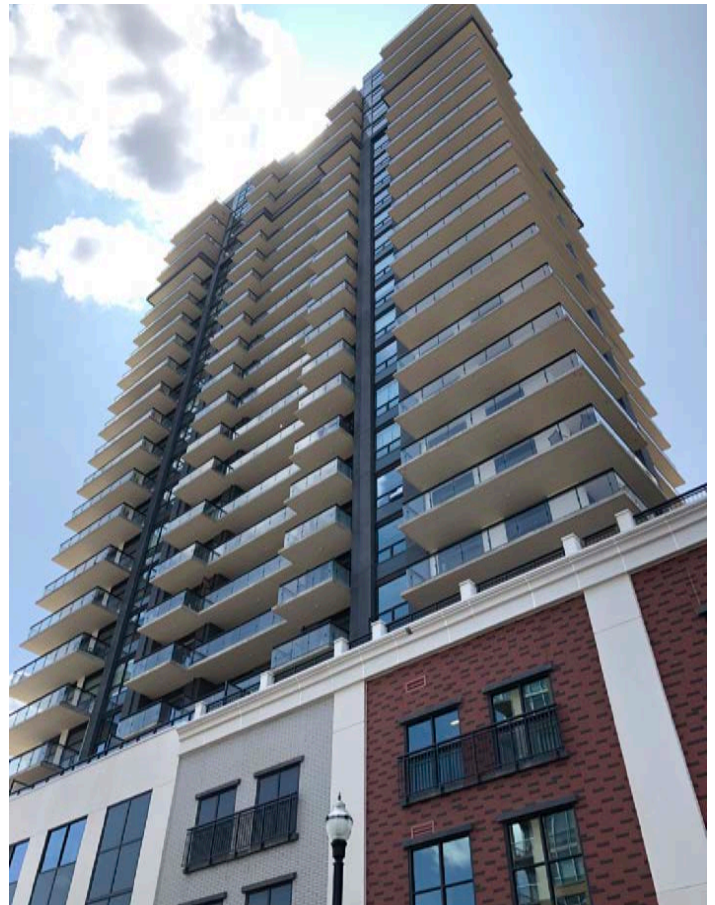
There are currently differing interpretations on where IZ may be implemented in a municipality. It is clear that IZ may be implemented within a Protected MTSA (PMTSA), which includes all of Waterloo's ION Station Areas. However, the legislation is not clear whether a CPPS must have been established by the Minister in order to implement IZ, which is not the case in Waterloo.

It has been our interpretation of the Provincial regulations that IZ would be able to apply where a CPPS has been adopted by a municipality (regardless of Minister approval) **or** where a CPPS has been established in response to a Minister's order.

The City has the opportunity to start planning for the implementation of IZ through a CPPS.

**Inclusionary Zoning (IZ)** is a municipal planning tool that mandates or incentivizes developers to provide affordable housing within new market-rate developments of 10 or more units, with the overall intent to increase equity in housing in areas that are the focus for new development.

While "zoning" makes up part of its name, IZ is a comprehensive tool that can be implemented through updated Official Plan policies and provisions set out within either a Zoning By-law or CPP By-law.





# Why is Waterloo Looking at Implementing a CPPS?

There are a number of reasons why Waterloo may ultimately choose to implement a CPPS. Generally, the City is looking to streamline their development approvals process while also increasing housing supply (including affordable and missing middle housing), encouraging transit-supportive development and promoting high quality, sustainable urban design.

## Existing DPS Policies

The City's Official Plan already contemplates the establishment of a Development Permit System (DPS) under **Section 12: Implementation**. These policies align with the previous DPS legislation before the tool was re-introduced as the CPPS. While these existing policies will need to be updated in accordance with *O. Reg 173/16*, they set out the following objectives which are still valuable in considering the implementation of a CPPS:

- Supporting a compact urban form within the Built-Up Area;
- Facilitating a high standard of urban design;
- Supporting the protection of the environment; and
- Streamlining the development process.

The existing DPS policies also speak to supporting a compact Urban Growth Centre; the revitalization of neighbourhoods in transition; supporting transit; providing a range of opportunities for people to live, work, learn, shop and play; and transitioning to a technologically advanced economy and employment base.

## Recommended Goals and Objectives

The City's Official Plan will need to be revised to include updated goals and objectives for a CPPS. The goals and objectives below are recommended:



### Streamlining Development

- Create a more simplified process for the public, developers, Staff and Council.
- Accelerate approval timelines.



### Housing Diversity

- Require affordable housing, specifically in proximity to transit and within MTSAs.
- Prioritize mixed-use intensification in MTSAs, Nodes and Corridors.
- Encourage missing middle housing and higher density housing forms.
- Prioritize development projects that increase the City's housing supply.



### Complete Communities and Urban Design

- Encourage compact, mixed use, transit-oriented development.
- Support a growing, vibrant economy.
- Set out high-quality design requirements for the public realm and built form, within MTSAs, Nodes and Corridors.



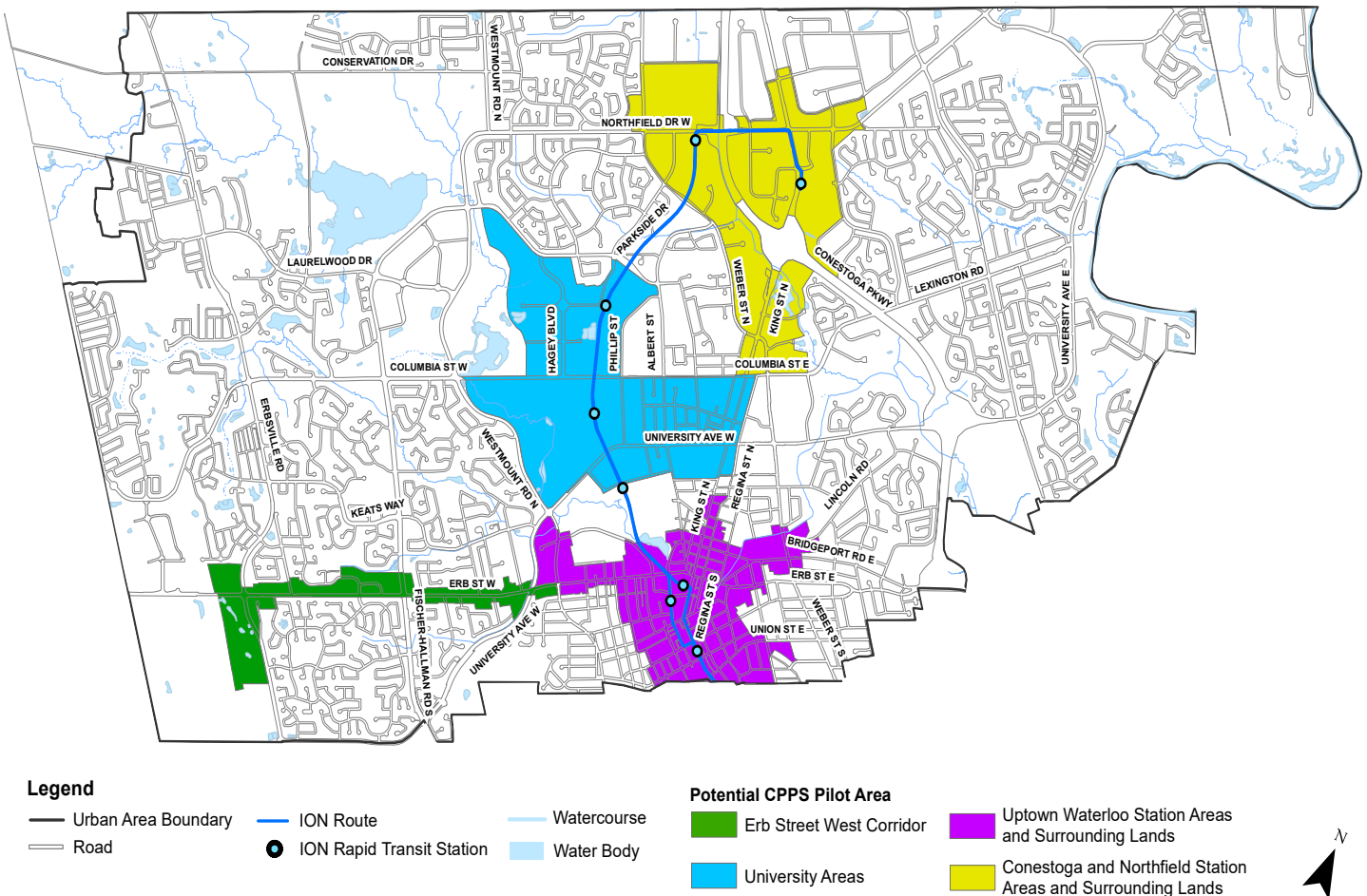
### Sustainability and Nature

- Provide specific direction on sustainable design and landscaping.
- Encourage a full tree canopy by regulating tree protection and removal.
- Regulate site alteration activities.

# Potential CPPS Pilot Areas

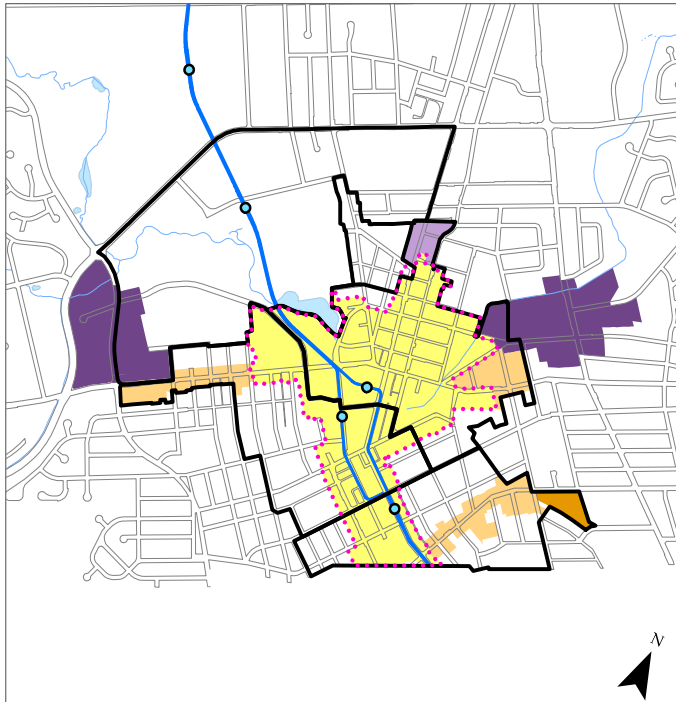
A CPPS in Waterloo could be applied to the entire City or specific geographic areas. Piloting a CPPS in one or more select areas of the City would provide the opportunity for Staff, the development community and the public to test out the tool and consider the efficiencies and/or challenges of the process. Other municipalities such as Lake of Bays and Innisfil have gone on to consider and implement Town-wide CPP By-laws, after several years of working with an area-specific CPPS, which presented the opportunity to apply process and by-law best practices based on first-hand experience.

Four Pilot Areas are recommended for consideration by the City, which could be implemented on an individual basis or combined together. The geographic analysis focused on Waterloo's **Nodes, Corridors** and **Major Transit Station Areas (MTSAs)**. These areas in the City are intended to accommodate the majority of future growth and mixed use, transit-oriented development. They serve as important connective spines and destinations for residents and visitors. The recommended Pilot Areas do not preclude the consideration of alternative or additional CPPS areas.









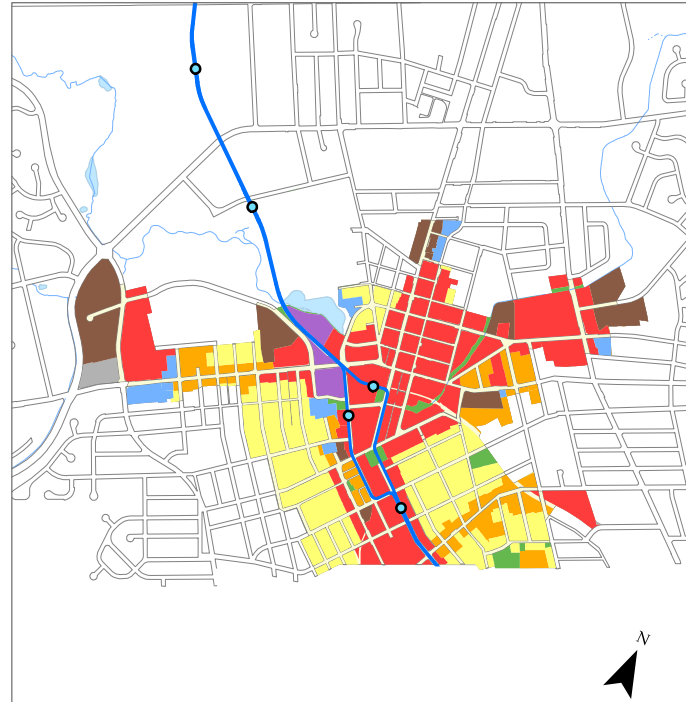
## Pilot Area

# Uptown Waterloo Station Areas and Surrounding MTSA Lands











### Nodes and Corridors

-  Major Transit Station Area
-  Uptown Urban Growth Centre
-  Major Node
-  Minor Node
-  Major Corridor
-  Minor Corridor



### Land Use Designations

-  Low Density Residential
-  Mixed-Use Medium High Density Residential
-  Open Space
-  Employment
-  Mixed-Use Medium Density Residential
-  Mixed-Use High Density Residential
-  Commercial
-  Major Institutional

## Key Components

- Encompasses the Uptown Urban Growth Centre Primary Node, as well as Major Nodes, a Minor Node and Minor Corridors.
- Range of land use designations permit mixed use development at varying densities for a large portion of these lands.
- Includes the full extent of three ION Station MTSA's.
- Significant focal area for both public realm improvements and high quality built form in Waterloo.

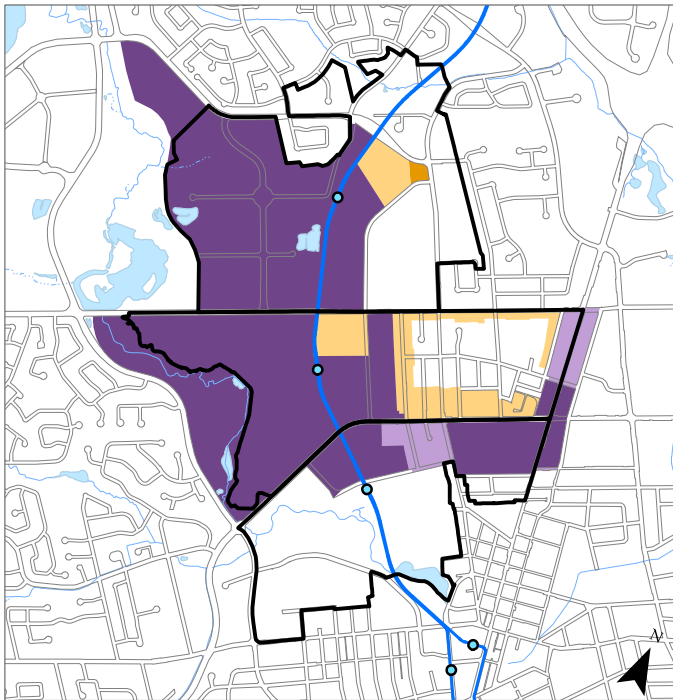
## CPPS Opportunities

- While redevelopment within Uptown has already begun, there are still many opportunities for development/redevelopment on lots of varying sizes, controlled by a multitude of different landowners.
- The mix of lot sizes and diversity in ownership will lead to varying types of development applications, making this area a good CPPS candidate where ongoing monitoring and evaluation of the process can occur.
- Inclusionary Zoning could definitely be implemented in the MTSA's occupying the majority of this Pilot Area.



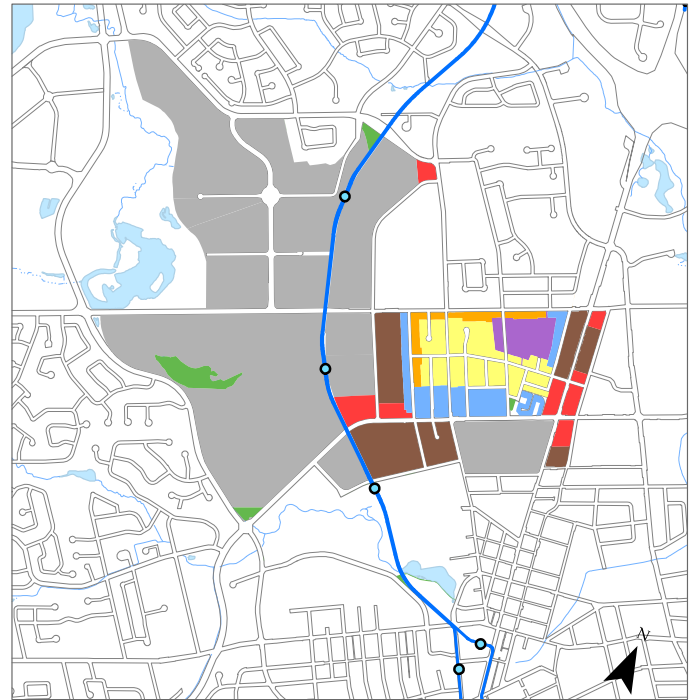
## Pilot Area

# University Areas and Research & Technology Park



### Nodes and Corridors

Major Transit Station Area	Major Node	Minor Node
Major Corridor	Minor Corridor	



### Land Use Designations

Low Density Residential	Mixed-Use Medium Density Residential
Mixed-Use Medium High Density Residential	Mixed-Use High Density Residential
Open Space	Commercial
Employment	Major Institutional

## Key Components

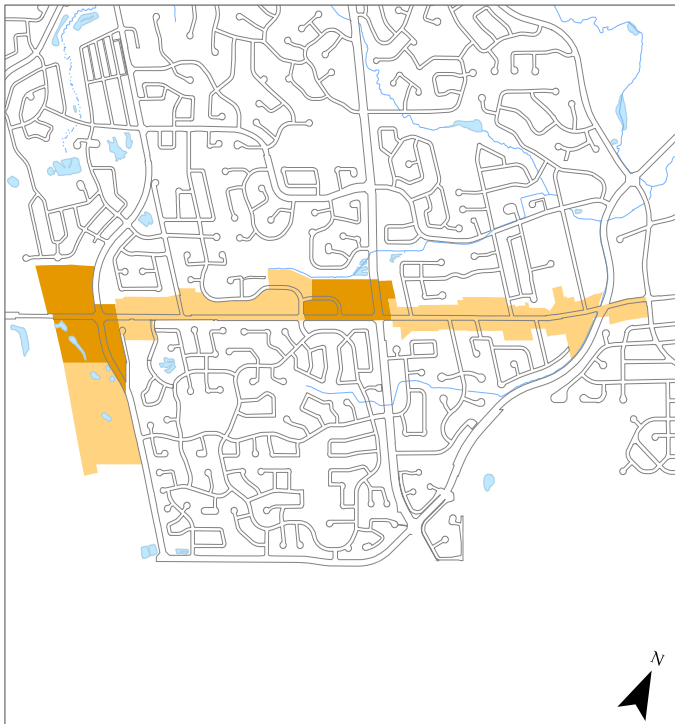
- Encompasses lands within and surrounding the University of Waterloo, David Johnston Research & Technology Park and Wilfrid Laurier University.
- Comprised of Major Nodes as well as Major and Minor Corridors.
- Includes three different ION Station MTSA's.
- Range of land use designations permit mixed use development at varying densities.
- Mixture of lands designated Mixed-Use Medium Density Residential, Mixed-Use Medium High Density Residential and Mixed-Use-High Density Residential.
- Significant redevelopment and intensification over the years.

## CPPS Opportunities

- There are still numerous opportunities for development/redevelopment in this Pilot Area.
- There are many lots of varying sizes and a multitude of landowners in the area.
- Along King Street and University Avenue, given the depth of some of the lots and existing uses in the area, there are significant opportunities for development/redevelopment, making this area a good CPPS candidate where ongoing monitoring and evaluation of the process can occur.
- Inclusionary Zoning could be implemented in the MTSA's occupying the vast majority of this Pilot Area.

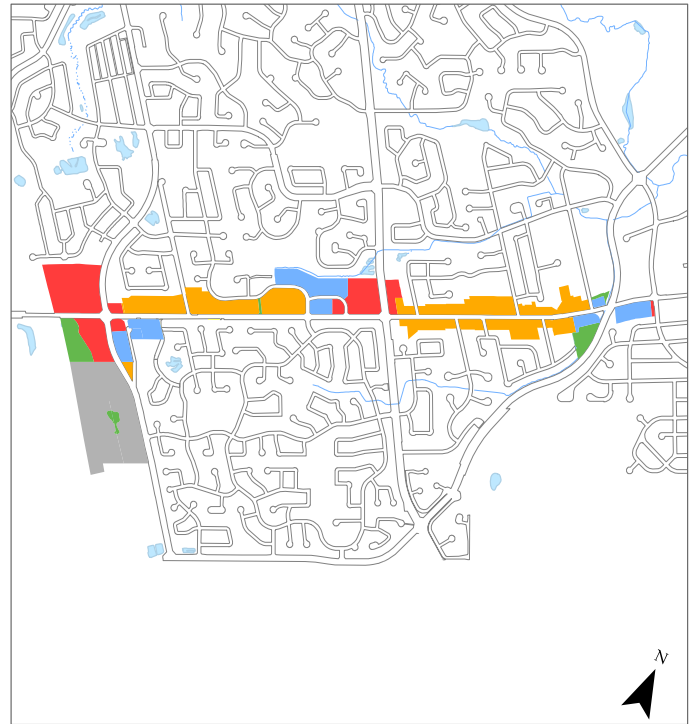
## Pilot Area

# Erb Street West Corridor



### Nodes and Corridors

- Minor Node
- Minor Corridor



### Land Use Designations

- Mixed-Use Medium Density Residential
- Mixed-Use Medium High Density Residential
- Open Space
- Commercial
- Employment

## Key Components

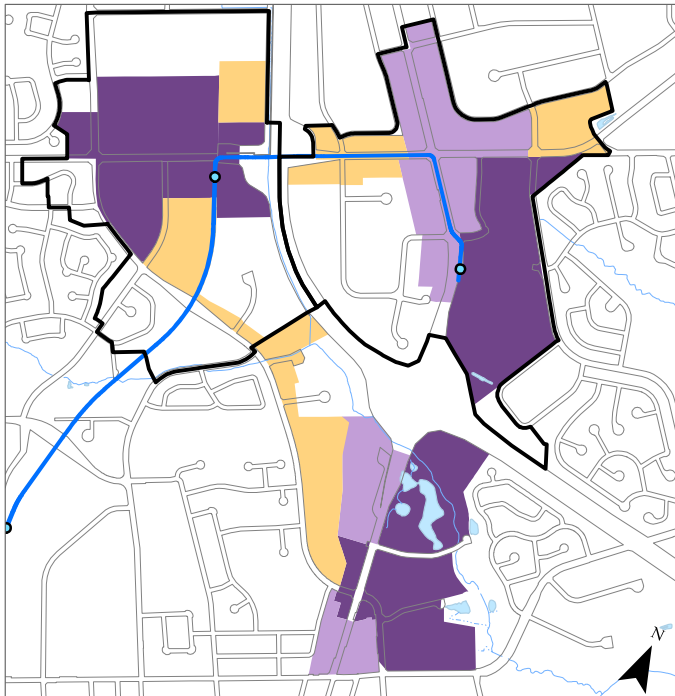
- Comprised of the Erb Street Minor Corridor and Minor Nodes at Fischer-Hallman Road and Erbsville Road / Ira Needles Boulevard, which could enable some intensification.
- Range of land use designations permit the development of mixed uses at varying densities for a large portion of these lands.
- Many lands designated Mixed Use-Medium Density Residential and Mixed Use-Medium High Density Residential.
- Some redevelopment along the corridor has occurred, however there are some key, larger sites that could potentially see redevelopment, particularly for missing middle housing forms that are already permitted in this area.

## CPPS Opportunities

- Closer to the eastern boundary of the corridor, a CPPS could encourage the redevelopment of lots currently occupied by single and semi-detached dwellings (some already containing multiple units), low-rise multi-unit buildings and existing commercial and institutional uses.
- While this Pilot Area will generally accommodate lower levels of intensification, it is a good candidate to pilot a CPPS for missing middle type housing.
- While this Pilot Area does not encompass a PMTSA, we continue to believe that Inclusionary Zoning could be applied.

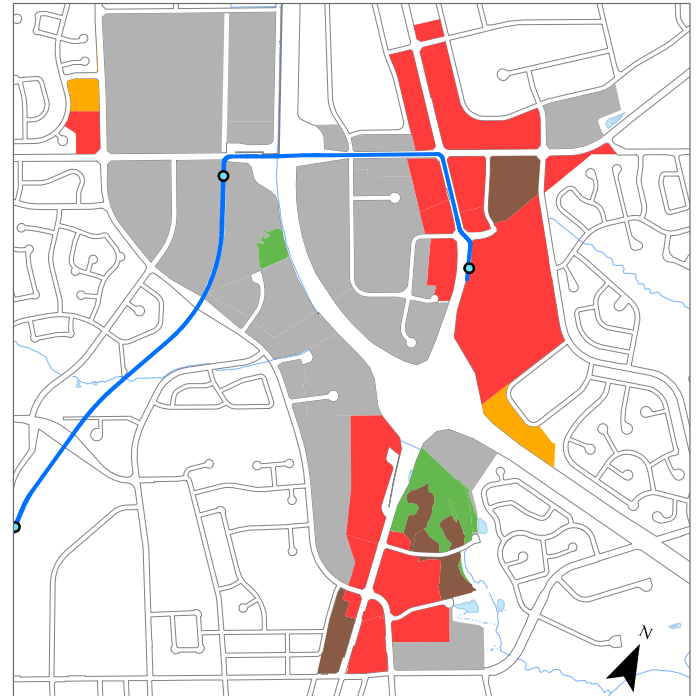
## Pilot Area

# Conestoga and Northfield Station Areas and Surrounding Lands



### Nodes and Corridors

Major Transit Station Area	
Major Node	Minor Node
Major Corridor	Minor Corridor



### Land Use Designations

Mixed-Use Medium Density Residential	Mixed-Use High Density Residential
Open Space	Commercial
Employment	

## Key Components

- Encompasses two ION Station MTSA's and lands along King Street south of the Conestoga Parkway and north of Columbia Street identified as Major Node, Major Corridor and Minor Corridor.
- Includes a number of Employment Lands.
- Current (and potential future) land use designations may permit mixed use development of varying densities for a large portion of the lands.
- Policies encourage the development and redevelopment of stand-alone commercial and employment uses.

## CPPS Opportunities

- Some redevelopment in this area has occurred, however the two new MTSA's have introduced the opportunity for additional intensification and mixed use redevelopment.
- There are several development options within the two Northern MTSA's, including the development/ redevelopment of commercial and employment lands, as well as mixed use opportunities in proximity to the ION.
- There are a variety of lot sizes and landowners within this area, which may lead to a variety of development applications.





THE CITY OF



# Waterloo

**Questions? Contact the Planning Division:**

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