

Appendix 1: Development Application Process Relevant Constraints

General Constraints

- No “chess clock” at present, the *Planning Act* does not compel applicants to provide municipalities with information in a comprehensive and timely manner. The challenge is that with *Bill 109*, applicants could theoretically choose to “run-out the clock” before submitting a comprehensive response and max-out the regulated approval timelines. Therefore, in the absence of a system for “stopping the clock”, the City will be compelled to choose to lose fees or to produce refusal reports based on non-responses and incomplete applications. This will simply slowdown development and force the application process to start over again.
- Timelines refer to calendar days, not business days
- An application is deemed complete once an applicant submits all required information
- The City must refund fees if timelines are not met. Developers cannot “agree” to not to ask for the refunds.
- Planning application fees must reflect the level of effort, and may not be increased to offset potential losses.
- Changes to technology such as ePlans will come later (and the City will incur costs and will need time to implement).

Constraints: Official Plan Amendment & Re-Zoning

- Tribunal hearings remain de novo and reports do not require the level of detail as they did under *Bill 139*.
- There is no time for two reports: 1) Information Report 2) Recommendation Report
- By-laws will be written concurrently with Planning & Development Committee Recommendation Report
- For 2021 ~16% of DARC meetings resulted in the submission of formal applications (i.e. volume of applications and the demand for the pre-application work is significant and does not always result in an application)

Constraints: Site Plan Applications

- The City has no ability to refuse a site plan application – it may only approve an application
- The City can approve a site plan with conditions (currently we provide full site plan approval instead)
- Proposals will need require zoning to be in place – any minor variance will need to be approved before application submission or become a condition of approval