

City of Mississauga

Corporate Report



<p>Date: February 11, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: CD.21-MIN</p>
	<p>Meeting date: March 7, 2022</p>

Subject

RECOMMENDATION REPORT (All Wards)

Proposed Minor Zoning By-law Amendment Application Process

File: CD.21-MIN

Recommendation

1. That the report dated February 11, 2022, from the Commissioner of Planning and Building entitled "Proposed Minor Zoning By-law Amendment Application Process" under file CD.21-MIN, be adopted and that staff be directed to implement the minor zoning by-law amendment application process as outlined in this report.
2. That the Official Plan Amendment and/or Rezoning Application form be updated to include the minor zoning by-law amendment criteria as outlined in this report.
3. That "Schedule C 1 *Planning Act* Processing Fees Applications" in the User Fees and Charges By-law 0247-2021 be amended to include the new minor zoning by-law amendment application fee.
4. That "A Procedural Protocol for Certain Aspects of the Zoning By-law and/or Official Plan Amendments Application Process" be updated to include the new minor zoning by-law amendment application process.

Executive Summary

- Planning staff were requested to undertake a review of the zoning by-law amendment process to identify opportunities to streamline the approval process for minor developments

- Staff propose to adopt a minor zoning by-law amendment application process to expedite the processing of small-scale developments
- Eligibility criteria have been prepared and will be incorporated in the development application form
- The new minor zoning by-law amendment process will require a single planning recommendation report versus the standard two reports
- The proposed minor zoning by-law amendment process will adhere to all requirements under the *Planning Act*
- The proposed minor zoning by-law amendment process aligns with provincial objectives to facilitate housing more quickly (i.e. Bill 108, *More Homes, More Choice Act* and 2020 Provincial Policy Statement)

Background

At the General Committee (GC) meeting on September 23, 2020, Councillor Damerla directed planning staff to undertake a review of the existing zoning amendment process in an effort to streamline zoning by-law approvals for modest developments.

Currently, there are two avenues available to a property owner seeking changes/variations to the existing zoning by-law as outlined below (See Appendix 1):

1. Committee of Adjustment - Minor Variance Applications

The minor variance application process is favoured over the zoning by-law amendment process by property owners due to its shorter timeline and lower application fees. From the time of application submission to approval, a typical application has a decision within 3 months.

2. Zoning By-law Amendment (Rezoning) Applications

Section 34 of the *Planning Act* allows any person within the Province of Ontario to submit a zoning amendment application to the local municipality to change the use and/or zoning standards for any property. The Act outlines several requirements, which contribute to the relatively lengthy approval times.

In accordance to the City's Zoning By-law and/or Official Plan Amendment Application procedural protocol, the City's rezoning process generally includes the following steps:

- **Pre-Application Meeting:** A mandatory pre-application meeting, by the Development Application Review Committee (DARC). At the DARC meeting a detailed submission requirements checklist is provided to the applicant.
- **Complete Application:** When an application for a zoning by-law amendment is received, it is reviewed to ensure all necessary documents are provided, and then

deemed complete. Upon doing so, the legislated requirements regarding processing times as outlined in the *Planning Act* take effect.

- **Planning Information Report:** The application is circulated for review and once comments are received, a planning information report is prepared and presented to the Planning and Development Committee (PDC). The PDC meeting serves as the statutory public meeting under the *Planning Act* and provides an opportunity for the public to comment.
- **Planning Recommendation Report:** The proposal may undergo several iterations before a recommendation report is prepared and presented for consideration to PDC. The decision is forwarded to Council for adoption or refusal, along with the implementing by-law.
- **Notice of Adoption:** A notice of Council's adoption of the implementing by-law is provided in accordance with *Planning Act* regulations. The by-law becomes final and binding after the legislated appeal period has passed, and no appeals have been received.

Comments

From staff's perspective, a minor variance application is not the most appropriate avenue for establishing new land uses, or for granting significant reductions to zoning by-law regulations. Specifically, the intent of the minor variance application is to permit relief to one or more of the zoning regulations, while still maintaining its general intent and purpose.

However, staff recognize the zoning by-law amendment process for small-scale developments can be lengthy with a typical processing time of in excess of 12 months today. Therefore, where a small-scale development may not meet the requirements of the Zoning By-law, but exceeds the threshold of a minor variance application, staff propose the following new application process be adopted.

PROPOSED MINOR ZONING BY-LAW AMENDMENT PLANNING PROCESS

The proposed minor rezoning process will maintain the majority of workflow components in the standard procedural protocol for Zoning By-law and/or Official Plan Amendment Process with the following exceptions:

- **Preliminary Meeting:** Staff will identify eligible projects at the preliminary meeting. Staff will also scope the study submission requirements for each application so fewer are required than currently the case.
- **Application Review:** Staff anticipate that there will be fewer review cycles due to lesser submission requirements.
- **Planning Recommendation Report:** Staff anticipate a significant reduction in processing time by combining the information and recommendation reports and by holding only one meeting. The PDC meeting at which the report is presented will serve as the statutory public meeting under the *Planning Act*.

The projected timeline for a minor zoning by-law amendment approval is expected to be between six months to a year; from application submission to by-law enactment. A comparison between the current zoning by-law amendment process and the proposed minor zoning by-law amendment process is provided in Appendix 2.

Staff propose the following 6 criteria to be used to define eligibility. Applicants will need to meet all 6 criteria to be deemed eligible for the new minor rezoning process.

1. Not require an accompanying official plan amendment
2. Not require a draft plan of subdivision application
3. Achieve the intent, goals, objectives and policies of the Official Plan
4. Be compatible with the existing and future uses and built form of the surrounding lands
5. Not be used to permit more than ten residential dwellings, nor to be used to facilitate the creation of more than five residential lots
6. Not require a municipal servicing schedule in the development agreement

In assessing potential impact of this change, staff conducted a review of past zoning by-law amendment applications from 2015 to 2021. Using the above criteria among 44 applications, an estimated 6 proposals would have qualified for the new application process. Staff anticipate that the number of eligible proposals will increase as small-scale infill developments become more common in the City. As well, there were a number of minor variance applications processed during the same period that would have been eligible for this new process.

Finally, in consideration of provincial legislation, staff consider the proposed minor zoning by-law amendment to be consistent with the direction provided under Bill 108, as it removes barriers and streamlines the development approval process.

Financial Impact

A review of planning application fees is currently underway. Should Council approve this new process, an appropriate fee will be established.

Conclusion

The proposed minor zoning by-law amendments process aims to provide a more appropriate means for addressing smaller scale developments that would currently be subject to a full zoning by-law amendment application process review and timelines. Implementation of the new process will reduce fees, submission requirements, review cycles and processing times. The proposed process is a progressive approach to addressing the Province's direction to support construction and streamline the development approval process.

The next step will be to incorporate into the ePlans system, update the internal processing manuals and revise our development application form.

Attachments

Appendix 1: Committee of Adjustment and Zoning By-law Amendment Planning Process

Appendix 2: Propose Minor Zoning By-law Amendment Planning Process



Andrew Whitemore, M.U.R.P., Commissioner of Planning & Building

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