

Green = text to be added

~~Red Strikethrough~~ = text to be deleted

Amendment No. 140

to

Mississauga Official Plan

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By-law No. _____

A by-law to Adopt Mississauga Official Plan Amendment No. 140

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS in accordance with the provisions of section 16 of the *Planning Act*, Council may adopt an Official Plan or an amendment thereto to introduce Inclusionary Zoning Policies;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act*, the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to enact an Exemption By-law that may require any or all proposed Local Municipal Official Plan Amendments to be exempt from Regional approval;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 140, in their opinion the amendment conforms with the Major Transit Station Area and Inclusionary Zoning policies of the Region of Peel Official Plan, as adopted by By-law #20-2022, and is exempt;

AND WHEREAS, in the event that a discrepancy in the Major Transit Station Area delineated boundaries arises between the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, and the Mississauga Official Plan, the Region of Peel Official Plan Major Transit Station Area boundaries will prevail;

AND WHEREAS, the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, directs the City of Mississauga to implement Inclusionary Zoning policies;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding Inclusionary Zoning within certain areas in the City of Mississauga;

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NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. The document attached hereto, constituting Amendment No. 140 to Mississauga Official Plan, is hereby adopted.
2. The policies of Amendment No. 140 provide that that they will not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area as identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

ENACTED and PASSED this _____ day of _____, 2022.

Signed _____
MAYOR

Signed _____
CLERK

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Amendment No. 140
to
Mississauga Official Plan

The following constitutes Amendment No. 140.

Also attached but not constituting part of the Amendment are Appendices I, II and III.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated July 15, 2022, pertaining to this Amendment.

Appendix III is a copy of the Planning and Building Department report dated June 10, 2022, pertaining to this Amendment.

Appendix VI is a copy of the Planning and Building Department report dated May 6, 2022 pertaining to this Amendment.

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PURPOSE

The purpose of this Amendment is to introduce policies and mapping that will permit the City to require affordable housing units in new developments in certain protected Major Transit Station Areas ("MTSA").

LOCATION

The lands affected by this Amendment are located in protected MTSA's:

- Along the Hurontario Street Light Rail Transit Route from the southernmost point to Matheson Boulevard West, including MTSA's located in the Downtown Core;
- Along the 407 Bus Rapid Transit Route (Derry and Britannia MTSA's);
- Along the future Lakeshore Road East Bus Rapid Transit Route (Lakefront Promenade, Haig, and Dixie MTSA's); and
- Along the Dundas Street Bus Rapid Transit Route.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Ontario Land Tribunal.

This Amendment is required to introduce new policies that will require affordable housing units in new developments where residential uses are permitted.

The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

1. Housing affordability is a major issue in Mississauga.
2. Provincial legislation includes provisions for the introduction of Inclusionary Zoning policies into Official Plans to address housing affordability.
3. The new Region of Peel Official Plan adopted by Region of Peel By-law #20-2022 directs the City of Mississauga to implement Inclusionary Zoning policies.
4. Mississauga Official Plan contains policies that indicate the commitment of the City to ensure the creation of affordable housing to meet the population's needs.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

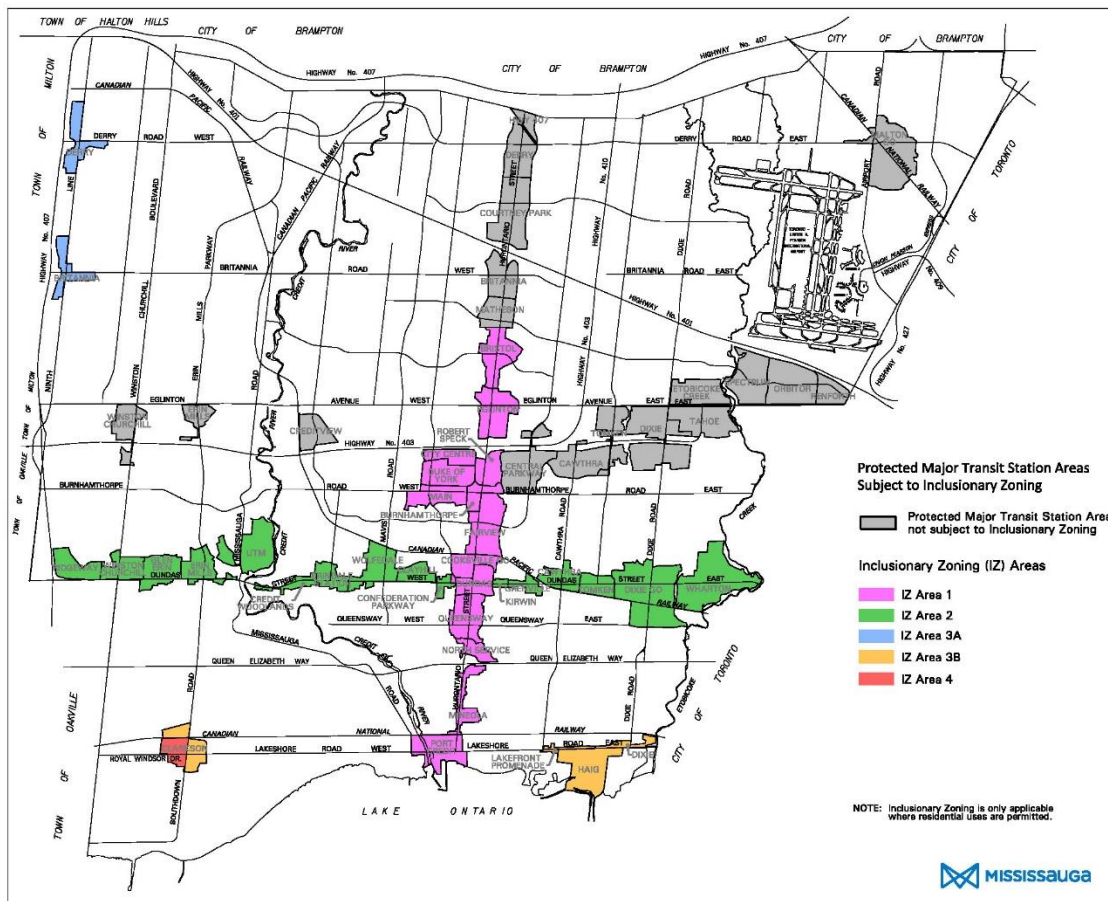
1. Chapter 7 - Complete Communities, of Mississauga Official Plan, is hereby amended by adding the following policies as Section 7.3, and renumbering sections 7.3, 7.4, 7.5, 7.6, and 7.7 to 7.4, 7.5, 7.6, 7.7, and 7.8:

7.3 Inclusionary Zoning

7.3.1 Inclusionary Zoning is a tool that enables the City to require that new residential development or redevelopment in specified locations include affordable housing units where residential uses are permitted by this Plan. Inclusionary Zoning in Mississauga will be guided by the following principles and objectives:

- a. Inclusionary Zoning will be implemented in conjunction with other planning tools to increase the supply of affordable housing, contributing to diverse, mixed-income communities that offer a range of housing options for residents of various socio-economic backgrounds;
- b. Inclusionary Zoning policies will be informed by ongoing monitoring and periodic financial impact assessments in accordance with Provincial requirements, or more frequently as necessary, to create and maintain affordable housing stock without negatively impacting overall development activity;
- c. The City will work collaboratively with the Region of Peel, private and non-profit developers, housing providers, and other special interest groups to leverage expertise and achieve housing objectives; and
- d. The City and the Region of Peel will work collaboratively to establish Inclusionary Zoning Implementation Guidelines to ensure the efficient delivery and monitoring of affordable housing units, such as but not limited to the procedure for qualifying purchasers and tenants, establishing annual affordable prices and rents, and ensuring the units remain affordable for the affordability period.

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Map 7-1: Inclusionary Zoning (IZ) Areas

7.3.2 An owner of new development or redevelopment proposing 50 or more residential units or 3,600 square metres or more of gross floor area (GFA) for residential purposes, and located within an IZ Area as identified on Map 7-1: Inclusionary Zoning (IZ) Areas of this Plan, and subject to an Inclusionary Zoning By-law, is required to include **affordable ownership housing units** or **affordable rental housing units** for **moderate-income households**, as follows:

- a. the minimum required percentage of gross floor area for residential purposes in ownership housing to be set-aside as **affordable ownership housing units** or **affordable rental housing units** for **moderate-income households** is established in Table 7-1;
- b. notwithstanding Policy 7.3.2 (a), a discounted set-aside rate may be considered for the delivery of housing for **low-income households** at the City's discretion through a site-specific zoning by-law amendment;

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- c. through an amendment to this Plan, the City may introduce Inclusionary Zoning requirements for lands within protected **Major Transit Station Areas** that are not currently identified within an IZ Area on Map 7-1;
- d. IZ Area 4 is within an Employment Area and would require a land conversion to permit residential uses. Inclusionary Zoning requirements of Section 7.3 and 19.23 of this Plan will only apply to development on lands within IZ Area 4 in the event that residential uses are permitted; and
- e. the Inclusionary Zoning requirements of Policy 7.3.2 (a) and Table 7-1 do not apply to portions of a development or redevelopment containing purpose-built rental housing until such time as it ceases to serve as purpose-built rental housing. Inclusionary Zoning requirements for purpose-built rental housing may be introduced through future amendments to this Plan.

Table 7-1 – Minimum Required Percentage of Residential Gross Floor Area (GFA) in Ownership Housing to be Affordable Housing

IZ Area as identified on Map 7-1	Tenure of Affordable Housing Units	Applies January 1, 2023 to December 31, 2023	Applies January 1, 2024 to December 31, 2024	Applies January 1, 2025
IZ Area 1	Affordable Ownership Housing Units	4%	7%	10%
	Affordable Rental Housing Units	2%	3.5%	5%
IZ Area 2	Affordable Ownership Housing Units	3%	5%	7%
	Affordable Rental Housing Units	1.5%	2.5%	3.5%
IZ Area 3A and IZ Area 3B	Affordable Ownership Housing Units	3%	4%	5%
	Affordable Rental Housing Units	1.5%	2%	2.5%
IZ Area 4	Affordable Ownership Housing Units	10%	10%	10%
	Affordable Rental Housing Units	5%	5%	5%

- 7.3.3 To provide a range of affordable prices and rents, the City, in consultation with the Region of Peel, will establish maximum prices and rents on an annual basis during the affordability period for **affordable ownership housing units** and **affordable rental**

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housing units as follows, and in accordance with Implementation Guidelines:

- a. one-bedroom units will be priced at or below the maximum purchase price for the 4th income decile or rented at or below the maximum rent for the 4th renter income decile;
- b. two-bedroom units will be priced at or below the maximum purchase price for the 5th income decile or rented at or below the maximum rent for the 5th renter income decile; and
- c. three-bedroom units will be priced at or below the maximum purchase price for the 6th income decile or rented at or below the maximum rent for the 6th renter income decile.

7.3.4 The suite mix of the affordable housing unit component will generally be a balanced mix of one-bedroom units and family sized units (two- and three-bedroom units), to provide a range of unit types suitable for individuals and families. Bachelor units will not qualify as affordable housing units for the purposes of Inclusionary Zoning requirements. Further unit size and suite mix requirements may be established through Implementation Guidelines.

7.3.5 **Affordable rental housing units** or **affordable ownership housing units** will be required to be maintained at affordable rents or prices commencing upon execution of an Inclusionary Zoning Agreement for a minimum period of:

- a. ~~25~~ 30 years calculated from the date of first occupancy of an **affordable rental housing unit**; or
- b. ~~50~~ 99 years calculated from the later of the date of first occupancy or first closing of an **affordable ownership housing unit**.

7.3.6 Notwithstanding Policy 7.3.5 (a), after the last day of the 25th year of the affordability period, if the tenant chooses to vacate an **affordable rental housing unit**, the affordability requirements of Section 7.3 of this Plan no longer apply to the **affordable rental housing unit**.

7.3.7 The City will receive a portion of the net proceeds from the sale of an **affordable ownership housing unit** in accordance with the following policies:

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- a. the City will receive no more than 20% of the net proceeds of the sale of an **affordable ownership housing unit** sold during the ~~50~~ 99 year affordability period, equivalent to no more than 2% of the sale price, for administration fees, where proceeds are the difference between the purchase price and the resale price of the affordable ownership unit; and
- b. the City will receive 50% of the net proceeds of the first sale of an **affordable ownership housing unit** at market price after the ~~50~~ 99 year affordability period, to be reinvested in affordable housing, where net proceeds are the difference between the purchase price and the resale price of the affordable ownership unit, less any legal, administration or real estate commission fees.

7.3.8 Inclusionary Zoning requirements may be met on an offsite location, at the discretion of the City through a site-specific zoning by-law amendment, subject to achieving the following conditions:

- a. the offsite location must be located in an IZ Area as identified on Map 7-1;
- b. offsite affordable housing units shall be located in proximity to the proposed development or redevelopment giving rise to the Inclusionary Zoning requirement. Proximity is deemed to be one or more of the following criteria:
 - (i) the offsite location is in the same IZ Area as the development or redevelopment giving rise to the Inclusionary Zoning requirement;
 - (ii) the offsite location is within 800 metres of the development or redevelopment giving rise to the Inclusionary Zoning requirement; or
 - (iii) IZ Area 3B and IZ Area 4 will be considered to be the same IZ Area for the purposes of Policy 7.3.8(b).
- c. the offsite Inclusionary Zoning contribution results in one or more improved housing outcomes, such as:
 - (i) the delivery of affordable housing units occurs sooner than if the units were delivered in the development giving rise to the Inclusionary Zoning requirement;
 - (ii) the provision of **affordable rental housing units**

- (iii) the provision of more deeply affordable units than required (i.e. housing affordable to **low-income households**); or
- (iv) the provision of a greater amount of affordable gross floor area than required.
- d. Offsite units shall not be used to satisfy Inclusionary Zoning requirements that apply to the offsite location.

7.3.9 Inclusionary Zoning By-laws will not apply to:

- a. long-term care buildings, retirement buildings, hospices, staff/student residences, group homes, or not-for profit buildings;
- b. Region of Peel or Peel Housing Corporation projects;
- c. approved development, as specifically identified as exempt in the zoning by-law, that is already subject to an affordable housing contribution requirement as of June 22, 2022. Inclusionary Zoning By-laws will apply to additional development permissions for such lands;
- d. development or redevelopment meeting the exemption criteria under the *Planning Act* or related Ontario Regulations; and
- e. notwithstanding 7.3.2, in no case will Inclusionary Zoning By-laws apply to development or redevelopment of less than 10 residential units.

7.3.10 Any replacement of affordable rental units required through the Rental Housing Protection policies of this Plan and Rental Housing Protection By-law 0121-2018, as amended, shall not:

- a. be included in the gross floor area for residential purposes, used to calculate the Inclusionary Zoning requirements identified in Policy 7.3.2 and Table 7-1 of this Plan; and
- b. contribute to the Inclusionary Zoning requirements in Policy 7.3.2 of this Plan.

7.3.11 Financial incentives will not be provided for affordable housing units provided in accordance with Policy 7.3.2 of this Plan. An Inclusionary Zoning By-law may identify reductions to parking rates for **affordable rental housing units** and **affordable ownership housing units** in accordance with recommendations of City-wide parking studies.

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7.3.12 Inclusionary Zoning requirements identified in Section 7.3 and Section 19.23 come into effect on the later of January 1, 2023 or the date the applicable protected **Major Transit Station Area** identified in the Region of Peel Official Plan is approved by the Minister of Municipal Affairs and Housing.

2. Chapter 19 – Implementation, of Mississauga Official Plan, is hereby amended by adding the following Section as Section 19.23:

19.23 Inclusionary Zoning Agreements

19.23.1 An owner of development or redevelopment subject to an Inclusionary Zoning By-law will enter into one or more agreements with the City, to be registered on title, securing:

- a. requirements of Section 7.3 of this Plan;
- b. requirements for the timely delivery of the affordable units, and if applicable, any phasing of affordable units;
- c. requirements ensuring the occupants of affordable housing units have the same building and amenity access as occupants of market units;
- d. requirements for adjustments to the required amount of affordable housing to meet Policy 7.3.2, should a purpose-built rental building convert to an ownership building or should an ownership building convert to purpose-built rental building;
- e. requirements that ensure affordable units are provided to eligible purchasers or tenants that have been pre-qualified by the City or Region;
- f. requirements for ongoing administration, reporting and monitoring of the affordable housing units over the affordability period, as established through Implementation Guidelines;
- g. the approach for determining the maximum price of an affordable ownership housing unit during the affordability period, based on the Consumer Price Index and applicable administration fees;
- h. the City's share of net proceeds upon the sale of an affordable housing unit;

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- i. conditions for offsite unit delivery, if permitted; and
- j. any other standards or arrangements, as appropriate.

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3. Chapter 20 – Glossary, of Mississauga Official Plan, is hereby amended by adding the following definitions:

AFFORDABLE OWNERSHIP HOUSING UNIT

means the least expensive of: housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for ***low-income households*** and ***moderate-income households***; or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

AFFORDABLE RENTAL HOUSING UNIT

means the least expensive of: a unit for which the rent does not exceed 30 percent of gross annual household income for ***low-income households*** and ***moderate-income households***; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

MODERATE-INCOME HOUSEHOLDS

means in the case of ownership housing, households with incomes between 30 to 60 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes between 30 to 60 percent of the income distribution for renter households in the City of Mississauga.

LOW-INCOME HOUSEHOLDS

means in the case of ownership housing, households with incomes in the lowest 30 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes in the lowest 30 percent of the income distribution for renter households in the City of Mississauga.

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IMPLEMENTATION

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

The provisions of this Amendment shall not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

The lands will be zoned to implement this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated October 21, 2021.

INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

APPENDIX I**PUBLIC MEETING**

All property owners and residents within the City of Mississauga were invited to attend a Public Meeting of the Planning and Development Committee held on May 30, 2022 in connection with this proposed Amendment.

The key issues raised at the Public Meeting included the length of the affordability period, the depth of affordability, the proposed set-aside rates, the need for more affordable rental housing, and the need to address populations at risk. Based on the completed feasibility analysis, the depth of affordability, proposed set-aside rates, exemption for rental housing, and the discounted set-aside rate for developers providing affordable rental housing were maintained as proposed. These provisions will be reviewed and may be amended if financial viability changes. Implementation Guidelines may provide more guidance for housing priority segments of the population. The method to control affordability in ownership units has been scoped to include only the capped price option. ~~with a 50-year affordability term.~~ The affordability period for ownership units has been expanded to 99 years. The affordability period for rental units has been expanded to the earlier of 30 years or a date after 25 years on which the unit becomes vacant.

The issues raised at the public meeting have been addressed in the corporate reports, attached to this Amendment as Appendix II ~~and III~~.

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Appendix II - Planning and Building Department report dated July 15, 2022, pertaining to this Amendment.

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Appendix III - Planning and Building Department report dated June 10, 2022 pertaining to this Amendment.

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Appendix IV - Planning and Building Department report dated May 6, 2022 pertaining to this Amendment.

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A by-law to Adopt Mississauga Official Plan Amendment No. 140

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS in accordance with the provisions of section 16 of the *Planning Act*, Council may adopt an Official Plan or an amendment thereto to introduce Inclusionary Zoning Policies;

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AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 140, in their opinion the amendment conforms with the Major Transit Station Area and Inclusionary Zoning policies of the Region of Peel Official Plan, as adopted by By-law #20-2022, and is exempt;

AND WHEREAS, in the event that a discrepancy in the Major Transit Station Area delineated boundaries arises between the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, and the Mississauga Official Plan, the Region of Peel Official Plan Major Transit Station Area boundaries will prevail;

AND WHEREAS, the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, directs the City of Mississauga to implement Inclusionary Zoning policies;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding Inclusionary Zoning within certain areas in the City of Mississauga;

NOW THEREFORE the Council of The Corporation of the City of Mississauga
ENACTS as follows:

1. The document attached hereto, constituting Amendment No. 140 to Mississauga Official Plan, is hereby adopted.
2. The policies of Amendment No. 140 provide that that they will not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area as identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

ENACTED and PASSED this _____ day of _____, 2022.

MAYOR

CLERK