

City of Mississauga
Corporate Report



<p>Date: February 24, 2023</p> <p>To: Chair and Members of General Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's files: LA.07-MZO (All Wards)</p>
	<p>Meeting date: March 8, 2023</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (ALL WARDS)

Expanded delegated authority – Minister's Zoning Orders pursuant to Section 47 of the *Planning Act*

Recommendation

1. That the Commissioner of Planning and Building, or their designate, be authorized to execute development agreements and associated commitments required to implement the terms of Minister's Zoning Orders between the Corporation of the City of Mississauga and landowners and their development partners under Section 47 of the *Planning Act* including all necessary amendments, extensions, and/or documents ancillary thereto, in a form satisfactory to Legal Services.
2. That a by-law be enacted to authorize the Commissioner of Planning and Building and the City Clerk to execute and affix the Corporate Seal to the development agreements under Section 47 of the *Planning Act* between the City of Mississauga, landowners, development partners and authorized agents, to the satisfaction of the City Solicitor.

Background

The Province may authorize changes to land use through Minister's Zoning Orders (MZOs). MZOs can permit new uses and buildings, but the technical review to ensure that any proposed development meets municipal standards and by-laws is a separate process. MZOs supersede local zoning regulations.

Generally, the City's technical review of features such as site design, access, servicing, waste storage, parking, loading and landscaping are reviewed through Site Plan Control under Section

41 of the *Planning Act*. While site plan approval under Section 41 of the *Planning Act* is not required for MZOs, the orders still require that development be subject to an agreement under Section 47 of the *Planning Act* between the City and the owner of the property. Agreements are put in place to outline the responsibilities of the City and the property owner, to ensure the site is developed in a specific manner. Agreements outside of the site plan control process currently require Council authority for execution.

A Section 47 agreement would be similar to a Section 41 agreement for site plan approval. In order to expedite agreement execution, Council may choose to delegate authority to staff.

Comments

The City of Mississauga's Corporate Policy and Procedure 02-03-02 Delegation of Council's Powers and Duties provides a framework where Council's legislative and administrative powers may be delegated in accordance with applicable legislative requirements. Legislative powers may be delegated by Council where they are minor in nature and where Council has explicitly provided for the terms and conditions under which the powers shall be exercised.

The Commissioner of Planning and Building has delegated authority to approve site plan applications, including executing site plan agreements. The Commissioner also has authority to approve Plans of Subdivision and Plans of Condominium. In 2022, Council adopted additional delegated authority to allow the Commissioner to approve by-law amendments to remove holding provisions in addition to approving applications.

The Commissioner does not have the delegated authority to execute agreements and associated commitments required to implement the terms of MZOs. These agreements would be similar to site plan agreements; as they are technical in nature and do not require public consultation as per the *Planning Act*. MZOs are issued infrequently but are increasing. By delegating authority to the Commissioner, the City is able to provide better customer service and reduce processing time.

Any changes as a result of delegated authority would not alter the *Planning Act* requirements. Agreements will not be executed by the City until it has been finalized to the satisfaction of all appropriate City departments.

COMMUNITY ENGAGEMENT

The General Committee meeting of March 8, 2023 will be considered the public meeting for members of the public to comment on the proposed by-law.

PLANNING ANALYSIS SUMMARY

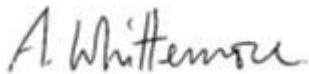
The delegation of authority to execute agreements does not change any notice or public meeting requirements or limit appeal rights under the *Planning Act*. It also does not change the requirements under the *Planning Act* for land use planning decisions to be consistent with the Provincial Policy Statement (PPS), conform with and not conflict with provincial plans and conform to both the Region of Peel Official Plan and the City of Mississauga Official Plan.

Financial Impact

There are no financial impacts resulting from the adoption of the recommendations in this report.

Conclusion

The proposed delegated authority to execute agreements associated with MZOs represents a progressive approach to addressing the Provincial objective of streamlining the development approval process. Should the proposed policies be approved by Committee, a by-law delegating authority to the Commissioner of Planning and Building to authorize the passing of by-laws to execute agreements will be brought forward to Council at a future date.



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

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