

City of Mississauga
Corporate Report



<p>Date: March 20, 2024</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's file: CD.21-SIT</p>
<p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Meeting date: April 8, 2024</p>

Subject

PUBLIC MEETING INFORMATION/RECOMMENDATION REPORT (ALL WARDS)
Proposed Amendments to Mississauga Official Plan and Site Plan Control By-law
File: CD.21-SIT

Recommendation

That the proposed amendments to Mississauga Official Plan and Site Plan Control By-law 0293-2006, as detailed in Appendix 1 of the report dated March 20, 2024 from the Commissioner of Planning and Building, be approved in accordance with the following:

1. That implementing Official Plan and Site Plan Control By-law amendments be enacted at a future City Council Meeting.
2. That notwithstanding planning protocol, that this report regarding the proposed amendments to Mississauga Official Plan and Site Plan Control By-law 0293-2006, as amended, be considered both the public meeting and a combined information and recommendation report.

Executive Summary

- Site plan control is a planning tool used by municipalities to evaluate and guide site-specific development. In an effort to streamline the land use planning process and increase housing supply, the Province has introduced legislative changes that limit the scope of site plan control in Ontario.
- In addition, the *Planning Act* grants authority to municipalities to introduce alternative notice measures for public notice through enabling policies. With local print newspaper ceasing in the City of Mississauga, alternative measures are required to adequately

provide public notice of new planning applications and initiatives, in accordance with statutory requirements.

- To implement the legislative changes of the *Planning Act* to the site plan control process and to facilitate alternative public notice measures, staff are proposing Official Plan and Site Plan Control By-law amendments.

Background

SITE PLAN CONTROL – PROVINCIAL LEGISLATIVE CHANGES

Site plan control is a planning tool used by municipalities to evaluate and guide site-specific development in regard to certain site elements such as parking configuration, landscaping and massing of buildings. In conjunction with other planning tools such as official plans and zoning by-laws, site plan control allows a municipality to ensure land development happens in a manner that is appropriate, well designed, and compatible with the surrounding area.

Bill 23 – More Homes Built Faster Act

Through Bill 23, the *More Homes Built Faster Act*, 2022, which received Royal Assent on November 28, 2022, the Province introduced several changes to the *Planning Act*, limiting the scope of site plan control for municipalities. These changes include:

- Exempting residential development of 10 units or fewer, except for the purposes of developing land lease community homes; and
- Removing the ability to secure exterior design matters.

Instead, Bill 23 introduced the ability for municipalities to secure the following through site plan control:

- Appearance of building elements and works on land that impact health, safety, accessibility, sustainable design or the protection of adjoining lands; and
- Building construction requirements that protect or conserve the environment under the *Building Code Act, 1992*.

The intent of these changes was to help get homes approved faster and lower the costs for applicants.

Bill 97 – Helping Homebuyers, Protecting Tenants Act

Bill 97, the *Helping Homebuyers, Protecting Tenants Act*, 2023 received Royal Assent on April 6, 2023 and introduced further amendments to the *Planning Act*, intended to recognize instances where site plan control could be a valuable tool to address land use sensitivity and compatibility matters. In particular, it reinstated site plan control for residential developments of 10 units or fewer within proximity of a 'prescribed area'. A 'prescribed area' is described in Ontario Regulation 254/23 (associated with Bill 97) to include a shoreline or railway line.

STATUTORY PUBLIC NOTICE REQUIREMENTS

The *Planning Act* outlines the statutory requirements for notifying the public of new planning applications and initiatives. This includes providing notice to the public by either newspaper, or by mail to every owner within 120 m (393 ft.) of the subject lands and posting a notice sign on the subject lands. The *Planning Act* allows municipalities the authority to introduce alternative measures for public notice, if these alternative measures are determined to be appropriate and conducive to a streamlined decision-making process.

Comments

MISSISSAUGA OFFICIAL PLAN & SITE PLAN CONTROL BY-LAW AMENDMENTS

Chapter 19 – Implementation of Mississauga Official Plan contains policies aimed at its implementation through various powers, including site plan control. The Site Plan Control By-law 0293-2006, as amended, states that any land within the City is designated as a site plan control area. This by-law also includes exemptions to certain types of developments, then further describes a number of exceptions to these exemptions.

Bill 23 – More Homes Built Faster Act

To align with the requirements of Bill 23, staff are recommending amendments to Mississauga Official Plan and the Site Plan Control By-law that exempts residential developments of 10 units or fewer from site plan control, unless for the purposes of a land lease community home. Further changes are proposed to revise what can be secured through the site plan application process. In particular, matters related to exterior design will be removed and policies that focus on securing matters in accordance with Section 41 of the *Planning Act* (i.e. matters related to sustainability, health and safety, accessibility, and environmental conservation) will be introduced instead.

Bill 97 – Helping Homebuyers, Protecting Tenants Act

In an effort to create efficiencies in homebuilding and recognizing the procedures and policies already in place at the City, it is recommended that site plan control not apply for residential developments of 10 units or fewer within 'prescribed areas', consistent with the direction of Bill 23 that would apply to the rest of the City.

The City's Zoning By-law requires a setback of 30 m (98 ft.) from a dwelling unit to a railway line, aligned with the guidelines for new development in proximity to railway operations. In instances where a minor variance to this regulation is required, staff have the ability to recommend conditions of approval, including railway line mitigation measures. Rezoning applications would recognize proximity to railway lines through the review process and site plan control can be made applicable if determined necessary. In absence of a site plan control requirement, development agreements can still be used as a tool to secure railway line mitigation measures.

Further, the building permit review process has been updated to address some of the gaps created by the removal of site plan control for residential developments of 10 units or fewer.

Designated staff have been introduced to review applicable laws that apply to proposed developments requiring a building permit. Applicable laws include regulations, other than the Ontario Building and Fire Code and the City's Zoning By-law, that would apply to a proposed development including the jurisdiction of a conservation authority. If applicable, a building permit application is only deemed complete for intake upon confirmation of approval by the required conservation authority.

Staff are recommending changes to Mississauga Official Plan and Site Plan Control By-law 0293-2006 to implement the changes under Bill 23, as outlined in Appendix 1 of this report. Site plan control for residential developments of 10 units or fewer within 'prescribed areas' will not apply unless determined necessary by staff to avoid redundancy in City processes and to help facilitate low-rise residential developments.

ALTERNATIVE MEASURES FOR PUBLIC NOTICE

Previously, the City of Mississauga provided public notice through all methods listed above, newspaper, mail, and by posting a notice sign on the subject lands. However, for city-wide initiatives, only print newspaper advertisements were used. With the ceasing of local print newspaper editions in Mississauga, staff are recommending circulating public notice via digital print newspaper as an appropriate alternative. This allows for increased reach, as online information is more readily accessible and not limited to being available only at a specific date and time. In limited circumstances, such as large, high-profile projects like the Official Plan Review, it may be determined that print newspaper (i.e. The Toronto Star) in conjunction with digital print newspaper will be more appropriate for public notification.

For development applications, staff are able to rely on mail and posting notice signs on the property to meet the statutory notice requirements.

To enable alternative public notice procedures, staff are recommending amendments to Chapter 19 – Implementation of Mississauga Official Plan, as outlined in Appendix 1 of this report. New policy will be introduced that enable public notification of planning applications and initiatives through digital print newspaper to meet statutory requirements.

Financial Impact

Bill 23 amended numerous pieces of legislation and Acts, including the *Planning Act*. An analysis of the overall financial implications of this Bill to the City were outlined in a corporate report brought forward by City Planning Strategies staff to Council on November 23, 2022 (<https://pub-mississauga.escribemeetings.com/FileStream.ashx?DocumentId=33725#page=14>).

A corporate report was also brought forward by Strategic Communications and Initiatives staff on January 24, 2024 in response to the ceasing of print publication in the City of Mississauga (<https://pub-mississauga.escribemeetings.com/filestream.ashx?DocumentId=51555>). This corporate report outlines the financial impact of executing a one-year single-source contract with the Toronto Star as an interim solution to meet statutory requirements for print newspaper.

The financial impact to the City for providing alternative public notice via digital print newspaper as a replacement for print newspaper is minimal as the cost is relatively the same.

Conclusion

It is recommended that the above noted changes be made to Mississauga Official Plan and Site Plan Control By-law 0293-2006. The amendments are required to comply with provisions in Bill 23 that affect the scope of site plan control, and to implement alternative public notice provisions through enabling policies.

Attachments

Appendix 1: Proposed Amendments to Mississauga Official Plan and Site Plan Control By-law



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

Prepared by: Ameena Khan, Planner