

Amendment No. 172
to
Mississauga Official Plan

By-law No. _____

A by-law to Adopt Mississauga Official Plan Amendment No. 172

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, 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 exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

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. 172, in his or her opinion the amendment conforms with the Regional Official Plan and is exempt;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan to implement amendments to section 41 of the *Planning Act* and to provide for alternative public notice measures;

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

1. The document attached hereto, constituting Amendment No. 172 to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this _____ day of _____, 2024.

Signed _____
MAYOR

Signed _____
CLERK

Amendment No. 172
to
Mississauga Official Plan

The following text attached constitutes Amendment No. 172.

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

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 March 20, 2024, pertaining to this Amendment.

PURPOSE

The purpose of this Amendment is to introduce policies that redefine the scope of site plan control by Provincial legislation and to introduce alternative public notice measures.

LOCATION

The lands affected by this Amendment are all lands in the City of Mississauga.

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.

The proposed Amendment is required to comply with Bill 23, the *More Homes Built Faster Act, 2022*, which revises the scope of site plan control for municipalities. Additional amendments are required to introduce policies that allow for alternative measures to circulate public notice for planning applications and other city-led initiatives.

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

1. Implements policies in accordance with the Provincial changes introduced through Bill 23 to the *Planning Act*.
2. Provides an acceptable alternative to providing public notice in light of print newspaper editions ceasing within the City of Mississauga.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Chapter 3, Promote Collaboration, of Mississauga Official Plan, is hereby amended by deleting policy 3.1.7 and replacing it with the following:

Public notice must be given at least 20 days prior to the holding of a statutory public meeting by Planning and Development Committee, General Committee, or City Council. Statutory notice of the public meeting can be given by advertisement:

- a. in a digital and/or print newspaper; or
- b. by individual notice forwarded to owners and occupants of land within 120 m of the lands subject to a development application as shown on the last revised assessment roll or tax roll; and by posting a notice, clearly visible and legible from a public highway or other place to which the public has access, at every separately assessed property within the subject land or, if posting on the property is impractical, at a nearby location chosen by the Clerk of the municipality or the Secretary-Treasurer of the planning board.

2. Chapter 3, Promote Collaboration, of Mississauga Official Plan, is hereby amended by deleting policy 3.1.8 and replacing it with the following:

If an open house is required by the *Planning Act*, notice will be given by advertisement in a digital and/or print newspaper.

3. Section 19.14, Site Plans, of Mississauga Official Plan, is hereby amended by deleting policy 19.14.4 and replacing it with the following:

Site plan applications will address matters including but not limited to:

- a. health and safety;
- b. environmental conservation and sustainable design;
- c. massing and conceptual design; and,
- d. relationship to adjacent buildings and publicly accessed areas.

4. Section 19.14, Site Plans, of Mississauga Official Plan, is hereby amended by adding policies 19.14.6 and 19.14.7 as follows:

19.14.6 Site plan applications will ensure facilities are designed to have regard for accessibility for persons with disabilities.

19.14.7 Notwithstanding policy 19.14.2, residential development or redevelopment of 10 units or less are not subject to site plan approval unless for the purposes of a land lease community home.

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.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated July 27, 2023.

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 April 8, 2024 in connection with this proposed Amendment.

No members of the public made deputations in connection with this proposed Amendment at the Public Meeting and one written submission was received afterwards. The written submission was related to concerns surrounding lack of social media requirements to provide public notice, which was addressed after the Planning and Development Committee Meeting.

City of Mississauga
Corporate Report



<p>Date: March 20, 2024</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-SIT</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

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

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
Mississauga Official Plan			
1.	Section 19.14 – Site Plans	Delete policy 19.4.4, which specifies that exterior design matters that relate to character, scale, appearance and design features of all buildings, and their sustainable design can be secured through the site plan application process. Introduce a new policy 19.4.4, specifying the matters that can be secured must be in accordance with Section 41 of the <i>Planning Act</i> .	Bill 23 introduced several changes to the <i>Planning Act</i> , including that exterior design matters could no longer be secured through the site plan control process. To align with these requirements, policy 19.4.4 is deleted and replaced to specify the matters that can be secured should be in accordance with the <i>Planning Act</i> .
2.	Section 19.14 – Site Plans	Introduce a new policy 19.14.6, which requires facilities to be designed in a manner that has regard for accessibility for persons with disability.	To further emphasize the requirement of the <i>Planning Act</i> , which specifies site plan applications should submit drawings that include and display facilities designed to have regard for accessibility for persons with disabilities.
3.	Section 19.14 – Site Plans	Introduce a new policy 19.14.7, which exempts residential development or redevelopment of up to 10 units or fewer from site plan control unless for the purposes of a land lease community home.	To align with Bill 23 requirements, residential development or redevelopment of 10 units or fewer are not required to be subject to site plan control, unless it is for the purposes of developing land lease community homes.

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
4.	Section 19.25 – Alternative Notice Procedures	Introduce Section 19.25 – Alternative Notice Procedures and a new policy 19.25.1, which introduces alternative notice policies that enable the City of Mississauga to meet statutory public notice requirements through digital newspaper print.	The <i>Planning Act</i> provides authority to municipalities to introduce alternative measures for public notice through enabling Official Plan policies. With the ceasing of print newspaper editions in Mississauga, staff are recommending circulating statutory public notices via digital newspaper print as an appropriate alternative.
Site Plan Control By-law 0296-2003			
1.	Section 1	Introduce a newly defined term in Section 1, 'Land Lease Community Home'.	Bill 23 provides municipalities the authority to enforce site plan control for residential developments that contain land lease community homes. To provide clarity on what is considered a 'land lease community home', a definition within the Site Plan Control By-law is introduced.
2.	Section 4	Amend the classes of development that would be designated as a Site Plan Control Area in Section 4 to exclude all residential development or redevelopment that will contain up to 10 units or fewer.	To align with Bill 23 requirements, residential development or redevelopment of 10 units or fewer are no longer subject to site plan approval. Site plan control for residential developments up to 10 units or fewer within 'prescribed areas', as described in Bill 97 and Ontario Regulation 254/23, will not apply unless determined necessary by staff to avoid redundancy in City processes and to help facilitate low-rise residential developments.

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
3.	Section 5	Amend Section 5 to remove the requirement of showing exterior design matters via site plan control and reference Section 41 of the <i>Planning Act</i> , which includes the revised matters a municipality can secure.	To align with Bill 23 requirements, Section 5 is revised to recognize the scope of matters that can be secured should be in accordance with the <i>Planning Act</i> .
4.	Section 6	Amend Subsection 6(a) to remove Zones that permit up to 10 residential units or fewer from requiring site plan approval.	Section 6 includes exceptions to classes of development that are exempt from site plan approval. Section 6(a) is amended to remove any Zones that permit up to 10 residential units or fewer to align with site plan approval exemptions under Bill 23.
5.	Section 6	Amend Subsection 6(c) to remove addresses that permit up to 10 residential units or fewer from requiring site plan approval.	Section 6 includes exceptions to classes of development that are exempt from site plan approval. Section 6(c) is amended to remove any addresses that permit up to 10 residential units or fewer to align with site plan approval exemptions under Bill 23.
6.	Section 6	Amend Subsection 6(d) to require any buildings or structures on lands zoned 'Utility' to require site plan approval if the floor area is greater than 15 m ² (161 ft ²).	To align with the recent changes to the Ontario Building Code, the threshold for the size of floor area requiring site plan approval has increased from 10 m ² (108 ft ²) to 15 m ² (161 ft ²).
7.	Section 6	Delete Schedules 3, 4, 5, 7, 8, 9 and 13.	Section 6 includes exceptions to classes of development that are exempt from site plan approval. Schedules 3, 4, 5, 7, 8, 9 and 13 are removed as they include parcels that are

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
			zoned to permit 10 residential units or fewer, to align with site plan approval exemptions under Bill 23. The remaining parcels on these Schedules would already be subject to site plan control and do not need to be reflected on a Schedule.
8.	Section 6	Introduce a Schedule which requires site plan approval for all development or redevelopment on lands within the Southdown Employment Area.	As a result of Council Resolution No. 0134-2022, an amendment to the Site Plan Control By-law is required to subject all the properties located in the Southdown Employment Area to site plan approval.
9.	Section 6	Introduce a Subsection in Section 6, which requires all residential development or redevelopment for the purposes of a land lease community home to be subject to site plan approval.	To align with Bill 23 requirements, which requires residential development or redevelopment, irrespective of the number of units and for the purposes of developing land lease community homes, to be subject to site plan control.

NOTE: Additional minor and technical changes to the Site Plan Control By-law may be required.

Update to Site Plan Control By-law & Alternative Notice Procedures

April 8, 2024

Information/Recommendation Report (All Wards)

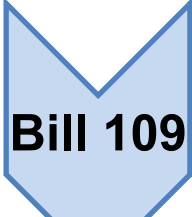
File: CD.21-SIT



By: Ameena Khan, Planner

Site Plan Control





Bill 109

More Homes for Everyone Act, 2022



Bill 23

More Homes Built Faster Act, 2022



Bill 97

Helping Homebuyers, Protecting Tenants Act, 2023

Bill 23 – Site Plan Control Changes

Site Plan Control



Exempt residential developments of 10 units or less, except for land lease community homes

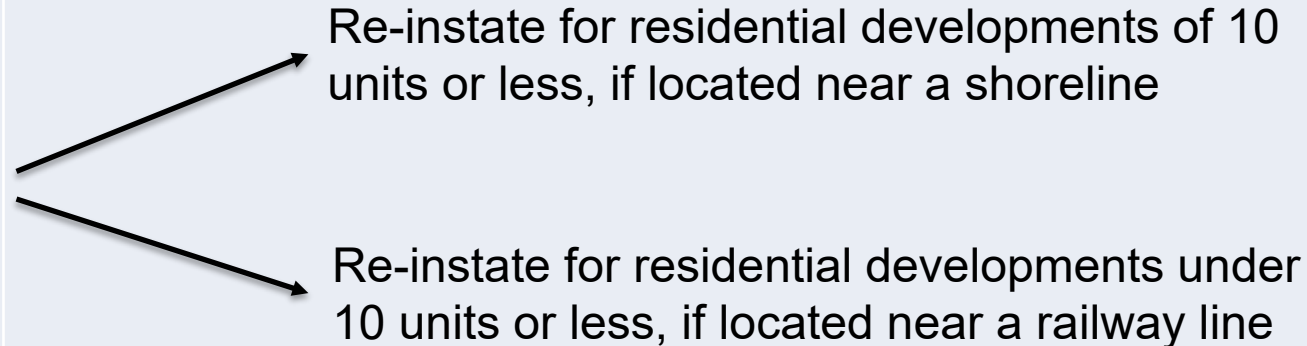
Remove ability to secure exterior design

Health, safety, accessibility, and sustainable design measures can be secured

Building construction requirements that protect/conservate environment under the *Building Code Act, 1992* can be secured

Bill 97 – Site Plan Control Changes

Site Plan Control



Re-instate for residential developments of 10 units or less, if located near a shoreline

Re-instate for residential developments under 10 units or less, if located near a railway line

Bill 97 – Site Plan Control Changes



Public Notice Statutory Requirements

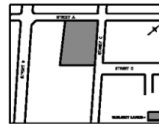
Print
Newspaper

Posting a sign
on property

Mail-outs
within 120 m
(393 ft.) of site



NOTICE: A change has been proposed for these lands.



A development application has been submitted to the City of Mississauga to amend the Official Plan and Zoning By-law and/or approve a plan of subdivision. The property owner wants to build/change the use of these lands to permit **DESCRIPTION OF PROPOSAL** (as determined by the Planning and Building Department).

Check back here for City of Mississauga public meeting notices.

STICKER WITH MEETING INFORMATION
PLACED HERE ONCE AVAILABLE *



Owner: ABC Company Ltd.
Applicant: XYZ Planning Consultants (905) 615-4444
Site Address: 123 Grand Park Drive
File Number: OZ 15/006 W7

For more information:
Call 3-1-1 or 905-615-4311 outside City limits
Send comments to: application.info@mississauga.ca

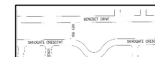
Public Meeting

Planning and Development Committee

Please be informed of a proposed development in your neighbourhood

2620 Chalkwell Close
Location: North of Truscott Drive, east of Winston Churchill Boulevard
Applicant's Proposal: To change the use of these lands to permit 12 blocks of four storey back-to-back townhouses containing 180 residential units and 402 parking spaces on a private condominium road.
Application submitted by: 1672735 Ontario Inc.
File: OZ/OPA 24-3 W2

Location of the Proposal



Applicant's Rendering



Thank You!

Recommendation: That implementing Official Plan and Site Plan Control By-law amendments be enacted at a future City Council Meeting.

A by-law to Adopt Mississauga Official Plan Amendment No. 172

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, 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 exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

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. 172, in his or her opinion the amendment conforms with the Regional Official Plan and is exempt;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan to implement amendments to section 41 of the *Planning Act* and to provide for alternative public notice measures;

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

1. The document attached hereto, constituting Amendment No. 172 to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this _____ day of _____, 2024.

Approved by Legal Services City Solicitor City of Mississauga
MEM
Michal E. Minkowski
Date: April 19, 2024
File: CD.21-SIT

_____ MAYOR

_____ CLERK