



# Corporate Report

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**DATE:** June 6, 2006

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: June 26, 2006

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Site Plan Control By-law Update**  
**City of Mississauga**

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- RECOMMENDATION:**
1. That Site Plan Control By-law 1127-85, as amended, and By-law 314-89 be repealed;
  2. That a new Site Plan Control By-law be enacted in accordance with the draft By-law attached as Appendix 1 to the report from the Commissioner of Planning and Building dated June 6, 2006.

**BACKGROUND:** In June 2004, the Development and Design Division undertook a Review of the Site Plan Control Process to identify opportunities for efficiencies, reduce costs and to improve the overall effectiveness of the existing process.

Through the review and implementation of the recommendations of the Review, it was determined that this was an opportune time to amend and update the City's Site Plan Control By-law. The current By-law is over twenty years old, and has been the subject of numerous amendments, but has never been updated or consolidated. This report recommends repealing the existing Site Plan Control By-law and replacing it with an updated version to create a simplified document for ease of use by both City staff and external users of the By-law, including residents, planning consultants and other members of the development industry.

**COMMENTS:**

Site Plan Control By-law Number 1127-85 contains many exemptions and special provisions, and is difficult to read and interpret. By repealing the current Site Plan Control By-law and replacing it with an updated version, including updated mapping, the document will be more streamlined and customer friendly for all internal and external users.

Staff have proposed various changes to the By-law, which are summarized as follows:

**New Lands Under Site Plan Control**

- It is important to note that the former Town of Streetsville forms an important part of the City's cultural landscape, and is identified in the current Streetsville District Policies as an area to be examined for future designation as a Heritage Conservation District in accordance with the Ontario Heritage Act. Therefore, these lands should be treated in a similar fashion to the City's existing Heritage Conservation Districts, Meadowvale Village and Port Credit, which are already subject to site plan control.

A new Schedule 9 has been added to the By-law to place a portion of the lands in the former Town of Streetsville under site plan control. This ensures that the character of existing neighbourhoods will be protected by the provisions of site plan control when development and redevelopment occurs, as envisioned in the Draft Streetsville District Policies.

- The requirement for site plan control will include industrial lands adjacent to both open space and parkway belt zones. In the existing by-law, industrial lands adjacent to greenbelt lands are subject to site plan control. The new requirement to review site plans for industrial development adjacent to any of the City's open spaces will provide an opportunity to minimize impacts that could affect the integrity of the open space.
- Conversely, some properties formerly subject to site plan control will no longer be subject to the provisions of the By-law. Generally this applies to single detached homes, that were

subject to site plan control through subdivision agreements or Committee of Adjustment decisions, that are now constructed.

### **New Enforcement Provisions**

The following will now be formalized in the Site Plan Control By-law:

- Provisions for the Commissioner of Planning and Building to require that an owner post securities for site works;
- Provisions to allow the City to enter upon a site to complete works at the owner's expense if the owner is in default of said works; and
- Provisions to allow the City to recover any costs incurred through such actions.

These powers currently exist, however if the Planning and Building Department needs to draw upon securities to complete unfinished site works, staff must prepare a by-law for Council's approval. The new sections of the Site Plan Control By-law will expedite this currently lengthy administrative process.

The new Site Plan Control By-law also delegates the authority to determine the appropriate actions to enforce the provisions of the Site Plan Control By-law to the Commissioner of Planning and Building, or designate.

### **Text/Mapping Updates**

- A definition section has been added to clarify the terminology used within the By-law;
- The Schedules (maps) have been updated to reflect by property what is subject to site plan control. This will ensure accurate delineation of what is and is not subject to site plan control. This type of land use control is not open to interpretation
- Some text has been replaced with graphics on the revised Schedules to depict many site specific properties subject to site plan control, thereby allowing staff to shorten and simplify the text of the By-law;

By-law 314-89 is the By-law that delegates site plan approval authority to the Commissioner of Planning and Building and/or designate. Instead of maintaining two separate by-laws dealing with site plan control, and in order to consolidate site plan regulations into one document, the provisions of By-law 314-89 have been added to the new Site Plan Control By-law.

In addition to the new Site Plan Control By-law, a new Corporate Policy will be brought forward to General Committee to provide a guideline as to the types of building projects that are not subject to site plan review, despite the fact that the properties in question are in areas subject to site plan control. Under the provisions of the *Planning Act*, R.S.O. 1990, c.P. 13, “development” is defined as “the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof...”. Certain small projects, such as first storey rear decks, non-residential mezzanine additions, and addition of bay windows, doors and conversion of existing openings that do not “substantially increase the size or usability” of the building do not constitute development. They are therefore not subject to site plan review.

Staff have been waiving the requirement for site plan approval for these types of projects for some time, however the Corporate Policy will create certainty and clarity. This together with a new process to provide express approvals for small projects that are subject to site plan approval, such as front porch alterations, temporary sales trailers and outdoor garden centres, will assist property owners, consultants, other applicants and staff to clearly understand what types of projects are subject to site plan review. The information will be available at the Development and Design and the Zoning Counter areas and on the City’s website.

## **COMMUNITY MEETING**

No community or public meetings are required to be held under the provisions of the *Planning Act*, R.S.O. 1990, c.P.13.

**CONCLUSION:**

As a result of the on-going review and implementation of the recommendations of the Site Plan Control Process Review, it was determined that the City's Site Plan Control By-law should be updated to streamline the provisions of the By-law, and to consolidate all regulations that pertain to site plan approval in one by-law.

The Site Plan Control By-law was updated by: adding a "Definition" section; updating the Schedules to reflect, on a property by property basis, what is subject to site plan control; placing some of the lands in the former Town of Streetsville under site plan control; and, providing the Commissioner of Planning and Building the authority to require securities for on-site works, drawing upon said securities for defaulted site works and allowing for appropriate action to enforce the provisions of the By-law.

The provisions of By-Law 314-89, the By-law which delegates site plan approval authority to the Commissioner of Planning and Building, are incorporated into the new Site Plan Control By-law to consolidate all site plan regulations. Therefore, both By-laws 1127-85, as amended, and 314-89 can be repealed upon the adoption of the new Site Plan Control By-law.

**ATTACHMENTS:**

Appendix 1 - Proposed Site Plan Control By-law

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Edward R. Sajecki  
Commissioner of Planning and Building

Prepared By: Lisa Christie, Planner - Development and Design

A By-law to provide for Site Plan Control in the City of Mississauga  
and to repeal By-law 1127-85, as amended, and By-law 314-89.

WHEREAS section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, permits the Council of a municipality to designate the whole or any part of the municipality as a Site Plan Control Area, where in the Official Plan the area is shown or described as a proposed Site Plan Control Area;

AND WHEREAS section 5.3.6 of the Official Plan for the City of Mississauga (Mississauga Plan) designates all lands in the City of Mississauga as a Site Plan Control Area;

AND WHEREAS subsection 41(11) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, refers to section 427 of the *Municipal Act*, R.S.O. 2001, c.25, as amended, which permits a municipality to direct or require that a matter or thing be done at the person's expense and may recover the costs by action of doing said thing or matter from the person directed or required to do it;

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

1. (1) For the purposes of this By-law:
  - (a) "CITY" means the Corporation of the City of Mississauga;
  - (b) "COMMISSIONER" means the Commissioner of the Planning and Building Department, including his or her designate as identified by the Commissioner in writing from time to time;
  - (c) "COUNCIL" means the Council of the Corporation of the City of Mississauga;
  - (d) "DEVELOPMENT" means the construction, erection or placing of one or more buildings or structures on land or the

making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined subsection 168(5) of the *Municipal Act*, R.S.O. 2001, c.25, as amended, or of sites for the location of three or more mobile homes as defined in subsection 46(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46(1) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;

- (e) "OWNER" means any owner of land as identified in the records of the proper Land Registry Office or Land Titles Office and includes a purchaser under a valid Agreement or Purchase and Sale, and the agent of any such purchaser or owner of land;
- (f) "REDEVELOPMENT" means the removal of buildings or structures from land and the construction or erection of other buildings or structures thereon and "REDEVELOP" has a corresponding meaning;
- (g) "SITE PLAN" means those plans and/or drawings as contemplated by subsection 41(4) of the *Planning Act*, R.S.O. 1990, c.P.13.;
- (h) "SITE PLAN UNDERTAKING" means an agreement as contemplated by subsection 41(7)(c) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, regarding matters pertaining to the development or redevelopment of a property subject to site plan control, and which may appear in the form of a document called a Site Plan Undertaking or as a site plan

development agreement, as approved by the Commissioner,  
and signed by both the owner and the Commissioner;

(i) "SITE WORKS" means all of those requirements made by the Commissioner as identified on a site plan for land which is to be developed or redeveloped, drawn to a suitable scale and showing thereon the following:

- (i) the location, size and design of all matters provided for under subsections 41(4), (7) and (8) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended;
- (ii) the dimensions and area of land and the boundary lines of all lots that comprise the land, certified by or taken from a drawing prepared by an Ontario Land Surveyor;
- (iii) buildings and structures which are to remain on the land and all setback measurements related thereto;
- (iv) landscaping works, including location, size and description of all hedges, trees, shrubs and other landscaping, and detailed tree replacement and tree planting information; and,
- (v) such other data as may be required by the Commissioner consistent with the provisions of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

2. All the lands within the municipal boundaries of the City are hereby designated as a site plan control area, and no person shall undertake development on the lands without the approval of a site plan by Council.

3. Council hereby delegates to the Commissioner the powers and authority



conferred upon the Council under Section 41 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, except the authority to define any class of or classes of development that may be undertaken without the approval of a site plan.

4. Section 2 of this By-law shall not apply to the following classes of development:

- (a) Detached dwellings having direct frontage on a public road;
- (b) Semi-detached dwellings having direct frontage on a public road;
- (c) Lands zoned for industrial purposes;
- (d) All development on lands zoned "RM5-2726" and "RM5-2727".

5. Notwithstanding section 4 of this By-law, section 2 of this By-law shall apply to the following classes of development:

- (a) All development or redevelopment on lands zoned "R3-1368", "R1-1456", "R4-2074", "R2-2210", "R2-2391", "RG3-2449", "O3-2643", "R3-2643", "AC-2643";
- (b) All development or redevelopment on lands used for the office of a physician, dentist, drugless practitioner or health professional in a detached dwelling;
- (c) All development or redevelopment on lands with the municipal address 1355 Aerowood Road;
- (d) All development or redevelopment of utility buildings with a floor area greater than 10 m<sup>2</sup>;
- (e) All development or redevelopment on lands zoned for industrial purposes which abut the roads shown on Schedules "1" and "2" attached

to this By-law;

- (f) All development or redevelopment on the lands shown on Schedule “3” attached to this By-law;
- (g) All development or redevelopment on the lands shown on Schedule “4” attached to this By-law;
- (h) All development or redevelopment of detached dwellings on the lands shown on Schedule “5” attached to this By-law;
- (i) All development or redevelopment on the lands shown on Schedule “6” attached to this By-law;
- (j) All development or redevelopment on the lands shown on Schedule “7” (lands fronting, flanking and/or abutting Mississauga Road), attached to this By-law;
- (k) All development or redevelopment on the lands shown on Schedule “8” (the Port Credit Heritage Conservation District) attached to this By-law;
- (l) All development or redevelopment on the lands shown on Schedule “9” attached to this By-law;
- (m) All development or redevelopment on lands zoned:
  - (i) Industrial which are within 60 m of lands zoned residential and not otherwise subject to site plan control through other sections of this By-law;
  - (ii) Industrial which abut lands zoned greenbelt, open space and parkway belt; and,

(n) All development on Lots 1, 80, 181, 182, 194, 199, 200, 212, 213, 214, 215 and 219 in Registered Plan 43M-1693.

6. The Commissioner may require that securities be posted by the owner, in such amount as the Commissioner deems necessary and appropriate, to ensure the provision and maintenance of the site works as shown on an approved site plan. Securities are to be submitted in a form deemed acceptable to the Commissioner.
7. The Commissioner may require an owner to provide and execute a site plan undertaking to ensure compliance with the conditions to provide, maintain or complete the site works as required by the Commissioner.
8. If an owner is in default of carrying out site works by failing to comply with the conditions to provide, maintain or complete the site works as required by the Commissioner, then the City, its authorized agents, servants or employees may enter upon land or into structures with reasonable notice to complete the site works at the owner's expense.
9. The City may recover any costs incurred by the City, including interest and administration expenses, to provide, maintain or complete site works by deducting from or drawing upon securities that have been provided to the City by the owner. If the amount of securities held by the City are not sufficient to cover the costs incurred by the City, then without limiting the City's remedies the remainder of the costs incurred by the City will be added to the tax roll of the property that is the subject of the site works and collected in the same manner as taxes.
10. The Commissioner is hereby delegated the authority to determine and direct the appropriate action to be taken in the administration of this By-law, including any remedial action to be taken where an owner defaults in the carrying out of the site works.
11. Should a court of competent jurisdiction declare any section or part of a

section of this By-law invalid, it is the stated intention of Council that the remainder of this By-law shall continue in force unless the court makes an order to the contrary.

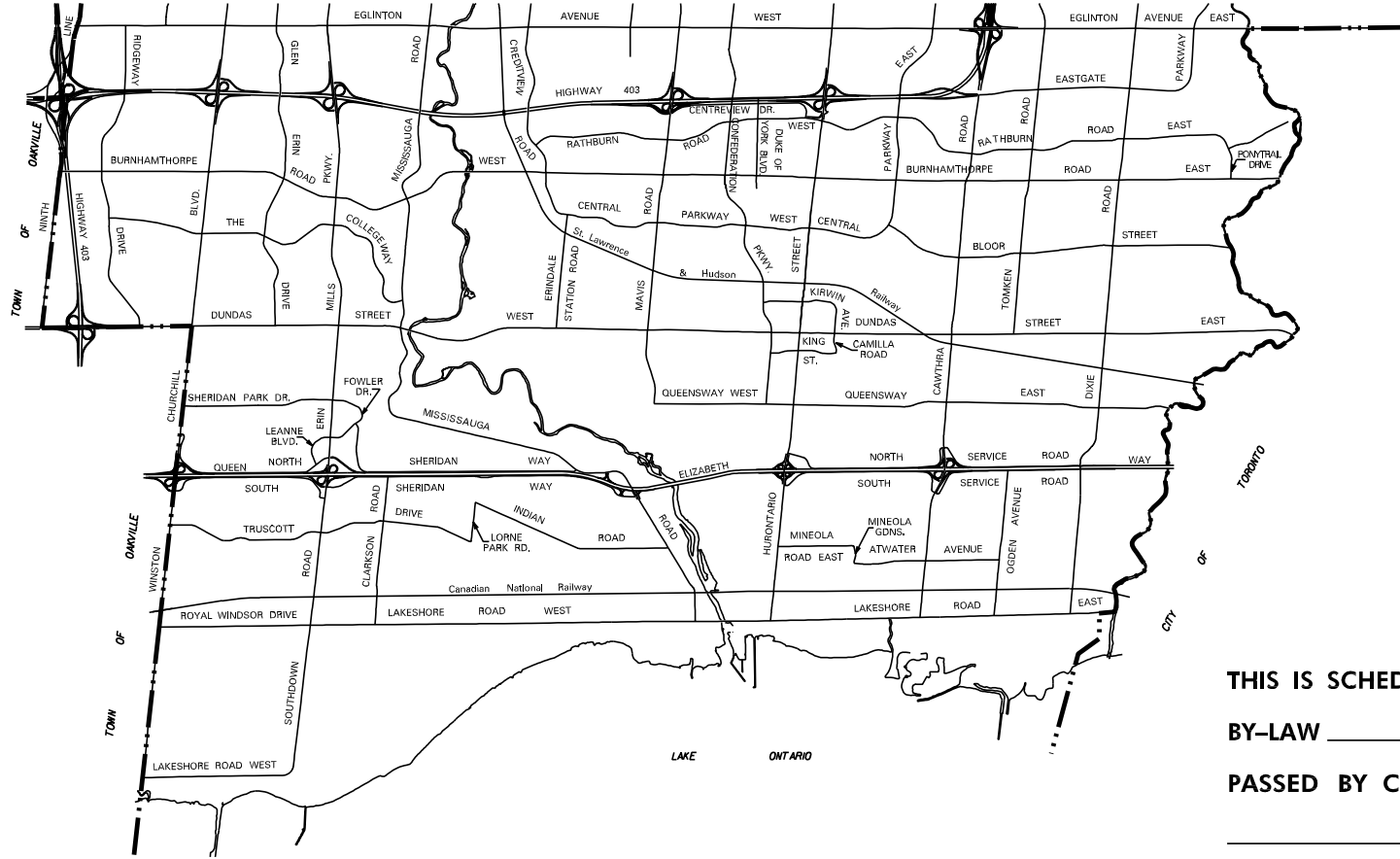
- 12.** (a) By-law 1127-85, and amending By-laws 171-86, 267-86, 996-86, 1099-86, 16-87, 865-87, 214-88, 66-89, 112-89, 191-89, 257-89, 268-89, 314-89, 319-89, 437-89, 487-89, 543-89, 622-89, 100-90, 120-90, 188-90, 443-90, 489-90, 24-91, 83-91, 188-91, 332-91, 464-91, 126-92, 311-92, 361-92, 462-92, 552-92, 554-92, 286-94, 370-95, 268-96, 401-96, 164-97, 533-97, 628-97, 630-97, 58-98, 410-98, 424-98, 512-98, 23-99, 54-99, 158-99, 363-99, 369-99, 479-99, 0095-2000, 0333-2000, 0349-2000, 0405-2000, 0492-2000, 0577-2000, 0584-2000, 0073-2001, 0183-2001, 0288-2001, 0314-2001, 0347-2001, 0406-2001, 0486-2001, 0504-2001, 0015-2002, 0452-2002, 0086-2003, 0364-2003, 0476-2003, 0229-2004, 0275-2004, 0338-2005, 0054-2006 are hereby repealed.

- (b) By-law 314-89 is hereby repealed.

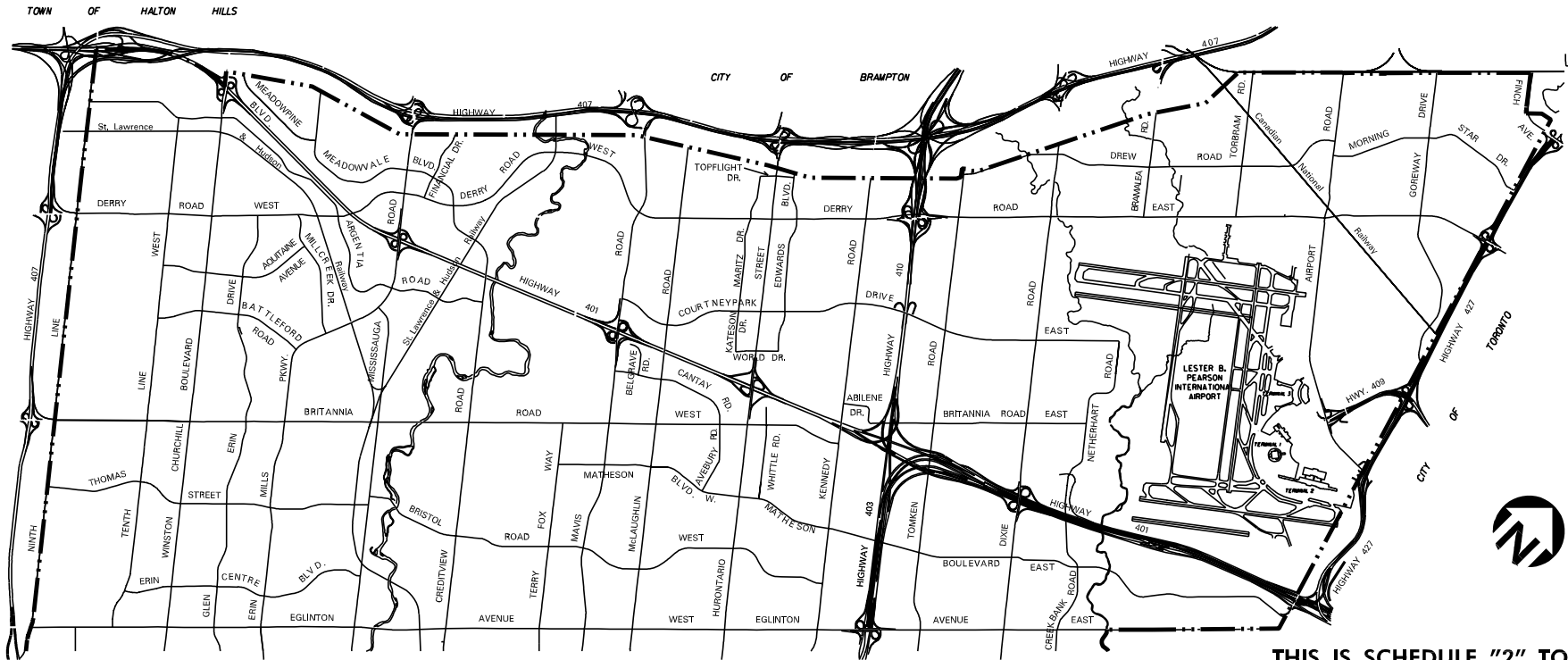
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MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_



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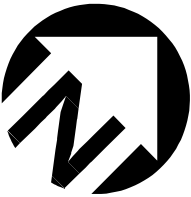


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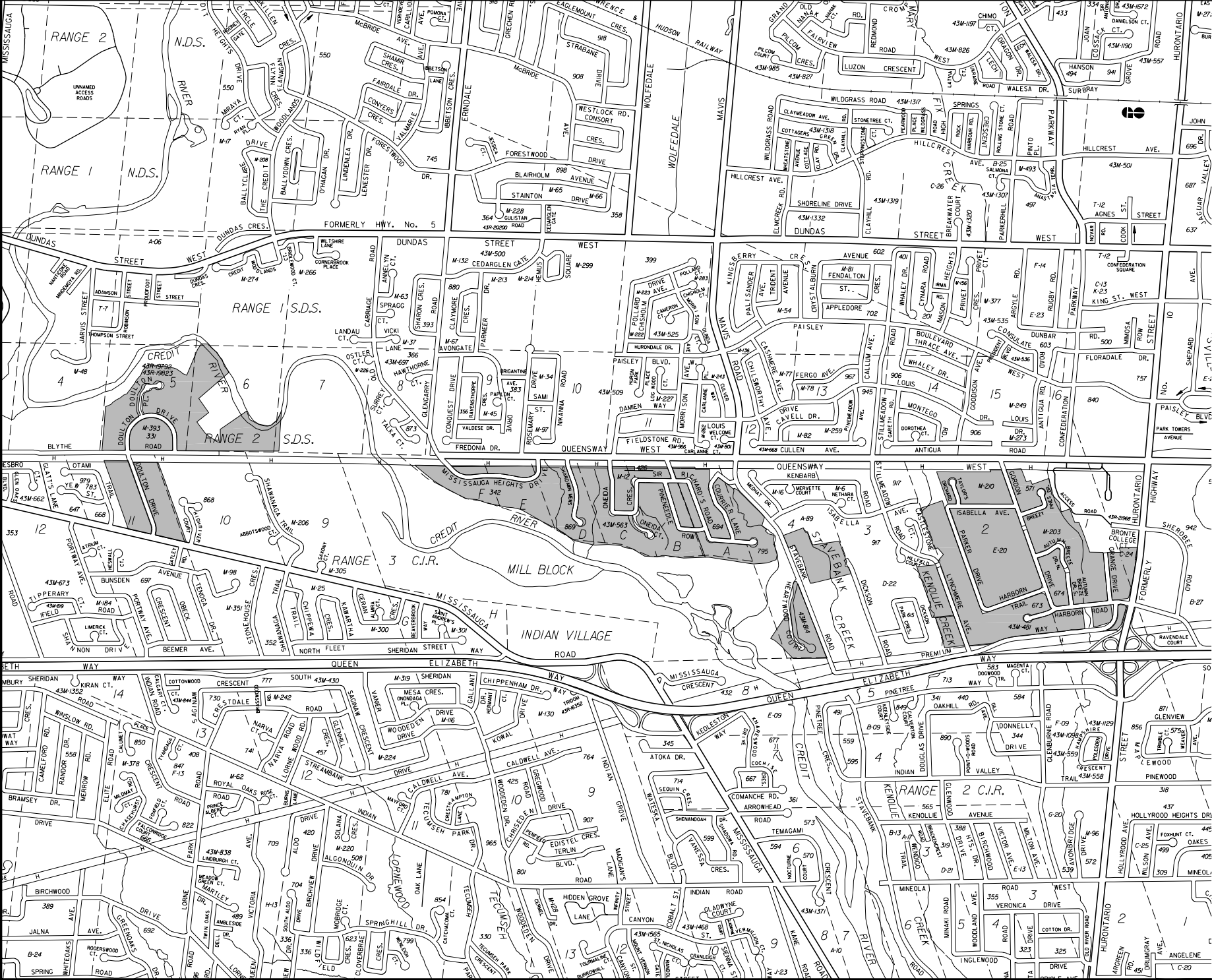
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SITE PLAN CONTROL AREA

CITY OF MISSISSAUGA

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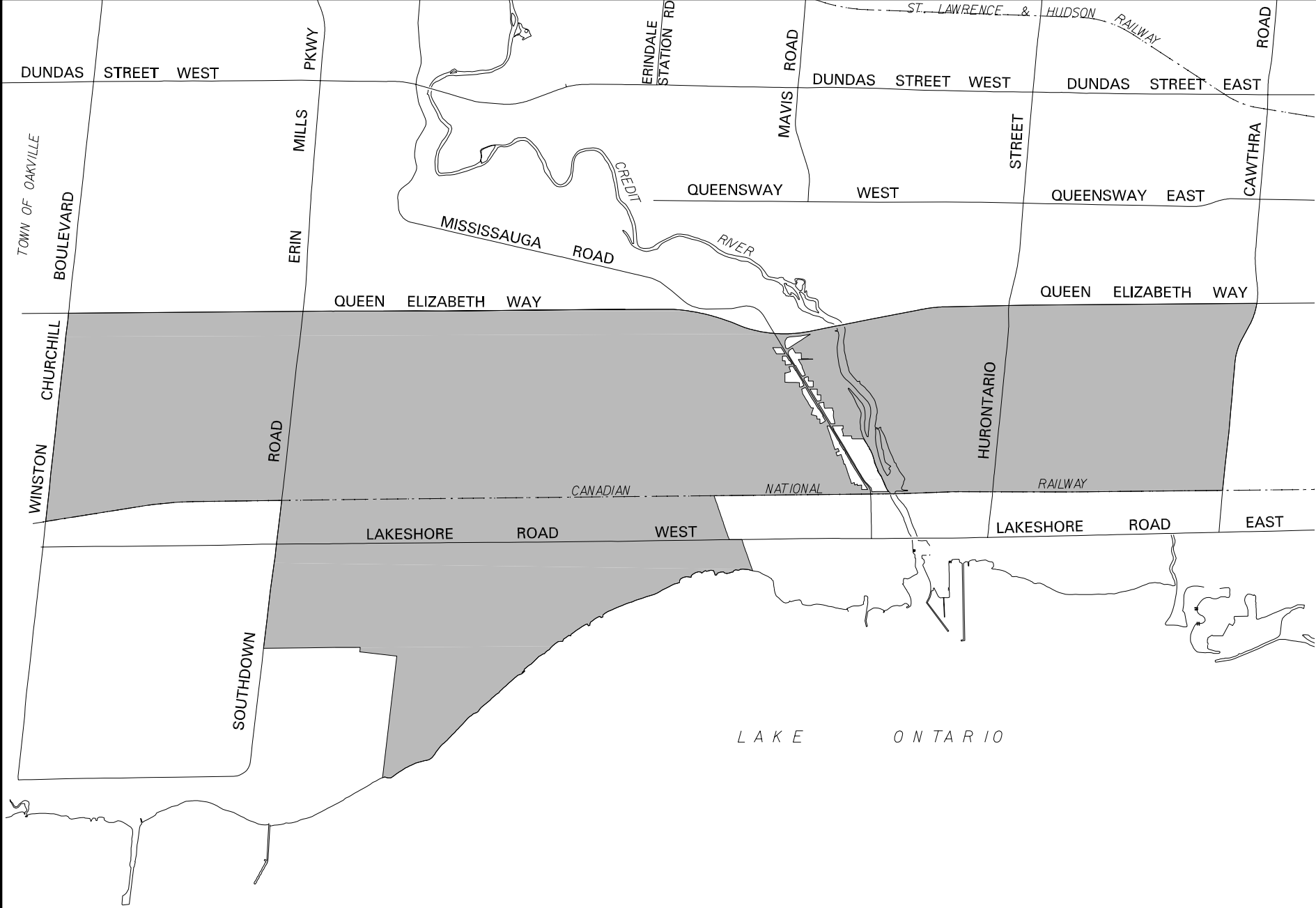


SITE PLAN CONTROL AREA

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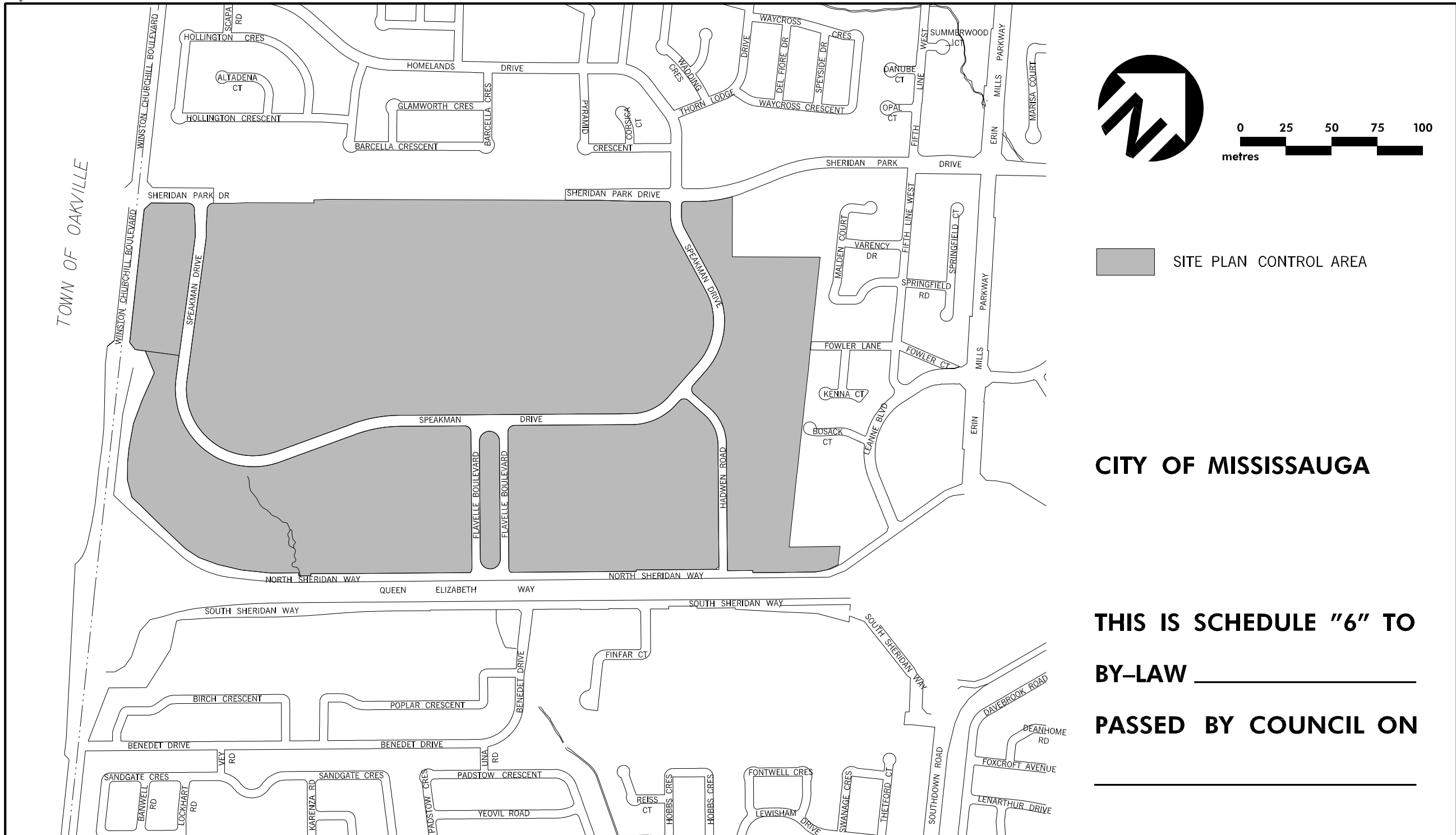


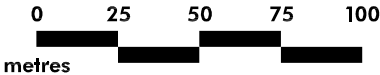
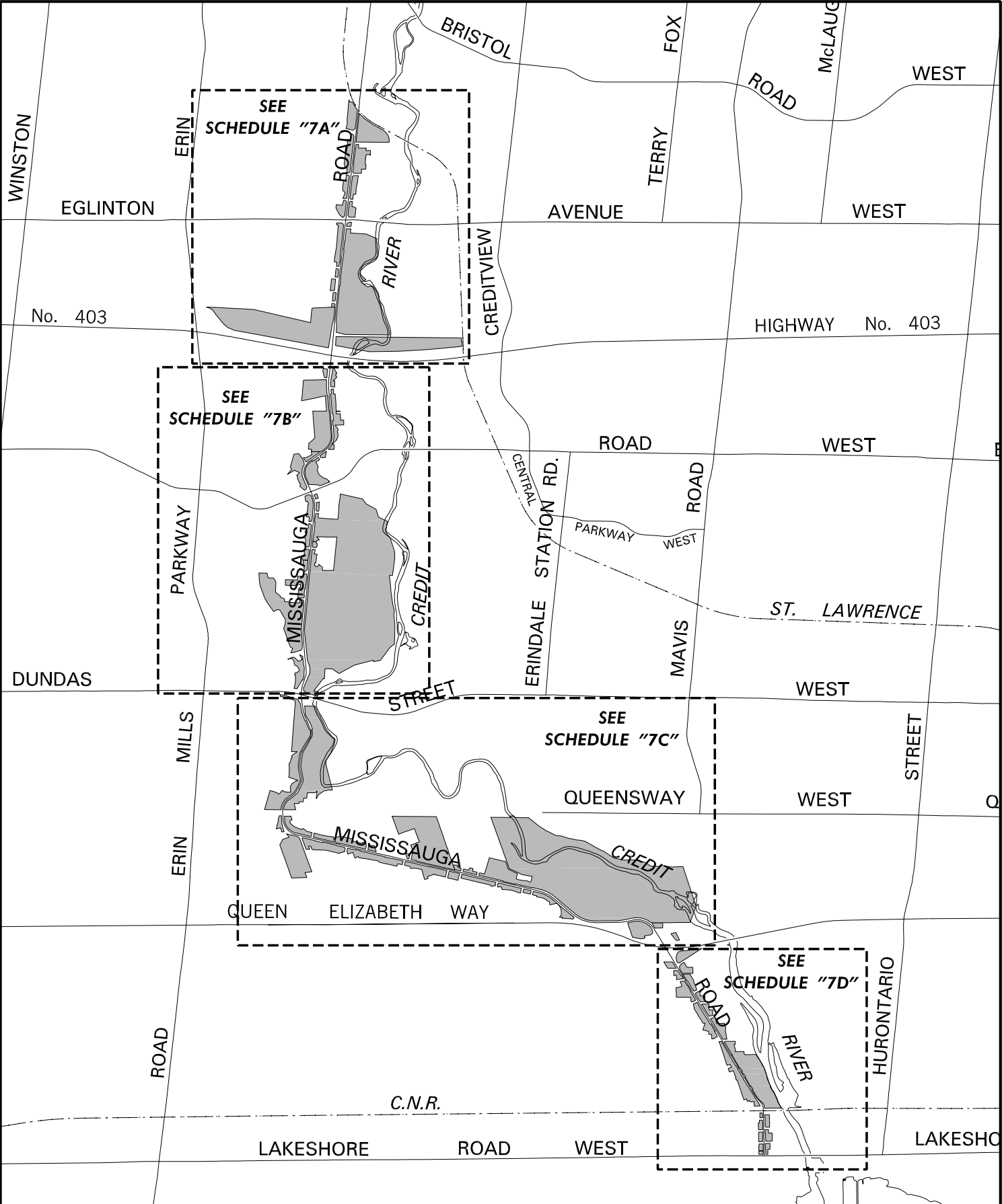
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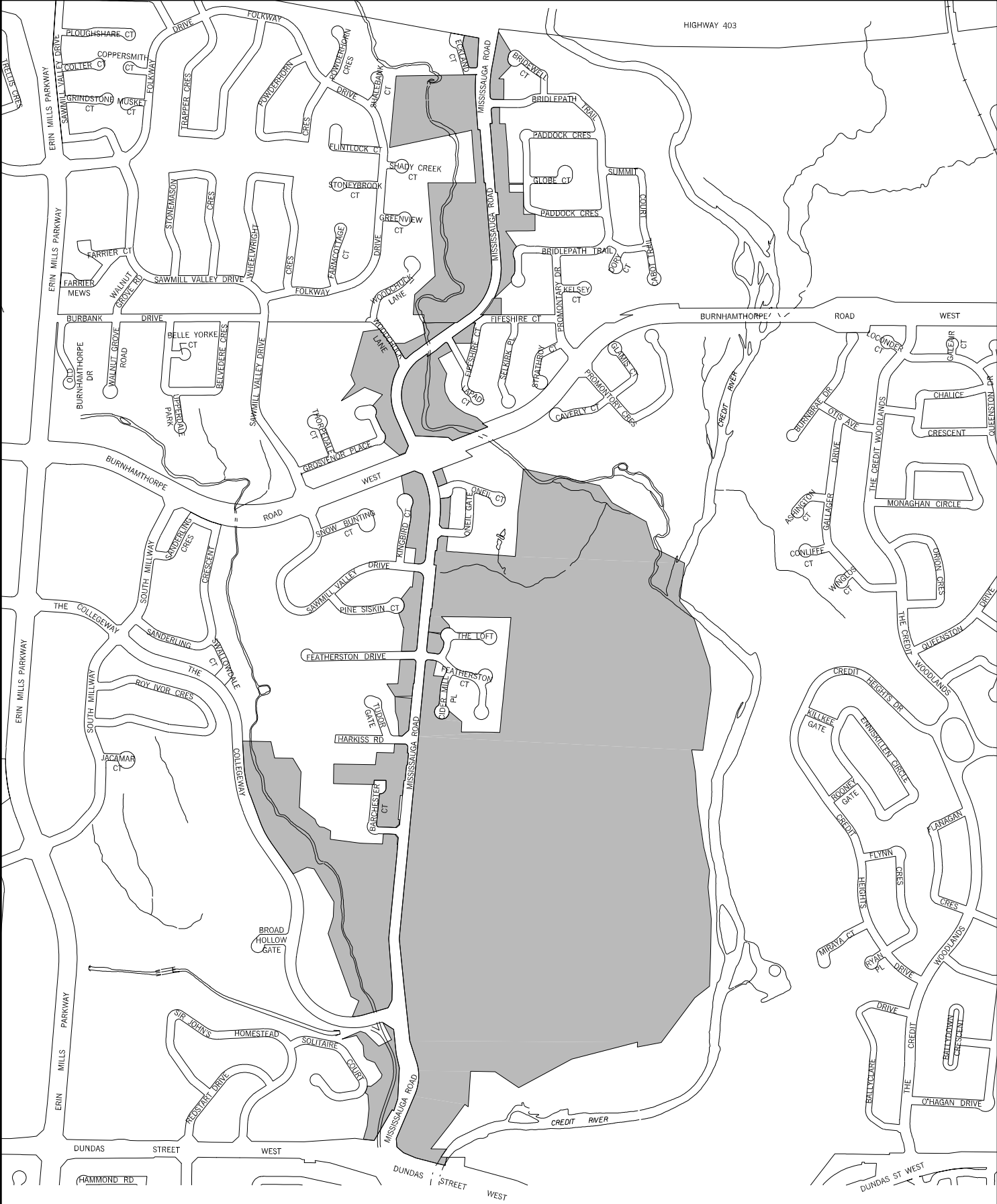
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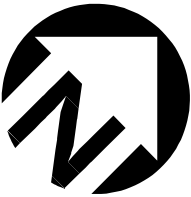
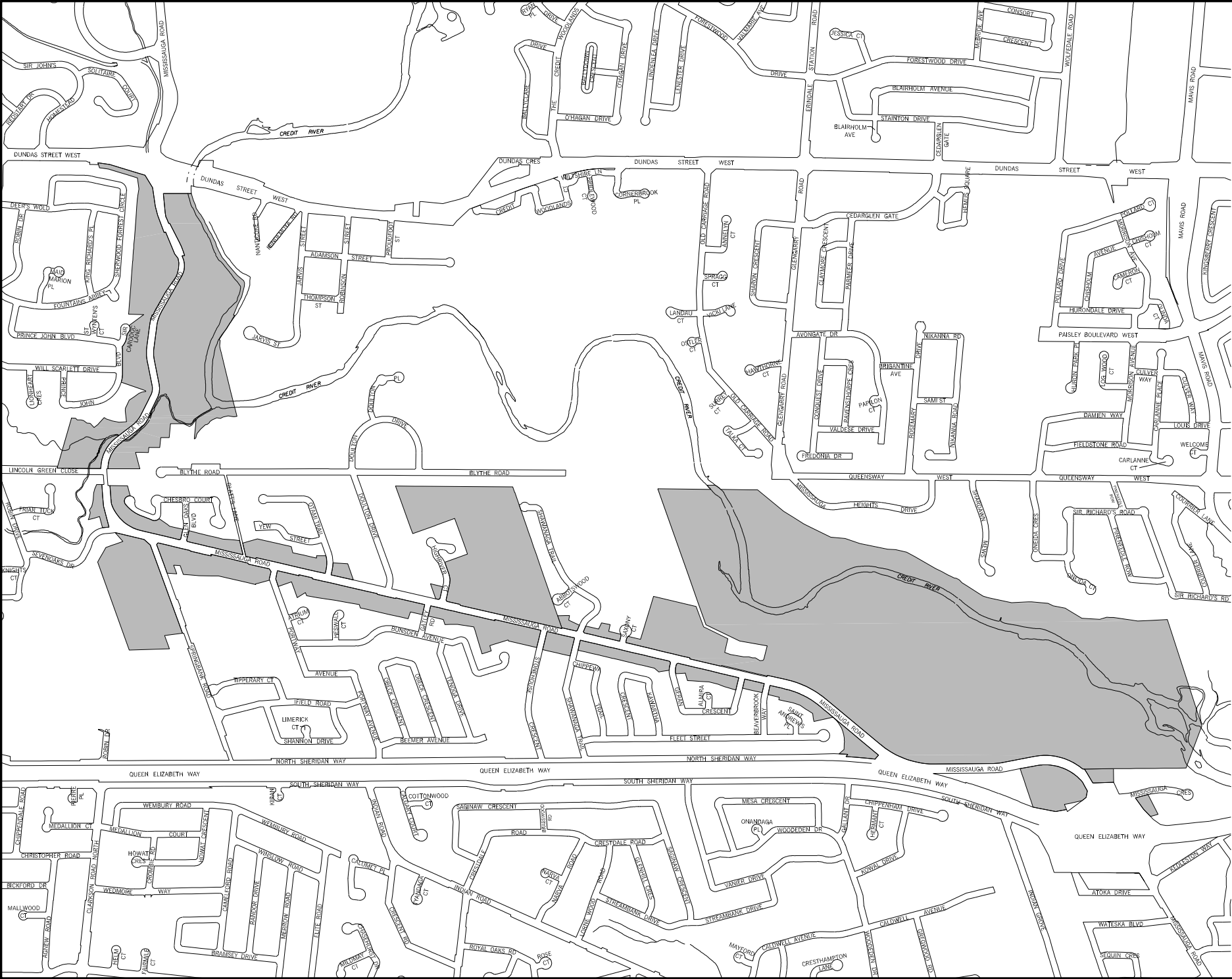
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**CITY OF MISSISSAUGA**



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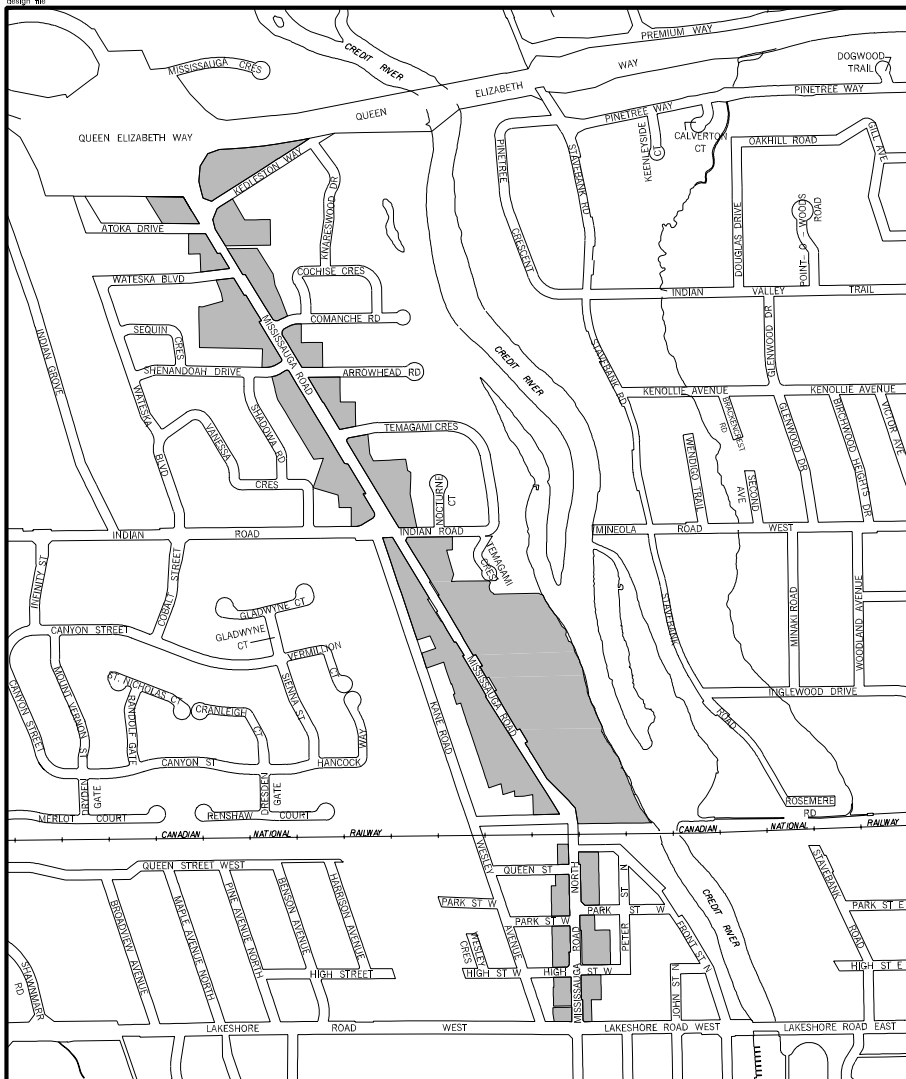
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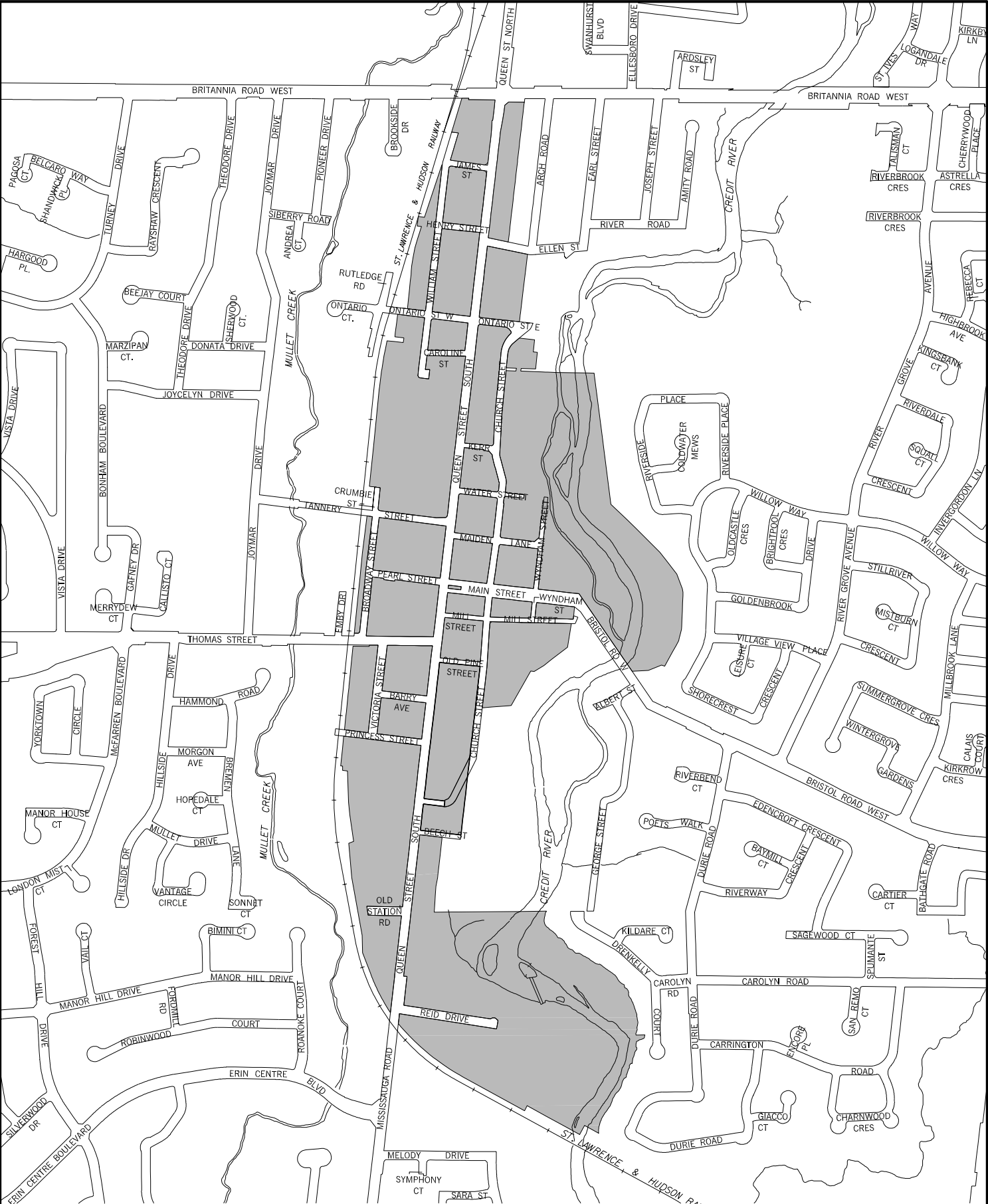
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LAKE ONTARIO





 SITE PLAN CONTROL AREA

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**CITY OF MISSISSAUGA**