



Corporate Report

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DATE: November 13, 2012

TO: Chair and Members of Planning and Development Committee
Meeting Date: December 3, 2012

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **City of Mississauga – Outdoor Lighting Review**

- RECOMMENDATION:**
1. That the report dated November 13, 2012, from the Commissioner of Planning and Building entitled "City of Mississauga – Outdoor Lighting Review", be received for information.
 2. That the Site Plan Approval process be modified to include a more detailed review of proposed outdoor lighting on properties abutting or adjacent to residentially zoned properties and to require all proposed lighting fixtures to be shielded.

**REPORT
HIGHLIGHTS:**

- Current outdoor lighting review practices are explained and discussed;
- Applicable legislation and municipal policies are summarized;
- Current practices of other municipalities are reviewed;
- Changes to the current Site Plan Approval process concerning outdoor lighting and a requirement for shielded lighting fixtures are recommended; and
- A potential nuisance lighting by-law is also discussed.

BACKGROUND: Concerns have been raised by Councillors and residents over the approval and installation of lights and lighting fixtures on retail, commercial and industrial sites that result in light trespass on

adjacent residential properties. Excessive or poor site lighting design, whether it be outdoor lighting or improper shielding of lighting, can create light pollution and trespass which can be a nuisance and negatively affect neighboring properties. Excessive or unnecessary lighting can also be inefficient in terms of energy consumption and the over lighting can render the night sky effectively unviewable to residents. Regulatory tools are available to municipalities to control lighting design and placement provided the municipality has the proper policies in place to do so.

On April 18, 2012 Council passed a recommendation requesting that staff bring forward proposed by-law changes to allow the City to control lighting on buildings and that the Planning and Building Commissioner bring forward changes to the Site Plan Approval process to impose stricter lighting controls on buildings adjacent to residential neighbourhoods.

COMMENTS:**JURISDICTION**

The main tools available to municipalities in Ontario to regulate outdoor lighting include Site Plan Control under the *Planning Act* and lighting by-laws under the *Municipal Act*.

Planning Act

Municipalities cannot regulate lighting or address lighting issues through Zoning By-laws; however, Section 41 of the *Planning Act* permits the municipality to regulate lighting for new development or modifications to existing buildings and structures that are subject to Site Plan Control.

Through the Site Plan Approval process, municipalities have the authority to approve plans showing the location of all proposed buildings and structures to be erected and all facilities and works to be provided, as well as building elevation plans that display the massing and design of each building. Relevant to the plans are matters relating to exterior design and landscaping, which includes outdoor light fixtures. The City of Mississauga currently addresses site lighting design through the Site Plan Approval process.

Municipal Act, 2001

Section 129 of the *Municipal Act, 2001* allows municipalities to pass by-laws to regulate outdoor illumination, including indoor lighting that can be seen outdoors, as well as other issues such as noise, dust and odours. The passing of a by-law to control lighting can also involve the creation of a system for regulating these fixtures by requiring a permit to be obtained prior to the installation or erection of any lighting fixture or feature that is subject to the by-law. An outdoor lighting by-law would address many of the same issues as through Site Plan Control except that the by-law approach allows municipalities to regulate lighting features for existing development, not just new development. The City of Mississauga does not currently have a lighting by-law or permit process in place to regulate outdoor illumination.

POLICIES**Official Plan Policies**

Section 5.3.6 of Mississauga Plan (2003) governs Site Plans and designates all lands in Mississauga as a Site Plan Control Area. The policies provide that applications for Site Plan Approval will be required to contain sufficient information to ensure compliance with all relevant matters contained in the *Planning Act*, such as building design and design features, which includes lighting fixtures.

The policies also allow for aesthetic and functional design guidelines to be established to guide the preparation of site plans and the design of buildings. Currently the City does not have design guidelines in place that pertain specifically to the installation of lights and lighting fixtures.

Mississauga Official Plan (2011), not yet in effect, expands on the policies in Mississauga Plan (2003) to also specifically identify that site plan applications will address matters relating to exterior design such as, but not limited to, the character, scale, appearance and design features of all buildings, and their sustainable design.

Site Plan Control By-law

As per the *Planning Act*, Council passed Site Plan Control By-law 0293-2006, to designate specific areas of the municipality subject to Site Plan Control. All development proposed within these areas, unless otherwise exempt, are subject to Site Plan Control. There are many industrial and business employment locations throughout the City that are not subject to Site Plan Control.

REVIEW**Current Mississauga Practices**

For new development subject to Site Plan Control, applicants are required, as deemed necessary, to submit lighting plans and details. Lighting review is typically limited to ensuring lamps and fixtures are located in such a way as to direct light away from neighbouring properties. A notation is also required to be included on the site plan stating: "All exterior lighting will be directed onto the site and will not infringe upon the adjacent properties."

Complaints received by the City concerning lighting or outdoor illumination are typically resolved by the City's Compliance and Licensing Enforcement Section through the provisions outlined in the Property Standards By-law 654-98. This By-law has general provisions dealing with exterior lighting and lighting fixtures (Section 18) that are enforced similar to other general standards for property maintenance contained in the by-law. Enforcement staff ensures that exterior lighting fixtures are installed and maintained so as to prevent the light source from shining directly into a dwelling unit. Indirect and ambient light are not controlled by the existing Property Standards By-law.

Comparison to Other Municipalities

Staff compared the City's current practice of reviewing lighting design with the processes of Brampton, Burlington, Oakville, Richmond Hill and Toronto. Each of those municipalities governs lighting on private property through Site Plan Control.

- Brampton and Toronto currently handle the review of lighting similar to Mississauga in that they do not have any guidelines

in place and their review is limited to ensuring lamps and fixtures are located in such a way as to direct light away from neighbouring properties.

- Burlington has lighting design guidelines in place while Oakville is in the process of developing guidelines to assess lighting on private lands to protect against light trespass and promote night sky friendly lighting.
- Richmond Hill developed a light pollution by-law in the mid 1990's, mainly responding to concerns of light pollution on the Donald Dunlop Observatory, through special provincial legislation. This was the only way a municipality could pass a by-law prior to the current changes to the *Municipal Act, 2001*. Their by-law regulates new lighting fixtures for existing and new development, acts as a guideline to review new lighting fixtures and provides authority for enforcement of lighting features that do not comply with the provisions of the by-law.

No Greater Toronto Area (GTA) municipality has an outdoor illumination by-law with an accompanying permit system in place to regulate private site lighting for new or existing developments. Burlington is expected to pass a special event lighting by-law to supplement their existing lighting by-law in the near future.

PROPOSED MODIFICATIONS

Lighting Guidelines

In accordance with the Site Plan Policies in Mississauga Plan, lighting guidelines could be established to assist in the preparation of site plans and the design of buildings, as well as to provide more detailed standards by which staff could review proposed lighting designs beyond the current practice. However, lighting guidelines can be highly technical documents that may be difficult to enforce and administer while not substantially improving situations where ambient and/or indirect light trespass occurs due to faulty installation and/or fixtures. Therefore, this Department does not recommend the formulation and adoption of lighting guidelines.

Modification to Existing Site Plan Approval Process

As a means of further improving the Site Plan Approval process, with the least amount impact on approval timelines and increased costs to the applicant, the following changes are recommended:

- All Site Plan applications, except for detached and semi-detached dwellings, within 60 m (196.8 ft.) of a residentially zoned property will be required to submit an engineer certified lighting plan for review and approval;
- All proposed exterior lights will be required to be "shielded" as opposed to "unshielded lights" that produce glare and light infringement (see Appendix 2 showing examples of acceptable and unacceptable lighting fixtures). Applicants will also be required to include a note on the site plan indicating the use of only "shielded" lighting fixtures. Exemptions will be allowed only when required by either the Ontario Building Code and/or in order to comply with the recommendations of the Illuminating Engineering Society of North America (IESNA) lighting handbook for uses and/or activities;
- Financial securities posted for site works associated with a Site Plan application shall include lighting fixture compliance to approved plans. Securities are returned once compliance of the site has been met;
- The Department's Site Plan Manual will be revised to provide appropriate direction to applicants.

Nuisance Lighting By-law

The Compliance and Licensing Section of the Transportation and Works Department will be presenting a report and draft nuisance lighting by-law at the December 5, 2012 General Committee meeting.

A nuisance lighting by-law would contain regulations to assess lighting installations and would apply to both new developments as well as existing buildings. It could also enhance Compliance and Licensing Enforcement's ability to enforce lighting standards.

Implementing a lighting by-law would not eliminate a reliance on the Compliance and Licensing Section to ensure adherence to the lighting by-law.

CONCLUSION:

In order to better regulate lighting or address lighting issues, modifications to the City's current Site Plan Approval process are proposed to be implemented, as described in this report, including a more detailed review of proposed outdoor lighting on properties abutting or adjacent to residentially zoned properties and to prescribe shielded lighting fixtures. These initiatives, coupled with the implementation of a nuisance lighting by-law under the *Municipal Act, 2001* through the Transportation and Works Department will provide additional means to the City's Compliance and Licensing Section to address lighting related complaints.

ATTACHMENTS:

Appendix 1: Recommendation GC-0310-2012

Appendix 2: Examples of Acceptable/Unacceptable Lighting Fixtures

Edward R. Sajecki
Commissioner of Planning and Building

*Prepared By: Chris Rouse, Acting Manager
Development North*

City of Mississauga – Outdoor Lighting Review

File: CD.07.OUT

Recommendation GC-0310-2012

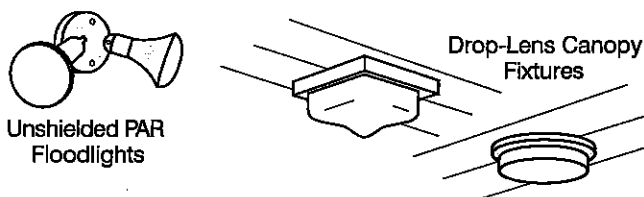
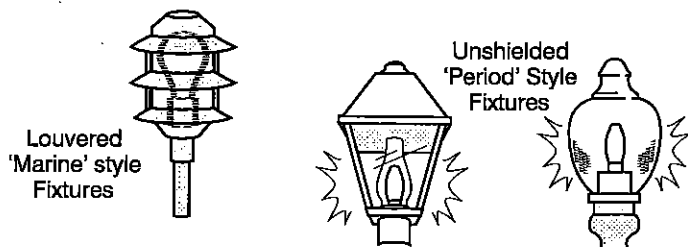
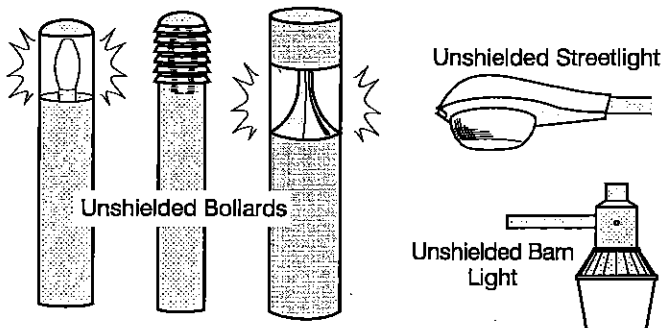
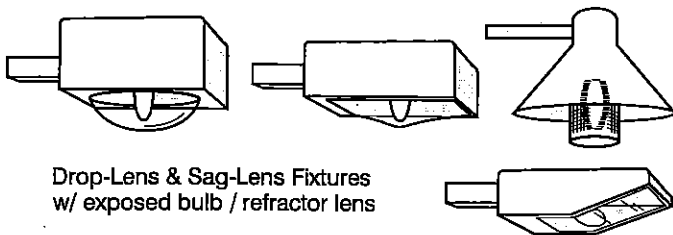
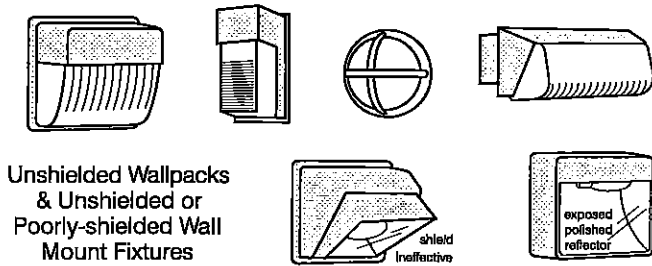
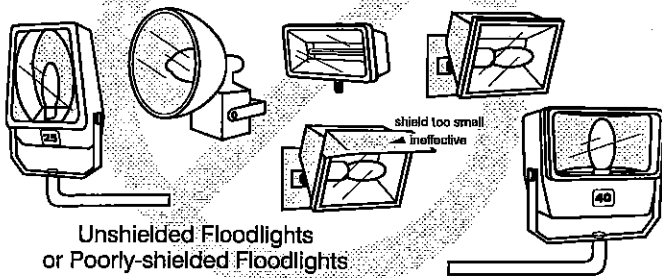
GC-0310-2012

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Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night

