

19 Implementation

The purpose of this chapter is to establish how the policies of Mississauga Official Plan are implemented and translated into programs. This Plan will be implemented by the powers conferred upon City Council by the *Planning Act*, the *Municipal Act*, and other statutes as may be applicable. For instance, this Plan will be implemented by zoning by-laws, heritage designation by-laws, subdivision control, site plans, municipal legislation and the construction of public works.

19.1 Jurisdiction

19.1.1 The policies of this Plan apply to all lands within the City of Mississauga, except for those owned by the Federal Crown or the Provincial Crown. Should lands owned by the Federal Crown or the Provincial Crown be sold to an agency that is not a crown agency of the Federal or Provincial governments or to a private owner, the policies of this Plan will apply.

19.2 Monitoring

19.2.1 The Official Plan will be reviewed every five years or earlier, if warranted.

19.2.2 Mississauga may develop a set of indicators to measure the implementation of the policies of this Plan.

19.3 Finance

Development will support itself in terms of capital requirements. The implementation of the policies of this Plan will be subject to the capital budget and financial policies and procedures of City Council, as

well as availability of Regional and Provincial Government funding. The Official Plan also acknowledges that some services are provided to the City by other levels of government.

The City has adopted a Development Charges By-law as authorized by the *Development Charges Act*. The by-law implements the charges required to support the emplacement of capital facilities, as determined by various needs assessments, over the next ten to twenty years. The by-law also contains the capital costs to be charged per industrial/commercial and residential hectare developed and per housing unit constructed.

The by-law will be reviewed periodically as required by the *Development Charges Act* and revised, as necessary.

19.3.1 Mississauga will strive to maintain an appropriate relationship between residential and non-residential assessment in order to maximize City revenues and minimize City expenditures. To this end, staff will monitor the appropriate financial indicators, such as tax rates, capital contribution levels, residential to commercial/industrial assessment ratio, vacancy rates, and overall growth rates.

19.3.2 Mississauga will provide quality services to the residents and businesses of Mississauga that are accessible throughout the city and that recognize specific community needs.

19.4 Development Applications

19.4.1 Development applications will be evaluated and processed in accordance with the policies of this Plan, approved *streetscape* studies and design guidelines and other relevant City Council policies and Provincial policies.



Figure 19-1: Development applications are subject to a number of criteria and require extensive review. Once the application is reviewed with all supporting documentation, the application is presented before City Council for approval.

19.4.2 To ensure that the policies of this Plan are being implemented, the following controls will be regularly evaluated:

- a. Mississauga Official Plan;
- b. Mississauga Zoning By-law;
- c. Site Plan Control By-law;
- d. Urban Design Guidelines;
- e. City of Mississauga Heritage Register; and
- f. all other practices and procedures involved in processing development applications.

19.4.3 To provide consistent application of planning and urban design principles, all development applications will address, among other matters:

- a. the compatibility of the proposed development to existing or planned land uses and forms, including the transition in height, density, and built form;
- b. conformity with the policies in this Plan;

- c. the sustainability of the development to support public transit and to be oriented to pedestrians;
- d. in circumstances where medium and high density residential uses are in proximity to developments of a lower density, measures, such as increased setback; sensitive building location, transition and design; and landscaping, may be required to ensure compatibility with the lower density designations;
- e. the adequacy of engineering services;
- f. the adequacy of community infrastructure;
- g. the adequacy of the multi-modal transportation systems;
- h. the suitability of the site in terms of size and shape, to accommodate the necessary on site functions, parking, landscaping, and on site amenities;
- i. the relationship of the proposed development to the street environment and its contribution to an effective and attractive public realm;

- j. the impact of the height and form of development, in terms of overshadowing and amenity loss, on neighbouring residential and park uses;
- k. site specific opportunities and constraints;
- l. sustainable design strategies; and
- m. urban form and public health.

19.4.4 Prior to the submission of a development application, the City may require a meeting with the development proponent and/or their agent.

19.4.5 Some or all of the following studies, reports, plans, drawings and/or documents may be required as part of a complete application submission for an official plan amendment, rezoning, draft plan of subdivision, draft plan of condominium, consent or site plan application, dependent on the type of application, the property location and adequacy of services.

Submitted material must be satisfactory to the City and relevant agency, if applicable, such as conservation authorities in the case of an Environmental Impact Study. Further, the required material must be deemed satisfactory in the early stages of application review. This list is not inclusive, and other material may be requested when the application is reviewed.

The scope of the studies and the terms of reference will be determined at the pre-application meeting prior to application submission, and/or appropriate staff contacts will be provided for scoping purposes. If the requested material is not provided, the application will be deemed incomplete by the City.

- Development Application Review Checklist, as completed at the Development Application Review Committee (pre-application) meeting
- Notice signage erected on site in accordance with the City of Mississauga's guidelines and regulations
- Complete application form and required fees

- Planning Justification Report, which may include a plan of survey and a concept plan for the subject site and surrounding lands
- Draft official plan amendment
- Draft zoning by-law amendment
- Draft plan of subdivision or condominium
- Development Master Plan
- Urban Design Study
- Arborist's Report (including Tree Survey/Tree Preservation Plan)
- Parking Utilization Study
- Sun/Shadow/Wind Study
- Environmental Impact Study
- Slope Stability Study/Top of Bank Survey
- Downstream Erosion Impact Report/ Investigation
- Functional Storm Drainage Report
- Stormwater Management Study
- Stream Erosion Assessment
- Implementation study for Two Zone Floodplain Policies
- Environmental Site Screening Questionnaire and Declaration
- Site Remediation Studies, including Phase I Environmental Site Assessment, Phase II
- Environmental Site Assessment, Remedial Work Plan, Site Clean Up Report
- **Feasibility** and/or **Detailed Noise Impact Study** (for stationary, road, rail and/or airport noise sources),
- Vibration Analysis
- Air Quality Study

- Geotechnical Report
- Transportation Impact Study (including scoped studies such as gapping, signal operations, and/or other relevant traffic issues)
- Traffic Safety Impact Study (including access review, sight lines, queuing, gapping and collisions)
- On Street Parking Analysis (including type, availability and feasibility of the on street parking arrangement)
- Park Concept Plan
- **Heritage Impact Assessment**
- Heritage Conservation Management Plan
- Community Uses Needs Assessment
- Above and below ground Utility Plans (existing and proposed) on City lands
- Archaeological Assessment
- Restrictions on Title (including where the creation of parcels of land tied to a common element road condominium precedes the registration of the condominium road)
- Condominium Declaration
- Transportation Demand Management (TDM)
- Health Impact Study
- Sustainability Design
- Fire Code Compliance Letter (for existing buildings on a redevelopment site)
- Property Evaluation Report
- Property Standards Compliance Letter (for existing buildings on a redevelopment site)
- Plans and drawings as necessary including but not limited to: site plan; elevation plan; grading plan; servicing plan; landscape plan; and floor plan for the purpose of evaluating exterior design.

19.4.6 Proposals for buildings higher than three storeys will be designed to minimize overlook conditions; obstructions of grade level vistas and overshadowing of any adjacent properties. In this regard, sun and shadow studies, view studies and microclimatic studies may be required to determine the impacts of the proposal. For the purpose of this policy, the above noted studies generally would not be required for adjacent lands used for industrial purposes.

19.4.7 To provide consistent, efficient, and predictable application of environmental planning principles, all applications will have regard for:

- a. promotion of public transit;
- b. promotion of cycling and walking;
- c. management of **waste** ;
- d. energy and water conservation;
- e. quality and quantity of stormwater management;
- f. noise and vibration minimization;
- g. habitat protection and enhancement;
- h. erosion and sediment control;
- i. tree preservation;
- j. land form conservation;
- k. air quality;
- l. soil and groundwater quality; and
- m. public health.

19.4.8 Provincial Government policies and guidelines will be used in reviewing development applications.

19.4.9 Where appropriate, the City will coordinate environmental performance criteria with the programs, policies, and legislation of appropriate Provincial Government agencies, conservation authorities, and the Region.

19.4.10 Rights-of-way or additions thereof, and private roads will not be included in the calculation of density for on site building coverage.

19.4.11 A development master plan may be required when a development proposal may set a precedent for the use, scale and form of future development of a site or area (e.g., Community Node, **Major Transit Station Area**). In consultation with the development proponent, the City will identify the lands for which the development master plan is required and the matters to be addressed. The development master plan will identify how the site or area may be developed to achieve the intent of this Plan and address, where applicable, matters such as:

- a. height, scale and location of proposed uses;
- b. how density and population to employment ratio requirements will be achieved;
- c. community and physical infrastructure requirements (e.g., parks, roads, water and sewers);
- d. environmental requirements (e.g., green development standards);
- e. transition and connectivity to surrounding development; and
- f. treatment of the public realm.

The development proponent may be required to consult with other landowners in the development master plan area. A development master plan may be endorsed by Council as part of a development application.

19.5 Criteria for Site Specific Official Plan Amendments

19.5.1 City Council will consider applications for site specific amendments to this Plan within the context of the policies and criteria set out throughout this Plan. The proponent of an official plan amendment will be required to submit satisfactory reports to

demonstrate the rationale for the amendment; including, among other matters:

- a. that the proposed redesignation would not adversely impact or destabilize the following:
 - the achievement of the overall intent, goals, objectives, and policies of this Plan; and
 - the development or functioning of the remaining lands that have the same designation, or neighbouring lands; and
- b. that a municipal comprehensive review of land use designations or a five year review is not required;
- c. that the lands are suitable for the proposed use, and a planning rationale with reference to the policies of this Plan, other applicable policies, and sound planning principles is provided, setting out the merits of the proposed amendment in comparison with the existing designation;
- d. land use compatibility with the existing and future uses of surrounding lands; and
- e. the adequacy of engineering services, community infrastructure and multi-modal transportation systems to support the proposed application.

19.5.2 Mississauga may initiate site specific amendments to this Plan through local area reviews or other planning studies. In order to demonstrate the viability of a proposal, development proponents may be required to submit satisfactory studies prior to the development of the site.

19.6 Zoning

19.6.1 The zoning for all properties will conform to this Plan within three years of it coming into force and effect.

19.7 Zone Subject to a Holding Provision

19.7.1 A holding provision may be used in conjunction with any zoning category to specify the use to which lands, buildings or structures may be put at such time in the future as the holding provision is removed by amendment to the zoning by-law.

19.7.2 A holding provision will be used to implement this Plan for staging of development and additionally may be used to implement specific requirements, such as, but not limited to:

- a. the adequacy of engineering services;
- b. the adequacy of community infrastructure;
- c. the adequacy of multi-modal transportation systems;
- d. the adequacy of access/ingress to a site and in respect of adjacent properties;
- e. development of affordable housing;
- f. protection of the Natural Heritage System;
- g. the remediation of **contaminated sites**;
- h. the provision of parkland; and
- i. the provision of flood free ingress/egress.

19.7.3 Generally, uses existing at the time a site specific by-law with a holding provision is enacted will be allowed to continue, however, restrictions on existing uses and/or alternative uses may be specified in the by-law with a holding provision.

19.7.4 Mississauga may apply a holding provision to lands within Intensification Areas to ensure that the policies of this Plan are implemented. The removal of the holding provision will be conditional on the applicant satisfying the requirements of the policies of this Plan.

19.7.5 The policies of this Plan should not be construed to require the gratuitous dedication of

land for new public roads, including realignments of roads or impose an obligation upon a landowner to construct or pay for the construction of new roads, where not otherwise permitted by the *Planning Act*.

19.8 Bonus Zoning

19.8.1 City Council may pass by-laws permitting increases in height and/or density for development permitted by this Plan and/or the zoning by-law to enable the City to secure specific amenities that benefit the city. These by-laws are intended to allow the community to tangibly share in benefits that landowners accrue from achieving increased height and/or density permissions on their lands. To be eligible for increases in height and/or density, the proposed development must constitute good planning, be consistent with the intent and objectives of this Plan, and comply with all other City of Mississauga policies.

19.8.2 City Council may grant bonuses in height and/or density of site specific development proposals in exchange for facilities, services or matters, above and beyond that that would be otherwise provided under the provisions of the *Planning Act*, the *Development Charges Act* or other statute, such as, but not limited to:

- a. protection of significant views and vistas of Lake Ontario;
- b. provision of parkland above that required by the *Planning Act*;
- c. enhancement of the Natural Heritage System;
- d. provision of additional road or servicing improvements;
- e. provision of multi-modal transportation facilities;
- f. provision of community infrastructure;

- g. provision of a wide range of housing types, including affordable, assisted and special needs housing;
- h. preservation of heritage resources;
- i. provision of public art;
- j. enhanced urban design features;
- k. provision of **streetscape** improvements;
- l. contributions to city wide funds for public art or affordable housing;
- m. environmental development performance standards or LEED certification that exceeds that required by the Official Plan; and
- n. inclusion of office space in high density areas to meet population-to-employment ratios.

19.8.3 In all cases, the increase in height and/or density will be based on a site specific review. In reviewing the proposed increase in height and/or density, City Council will ensure that:

- a. the proposed development is compatible with the scale and character of the surrounding area and has minimal impact on neighbouring uses;
- b. there are adequate engineering services and community services;
- c. the transportation system can accommodate the increase in density;
- d. the site is suitable in terms of size and shape, to accommodate the necessary on site functions, parking, landscaping, and recreational facilities;
- e. a special study is required from the applicant that establishes a reasonable relationship between the benefit to the owner of the value of the density increase that may be permitted and the value of the facility, service, or matter to the public.

19.8.4 When considering bonusing, and allowing the provision of benefits off-site, the positive impacts of

the exchange should benefit the surrounding areas experiencing the increased height and/or density.

19.8.5 By-laws permitting bonusing of height and/or density will:

- a. specify the amount by which the height and/or density of the development would be increased in exchange for certain facilities, services, or matters; and
- b. contain the detailed development standards that would apply to the site to lessen the impact the proposed increase in height and/or density may have on the surrounding area.

19.8.6 The facilities, services, or matters will be transferred to the City or secured by agreements entered into by the developer and the City, prior to or in conjunction with the enactment of the bonus zoning by-law.

19.8.7 Mississauga may develop bonusing policies applicable to specific areas of the city.

19.9 Temporary Use By-law

19.9.1 City Council may pass by-laws to authorize the temporary use of land for a purpose that is otherwise prohibited by the zoning by-law, as permitted by the provisions of the *Planning Act*.

19.9.2 A temporary use which conforms to this Plan may be permitted by a temporary use by-law to allow:

- a. an unfamiliar use on a trial basis;
- b. the use of an available building until the rehabilitation or redevelopment of the building for a use permitted by this Plan is warranted by future market conditions; or
- c. the use of vacant land for a parking lot that would otherwise not be permitted.

19.9.3 The following conditions will apply to all uses permitted by a temporary use by-law:

- a. extensions of the period of temporary use may be permitted by subsequent by-laws but should generally not continue for more than a total of ten years for a temporary use of a garden suite and three years in all other cases as per the *Planning Act*;
- b. no new buildings or expansion of buildings, except for temporary or movable structures, will be permitted;
- c. the temporary use permitted must be compatible with adjacent land uses, or measures to mitigate any adverse impacts must be applied;
- d. no adverse impacts on traffic or transportation facilities in the area may result, and sufficient parking must be provided on-site;
- e. no adverse impact on community infrastructure;
- f. no adverse impacts on the assessment base;
- g. the temporary use will not jeopardize the eventual planned land use; and



Figure 19-2: Although most of Mississauga is built out, there are still portions of the city that will require a plan of subdivision. Churchill Meadows is one of Mississauga's most recent communities that exemplifies good planning, with appropriate road connections, built form, servicing and a mix of uses.

h. temporary buildings must conform to the property standards by-law.

will not impact any environmental feature that has been identified on the lands by the City or Conservation Authority.

19.10 Interim Control By-law

19.10.1 City Council may pass an Interim Control By-law prohibiting the use of land, buildings or structures within the city or within a defined area of the city for a limited period of time as specified by the *Planning Act*. Interim Control measures may be considered and enacted for the purposes of undertaking studies where development pressures warrant a review of zoning.

19.11 Development Zone

19.11.1 Vacant lands and legally existing land uses that do not conform to this Plan, may be recognized in the zoning by-law as a “D” (Development) Zone. It is intended that these lands will eventually be redeveloped in accordance with the policies contained in this Plan, but in the meantime allow legally existing uses to continue without a non-conforming status.

19.11.2 Notwithstanding policy 19.11.1, lands with a D zone (Development) in the Zoning By-law may be considered for a minor variance if the proposed use/alteration meets all of the following criteria:

- a. where a new use is proposed, the proposed use is temporary/seasonal;
- b. the proposed use is compatible with the planned function and character of the Character Area, and will not have an adverse effect on the surrounding properties;
- c. any proposed building additions and/or alterations are limited in scope; and
- d. the site is not on lands designated Greenlands and/or any proposed development

19.12 Development Permits

19.12.1 Consideration will be given to the enactment of a Development Permit System as authorized by the *Planning Act*.

19.13 Subdivisions

19.13.1 Draft plans of subdivision will comply with the policies of this Plan and relevant City Council approved policies, including those regarding the provisions of adequate services and transportation facilities, and the maintenance of a sound financial position for the City.

19.13.2 A condition of draft approval of a plan of subdivision will require that a servicing and development agreement be entered into by the developer to ensure the provision of services, facilities, and other matters to the satisfaction of City Council and the Region of Peel.

19.13.3 By-laws may be passed to exempt all, or part of registered plans of subdivision from part-lot control. Such exemptions will eliminate the need for further subdivision or consents to convey portions of lots within the registered plan of subdivision.

19.14 Site Plans

19.14.1 As permitted by the *Planning Act*, all lands in the city are designated as a Site Plan Control Area. By-laws may be passed to designate the whole or any part of the city as a Site Plan Control Area, or identify where site plan control does not apply. By-laws may also be passed to designate a

Site Plan Control Area by reference to one or more land use designations and/or zone categories.

19.14.2 As all lands in the city are designated as a Site Plan Control Area, drawings showing plan elevation and cross-section views may be required for each building to be erected on any lands in the city and to be used for residential purposes including buildings containing less than 25 dwelling units. Applications for site plan approval will be required to contain sufficient information to ensure compliance with all relevant matters contained in the *Planning Act*.

19.14.3 Energy conservation, aesthetic, and functional design guidelines will be established to assist in the preparation of site plans and the design of buildings.

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

- a. health and safety;
- b. environmental conservation and sustainable



Figure 19-3: Applications for Site Plan Approval will be required to contain sufficient information to ensure compliance with all relevant matters contained in the *Planning Act*.

design;

- c. massing and conceptual design; and,
- d. relationship to adjacent buildings and publicly accessed areas.

19.14.5 Site plan applications will address the sustainable design elements on the development site and adjoining highways under Mississauga's jurisdiction including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curbs, ramps, **waste** and recycling containers, and bicycle parking facilities.

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.

19.15 Condominiums

19.15.1 Condominium applications will be required to comply with the policies of this Plan and relevant City Council approved policies.

19.15.2 Application for approval of a condominium application for new residential development or conversion of existing rental accommodation will be considered with reference to standards and specifications regarding safety, driveways, traffic, parking control, parking facilities, sidewalks and walkways, open space, recreation, utilities, storm drainage, grading, and internal road construction.

19.15.3 Common element condominiums and vacant land condominiums will not be permitted if the City requires public ownership of the lands for pedestrian or vehicular access to create public road connections to existing developed or undeveloped lands. Regard shall be given to the scale of the development and its integration with the surrounding community.

19.16 Non-Conforming Uses

19.16.1 The use of land or a building or structure that does not comply with the Zoning By-law but which lawfully existed prior to the approval of the Zoning By-law is a legal non-conforming use. If such legal non-conforming use ceases, then the rights derived from the legal non-conforming use will terminate. Over time, it is the intention and expectation of the City that most non-conforming uses will cease.

19.16.2 Certain non-conforming uses, particularly industrial or commercial uses in residential areas that detract from the character and quality of a complete neighbourhood, will be encouraged to relocate or redevelop so that the subject land may be used in conformity with the policies of this Plan and the provisions of the implementing zoning by-law. In this regard, special attention will be given to the re-establishment of the use in a different location, where it will be able to perform produce under improved conditions, in accordance with the policies of this Plan.

19.16.3 To encourage the elimination of certain non-conforming uses of significant detrimental impact on their surroundings, the City may consider the desirability and feasibility of acquiring the legal non-conforming property and holding, selling, leasing, or redeveloping it in accordance with sound financial management and good planning principles. In order to acquire such land the City may consider an exchange of other City owned lands.

19.16.4 Applications may be made to the Committee of Adjustment to permit the extension or enlargement of a building or structure utilized for a non-conforming use or to permit a different but similar use to replace the original legal non-conforming use. The City will consider the following criteria in determining its position with respect to such applications:

- a. the primary intention that non-conforming uses will cease over time;
- b. the length of time the existing non-conforming use has been in operation;
- c. the record of the non-conforming use in terms of its adherence to all municipal by-laws and other regulations to which its operation may be subject;
- d. the nature and characteristics of the existing non-conforming use;
- e. whether the use has achieved an acceptable level of compatibility with adjacent uses;
- f. that any permitted expansion or alteration is minor in nature, is moderate in scale, and will not detract from the intent of this Plan;
- g. whether the proposed expansion or alteration unduly aggravates the situation created by the existence of the use;
- h. the characteristics of the existing non-conforming use and the proposed extension or enlargement will not contribute to air, noise, or water pollution and will not result in nuisances such as, vibration, fumes, smoke, dust, odour, or lighting infringement, or will not affect the control of flooding or conservation of land;
- i. the existing use or proposed expansion or alteration does not involve a threat to the safety of its neighbours;
- j. that neighbouring uses can be adequately protected by the provision of landscaping, buffering, or screening; appropriate setbacks for buildings and structures; and devices and measures for reducing nuisances;
- k. traffic and parking conditions in the vicinity will not be adversely affected;

- l. adequate provisions will be made for off-street parking and loading facilities;
- m. all engineering services and community infrastructure will be adequate; and
- n. whether endorsement establishes a significant precedent for further amendments to this Plan or for similar uses.

19.16.5 City Council may also in special and appropriate circumstances, consider the enactment of an amending zoning by-law to permit the extension or enlargement of a legal non-conforming use, although the preferred procedure will be to encourage the use of applications to the Committee of Adjustment.

19.17 Design Excellence

19.17.1 Mississauga will encourage and recognize creativity; sustainability and design excellence in architecture; landscape and urban design and



Figure 19-4: A Design Review Panel may be created to provide advice on applications, specifically design related matters that may affect the public realm. Development proponents may be required to submit their application to this Panel for review.

stimulate public awareness by:

- a. administering an awards program that promotes; recognizes and honours development projects and initiatives that set the highest standard for sustainable practices;



Figure 19-5: Mississauga has many beautiful parks and recreational facilities, such as the Frank McKechnie Community Centre and Library, located in the Hurontario Neighbourhood Character Area. In addition to City reserves, development contributions also play an important role in the creation of open spaces and recreational facilities for all residents to enjoy.

architectural; landscape; urban design and construction in the city; and

- b. encouraging design competitions for sustainable practices; architecture; landscape and urban design.

19.17.2 Mississauga may establish a Design Review Panel to provide advice on design related matters that affect the public realm.

19.17.3 Mississauga may require development proponents to submit their application to the Design Review Panel.

19.18 Greenlands

19.18.1 As a condition of development approval, **natural hazard lands** may be placed in public ownership for their long term protection.

19.18.2 Greenlands is determined on a site by site basis and is defined by natural hazards associated with **watercourse** corridors and Lake Ontario, and the limits of identified natural areas. The limits of the Greenlands are determined in consultation with the City and appropriate conservation authority and through studies, where required, completed by the proponent to the satisfaction of the City and the appropriate conservation authority.

19.18.3 Surface drainage and stormwater management facilities and associated hazards will be designated Greenlands. Where possible, surface drainage and stormwater management facilities should be designed in a manner that restores natural habitat links or buffers natural areas. The location of these facilities will not be detrimental to the natural heritage system.

19.18.4 Greenlands lands will be conveyed to the City or other public agency. Such lands will not be accepted as part of the dedication of land for park or other public recreational purposes contribution or credited against any cash in lieu for park or other public recreational purposes or be included in the calculation of density for building coverage.

19.18.5 Development adjacent to Greenlands lands will be subject to the delineation of natural hazards, natural areas, buffers and setbacks by the City in consultation with the appropriate conservation authority. Dedication and/or restrictive zoning of buffers to Greenlands may also be required by the City in consultation with the appropriate conservation authority.

19.18.6 Prior to conveyance of Greenlands lands, the proponent may be requested to conduct a Phase 1 Environmental Site Assessment (ESA) in accordance with the latest standards of the Canadian Standards Association and the Ministry of Environment. Should the Phase 1 ESA indicate that further investigation is required, the proponent may be requested to conduct further investigation, perform site clean up and provide the appropriate environmental documentation. The conveyance of the Greenlands lands will occur after the proponent has completed all requirements to the satisfaction of the City.

19.18.7 The Greenlands designation applies to both public and privately owned lands. Where Greenlands land is privately owned, this Plan does not imply that it is free and open to the general public or that it will be acquired by the City or any other public agency. Consideration will be given, however, to public acquisition of these areas.

19.18.8 Reconstruction, minor additions, and maintenance of legal non-conforming facilities, buildings, and structures may be permitted in Greenlands. With respect to reconstruction, the development should be relocated to an area that is least susceptible to natural hazards.

19.19 Public Open Space and Recreational Facilities

19.19.1 Mississauga will provide for public open space and/or recreational facilities in accordance with the following means:

a. dedication of land for park or other public recreational purposes, or cash-in-lieu for park or other public recreational purposes, under the provisions of the *Planning Act*;

b. receipt of levies, under the provisions of the *Development Charges Act*; or

a form satisfactory to the City, to ensure that the lands are clean at the time of conveyance.

a. In the case of land proposed to be developed or redeveloped for predominately residential purposes, the amount of land to be conveyed will be calculated using:

- a rate not exceeding five percent of the developable land; or
- a rate not exceeding one hectare for each 300 dwelling units proposed; or,
- whichever amount is greater;

b. In the case of land proposed to be developed or redeveloped for predominately non-residential purposes, the City will require the conveyance of land at a rate not exceeding two percent of the developable land; and

c. In instances where a land dedication is not required by the City, the City may alternatively require the payment of cash in lieu of such conveyance. The value of the land will be determined as of the day before the day of the issuance of the first building permit in respect of the development or redevelopment. The payment will be made prior to the issuance of the first building permit.

19.19.3 As a condition of approval of a plan of subdivision, Mississauga will require that a portion of the land in the plan be conveyed to the City for park or other public recreational purposes in a form satisfactory to the City, to ensure that the lands are clean at the time of conveyance.

a. In the case of a subdivision for predominately residential purposes, the amount of land which the City will require to be conveyed will be the amount calculated using:

c. other sources.

19.19.2 As a condition of development of land, the City may require that a portion of the land proposed to be developed or redeveloped be conveyed to the City for park or other public recreational purposes, in

- a rate not exceeding five percent of the land included in the plan of subdivision; or,
- a rate not exceeding one hectare for each 300 dwelling units proposed; or whichever amount is greater; and

b. In the case of a subdivision for predominately non-residential purposes, the City will require the conveyance of land at a rate not exceeding two percent of the land included in the plan of subdivision;

c. In instances where a land dedication is required that only partially satisfies the dedication of land for park or other public recreational purposes yield for the subdivision, the payment of cash in lieu for park or other public recreational purposes will be required for the balance owing on the yield. For the purpose of determining the amount of any payment, the value of the land will be determined as of the day before the day of the approval of the draft plan of subdivision. The payment will be made prior to the registration of the plan of subdivision; and

d. In instances where a land dedication or cash in lieu for park or other public recreational purposes was not required by the City as a condition of subdivision approval, the City may require payment of cash in lieu for park or other public recreational purposes as a condition of development or redevelopment of the land in accordance with the *Planning Act*, as amended, prior to the issuance of building permits. The value of the land will be determined as of the day before the day of the issuance of the first building permit in respect to the development or redevelopment. The payment will be made prior to the issuance of the first building permit.

19.19.4 Mississauga will provide recreational facilities as specified in the Future Directions for Library, Recreation, Parks and Natural Areas Master Plan, subject to any of the following:

- a. limitations in the area and/or configuration of established parks that inhibits construction of such facilities, and which cannot be expanded through land acquisition due to surrounding development;
- b. limited opportunity to acquire new parkland in established areas;
- c. restrictions on parkland development dictated by the location of the park, environmental constraints, parking availability, access, or other reasons;
- d. specialized, identified recreational needs for parkland in certain areas of the city;
- e. the timing and pace of development which may affect the City's ability to acquire parkland through the development process; and
- f. financial circumstances and the establishment of priorities through the City's capital budget process.

19.19.5 The facility objectives contained in Future Directions for Library, Recreation, Parks and Natural Areas Master Plan, may change as market demand and other studies determine that the public's recreational needs have changed. Failure to achieve facilities at the levels contained in the Future Directions for Library, Recreation, Parks and Natural Areas Master Plan, will not constitute lack of conformity with this Plan.

19.19.6 Mississauga is not required to utilize any or all of the cash in lieu for park or other public recreational purposes that may be required to be paid as a condition of a particular development, to acquire land for park or other public recreational purposes or develop recreation facilities in the vicinity or neighbourhood of that development. The City will consolidate all cash in lieu for park or other public recreational purposes in a special reserve

fund and use the funds on a city wide basis based upon priorities determined by the City for any purposes permitted under the *Planning Act*.

19.19.7 Mississauga will participate with representatives of the school boards to coordinate the planning, acquisition, and administration of sites and facilities that will be shared by park and school activities.

19.19.8 Mississauga will cooperate with other levels of government or the private sector to establish one or more parks having regional significance and containing major sports and recreational facilities suitable for competition and public use, including major spectator and competitive sports facilities.

19.19.9 Where lands are designated Private Open Space, it is not intended that they be free and open to the general public nor that they will be necessarily acquired by the City or any other public agency. Consideration will be given, however, to public acquisition of these lands through the development approval process or through the City's land securement program.

19.19.10 Mississauga will encourage the Conservation Authorities to acquire lands for conservation and recreation purposes beyond that required for flood control purposes.

19.19.11 Mississauga will encourage the Conservation Authorities to formulate acquisition and development strategies for conservation areas within the city to ensure that lands acquired will form integral components of the municipal public open space system.

19.19.12 Where lands owned by Conservation Authorities have value for recreation and conservation, and are not required for flood control purposes, the City will seek the cooperation of the Conservation Authorities to lease or convey such lands to the City for park purposes.

19.19.13 Mississauga will encourage other levels of government to assist in the provision of recreational facilities which have a National, Provincial or Regional significance.

19.19.14 Mississauga may request that the Provincial Government lease or convey to the City for public open space purposes any lands contained within the Parkway Belt West that are residual to the essential functions of the Parkway Belt West Plan or within areas designated for Public Open Space, within this Plan.

19.20 Property Standards

19.20.1 Mississauga will maintain and enforce a Property Standards By-law prescribing maintenance standards and conditions of occupancy for all types of property throughout the city.

19.20.2 Mississauga may make provision for public services in areas where it can be demonstrated that the lack or inadequacy of such services is a factor in the deterioration of properties.

19.21 Demolition Permits

19.21.1 Mississauga may enact a by-law creating areas of demolition control as authorized by the *Planning Act*.

19.21.2 Permits to demolish heritage designated buildings and structures will be considered in accordance with the provisions of the *Ontario Heritage Act* and this Plan.

19.21.3 An approved development plan, archaeological assessment and tree permit may be required prior to the release of a demolition permit.

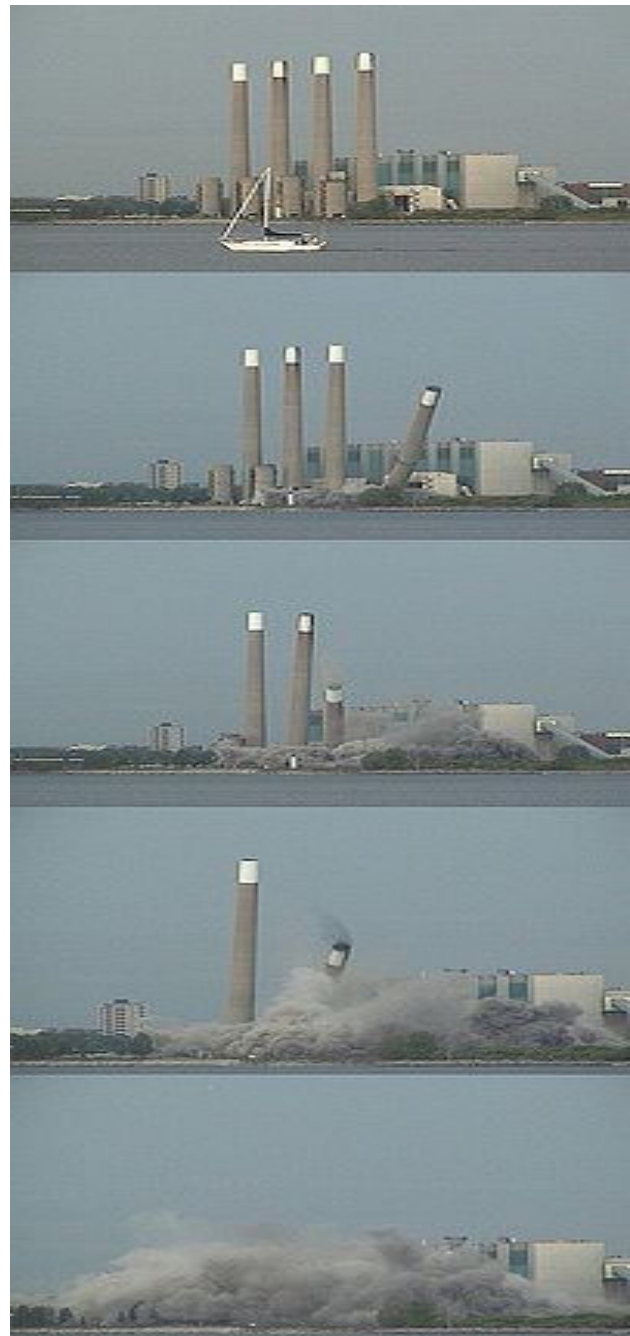


Figure 19-6: The Lakeview Generating Station, also known as the Four Sisters, ceased operations in April 2005 after 43 years and was demolished in June 2006. The former coal burning station had been in operation since the early 1960's.

19.22 Community Improvement

19.22.1 In accordance with the *Planning Act*, all or a portion of the lands within the city, may, by by-law, be designated as a Community Improvement Project Area.

19.22.2 Mississauga may by by-law identify Community Improvement Project Areas, prepare and adopt Community Improvement Plans, and implement Community Improvement projects pursuant to the provisions of the *Planning Act*.

19.22.3 Mississauga may become involved in improving municipally owned lands, services, and facilities and encourage private property owners in these areas to undertake similar improvements to the benefit of the entire area.

19.22.4 Mississauga may acquire lands or buildings in order to undertake community improvement initiatives.

19.22.5 The Region of Peel may be a planning and/or financial partner in a Community Improvement Plan for matters within its jurisdiction.

19.22.6 Community Improvement Plans may consider the following, among other matters:

- a. deficiencies in the physical infrastructure of the area including sanitary sewers, water or storm sewer systems, roads, sidewalks, curbs, street lighting, and electrical facilities;
- b. deficiencies in the provision of off street parking areas;
- c. inadequate park space, open space, recreation, and other community facilities;
- d. for commercial areas, evidence of economic decline such as unstable uses or high vacancy rates;
- e. the existence of conflicting land uses;
- f. the condition of the housing and building stock if poor and in need of repair;

- g. identification of the need to provide affordable housing;
- h. the potential of creating a Business Improvement Area (BIA) or expanding an existing BIA;
- i. identification of the need to improve **streetscape** amenities;
- j. identification of the need to conserve heritage resources;
- k. identification of the need to provide cultural infrastructure;
- l. opportunities for infilling and development of underutilized sites;
- m. soil and water conditions, based on past industrial and/or commercial uses, resulting in potential for contamination and need for remediation;
- n. identification of the need to encourage office and other employment opportunities;
- o. identification of the need to encourage energy improvements; and
- p. opportunities to support the growth management objectives of this Plan and encourage transit supportive communities.

19.22.7 Community Improvement Plans may be implemented by the following methods:

- a. participation in funding programs with senior levels of government that provide assistance in undertaking Community Improvement projects;
- b. the formation and continuation of BIAs to maintain and improve commercial areas;
- c. the preparation of design guidelines which outline necessary **streetscape** improvements and beautification plans for the area;
- d. the encouragement of site remediation and/or infill and development that is in harmony with the existing pattern and character of the surrounding lands;

- e. the acquisition and assembly of lands for public facilities and infrastructure, and possible development;
- f. the application of the *Ontario Heritage Act* to preserve and enhance heritage buildings, where appropriate;
- g. the application and enforcement of Property Standards By-laws for the maintenance and occupancy of residential, commercial, industrial, and institutional properties within Community Improvement Areas; and
- h. allocation of public funds, in the form of grants, loans or other financial instruments for the physical rehabilitation or improvement of land and/or buildings including the remediation of contaminated properties.

19.22.8 The following will be considered when determining the timing and sequence of Community Improvement projects:

- a. the opportunity to coordinate improvements with other Capital Budget projects;
- b. the existence of a recognized BIA;
- c. the efforts of local business associations to upgrade and promote the area; and
- d. availability of other government funds through programs in which the City may wish to participate.

19.22.9 The formation and continuation of BIAs will be encouraged and supported; when possible, assistance will be provided to such organizations.

19.23 Inclusionary Zoning Agreements

19.23.1 An owner of development or redevelopment subject to an Inclusionary Zoning By-law will enter into one or more agreements with the City, to be registered on title, securing:

- a. requirements of Section 7.3 of this Plan;

- b. requirements for the timely delivery of the affordable units, and if applicable, any phasing of affordable units;
- c. requirements ensuring the occupants of affordable housing units have the same building and amenity access as occupants of market units;
- d. requirements for adjustments to the required amount of affordable housing to meet Policy 7.3.2, should a purpose built rental building convert to an ownership building or should an ownership building convert to purpose-built rental building;
- e. requirements that ensure affordable units are provided to eligible purchasers or tenants that have been pre-qualified by the City or Region;
- f. requirements for ongoing administration, reporting and monitoring of the affordable housing units over the affordability period, as established through Implementation Guidelines;
- g. the approach for determining the maximum price of an affordable ownership housing unit during the affordability period, based on the Consumer Price Index and applicable administration fees;
- h. the City's share of net proceeds upon the sale of an affordable housing unit;
- i. conditions for offsite unit delivery, if permitted; and
- j. any other standards or arrangements, as appropriate.

19.24 Delegated Authority

19.24.1 The City may, by by-law, delegate the authority to pass zoning by-law amendments that are of a minor nature, to a committee of Council or to an individual who is an officer or employee of the municipality.

19.24.2 Delegation of authority to pass zoning by-laws shall be limited to:

- a. a by-law to remove a holding provision

19.24.3 The delegation of authority authorized under section 19.23 may be subject to such conditions as Council may, by by-law, provide.