

Appendix I
Response to Provincial Consultation on Minister's Zoning Orders



January 30, 2021

Provincial Planning Policy Branch
Ministry of Municipal Affairs and Housing
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Public Works

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To Whom It May Concern:

Re: ERO 019-2811 - Proposed Implementation of provisions in the Planning Act that provide the Minister enhanced authority to address certain matters as part of a zoning order

Thank you for the opportunity to review and comment on the above noted Environmental Registry of Ontario posting. The following comments are provided by Region of Peel staff as input into the legislative provisions in the *Planning Act* now in force with the enactment of *Bill 197: COVID-19 Economic Recovery Act, 2020* that enable the Minister to address site plan matters and apply inclusionary zoning as part of a zoning order. This letter should be viewed as a Regional staff submission setting out the comments of the Region of Peel subject to Regional Council endorsement. If additional comments are provided through a Council resolution, they will be forwarded to Ministry staff for further consideration.

In response to the Ministry's request for feedback on the enhanced powers regarding inclusionary zoning and site plan control, staff provide the following comments for consideration:

Amendments related to Minister Zoning Orders under Section 47 of the Planning Act

General Comments

The Region recognizes the Province's objectives to use Minister's Zoning Orders (MZO) to overcome potential barriers and development delays associated with the construction of affordable housing, as well as to advance strategic projects such as transit station infrastructure, health facilities and long-term care homes. However, ensuring the principles of good land use planning are adhered to, including public consultation, fiscal responsibility, and municipal autonomy, is an important aspect of building complete communities in Peel.

Should the challenges raised above be appropriately addressed, and transparency and municipal collaboration achieved prior to using a Minister's Zoning Order, the Region could be supportive of such use for a variety of strategic initiatives where there is a demonstrated need for urgency that aligns with provincial and local interests. Since the use of an MZO overrides normal public consultation and development approval technical processes, the Region of Peel does not support the routine use of MZO or their use in situations where there is no demonstrated provincial strategic interest.



The Region of Peel supports the streamlining and expediting of key strategic projects within the Province. Currently, there are active and approved Minister's Zoning Orders within the Region of Peel (See Appendix I), and staff recommend that clear procedures, criteria and engagement protocols be established with municipalities, and strongly urge the Minister to develop a transparent process that includes municipal collaboration and Council support for the planning direction to be furthered by MZOs, prior to issuing such orders.

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As part of this, the Region of Peel requests a more explicit framework or guidelines that can provide insights into the conditions under which this tool will be used, how MZOs are initiated, and how they are reviewed and processed by the Province. Further, a consultation process should be established that involves all impacted municipalities, as well as members of the public. The Region also requests that sufficient advance notice is provided to all relevant municipalities (including upper-tier, as applicable) and members of the public prior to the issuance of an MZO.

Lastly, the Region recommends the Province develop improved communication of MZOs including making mapping readily available with the issuance of regulations and establishing a platform or online repository that allows municipalities to quickly determine the status and details of an MZO.

Inclusionary Zoning and Affordable Housing

The recently enacted changes to Section 47 of the *Planning Act* provide the Minister with authority, as part of an order zoning land outside the Greenbelt Area, to use inclusionary zoning to require affordable housing units in proposed developments.

The Region of Peel supports the use of all available and appropriate planning tools to improve housing affordability in Peel, including the use of inclusionary zoning. Where inclusionary zoning is required as part of an MZO, any requirements should be aligned with established priorities of all impacted municipalities and Housing Services Managers. Many municipalities are in the process of developing comprehensive inclusionary zoning frameworks, including determining appropriate levels of affordability and rates of affordable housing inclusion in various markets, and undertaking all analysis required under the regulations. Municipalities are also considering important factors such as administration and mechanisms to ensure long-term affordability of units that result from inclusionary zoning policy, and how these elements will be funded.

The Region of Peel strongly urges the Minister to consider this important work when contemplating the use of inclusionary zoning in an MZO, which should occur through prior consultation and engagement with municipalities and Housing Service Managers. Overall, the Region recommends that the Minister provide guidance on how it is to be ensured that inclusionary zoning required through an MZO will be aligned with municipal and Service Manager priorities, appropriate and viable in a given location, and how any required affordable units will be sustainably administered and funded over the long-term.

In addition to the proposed use of inclusionary zoning in MZOs, the Region recommends that municipalities also be given greater choice and flexibility in the use of this tool under the *Planning Act*, including expanding where inclusionary zoning can be implemented



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(geographically) and permitting additional municipal discretion regarding the delivery of affordable units. Further, the Region has consistently advocated for enhanced operational funding from the Province for affordable housing, and it is important that new units that come on stream through inclusionary zoning are supported by the Province.

Lastly, the Region would support efforts to otherwise enable affordable housing through MZOs, such as ensuring residential and mixed-use height and density reflects current or future municipal plans to construct affordable housing. This would require consultation with municipalities to ensure that plans are aligned.

Site Plan Control

The recent amendments to Section 47 of the *Planning Act* allow the Minister to address site plan matters in areas covered by a zoning order, where needed. This authority, if utilized by the Minister, would supersede municipal site plan authority and could require a municipality and a development proponent (or landowner) to enter into an agreement dealing with matters related to site plan control.

As noted above, the use of an MZO should not by-pass principles of good planning, healthy development, technical review standards, and municipal autonomy through the site plan review process. Additionally, the use of an MZO should not by-pass important provincial planning objectives outlined in the Provincial Policy Statement, as well as matters pertaining to public health and safety. The Region recommends that prior to the use of an MZO for site plan matters, that municipalities be given advance notice, that consultation be encouraged prior to issuing such orders and that municipal participation be included in the terms of agreements to ensure local public interests and infrastructure requirements are properly addressed. The Region does not support MZOs on a routine basis as they can undermine important planning principles and considerations.

Additional Opportunities

As identified above, the Region could support the use of an MZO for strategic initiatives that would advance and support identifiable Provincial and local interests.

Strategic Initiatives where use of an MZO could be supported, include:

- Affordable housing, particularly long-term affordable rental housing, including supportive housing;
- Long-Term Care Homes;
- Hospitals;
- Transit Station Infrastructure;
- Opportunities for provincial and municipal strategic initiatives to move faster through the approvals process in order to assist with the economic recovery of COVID-19; and
- Strategic economic development initiatives, particularly major job creation that add to Ontario's competitiveness and economic resiliency (e.g. auto industry, advanced manufacturing, bio medical).

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Initiatives where use of an MZO may not be supported, include:

- Low density residential subdivision development;
- Low density commercial development;
- Development that would require substantial public infrastructure investment (e.g. water / wastewater, transportation) where the funding for the investment is not available. Should alternative funding arrangements be made (e.g. from the Province, or development proponent), this should be to satisfaction of the responsible municipality or public infrastructure agency.

The Region of Peel supports the Province's intention of removing potential barriers and delays to delivering affordable housing and strategic projects, but a clear and transparent process, criteria and communication protocols to address how and when MZOs are to be established is required. We look forward to continuing to work with the Province to accelerate the delivery of housing supply and to address the issue of housing affordability in Peel Region and across Ontario. Regional staff would be pleased to discuss any clarifications or provide additional comments as required.

Sincerely,

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Appendix I: Minister Zoning Orders in the Region of Peel

MZO Number	Municipality	Address	Purpose and Uses Permitted
O. Reg. 171/20	City of Brampton	N/E Corner of Queen Street and The Gore Road	To facilitate development of single detached homes, townhouse blocks, a high-density mixed-use residential/ commercial block, an employment/ office block, and preserves open space and natural heritage system areas.
O. Reg. 362/20	Town of Caledon	N/E Corner of Mayfield Road and Chinguacousy Road Parts Lots 18 – 20, Concession 1 & 2, W.S	To facilitate the development of townhouses, mixed-use residential / commercial uses and associated storm water management facilities
O. Reg 448/20	City of Mississauga	600 Eglinton Avenue East	To facilitate the development of long-term care homes, together with accessory buildings, uses and structures, and a range of residential uses including single detached dwellings, semidetached dwellings, townhouses and apartments
O. Reg 477/20	City of Mississauga	210 Speakman Drive	To permit one or more long-term care homes with a combined capacity of 640 beds, a retirement home, hospital, hospice facility, adult day care facility for seniors, medical office and accessory uses, buildings and structures