Notice of Passing of a Zoning By-law and an Official Plan Amendment (OPA 140)

City Initiated By-laws affecting certain lands within the City of Mississauga

Date of Decision: August 10, 2022
Date of Notice: August 18, 2022

TAKE NOTICE that on August 10, 2022 the Council of the Corporation of the City of Mississauga passed By-laws 0212-2022 and 0213-2022, adopting Official Plan Amendment #140 and enacting an Inclusionary Zoning By-law, pursuant to sections 16, 17, 21, 34, and 35.2 of the Planning Act, R.S.O., 1990, C.P.13. Council has considered the written and oral submissions from the public on this matter.

THE PURPOSE AND EFFECT of Official Plan Amendment #140 and Inclusionary Zoning By-law 0213-2022 is to introduce policies and mapping that will permit the City to require affordable housing units in new developments in certain protected Major Transit Station Areas.

The Official Plan Amendment #140 is exempt from approval by the Regional Municipality of Peel. The decision of the council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

Pursuant to subsections 34(19.3) and 34(19.4) of the *Planning Act*, there is no general ability to appeal an Inclusionary Zoning Official Plan Amendment or Zoning By-law Amendment with the exception of the Minister of Municipal Affairs and Housing. The last day of appeal is **September 7, 2022**. The policies of Official Plan Amendment #140 will come into force and effect on the later of January 1, 2023 or the date the applicable protected Major Transit Station Area identified in the Region of Peel Official Plan adopted by Region of Peel By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing. By-law 0213-2022 shall come into force and effect when Official Plan Amendment #140 is in full force and effect.

Copies of the by-laws with an explanation of the purpose and effect of the by-laws describing the lands to which the by-laws apply, and a key map showing the location of the lands, can be found at http://www.mississauga.ca/portal/cityhall/publicnotices.

Further information regarding these By-laws may be obtained from **Catherine Parsons** of the City of Mississauga, Planning and Building Department at (905) 615-3200 **x8409**.

City of Mississauga
Office of the City Clerk,
300 City Centre Drive, 2nd Floor,
Mississauga ON L5B 3C1

THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0213-2022

A by-law to amend By-law Number 0225-2007, as amended.

WHEREAS pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass a zoning by-law;

AND WHEREAS pursuant to section 35.2 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass one or more by-laws to give effect to inclusionary zoning Official Plan policies;

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

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Definition to Section 1.2:

Affordable Ownership Housing Unit	means a **dwelling unit** for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for **moderate-income households**, as follows: (1) one-bedroom units priced at or below the fourth income decile for Mississauga households; (2) two-bedroom units priced at or below the fifth income decile for Mississauga households; and, (3) three-bedroom units priced at or below the sixth income decile for Mississauga households.

2. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Affordable Rental Housing Unit	means a **dwelling unit** where total monthly shelter costs are the least expensive of: a unit for which the rent is at or below the average market rent of a unit in the regional market area, or a unit for which the rent does not exceed 30 percent of gross annual household income for **moderate-income households** as follows: (1) one-bedroom units priced at or below the fourth income decile for Mississauga renter households; (2) two-bedroom units priced at or below the fifth income decile for Mississauga renter households; and, (3) three-bedroom units priced at or below the sixth income decile for Mississauga renter households.

3. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Gross Floor Area - Inclusionary Zoning	means the sum of all areas of a **building**, measured from the exterior of outside walls of the **building** including floor area occupied by interior walls, but shall only include area dedicated for a **dwelling unit**, and excludes any area dedicated to rental replacement units required under Rental Housing Protection By-law 0121-2018.

4. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Low-Income Households	means in the case of an **affordable ownership housing unit**, households with incomes in the lowest 30 percent of the income distribution for households in the City of Mississauga; or in the case of an **affordable rental housing unit**, households with incomes in the lowest 30 percent of the income distribution for renter households in the City of Mississauga.

5. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Moderate-Income Households	means in the case of an **affordable ownership housing unit**, households with incomes between 30 to 60 percent of the income distribution for households in the City of Mississauga; or in the case of an **affordable rental housing unit**, households with incomes between 30 to 60 percent of the income distribution for renter households in the City of Mississauga.

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6. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Non-Profit Housing Provider	means: (1) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing; (2) a corporation without share capital to which the *Canada Business Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; (3) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*; or (4) an organization that is a registered charity within the meaning of the *Income Tax Act* (Canada) or a non-profit organization exempt from tax under paragraph 149(1)(l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing.

7. By-law Number 0225-2007, as amended, is further amended by changing the term "Not-for-Profit Housing Provider" to "Non-Profit Housing Provider" where it appears throughout By-law 0225-2007.

8. By-law Number 0225-2007, as amended, is further amended by bolding the term "**Non-Profit Housing Provider**" where it appears throughout By-law 0225-2007.

9. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Purpose-Built Rental Housing	means a **building**: (1) containing **dwelling units** where a minimum of 80% of the **dwelling units** are owned by a single owner and available for rent; and (2) which is not organized as a life lease project where the right to occupy the **dwelling units** is based on a life lease interest.

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10. By-law Number 0225-2007, as amended, is further amended by adding Subsection 2.1.34 to Section 2.1 as follows:

2.1.34 Inclusionary Zoning

The following regulations shall apply to lands located in the Inclusionary Zoning Overlay boundaries identified as IZ-1, IZ-2, IZ-3A, IZ-3B, and IZ-4 on Schedule B of Part 13 of this By-law.

2.1.34.1 Subsection 2.1.34 of this By-law shall not apply to:

(1) development or redevelopment of less than 50 units and less than 3 600 m^2 of **gross floor area - inclusionary zoning**;

(2) **retirement buildings**, **staff/student residences**, **long-term care buildings**, **hospices**, **group homes**;

(3) Region of Peel or Peel Housing Corporation projects;

(4) a **building** which will be owned and operated by a **non-profit housing provider** where the **non-profit housing provider** has 100 percent interest;

(5) development as approved pursuant to the following:

(1) up to 8 050 units approved by Mississauga City Council through By-law 0122-2022;

(2) up to 122 units approved by Mississauga City Council through By-law 0209-2021;

(3) up to 1 375 units approved by Mississauga City Council through By-laws 0155-2016/Ontario Municipal Board Order January 11, 2017, 0125-2022;

(4) up to 2 995 units approved by the Local Planning Appeal Tribunal (now known as the Ontario Land Tribunal) through LPAT Order November 15, 2019;

(5) up to 2 500 units approved by Mississauga City Council through By-law 0259-2020;

(6) up to 1 869 units approved by Mississauga City Council through By-laws 0050-2021 and 0276-2021;

(7) up to 361 units approved by Mississauga City Council through By-law 0054-2020;

(8) lands located at the northeast corner of Hurontario Street and Fairview Road East, where maximum building height permissions were approved by Mississauga City Council through By-law 0160-2021;

(9) lands located on the west side of Parkside Village Drive, north of Arbutus Way, where maximum building height permissions were approved through a decision of the Committee of Adjustment in file 'A' 124/22 dated April 28, 2022; and

(10) up to 1 265 units approved by Mississauga City Council through By-law 0144-2022.

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(6) development or redevelopment where the following application types are filed on or before the later of January 1, 2023 or the date the applicable protected Major Transit Station Area identified in the Region of Peel Official Plan is approved by the Minister of Municipal Affairs and Housing:

(1) a complete application for a site plan or building permit;

(2) a complete application for a rezoning, provided that a subsequent complete application for a site plan is filed within two years of the date the rezoning application was deemed complete; or

(3) an application for a lifting of a holding H symbol, provided that a subsequent complete application for a site plan is filed within two years of the date the lifting of a holding H symbol application was submitted;

(7) legally **existing building** established prior to January 1, 2023, except where any addition or extension to, or change of **use** within, a legally **existing building** results in 50 or more new **dwelling units** or 3 600 m^2 or more of new **gross floor area - inclusionary zoning**.

(8) exemptions in accordance with the *Planning Act* and associated regulations.

2.1.34.1.1 Notwithstanding Sentence 2.1.34.1(1) of this By-law, in no case will the Inclusionary Zoning requirements of this By-law apply to developments of less than 10 residential units.

2.1.34.1.2 Notwithstanding Sentence 2.1.34.1(5) of this By-law, Inclusionary Zoning requirements apply to the lands described in Sentence 2.1.34.1(5) of this By-law if additional development permissions are applied for.

2.1.34.2 The minimum required percentage of **gross floor area - inclusionary zoning** to be provided as affordable housing is identified in Table 2.1.34.2 - Minimum Required Percentage of Gross Floor Area - Inclusionary Zoning to be Provided as Affordable Housing.

Table 2.1.34.2 - Minimum Required Percentage of Gross Floor Area - Inclusionary Zoning to be Provided as Affordable Housing

Column A		B	C	D	E
Line 1.0	IZ AREA	TYPE OF AFFORDABLE HOUSING PROVIDED	APPLICABLE JANUARY 1, 2023 TO DECEMBER 31, 2023	APPLICABLE JANUARY 1, 2024 to DECEMBER 31, 2024	APPLICABLE AS OF January 1, 2025
2.0	IZ-1	Affordable ownership housing units for moderate-income households	4%	7%	10%
3.0	IZ-1	Affordable rental housing units for moderate-income households	2%	3.5%	5%
4.0	IZ-2	Affordable ownership housing units for moderate-income households	3%	5%	7%

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Column A		B	C	D	E
Line 1.0	IZ AREA	TYPE OF AFFORDABLE HOUSING PROVIDED	APPLICABLE JANUARY 1, 2023 TO DECEMBER 31, 2023	APPLICABLE JANUARY 1, 2024 to DECEMBER 31, 2024	APPLICABLE AS OF January 1, 2025
5.0	IZ-2	Affordable rental housing units for moderate-income households	1.5%	2.5%	3.5%
6.0	IZ-3A and IZ-3B	Affordable ownership housing units for moderate-income households	3%	4%	5%
7.0	IZ-3A and IZ-3B	Affordable rental housing units for moderate-income households	1.5%	2%	2.5%
8.0	IZ-4	Affordable ownership housing units for moderate-income households	10%	10%	10%
9.0	IZ-4	Affordable rental housing units for moderate-income households	5%	5%	5%

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2.1.34.2.1 Notwithstanding Article 2.1.34.2 of this By-law, rental replacement units secured under Rental Housing Protection By-law 0121-2018 are not counted towards the minimum required **gross floor area - inclusionary zoning** to be set aside as affordable housing outlined in Table 2.1.34.2 of this By-law.

2.1.34.2.2 Notwithstanding Article 2.1.34.2 of this By-law, the minimum required percentage of **gross floor area - inclusionary zoning** to be affordable housing is not applicable to **purpose-built rental housing**.

2.1.34.3 **Affordable ownership housing units** or **affordable rental housing units** required in Article 2.1.34.2 of this By-law shall be maintained at affordable rents or prices commencing upon execution of an agreement referred to in Article 2.1.34.6 of this By-law for a minimum period of:

(1) 30 years calculated from the date of first occupancy of an **affordable rental housing unit**.

(2) 99 years calculated from the later of the date of first occupancy or first closing of an **affordable ownership housing unit**.

2.1.34.3.1 Notwithstanding Sentence 2.1.34.3(1) of this By-law, after the last day of the 25th year of the affordability period, the affordability requirements of Subsection 2.1.34 of this By-law no longer apply to an **affordable rental housing unit** if that **affordable rental housing unit** is vacated in accordance with a notice of termination from the tenant or an agreement between the landlord and the tenant to terminate.

2.1.34.4 The permitted resale price for **affordable ownership housing units** and annual increases to the rates for **existing affordable rental housing units** required in Article 2.1.34.3 of this By-law shall be as determined on an annual basis by the City, in coordination with the Region, and in accordance with Inclusionary Zoning Implementation Guidelines.

2.1.34.5 On a **lot** which is subject to the requirements of Article 2.1.34.2 and Sentence 2.1.34.3(2) of this By-law, the City shall receive a portion of the net proceeds from the sale of an **affordable ownership housing unit** as follows:

(1) the City will receive no more than 20% of the net proceeds of the sale of an **affordable ownership housing unit** sold during the 99 year affordability period, equivalent to no more than 2% of the sale price, for administration fees, where net proceeds are the difference between the purchase price and the resale price of the **affordable ownership unit**; and

(2) the City will receive 50% of the net proceeds of the first sale of an **affordable ownership housing unit** at market price after the 99 year affordability period, to be reinvested in affordable housing, where net proceeds are the difference between the purchase price and the resale price of the **affordable ownership unit**, less any legal, administration or real estate commission fees.

2.1.34.6 For development or re-development of lands subject to the regulations of Articles 2.1.34.2 and 2.1.34.3 of this By-law, the owner of such lands shall enter into one or more legal agreements with the City, to be registered on title to the lands, securing the Inclusionary Zoning requirements outlined in Subsection 2.1.34 of this By-law and the following, to the satisfaction of the City Solicitor and the Commissioner of Planning and Building:

(1) requirements ensuring occupants of **affordable ownership housing units** and **affordable rental housing units** have the same **building** and amenity access as occupants of market units;

(2) requirements for eligibility to purchase an **affordable ownership housing unit** or to rent an **affordable rental housing unit**;

(3) requirements for ongoing administration, reporting and monitoring of **affordable ownership housing units** and **affordable rental housing units**.

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2.1.34.7 Subject to Article 2.1.34.2 of this By-law, where **purpose-built rental housing** ceases to meet the definition of **purpose-built rental housing**, the requirements of Subsection 2.1.34 of this By-law will then apply to the **building**.

2.1.34.8 Notwithstanding Sentence 2.1.34.2.2 of this By-law, the owner of lands proposing **purpose-built rental housing** in a condominium registered under section 2 of the *Condominium Act, 1998,* or a predecessor of that section, shall enter into one or more legal agreements with the City, to be registered on title to the lands, securing Inclusionary Zoning requirements outlined in Subsection 2.1.34 of this By-law, including Article 2.1.34.6 of this By-law, that would be applicable if the **purpose-built rental housing** ceases to meet the definition of **purpose-built rental housing**.

11. By-law Number 0225-2007, as amended, is further amended by adding Sentence 3.1.2.1.4 to Article 3.1.2.1 as follows:

3.1.2.1.4 Notwithstanding the regulations contained in Table 3.1.2.1 of this By-law, the required number of off-street **parking spaces** for **dwelling units** that are **affordable ownership housing units** or **affordable rental housing units** located within the Inclusionary Zoning Overlay Area boundaries identified on Schedule B of Part 13 this By-law shall be subject to a parking rate of:

(1) Precinct 1: 50% of the required number of **parking spaces** for the corresponding residential **uses** as otherwise required pursuant to this By-law;
(2) Precincts 2, 3 and 4: 70% of the required number of **parking spaces** for the corresponding residential **use** as otherwise required pursuant to this By-law.

12. Map Numbers 01, 03 to 08, 10 to 25, 28, 29, 36W, 37E, 55 (55b), 56 (56a, 56b), 57 (57a), and 59 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, are amended by adding the Inclusionary Zoning Overlay Areas identified by a grey dashed outline and grey hatching as shown on the attached Schedules "A1" to "A35", which are deemed to be an integral part of this By-law.

13. This By-law shall not come into force until Mississauga Official Plan Amendment Number 140 is in full force and effect.

ENACTED and PASSED this 10th day of August, 2022.

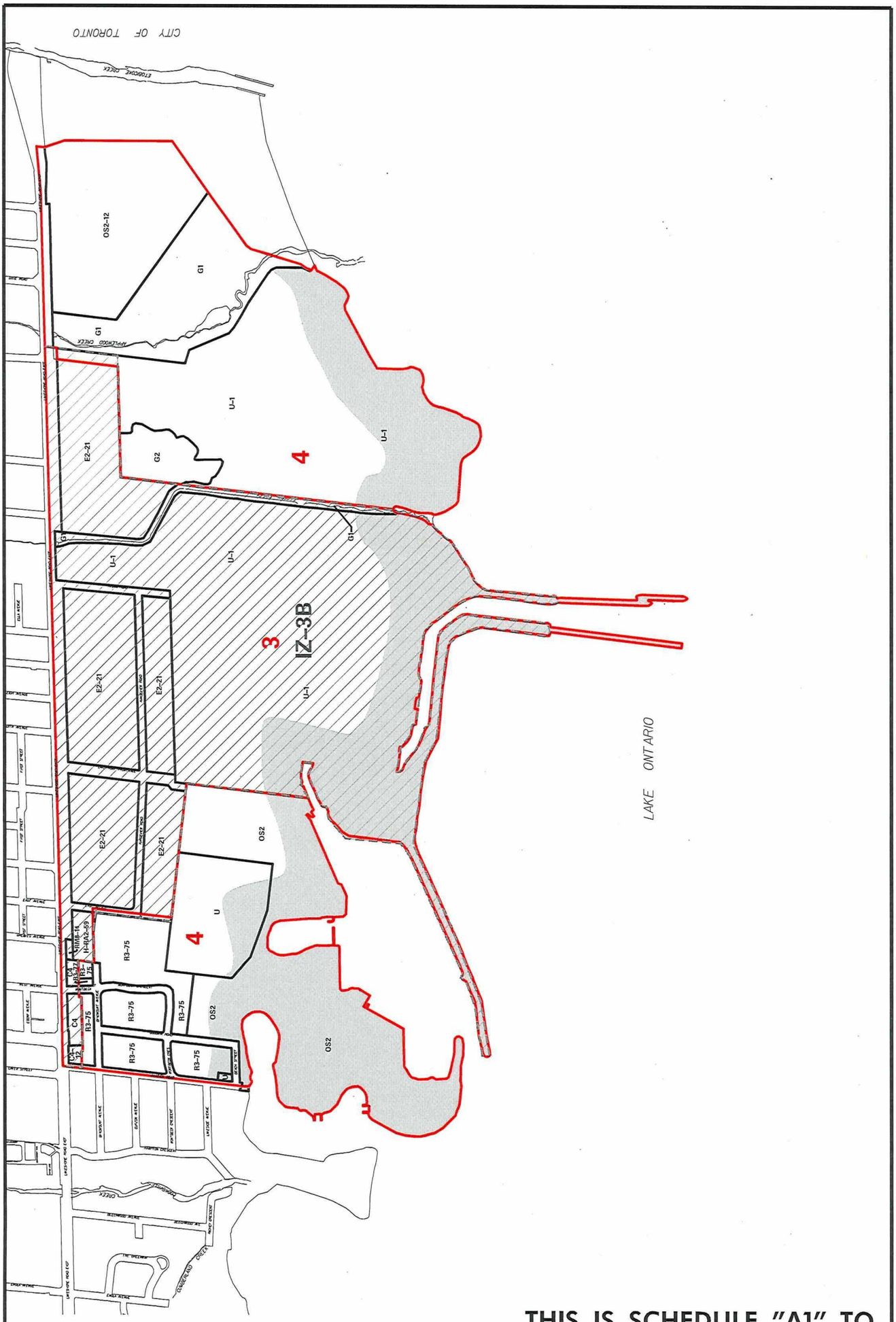
Approved by Legal Services **City Solicitor** City of Mississauga
Graham Walsh
Date: August 3, 2022
File: CD.06-INC

Bonnie Crombie

MAYOR

CLERK

FORM 309



Inclusionary Zoning Overlay

Parking Precinct

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

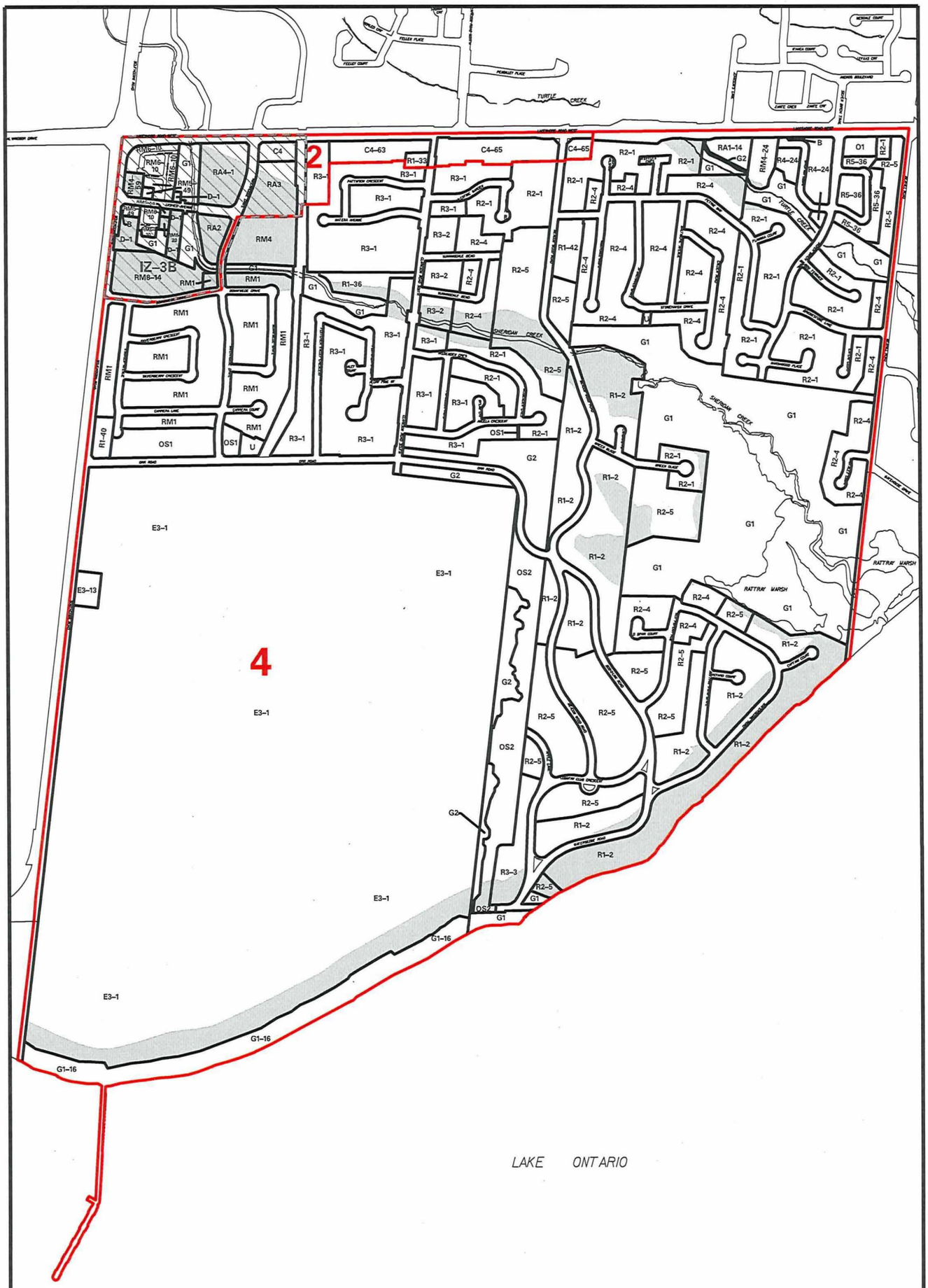
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A1" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

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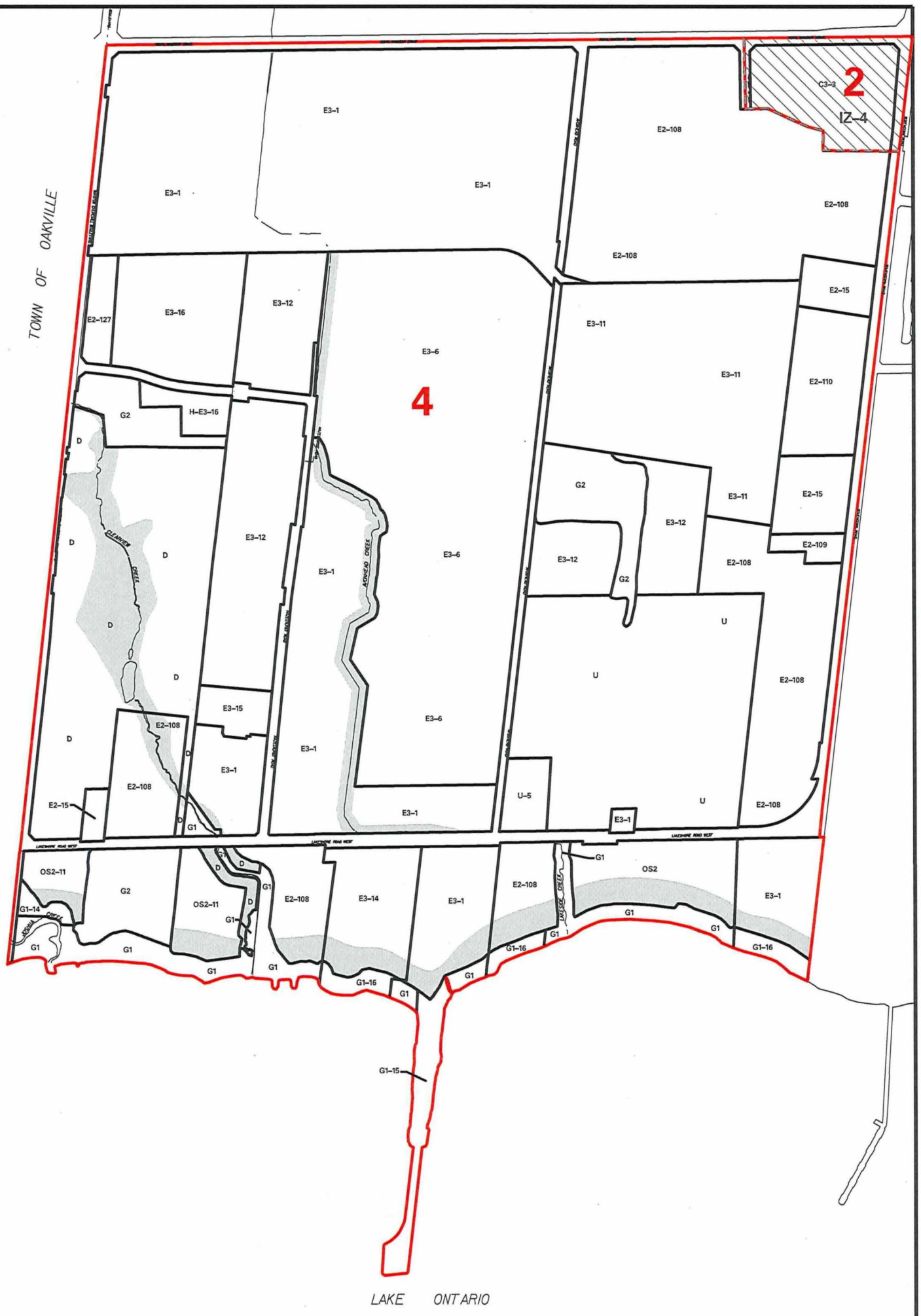
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A2" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

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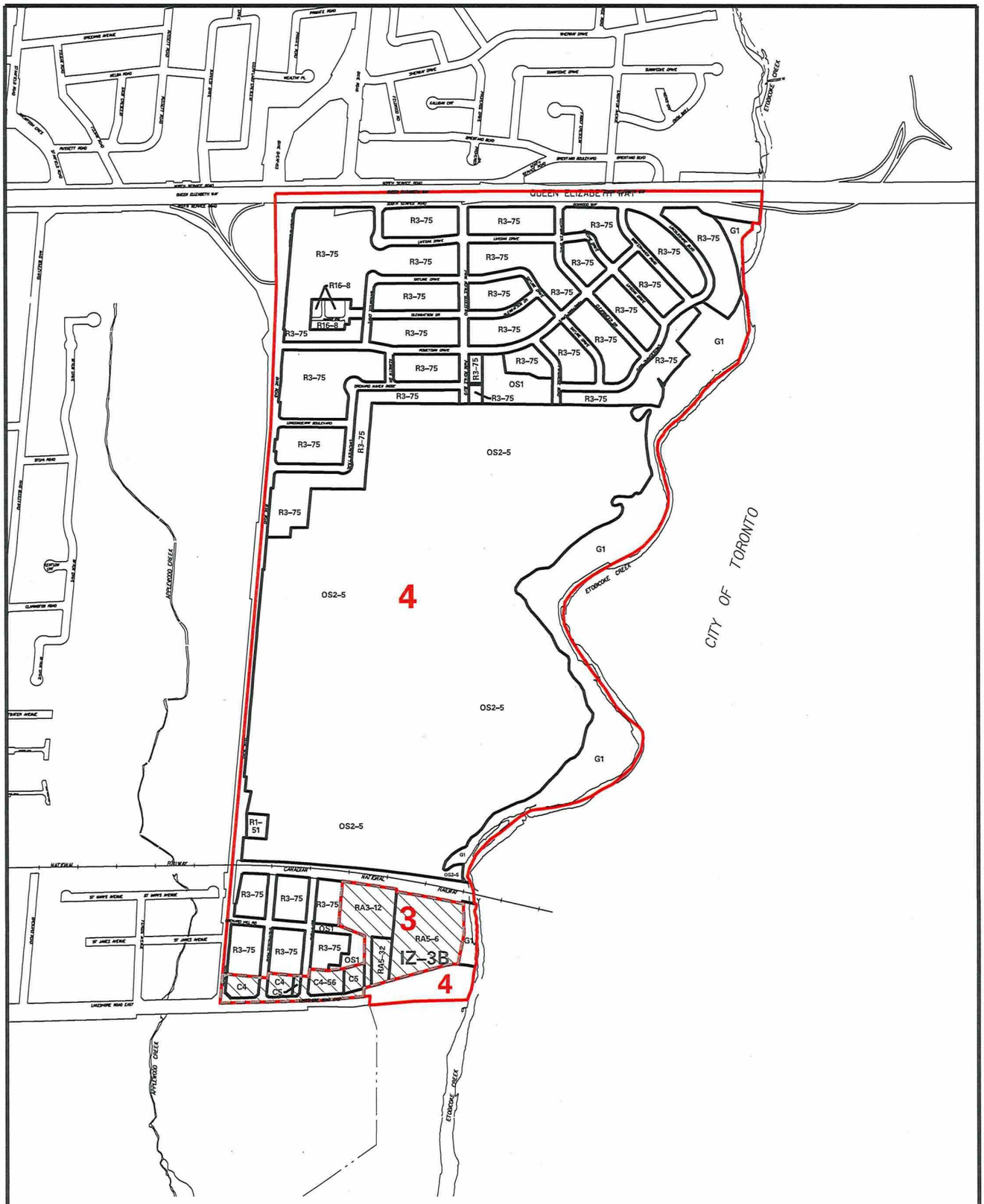
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A3" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

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CITY OF MISSISSAUGA

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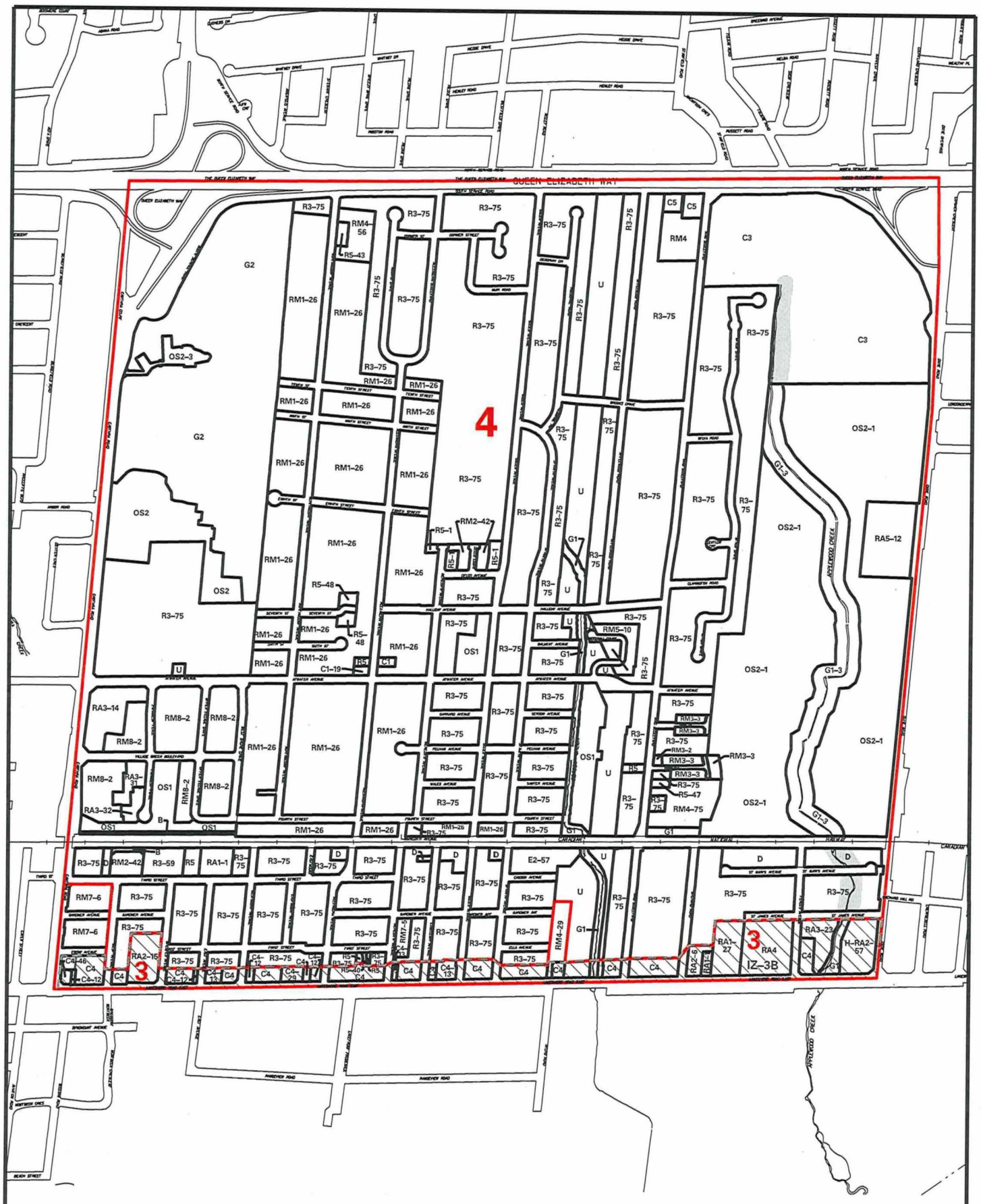
BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



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CITY OF MISSISSAUGA

THIS IS SCHEDULE "A5" TO

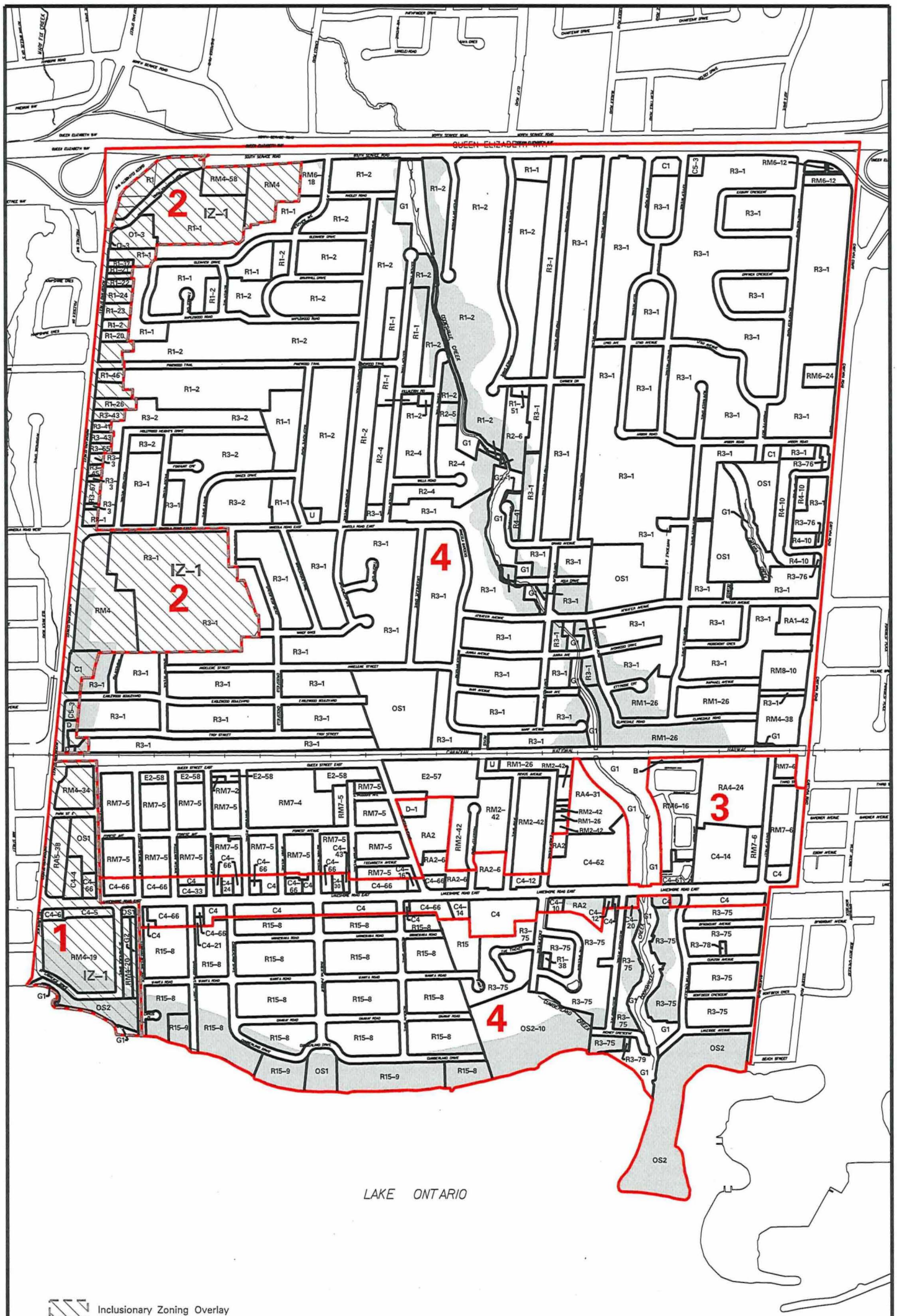
BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Z-6 A.S.

CD.06-INC



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

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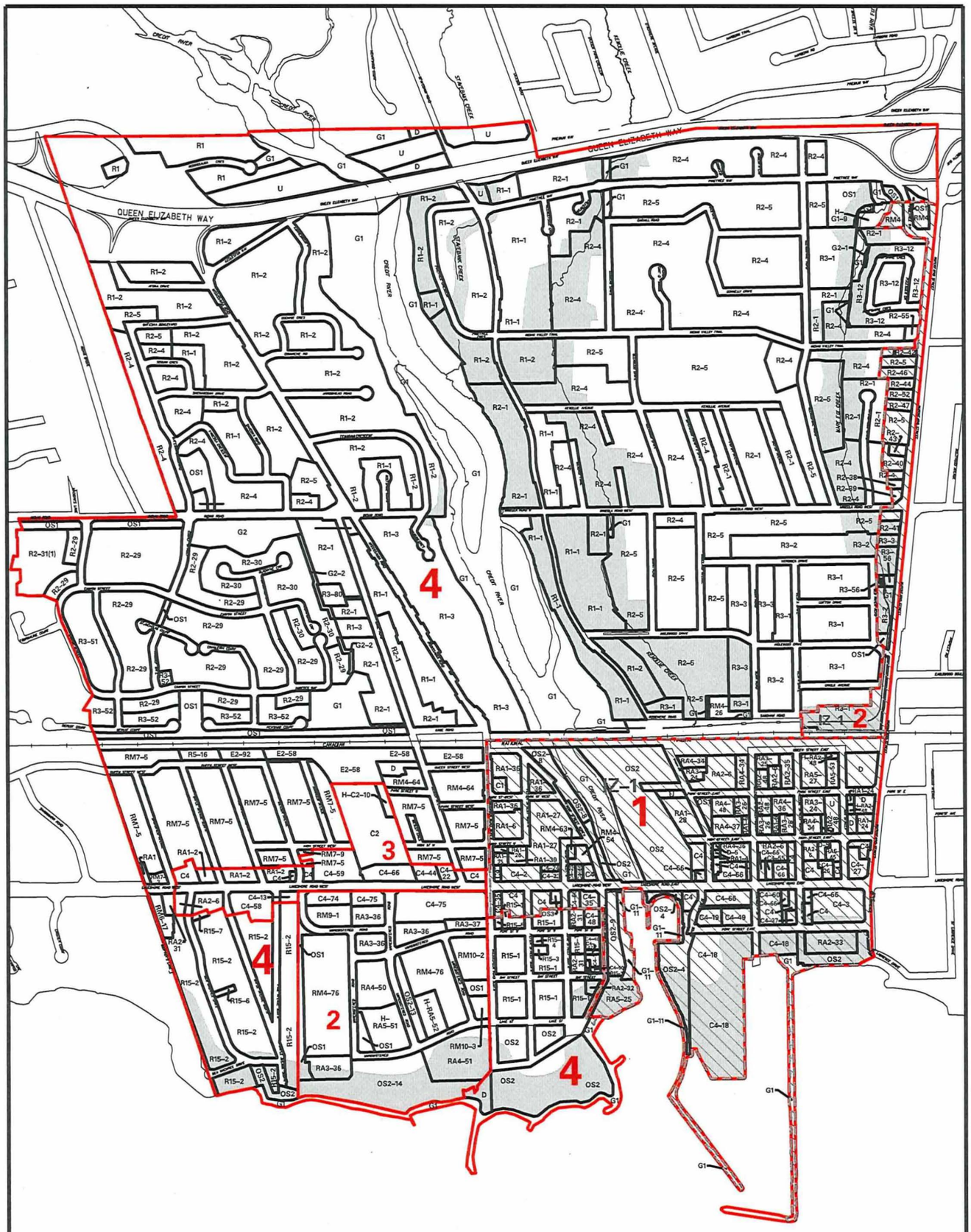
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A6" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

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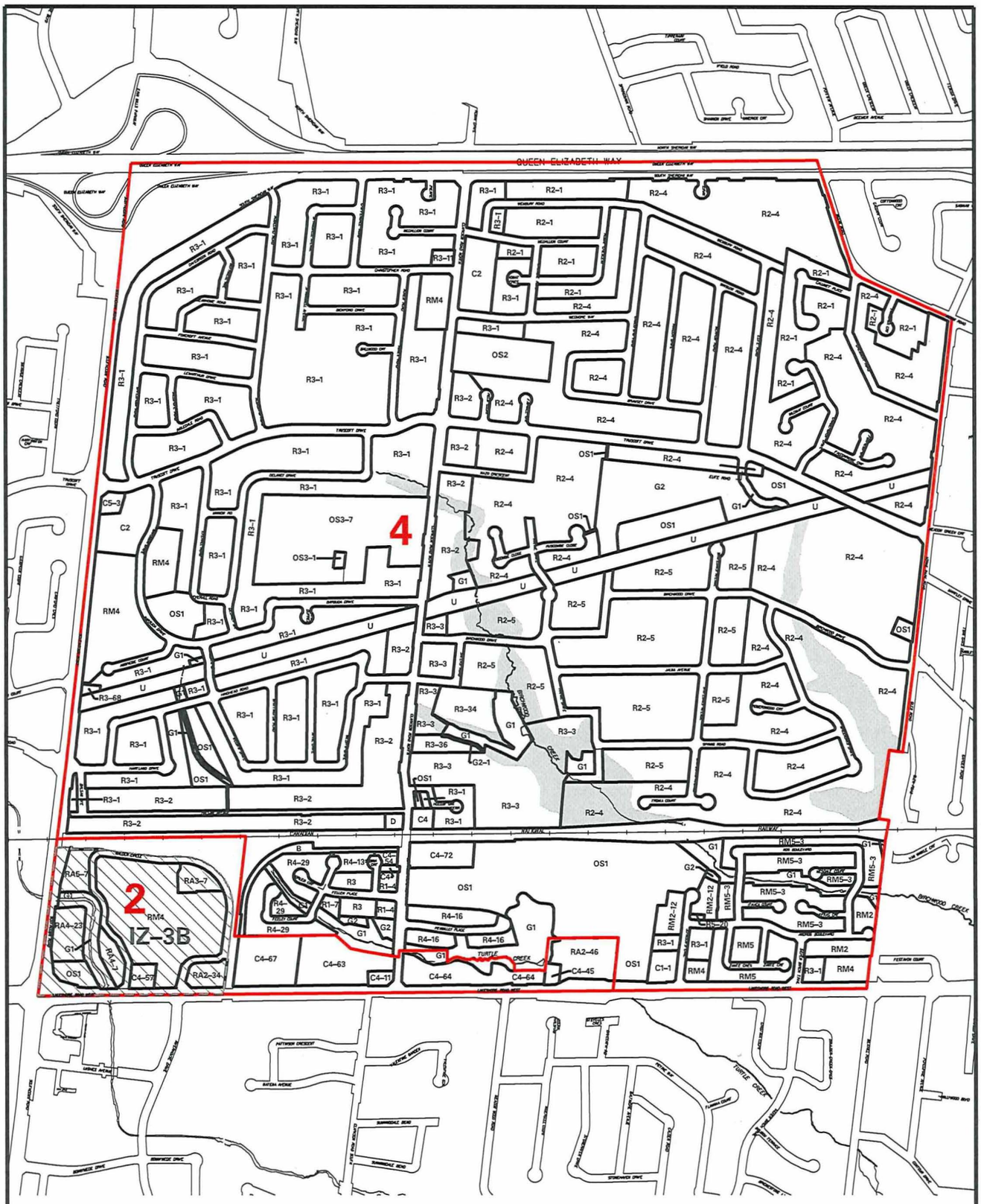
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A7" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

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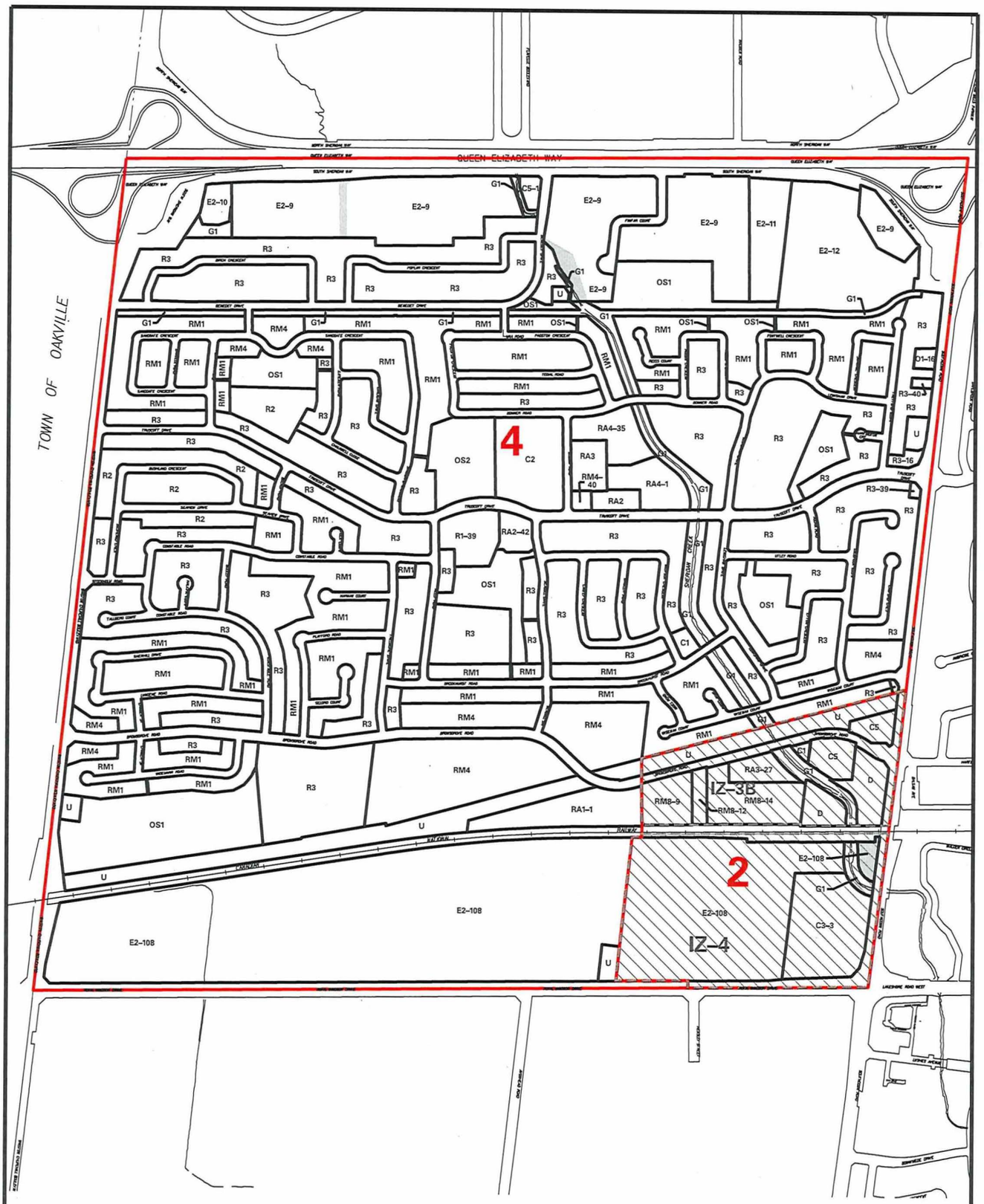
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A8" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A9" TO

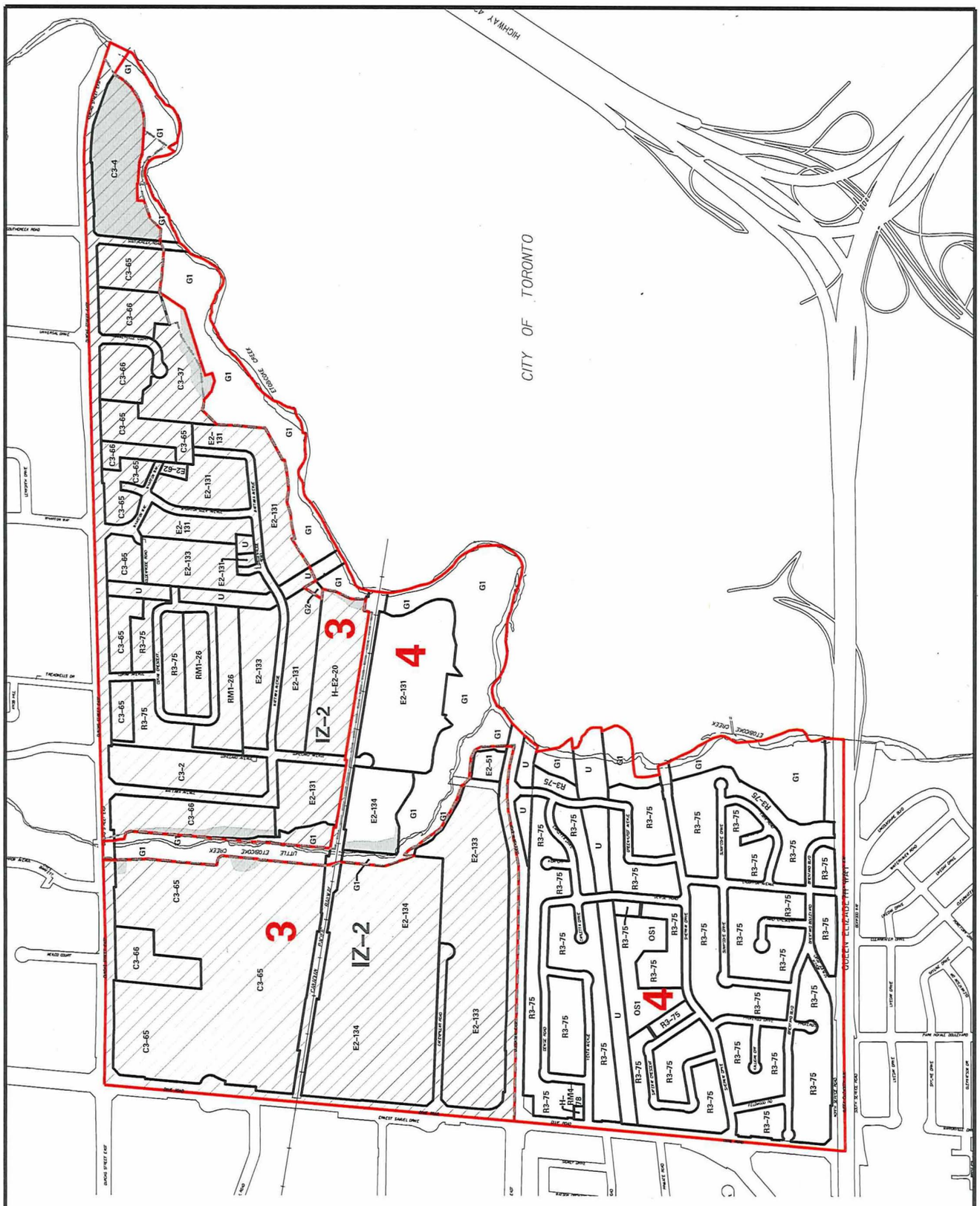
BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Z-11 A.S.

CD.06-INC



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

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CITY OF MISSISSAUGA

THIS IS SCHEDULE "A10" TO

BY–LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Z–12 A.S.

CD.06–INC

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

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CITY OF MISSISSAUGA

THIS IS SCHEDULE "A11" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

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CITY OF MISSISSAUGA

THIS IS SCHEDULE "A12" TO

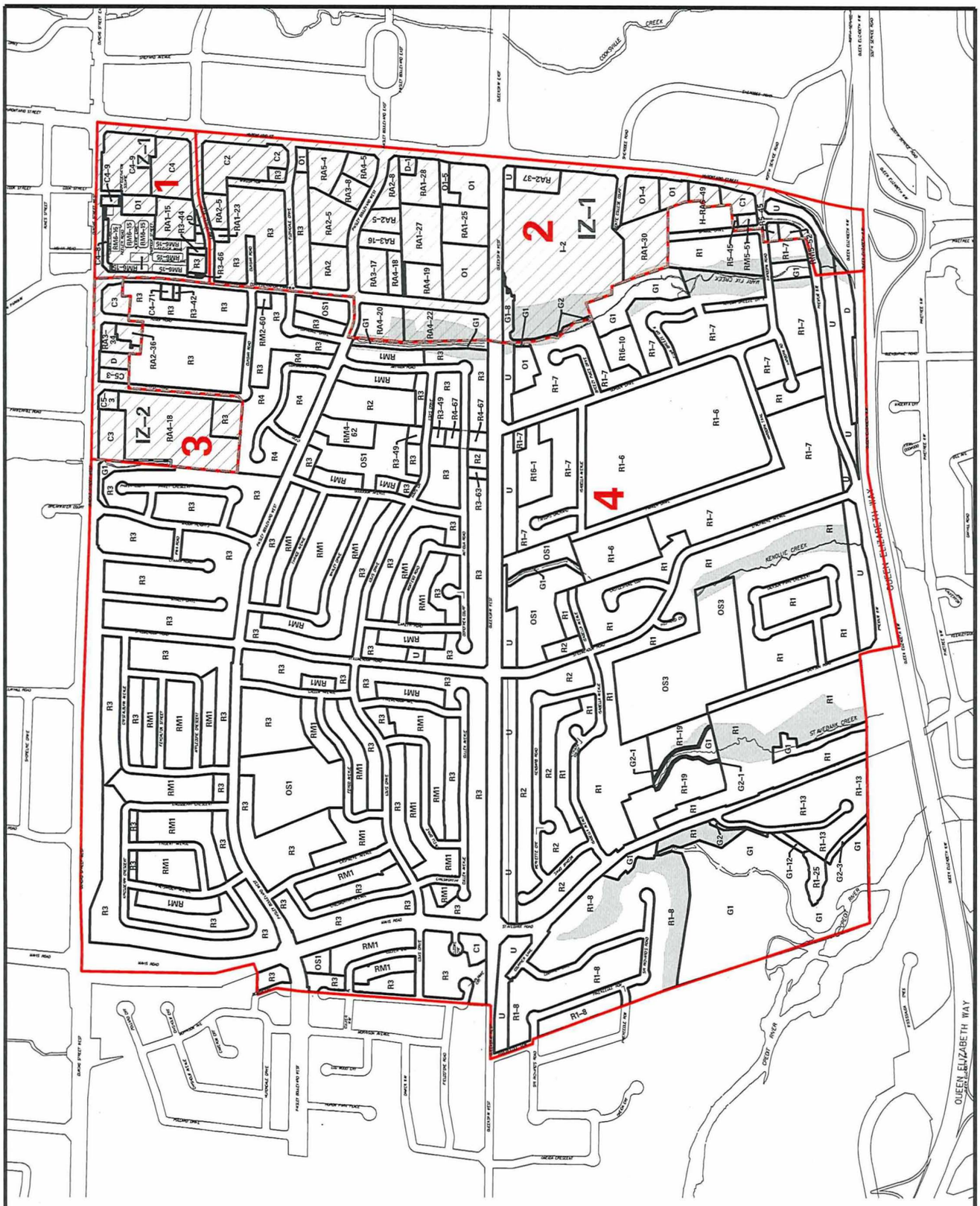
BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

CD.06-INC

Z-14 A.S.



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

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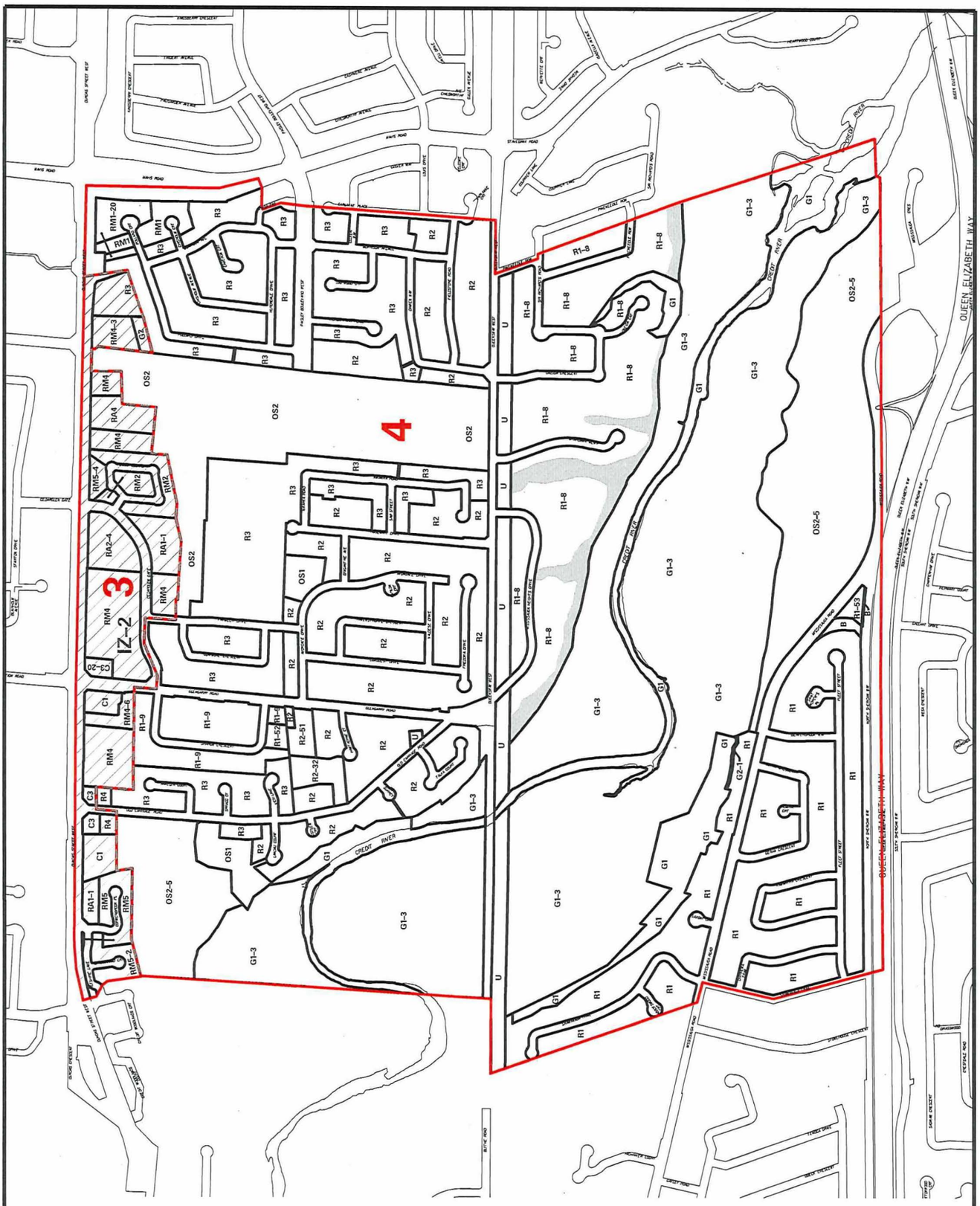
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A13" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

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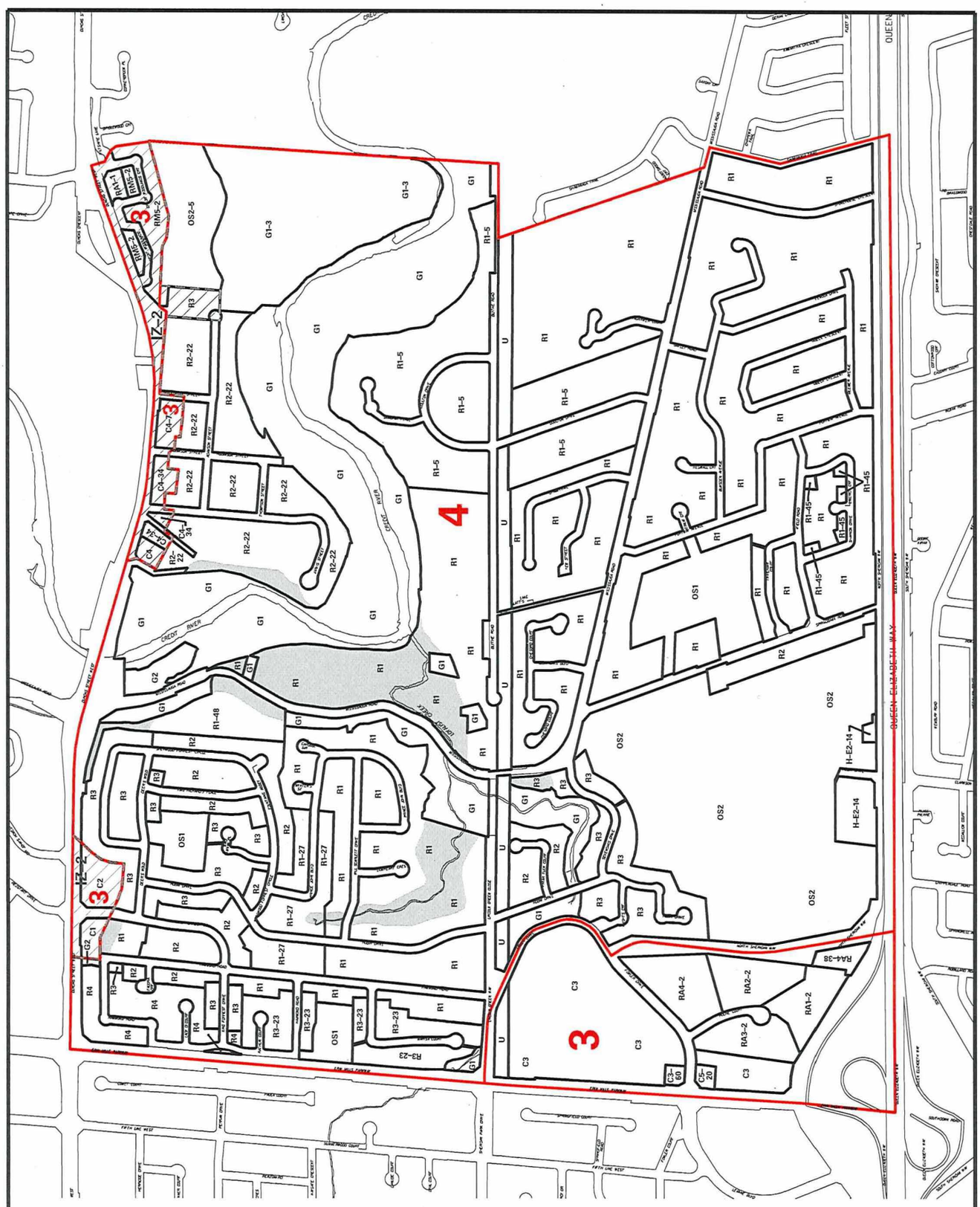


Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

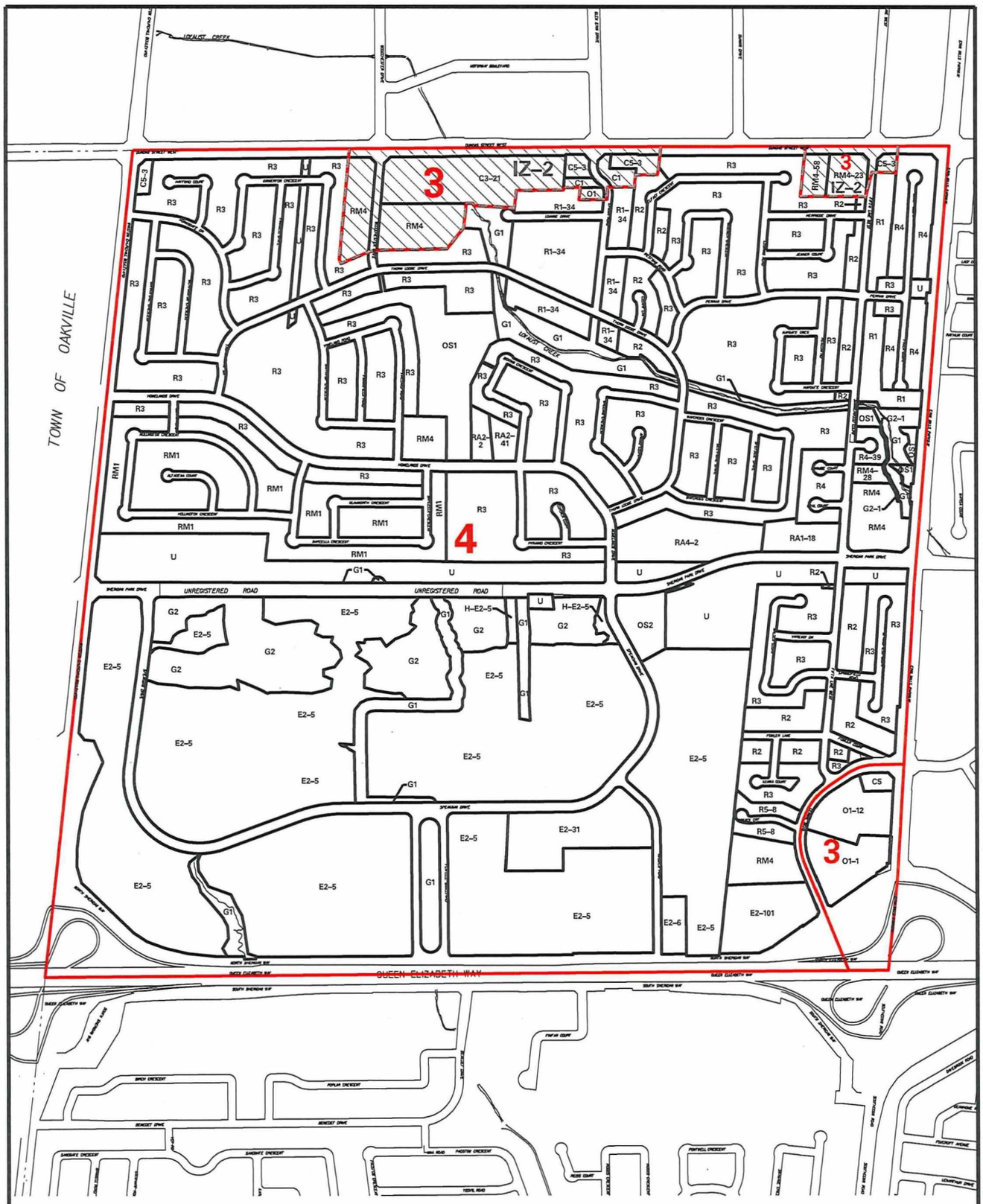
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A15" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

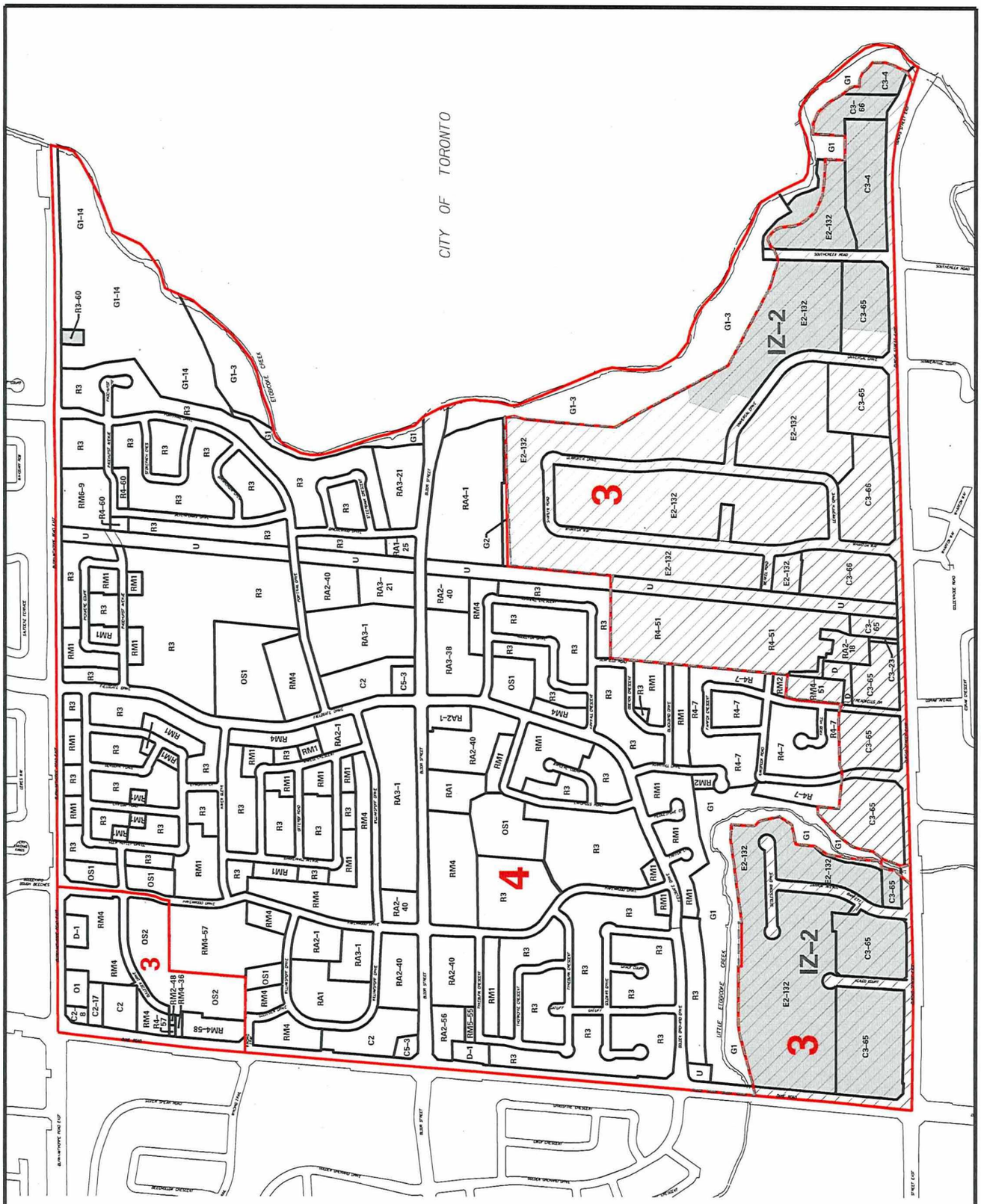
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A16" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

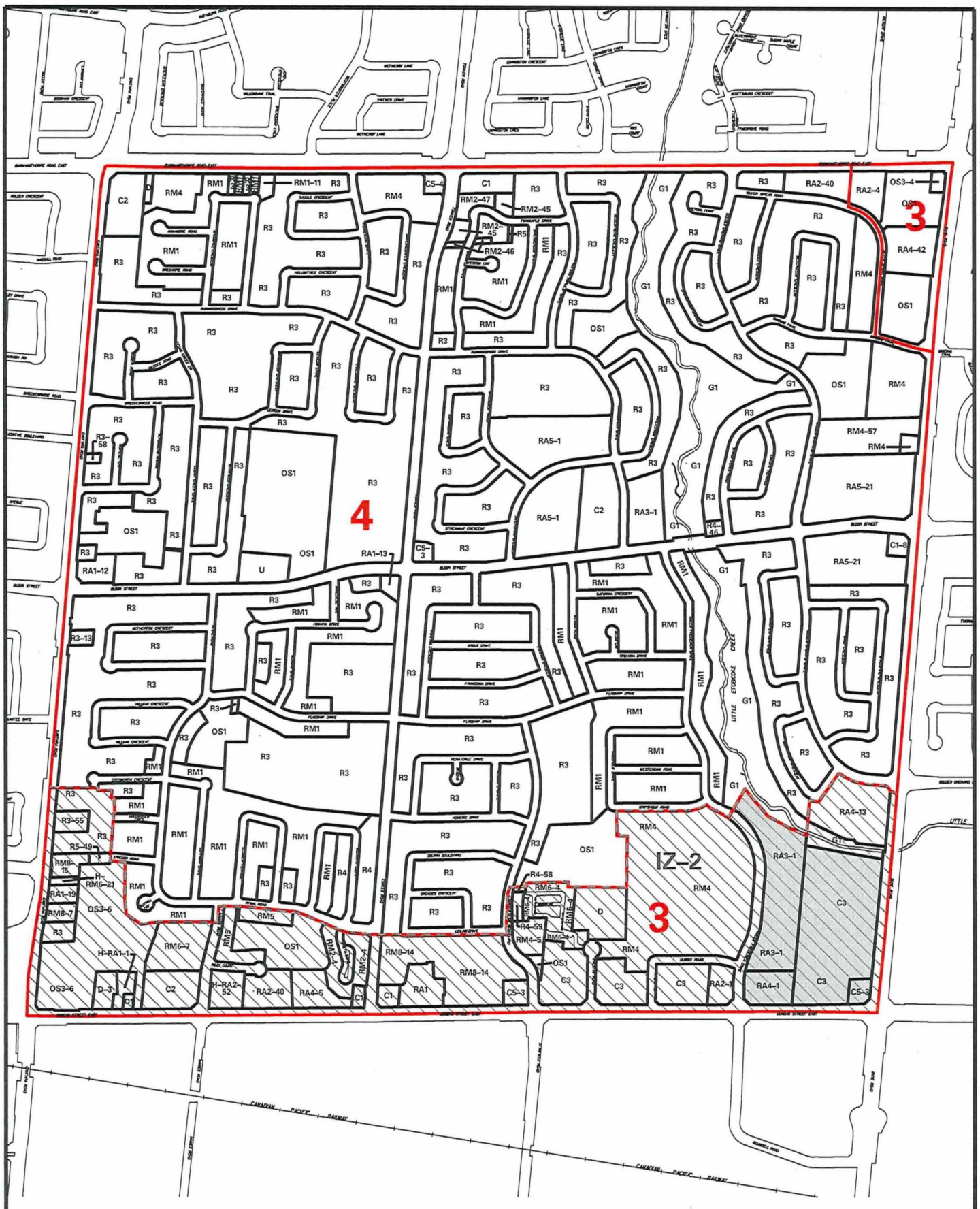
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A17" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A18" TO

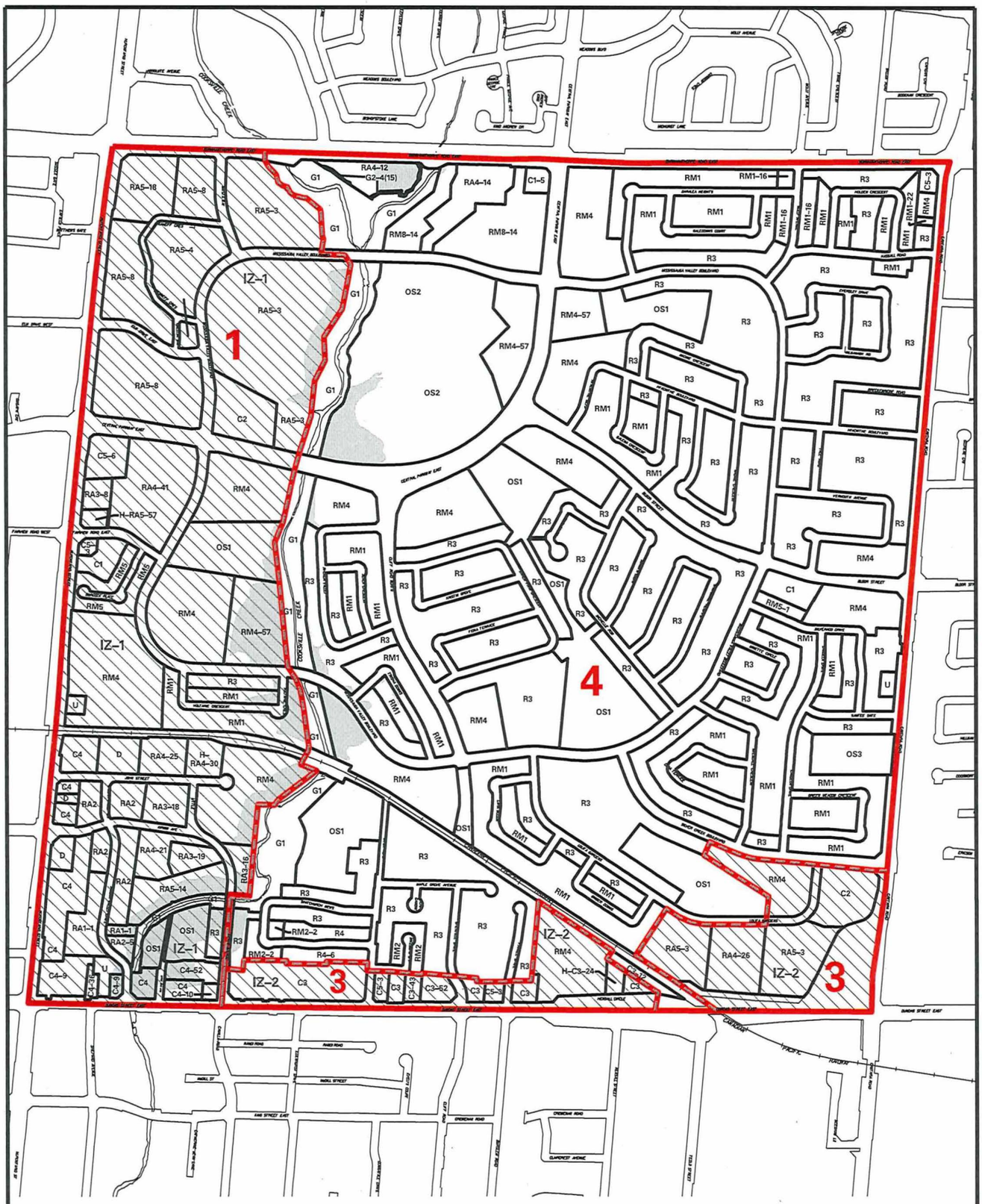
BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Z-20 A.S.

CD.06-INC



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200

METRES

This is not a Plan of Survey.

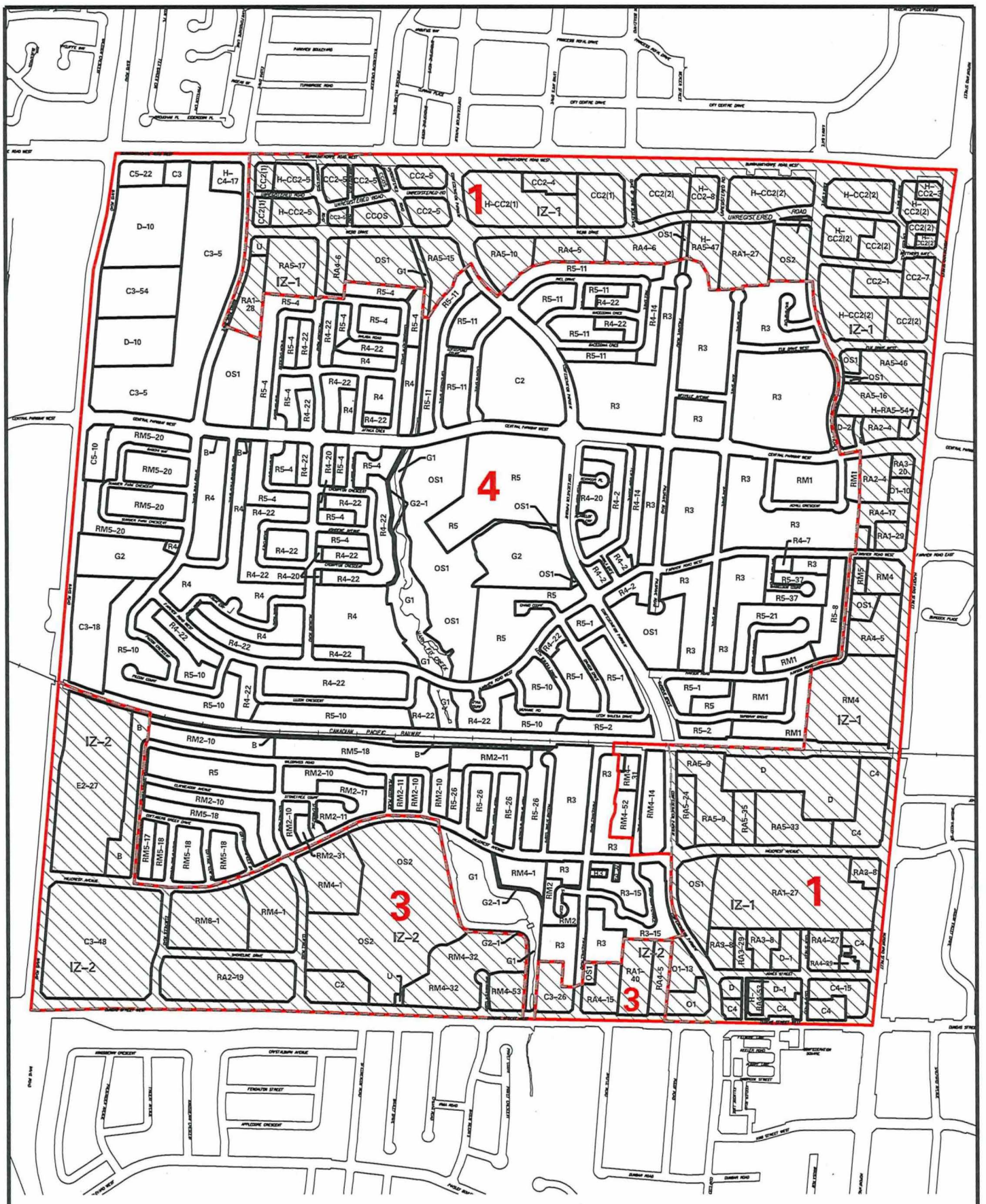
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A19" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

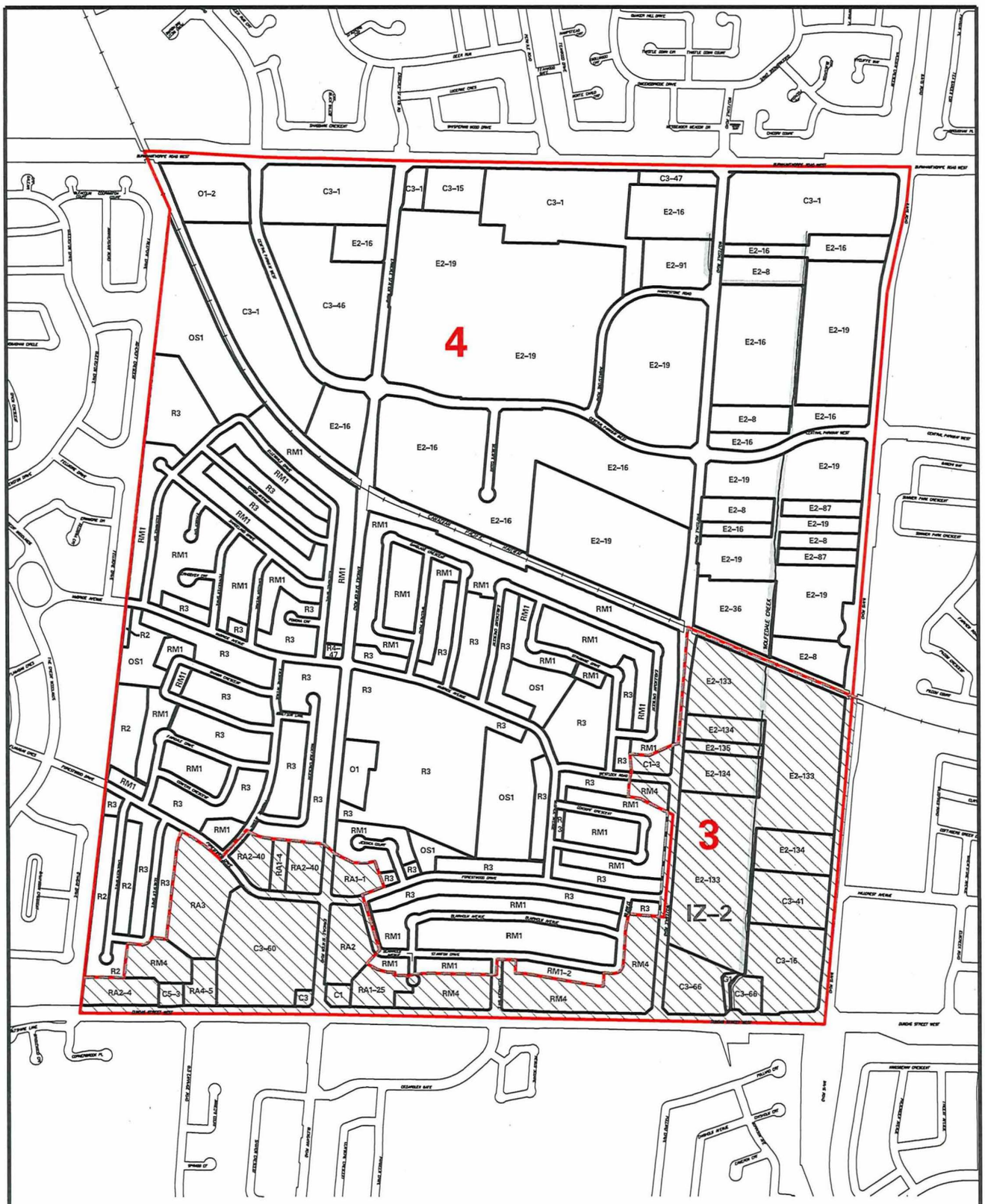
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A20" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200

METRES

This is not a Plan of Survey.

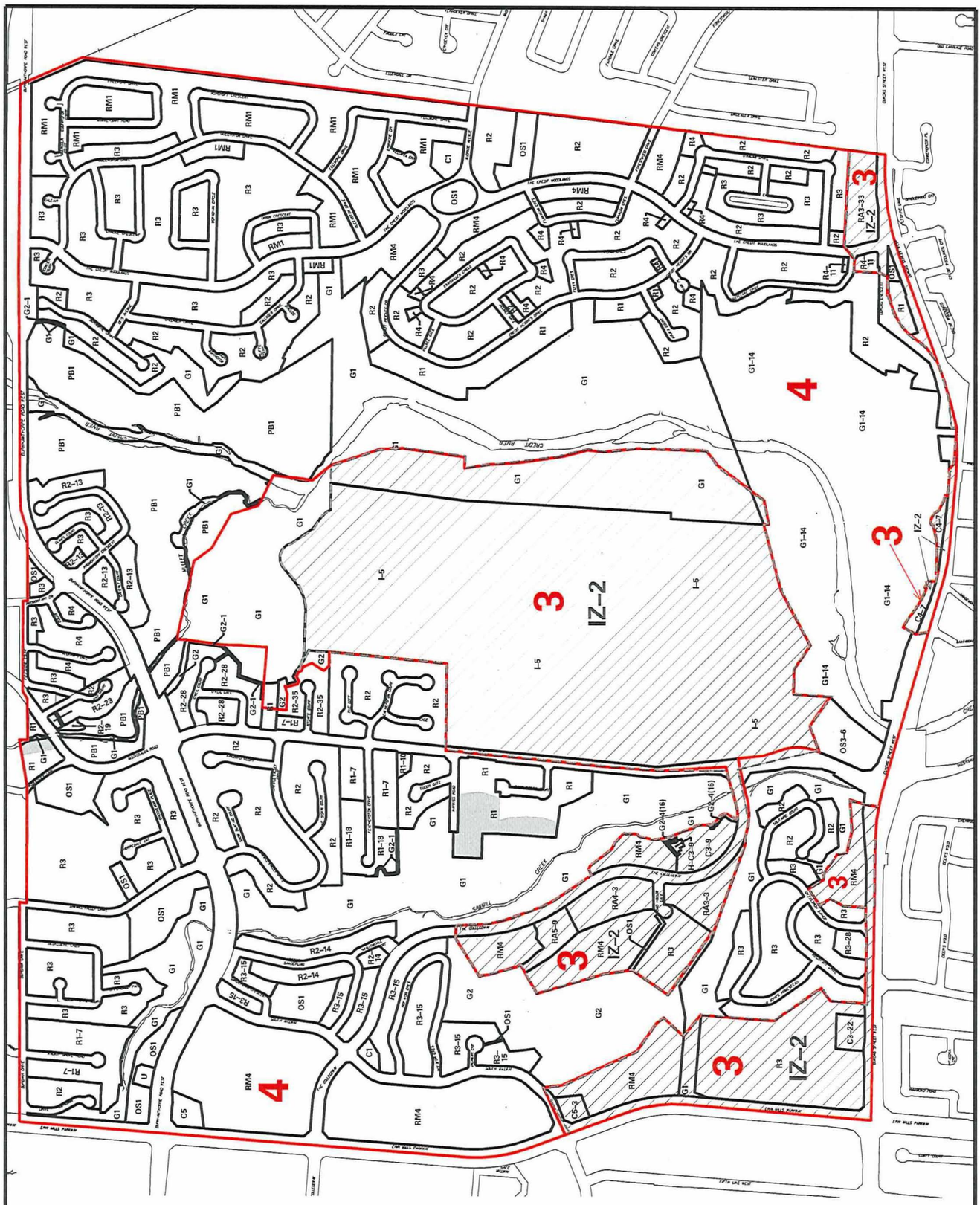
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A21" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



This is not a Plan of Survey.

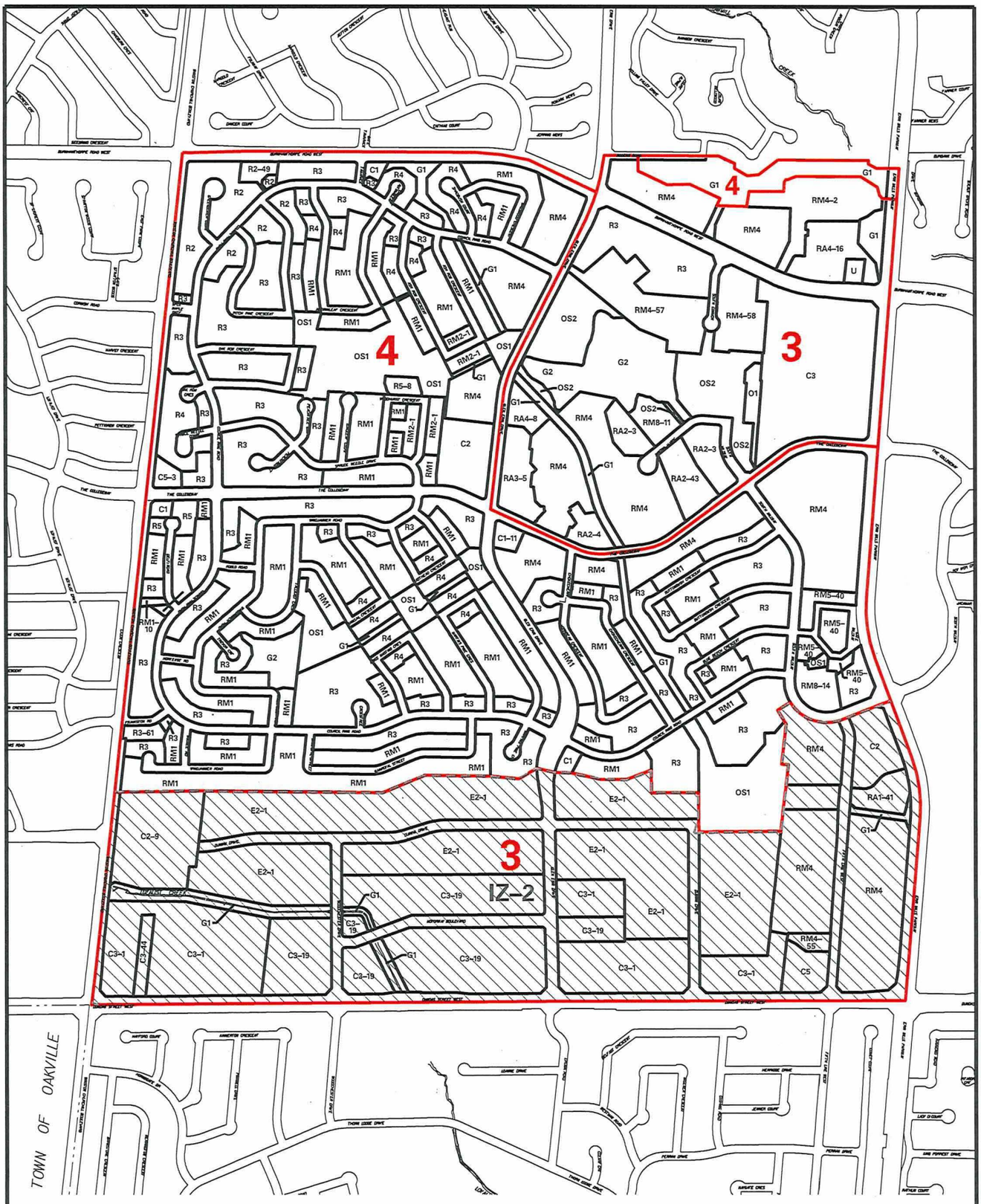
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A22" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A23" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A24" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A25" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200

METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A26" TO

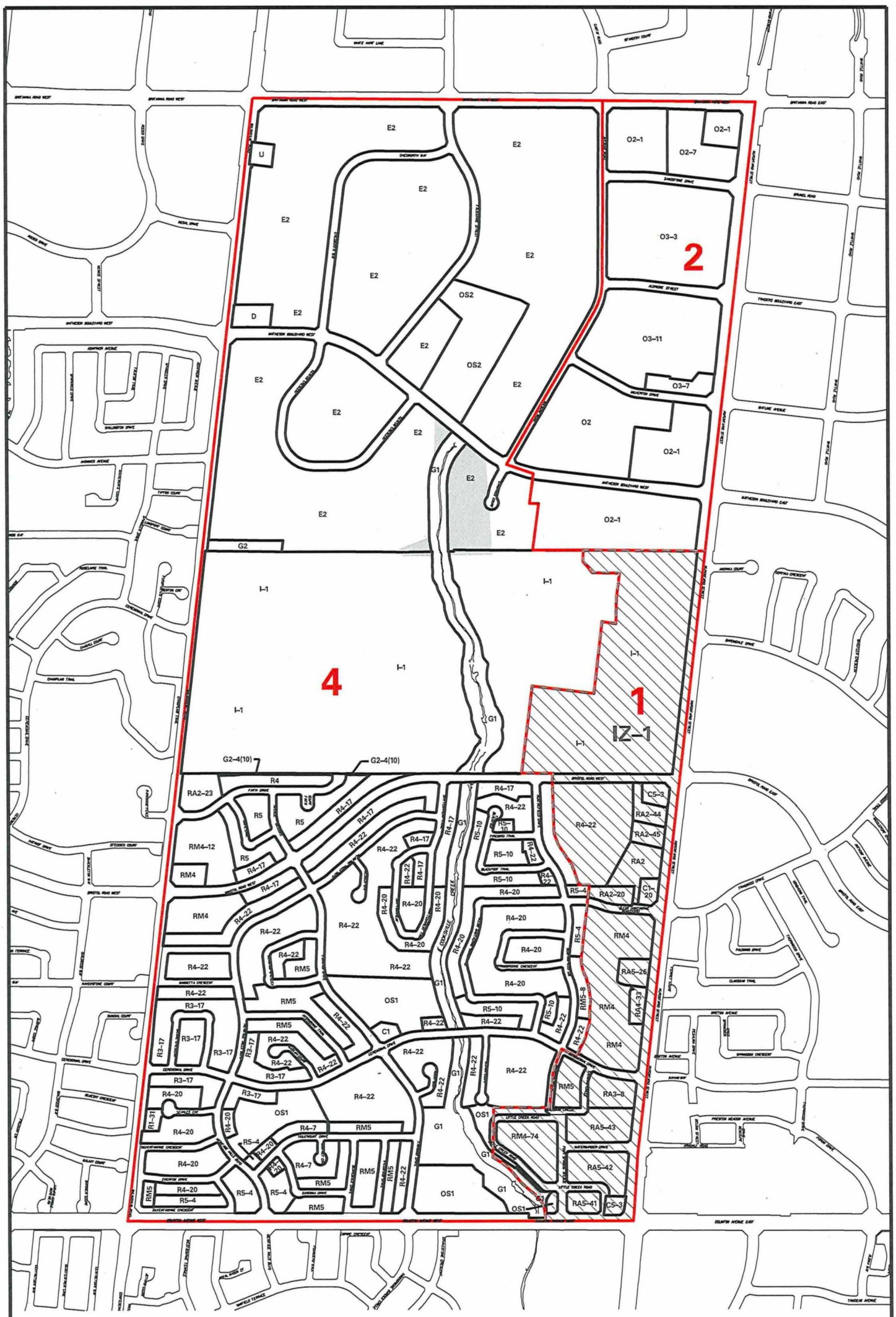
BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Z-36W A.S.

CD.06-INC



Parking Precincts

Greenlands Overlay

Inclusionary Zoning Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A27" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Z-37E A.S.

CD.06-INC

For Clarity See Grid Map Sections 55a and 55b

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

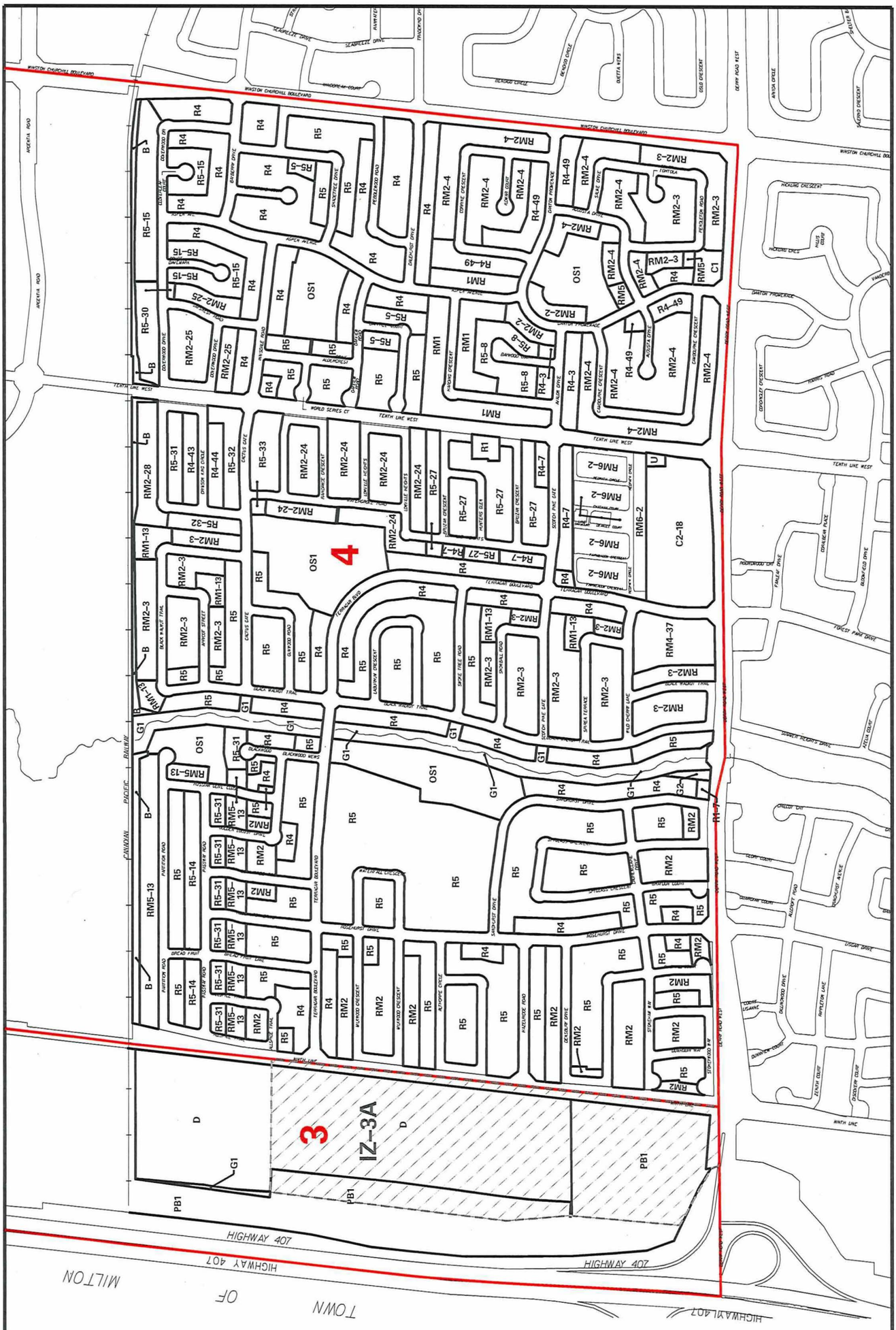
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A28" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

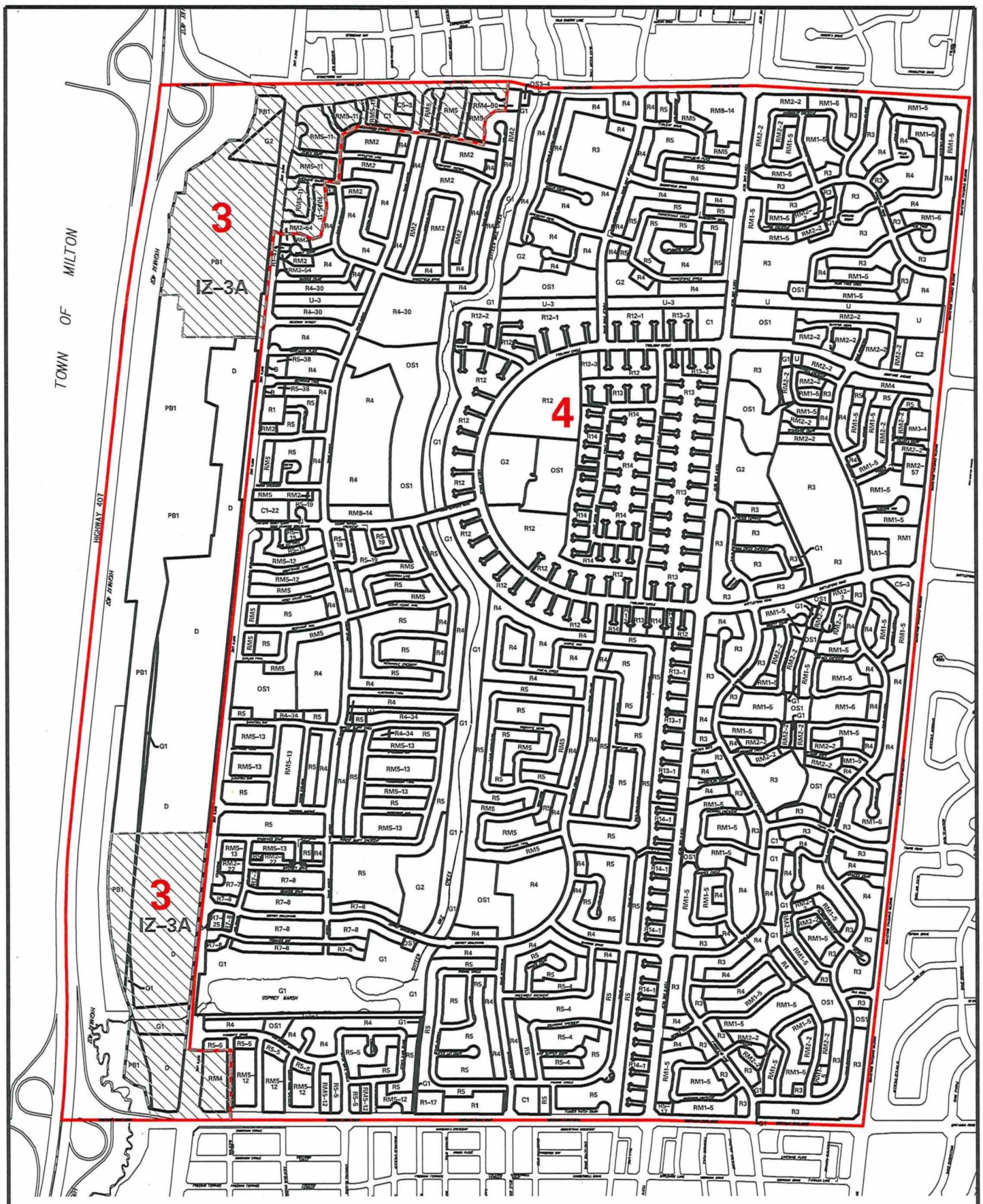
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A29" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022



For Clarity See Grid Map Sections 56a and 56b

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

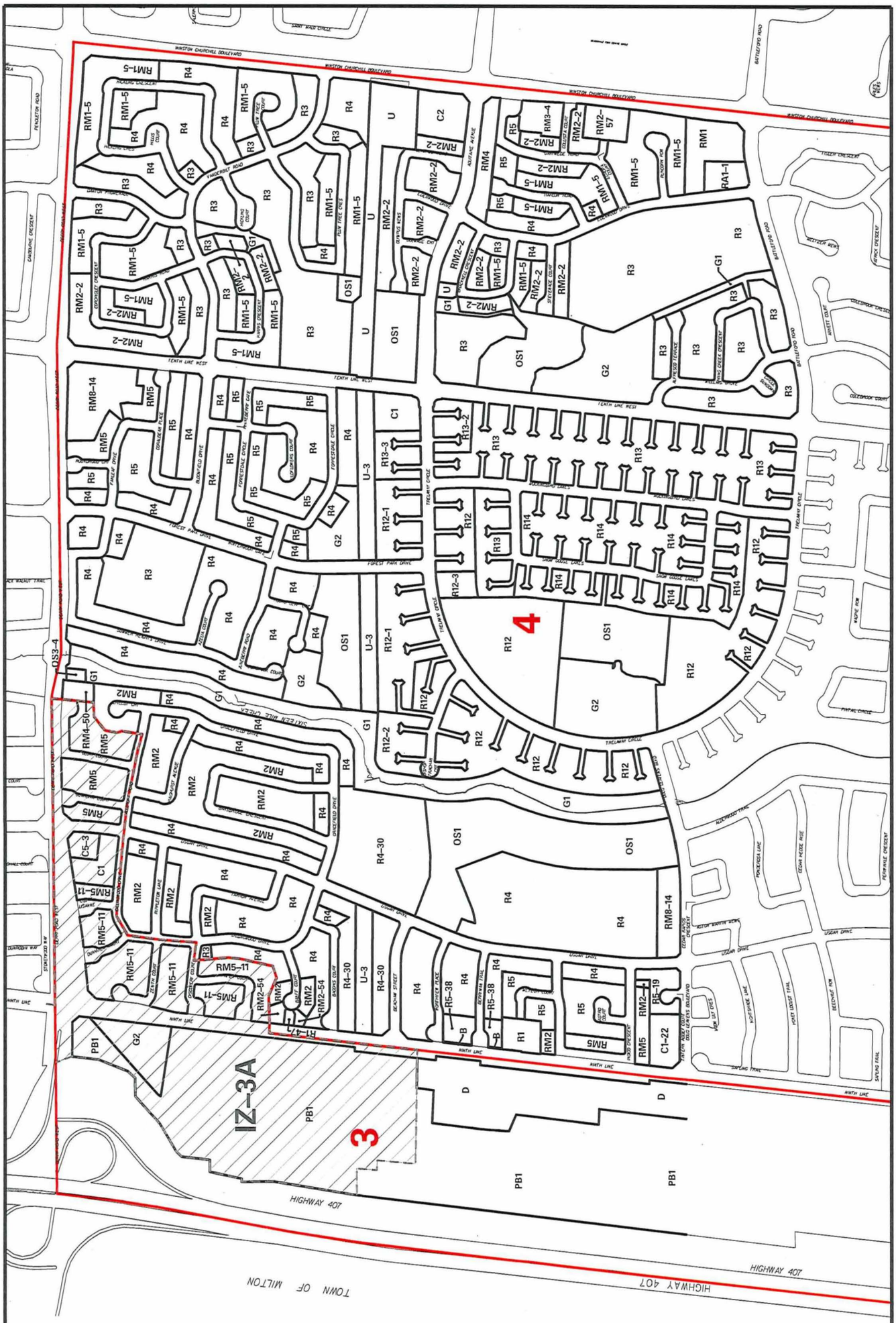
CITY OF MISSISSAUGA

THIS IS SCHEDULE "A30" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022


HIGHWAY 407
TOWN OF MILTON
HIGHWAY 407
IZ-3A
3
4
WINSTON CHURCHILL BOULEVARD
TENTH LINE WEST
NINTH LINE
TRELAWNY CIRCLE
FOREST PARK DRIVE
BATTLEFORD ROAD
PENGUIN ROAD
CARBURN CRESCENT
STRATFORD WAY
SIXTEEN MILE CREEK
BLACK WALNUT TRAIL
TANGERINE ROAD
ALSTAN AVENUE
BEACHAM STREET
BOSTWICK PASS
BOSTWICK TRAIL
BADEN COURT
GRACEFIELD DRIVE
TOPPERSDALE CIRCLE
TOPPERSDALE COURT
FAULTY DRIVE
ROSEWOOD DRIVE
ORCHARD DRIVE
ORCHARD CRESCENT
WINTER HIGHWAY
PALM TREE COURT
PALM TREE DRIVE
PALM TREE CRESCENT

Z-56 A.S.

CITY OF MISSISSAUGA

This is not a Plan of Survey.

Inclusionary Zoning Overlay
Parking Precincts
Greenlands Overlay

0 100 200
METRES

TOWN OF MILTON

HIGHWAY 407

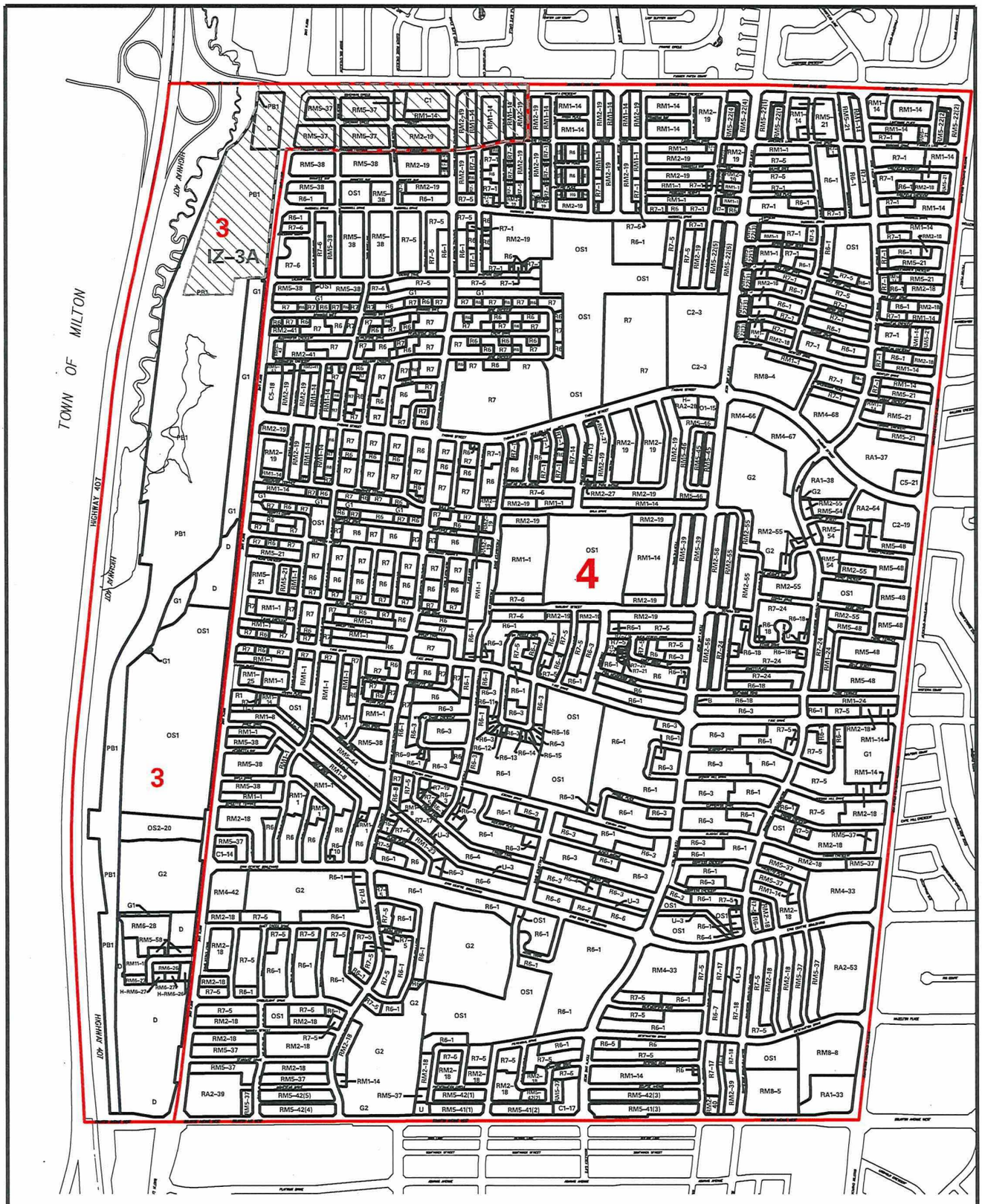
3

4

IZ-3A

THIS IS SCHEDULE "A32" TO
BY-LAW 0213-2022
PASSED BY COUNCIL ON
August 10, 2022

CD.06-



For Clarity See Grid Map Sections 57a – 57c

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A33" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200

METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A34" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A35" TO

BY-LAW 0213-2022

PASSED BY COUNCIL ON

August 10, 2022

APPENDIX "A" TO BY-LAW NUMBER 0213-2022

Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to introduce Inclusionary Zoning requirements for certain lands in the municipality.

This By-law amends the zoning of the properties outlined on the attached Schedules "A1 to A35" by adding an Inclusionary Zoning Overlay consisting of five Inclusionary Zoning Areas.

The proposed zoning regulations require development/redevelopment within the Inclusionary Zoning Overlay and meeting certain criteria to set aside a portion of the residential area as affordable housing units. The requirements are secured through a legal agreement with the City and registered on title to the lands.

Location of Lands Affected

The lands affected this amendment are generally located:

- along Hurontario Street from the southernmost point to south of Britannia Road West including the Downtown Core
- along Dundas Street
- along Lakeshore Road East
- at the intersection of Ninth Line and Britannia Road West and surrounding lands
- at the intersection of Ninth Line and Derry Road West and surrounding lands, and
- at the intersection of Lakeshore Road West and Southdown Road and surrounding lands

in the City of Mississauga, as shown on the attached Maps designated as Schedules "A1" to "A35".

Further information regarding this By-law may be obtained from Catherine Parsons of the City Planning and Building Department at 905-615-3200 ext. 8409.

NOTE:

PURSUANT TO SUBSECTIONS 34(19.3) AND 34(19.4) OF THE *PLANNING ACT*, THERE IS NO APPEAL WITH RESPECT TO THE CONTENTS OF THIS BY-LAW EXCEPT BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING.

http://teamsites.mississauga.ca/sites/18/bylaws/cd.06-inc.by-law(aug 8).cp.jmcc.docx

FORM 309

THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0212-2022

A by-law to Adopt Mississauga Official Plan Amendment No. 140

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS in accordance with the provisions of section 16 of the *Planning Act*, Council may adopt an Official Plan or an amendment thereto to introduce Inclusionary Zoning Policies;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act,* the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to enact an Exemption By-law that may require any or all proposed Local Municipal Official Plan Amendments to be exempt from Regional approval;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 140, in their opinion the amendment conforms with the Major Transit Station Area and Inclusionary Zoning policies of the Region of Peel Official Plan, as adopted by By-law #20-2022, and is exempt;

AND WHEREAS, in the event that a discrepancy in the Major Transit Station Area delineated boundaries arises between the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, and the Mississauga Official Plan, the Region of Peel Official Plan Major Transit Station Area boundaries will prevail;

AND WHEREAS, the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, directs the City of Mississauga to implement Inclusionary Zoning policies;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding Inclusionary Zoning within certain areas in the City of Mississauga;

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

1. The document attached hereto, constituting Amendment No. 140 to Mississauga Official Plan, is hereby adopted.

2. The policies of Amendment No. 140 provide that that they will not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area as identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

ENACTED and PASSED this 10th day of August, 2022.

Approved by Legal Services **City Solicitor** City of Missisauga
Graham Walsh
Date: August 3, 2022
File: CD.06-INC

Bonnie Crombie

MAYOR

CLERK

Amendment No. 140

to

Mississauga Official Plan

By-law No. 0212-2022

A by-law to Adopt Mississauga Official Plan Amendment No. 140

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS in accordance with the provisions of section 16 of the *Planning Act,* Council may adopt an Official Plan or an amendment thereto to introduce Inclusionary Zoning Policies;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act,* the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to enact an Exemption By-law that may require any or all proposed Local Municipal Official Plan Amendments to be exempt from Regional approval;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 140, in their opinion the amendment conforms with the Major Transit Station Area and Inclusionary Zoning policies of the Region of Peel Official Plan, as adopted by By-law #20-2022, and is exempt;

AND WHEREAS, in the event that a discrepancy in the Major Transit Station Area delineated boundaries arises between the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, and the Mississauga Official Plan, the Region of Peel Official Plan Major Transit Station Area boundaries will prevail;

AND WHEREAS, the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, directs the City of Mississauga to implement Inclusionary Zoning policies;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding Inclusionary Zoning within certain areas in the City of Mississauga;

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

1. The document attached hereto, constituting Amendment No. 140 to Mississauga Official Plan, is hereby adopted.

2. The policies of Amendment No. 140 provide that that they will not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area as identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

ENACTED and PASSED this 10th day of August, 2022.

Signed Bonnie Crombie
MAYOR

Signed
CLERK

Amendment No. 140

to

Mississauga Official Plan

The following text constitutes Amendment No. 140.

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

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated July 15, 2022, pertaining to this Amendment.

Appendix III is a copy of the Planning and Building Department report dated June 10, 2022, pertaining to this Amendment.

Appendix VI is a copy of the Planning and Building Department report dated May 6, 2022 pertaining to this Amendment.

PURPOSE

The purpose of this Amendment is to introduce policies and mapping that will permit the City to require affordable housing units in new developments in certain protected Major Transit Station Areas ("MTSA").

LOCATION

The lands affected by this Amendment are located in protected MTSAs:

- Along the Hurontario Street Light Rail Transit Route from the southernmost point to Matheson Boulevard West, including MTSAs located in the Downtown Core;
- Along the 407 Bus Rapid Transit Route (Derry and Britannia MTSAs);
- Along the future Lakeshore Road East Bus Rapid Transit Route (Lakefront Promenade, Haig, and Dixie MTSAs); and
- Along the Dundas Street Bus Rapid Transit Route.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Ontario Land Tribunal.

This Amendment is required to introduce new policies that will require affordable housing units in new developments where residential uses are permitted.

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

1. Housing affordability is a major issue in Mississauga.
2. Provincial legislation includes provisions for the introduction of Inclusionary Zoning policies into Official Plans to address housing affordability.
3. The new Region of Peel Official Plan adopted by Region of Peel By-law #20-2022 directs the City of Mississauga to implement Inclusionary Zoning policies.
4. Mississauga Official Plan contains policies that indicate the commitment of the City to ensure the creation of affordable housing to meet the population's needs.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Chapter 7 - Complete Communities, of Mississauga Official Plan, is hereby amended by adding the following policies as Section 7.3, and renumbering sections 7.3, 7.4, 7.5, 7.6, and 7.7 to 7.4, 7.5, 7.6, 7.7, and 7.8:

7.3 Inclusionary Zoning

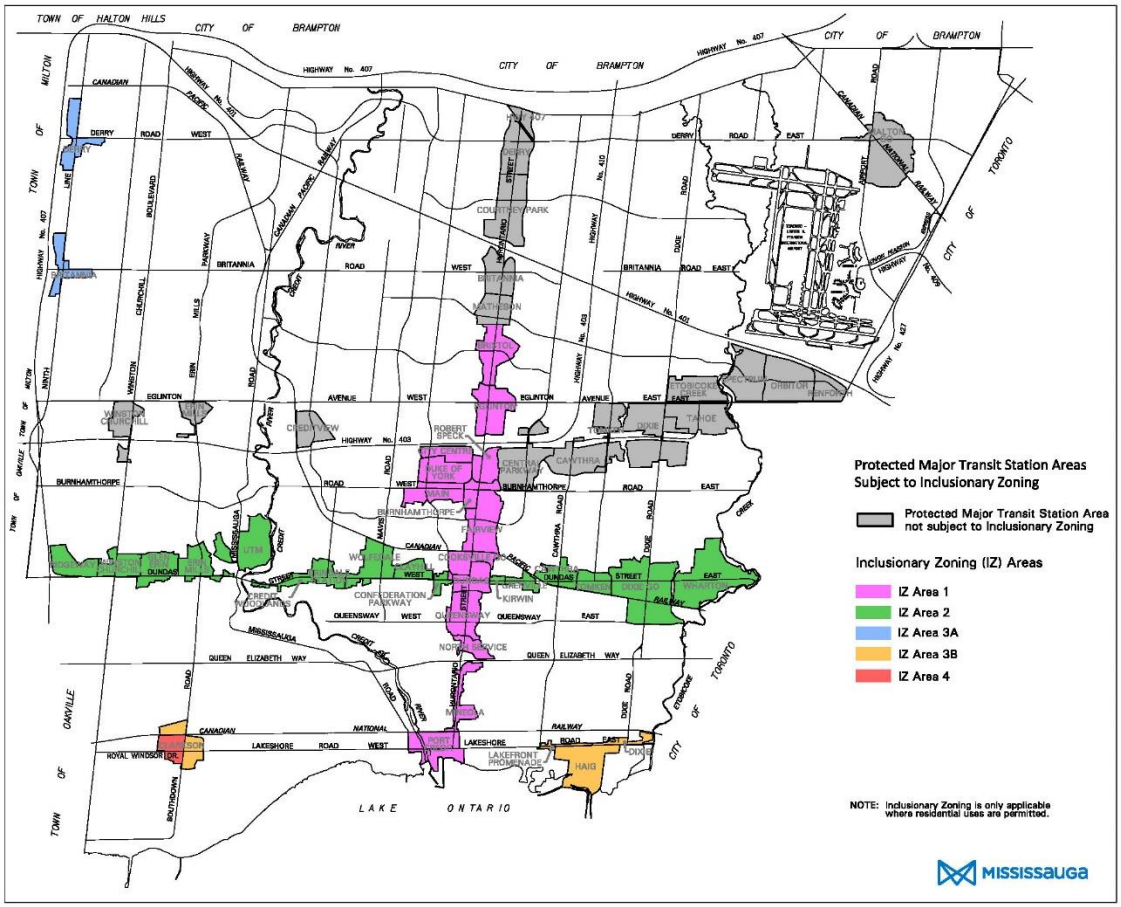
7.3.1 Inclusionary Zoning is a tool that enables the City to require that new residential development or redevelopment in specified locations include affordable housing units where residential uses are permitted by this Plan. Inclusionary Zoning in Mississauga will be guided by the following principles and objectives:

a. Inclusionary Zoning will be implemented in conjunction with other planning tools to increase the supply of affordable housing, contributing to diverse, mixed-income communities that offer a range of housing options for residents of various socio-economic backgrounds;

b. Inclusionary Zoning policies will be informed by ongoing monitoring and periodic financial impact assessments in accordance with Provincial requirements, or more frequently as necessary, to create and maintain affordable housing stock without negatively impacting overall development activity;

c. The City will work collaboratively with the Region of Peel, private and non-profit developers, housing providers, and other special interest groups to leverage expertise and achieve housing objectives; and

d. The City and the Region of Peel will work collaboratively to establish Inclusionary Zoning Implementation Guidelines to ensure the efficient delivery and monitoring of affordable housing units, such as but not limited to the procedure for qualifying purchasers and tenants, establishing annual affordable prices and rents, and ensuring the units remain affordable for the affordability period.



Map 7-1: Inclusionary Zoning (IZ) Areas

7.3.2 An owner of new development or redevelopment proposing 50 or more residential units or 3,600 square metres or more of gross floor area (GFA) for residential purposes, and located within an IZ Area as identified on Map 7-1: Inclusionary Zoning (IZ) Areas of this Plan, and subject to an Inclusionary Zoning By-law, is required to include ***affordable ownership housing units*** or ***affordable rental housing units*** for ***moderate-income households***, as follows:

a. the minimum required percentage of gross floor area for residential purposes in ownership housing to be set-aside as ***affordable ownership housing units*** or ***affordable rental housing units*** for ***moderate-income households*** is established in Table 7-1;

b. notwithstanding Policy 7.3.2 (a), a discounted set-aside rate may be considered for the delivery of housing for ***low-***

income households at the City's discretion through a site-specific zoning by-law amendment;

c. through an amendment to this Plan, the City may introduce Inclusionary Zoning requirements for lands within protected ***Major Transit Station Areas*** that are not currently identified within an IZ Area on Map 7-1;

d. IZ Area 4 is within an Employment Area and would require a land conversion to permit residential uses. Inclusionary Zoning requirements of Section 7.3 and 19.23 of this Plan will only apply to development on lands within IZ Area 4 in the event that residential uses are permitted; and

e. the Inclusionary Zoning requirements of Policy 7.3.2 (a) and Table 7-1 do not apply to portions of a development or redevelopment containing purpose-built rental housing until such time as it ceases to serve as purpose-built rental housing. Inclusionary Zoning requirements for purpose-built rental housing may be introduced through future amendments to this Plan.

Table 7-1 – Minimum Required Percentage of Residential Gross Floor Area (GFA) in Ownership Housing to be Affordable Housing

IZ Area as identified on Map 7-1	Tenure of Affordable Housing Units	Applies January 1, 2023 to December 31, 2023	Applies January 1, 2024 to December 31, 2024	Applies January 1, 2025
IZ Area 1	***Affordable Ownership Housing Units***	4%	7%	10%
	Affordable Rental Housing Units	2%	3.5%	5%
IZ Area 2	***Affordable Ownership Housing Units***	3%	5%	7%
	Affordable Rental Housing Units	1.5%	2.5%	3.5%
IZ Area 3A and IZ Area 3B	***Affordable Ownership Housing Units***	3%	4%	5%
	Affordable Rental Housing Units	1.5%	2%	2.5%
IZ Area 4	***Affordable Ownership Housing Units***	10%	10%	10%
	Affordable Rental Housing Units	5%	5%	5%

7.3.3 To provide a range of affordable prices and rents, the City, in consultation with the Region of Peel, will establish maximum

prices and rents on an annual basis during the affordability period for ***affordable ownership housing units*** and ***affordable rental housing units*** as follows, and in accordance with Implementation Guidelines:

a. one-bedroom units will be priced at or below the maximum purchase price for the 4th income decile or rented at or below the maximum rent for the 4th renter income decile;

b. two-bedroom units will be priced at or below the maximum purchase price for the 5th income decile or rented at or below the maximum rent for the 5th renter income decile; and

c. three-bedroom units will be priced at or below the maximum purchase price for the 6th income decile or rented at or below the maximum rent for the 6th renter income decile.

7.3.4 The suite mix of the affordable housing unit component will generally be a balanced mix of one-bedroom units and family sized units (two- and three-bedroom units), to provide a range of unit types suitable for individuals and families. Bachelor units will not qualify as affordable housing units for the purposes of Inclusionary Zoning requirements. Further unit size and suite mix requirements may be established through Implementation Guidelines.

7.3.5 ***Affordable rental housing units*** or ***affordable ownership housing units*** will be required to be maintained at affordable rents or prices commencing upon execution of an Inclusionary Zoning Agreement for a minimum period of:

a. 30 years calculated from the date of first occupancy of an ***affordable rental housing unit***; or

b. 99 years calculated from the later of the date of first occupancy or first closing of an ***affordable ownership housing unit***.

7.3.6 Notwithstanding Policy 7.3.5 (a), after the last day of the 25th year of the affordability period, if the tenant chooses to vacate an ***affordable rental housing unit***, the affordability requirements of Section 7.3 of this Plan no longer apply to the ***affordable rental housing unit***.

7.3.7 The City will receive a portion of the net proceeds from the sale of an ***affordable ownership housing unit*** in accordance with the following policies:

a. the City will receive no more than 20% of the net proceeds of the sale of an ***affordable ownership housing uni*t** sold during the 99 year affordability period, equivalent to no more than 2% of the sale price, for administration fees, where proceeds are the difference between the purchase price and the resale price of the affordable ownership unit; and

b. the City will receive 50% of the net proceeds of the first sale of an ***affordable ownership housing unit*** at market price after the 99 year affordability period, to be reinvested in affordable housing, where net proceeds are the difference between the purchase price and the resale price of the affordable ownership unit, less any legal, administration or real estate commission fees.

7.3.8 Inclusionary Zoning requirements may be met on an offsite location, at the discretion of the City through a site-specific zoning by-law amendment, subject to achieving the following conditions:

a. the offsite location must be located in an IZ Area as identified on Map 7-1;

b. offsite affordable housing units shall be located in proximity to the proposed development or redevelopment giving rise to the Inclusionary Zoning requirement. Proximity is deemed to be one or more of the following criteria:

(i) the offsite location is in the same IZ Area as the development or redevelopment giving rise to the Inclusionary Zoning requirement;

(ii) the offsite location is within 800 metres of the development or redevelopment giving rise to the Inclusionary Zoning requirement; or

(iii) IZ Area 3B and IZ Area 4 will be considered to be the same IZ Area for the purposes of Policy 7.3.8(b).

c. the offsite Inclusionary Zoning contribution results in one or more improved housing outcomes, such as:

(i) the delivery of affordable housing units occurs sooner than if the units were delivered in the

development giving rise to the Inclusionary Zoning requirement;

(ii) the provision of ***affordable rental housing units***

(iii) the provision of more deeply affordable units than required (i.e. housing affordable to ***low-income households***); or

(iv) the provision of a greater amount of affordable gross floor area than required.

d. Offsite units shall not be used to satisfy Inclusionary Zoning requirements that apply to the offsite location.

7.3.9 Inclusionary Zoning By-laws will not apply to:

a. long-term care buildings, retirement buildings, hospices, staff/student residences, group homes, or not-for profit buildings;

b. Region of Peel or Peel Housing Corporation projects;

c. approved development, as specifically identified as exempt in the zoning by-law, that is already subject to an affordable housing contribution requirement as of June 22, 2022. Inclusionary Zoning By-laws will apply to additional development permissions for such lands;

d. development or redevelopment meeting the exemption criteria under the *Planning Act* or related Ontario Regulations; and

e. notwithstanding 7.3.2, in no case will Inclusionary Zoning By-laws apply to development or redevelopment of less than 10 residential units.

7.3.10 Any replacement of affordable rental units required through the Rental Housing Protection policies of this Plan and Rental Housing Protection By-law 0121-2018, as amended, shall not:

a. be included in the gross floor area for residential purposes, used to calculate the Inclusionary Zoning requirements identified in Policy 7.3.2 and Table 7-1 of this Plan; and

b. contribute to the Inclusionary Zoning requirements in Policy 7.3.2 of this Plan.

7.3.11 Financial incentives will not be provided for affordable housing units provided in accordance with Policy 7.3.2 of this Plan. An Inclusionary Zoning By-law may identify reductions to parking rates for ***affordable rental housing units*** and ***affordable***

ownership housing units in accordance with recommendations of City-wide parking studies.

7.3.12 Inclusionary Zoning requirements identified in Section 7.3 and Section 19.23 come into effect on the later of January 1, 2023 or the date the applicable protected ***Major Transit Station Area*** identified in the Region of Peel Official Plan is approved by the Minister of Municipal Affairs and Housing.

2. Chapter 19 – Implementation, of Mississauga Official Plan, is hereby amended by adding the following Section as Section 19.23:

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.

3. Chapter 20 – Glossary, of Mississauga Official Plan, is hereby amended by adding the following definitions:

AFFORDABLE OWNERSHIP HOUSING UNIT

means the least expensive of: housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for ***low-income households*** and ***moderate-income households*****;** or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

AFFORDABLE RENTAL HOUSING UNIT

means the least expensive of: a unit for which the rent does not exceed 30 percent of gross annual household income for ***low-income households*** and ***moderate-income households***; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

MODERATE-INCOME HOUSEHOLDS

means in the case of ownership housing, households with incomes between 30 to 60 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes between 30 to 60 percent of the income distribution for renter households in the City of Mississauga.

LOW-INCOME HOUSEHOLDS

means in the case of ownership housing, households with incomes in the lowest 30 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes in the lowest 30 percent of the income distribution for renter households in the City of Mississauga.

IMPLEMENTATION

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

The provisions of this Amendment shall not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

The lands will be zoned to implement this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated October 21, 2021.

INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

APPENDIX I

PUBLIC MEETING

All property owners and residents within the City of Mississauga were invited to attend a Public Meeting of the Planning and Development Committee held on May 30, 2022 in connection with this proposed Amendment.

The key issues raised at the Public Meeting included the length of the affordability period, the depth of affordability, the proposed set-aside rates, the need for more affordable rental housing, and the need to address populations at risk. Based on the completed feasibility analysis, the depth of affordability, proposed set-aside rates, exemption for rental housing, and the discounted set-aside rate for developers providing affordable rental housing were maintained as proposed. These provisions will be reviewed and may be amended if financial viability changes. Implementation Guidelines may provide more guidance for housing priority segments of the population. The method to control affordability in ownership units has been scoped to include only the capped price option. The affordability period for ownership units has been expanded to 99 years. The affordability period for rental units has been expanded to the earlier of 30 years or a date after 25 years on which the unit becomes vacant.

The issues raised at the public meeting have been addressed in the corporate reports, attached to this Amendment as Appendix II and III.

City of Mississauga
Corporate Report

MISSISSAUGA

Date: July 15, 2022 To: Chair and Members of Planning and Development Committee From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Originator's files: CD.06-INC Meeting date: August 8, 2022

Subject

Inclusionary Zoning Affordability Term

Recommendation

1. That the Inclusionary Zoning Official Plan Amendment and Zoning By-law Amendment approved by Planning and Development Committee on July 5, 2022 through Recommendation PDC-0071-2022 (Council Resolution 0153-2022), be amended by changing the affordability term for affordable ownership units to 99 years, and by changing the affordability term for affordable rental units to 30 years, including a 5-year phase out of the affordable rental requirements commencing at year 25, as illustrated in Appendix 1 and 2 to the report titled "Inclusionary Zoning Affordability Term," dated July 15, 2022, from the Commissioner of Planning and Building.

Background

On July 5, 2022, Planning and Development Committee (PDC) approved an Inclusionary Zoning (IZ) Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA).[1] In response to questions raised by members of the public, PDC also directed staff to examine longer affordability terms. This report provides supplementary information and new recommendations for the affordability term for affordable ownership and rental units secured through IZ.

Comments

Affordability Terms in Other Jurisdictions

[1] Recommendation Report, Item 5.8, available here: https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=44e134f0-1086-405f-b147-dcdc52993249&Agenda=Agenda&lang=English

There are several hundred jurisdictions in North America – most of which are in the US – with forms of inclusionary zoning programs in place. It can be difficult to compare practices across jurisdictions due the significant variation in program parameters, as well as various local economic, political, regulatory, and funding factors that affect program design and execution. There is limited experience on very long affordability terms (e.g. 60+ years), since even the oldest of IZ programs were established in the 1970s and 1980s and are therefore only 40 to 50 years old at present. In general, there is a wide range of practices with respect to the affordability term, from 10 years to perpetuity.

The first jurisdiction to adopt an IZ by-law in Ontario was the City of Toronto. Staff in Toronto originally recommended a 25-year affordability period for both rental and ownership units, but this was changed to 99 years after members of the public expressed that long-term affordability was the biggest priority.[2]

The City of Ottawa is currently considering a 99-year affordability period for affordable ownership units and a 25-year affordability period for affordable rental units.[3]

Affordability Term for Ownership Units

A 50-year affordability term for ownership units was originally recommended by staff at the July 5, 2022 PDC meeting. Factors that guided this recommendation included:

- 50 years would secure affordability for a long timeframe (i.e. a mortgage amortization period for two subsequent households) and is similar to an accounting life.
- The municipality would be able capture some of the net sale proceeds of a unit before it becomes older and possibly declines in value.
- Affordability term of ownership units does not affect the developer of the units – the unit is passed from one individual owner to another over the term

Staff has reassessed the 50-year recommendation and suggest that extending the term to 99 years would be reasonable. The primary issue of extending the term to 99 years relates to a lack of data on the anticipated value (and related impacts on affordability) of high-rise condominium units far into the future. However, IZ implementation guidelines can address unforeseen circumstances resulting in a unit not being viable as an affordable unit.

Staff investigated the option of a perpetual affordability term and note that 99 years is often used as an enforceable equivalent to perpetuity in legal agreements.

Affordability Term for Rental Units

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[2] Toronto Report, available here: http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2021.PH28.1

[3] Ottawa Report, Item 16.2, available here: https://pub-ottawa.escribemeetings.com/Meeting.aspx?Id=aaff3cb4-a5a7-4d95-ac14-5c4fe85d3116&Agenda=Agenda&lang=English&Item=85&Tab=attachments

Staff proposed a 25-year affordability term for affordable rental to encourage the creation of these units through IZ. Since purpose-built rental housing projects will be exempt from IZ requirements in this by-law (due to financial viability), the delivery of affordable rental units will stem from IZ requirements in ownership projects. It is likely that condominium developers will opt to provide affordable ownership units unless they are otherwise incentivized to provide affordable rental units.

Staff continue to recommend a shorter timeframe for affordable rental housing. However, participants raised concerns about an "affordability cliff," whereby the affordability period ends and there is a sudden uptick of tenants of the same building unable to find alternative units with affordable rent. This unintended outcome could occur because newly built rental units are not subject to provincial rent control. To respond to this concern, staff are recommending a phase-out period of 5 years, to ensure tenants are not subject to sudden hikes in rent and have ample time to relocate if necessary. The affordability term is now recommended to be 30 years, but if a unit is vacated after the 25 year, the rental rate on that unit can revert to market value.

Next Steps

Attached as Appendix 1 and 2 to this report are the redlined versions of the approved OPA and ZBA approved on July 5, 2022, illustrating recommended changes to the affordability terms. Staff are recommending approval of these changes. Final Council passage of the OPA and ZBA is targeted for the August 10, 2022 Council meeting.

Strategic Plan

Housing affordability stems from the Strategic Plan "Belong" Pillar. Two strategic goals relate to housing affordability – "Ensuring Affordability and Accessibility" and "Support Aging in Place." Action 1 – "Attract and keep people in Mississauga through an affordable housing strategy" connects to the work on the City's Housing Strategy, including IZ implementation.

Financial Impact

There are no financial impacts resulting from the recommendations contained in this report. Implementation of an IZ policy will have future financial impacts for the City and Region. Staff will report back on the financial impacts of IZ administration at a future date.

Conclusion

This report recommends changes to the IZ OPA and ZBA approved by PDC on July 5, 2022, in response to concerns raised about the affordability terms for affordable ownership units and affordable rental units. The recommended changes include extending the affordability term for ownership units to 99 years, and adding a 5-year phase out to the affordability term for rental units. Throughout IZ implementation, the impacts of the policy parameters, including the affordability term, will be monitored to understand whether improvements can be made.

Attachments

Appendix 1: Recommended Changes (Redlined) to IZ Official Plan Amendment Approved through Recommendation PDC-0071-2022

Appendix 2: Recommended Changes (Redlined) to IZ Zoning By-law Amendment Approved through Recommendation PDC-0071-2022

A. Whittemore

Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Catherine Parsons, MCIP RPP, Planner, City Planning Strategies Division

Green = text to be added
~~Red Strikethrough~~ = text to be deleted

Amendment No. 140

to

Mississauga Official Plan

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Appendix 1

By-law No. _____

A by-law to Adopt Mississauga Official Plan Amendment No. 140

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS in accordance with the provisions of section 16 of the *Planning Act,* Council may adopt an Official Plan or an amendment thereto to introduce Inclusionary Zoning Policies;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act,* the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to enact an Exemption By-law that may require any or all proposed Local Municipal Official Plan Amendments to be exempt from Regional approval;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 140, in their opinion the amendment conforms with the Major Transit Station Area and Inclusionary Zoning policies of the Region of Peel Official Plan, as adopted by By-law #20-2022, and is exempt;

AND WHEREAS, in the event that a discrepancy in the Major Transit Station Area delineated boundaries arises between the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, and the Mississauga Official Plan, the Region of Peel Official Plan Major Transit Station Area boundaries will prevail;

AND WHEREAS, the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, directs the City of Mississauga to implement Inclusionary Zoning policies;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding Inclusionary Zoning within certain areas in the City of Mississauga;

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Appendix 1

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

1. The document attached hereto, constituting Amendment No. 140 to Mississauga Official Plan, is hereby adopted.

2. The policies of Amendment No. 140 provide that that they will not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area as identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

ENACTED and PASSED this _____ day of _____, 2022.

Signed _____ Signed _____

MAYOR CLERK

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Appendix 1

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Appendix 1

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Appendix 1

Amendment No. 140

to

Mississauga Official Plan

The following constitutes Amendment No. 140.

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

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated July 15, 2022, pertaining to this Amendment.

Appendix III is a copy of the Planning and Building Department report dated June 10, 2022, pertaining to this Amendment.

Appendix VI is a copy of the Planning and Building Department report dated May 6, 2022 pertaining to this Amendment.

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Appendix 1

PURPOSE

The purpose of this Amendment is to introduce policies and mapping that will permit the City to require affordable housing units in new developments in certain protected Major Transit Station Areas ("MTSA").

LOCATION

The lands affected by this Amendment are located in protected MTSAs:

- Along the Hurontario Street Light Rail Transit Route from the southernmost point to Matheson Boulevard West, including MTSAs located in the Downtown Core;
- Along the 407 Bus Rapid Transit Route (Derry and Britannia MTSAs);
- Along the future Lakeshore Road East Bus Rapid Transit Route (Lakefront Promenade, Haig, and Dixie MTSAs); and
- Along the Dundas Street Bus Rapid Transit Route.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Ontario Land Tribunal.

This Amendment is required to introduce new policies that will require affordable housing units in new developments where residential uses are permitted.

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

1. Housing affordability is a major issue in Mississauga.
2. Provincial legislation includes provisions for the introduction of Inclusionary Zoning policies into Official Plans to address housing affordability.
3. The new Region of Peel Official Plan adopted by Region of Peel By-law #20-2022 directs the City of Mississauga to implement Inclusionary Zoning policies.
4. Mississauga Official Plan contains policies that indicate the commitment of the City to ensure the creation of affordable housing to meet the population's needs.

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Appendix 1

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Chapter 7 - Complete Communities, of Mississauga Official Plan, is hereby amended by adding the following policies as Section 7.3, and renumbering sections 7.3, 7.4, 7.5, 7.6, and 7.7 to 7.4, 7.5, 7.6, 7.7, and 7.8:

7.3 Inclusionary Zoning

7.3.1 Inclusionary Zoning is a tool that enables the City to require that new residential development or redevelopment in specified locations include affordable housing units where residential uses are permitted by this Plan. Inclusionary Zoning in Mississauga will be guided by the following principles and objectives:

a. Inclusionary Zoning will be implemented in conjunction with other planning tools to increase the supply of affordable housing, contributing to diverse, mixed-income communities that offer a range of housing options for residents of various socio-economic backgrounds;

b. Inclusionary Zoning policies will be informed by ongoing monitoring and periodic financial impact assessments in accordance with Provincial requirements, or more frequently as necessary, to create and maintain affordable housing stock without negatively impacting overall development activity;

c. The City will work collaboratively with the Region of Peel, private and non-profit developers, housing providers, and other special interest groups to leverage expertise and achieve housing objectives; and

d. The City and the Region of Peel will work collaboratively to establish Inclusionary Zoning Implementation Guidelines to ensure the efficient delivery and monitoring of affordable housing units, such as but not limited to the procedure for qualifying purchasers and tenants, establishing annual affordable prices and rents, and ensuring the units remain affordable for the affordability period.

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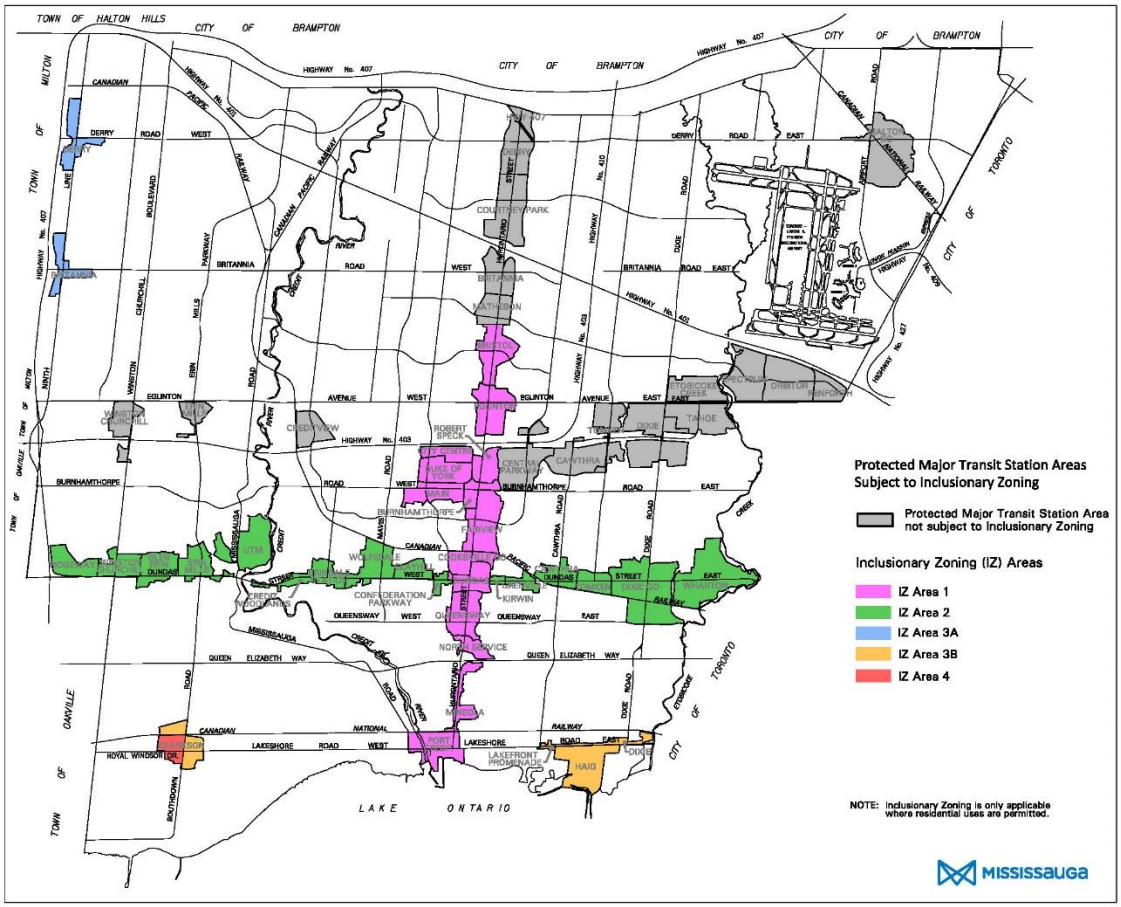

Map 7-1: Inclusionary Zoning (IZ) Areas

7.3.2 An owner of new development or redevelopment proposing 50 or more residential units or 3,600 square metres or more of gross floor area (GFA) for residential purposes, and located within an IZ Area as identified on Map 7-1: Inclusionary Zoning (IZ) Areas of this Plan, and subject to an Inclusionary Zoning By-law, is required to include ***affordable ownership housing units*** or ***affordable rental housing units*** for ***moderate-income households***, as follows:

a. the minimum required percentage of gross floor area for residential purposes in ownership housing to be set-aside as ***affordable ownership housing units*** or ***affordable rental housing units*** for ***moderate-income households*** is established in Table 7-1;

b. notwithstanding Policy 7.3.2 (a), a discounted set-aside rate may be considered for the delivery of housing for ***low-income households*** at the City's discretion through a site-specific zoning by-law amendment;

c. through an amendment to this Plan, the City may introduce Inclusionary Zoning requirements for lands within protected ***Major Transit Station Areas*** that are not currently identified within an IZ Area on Map 7-1;

d. IZ Area 4 is within an Employment Area and would require a land conversion to permit residential uses. Inclusionary Zoning requirements of Section 7.3 and 19.23 of this Plan will only apply to development on lands within IZ Area 4 in the event that residential uses are permitted; and

e. the Inclusionary Zoning requirements of Policy 7.3.2 (a) and Table 7-1 do not apply to portions of a development or redevelopment containing purpose-built rental housing until such time as it ceases to serve as purpose-built rental housing. Inclusionary Zoning requirements for purpose-built rental housing may be introduced through future amendments to this Plan.

Table 7-1 – Minimum Required Percentage of Residential Gross Floor Area (GFA) in Ownership Housing to be Affordable Housing

IZ Area as identified on Map 7-1	Tenure of Affordable Housing Units	Applies January 1, 2023 to December 31, 2023	Applies January 1, 2024 to December 31, 2024	Applies January 1, 2025
IZ Area 1	***Affordable Ownership Housing Units***	4%	7%	10%
	Affordable Rental Housing Units	2%	3.5%	5%
IZ Area 2	***Affordable Ownership Housing Units***	3%	5%	7%
	Affordable Rental Housing Units	1.5%	2.5%	3.5%
IZ Area 3A and IZ Area 3B	***Affordable Ownership Housing Units***	3%	4%	5%
	Affordable Rental Housing Units	1.5%	2%	2.5%
IZ Area 4	***Affordable Ownership Housing Units***	10%	10%	10%
	Affordable Rental Housing Units	5%	5%	5%

7.3.3 To provide a range of affordable prices and rents, the City, in consultation with the Region of Peel, will establish maximum prices and rents on an annual basis during the affordability period for ***affordable ownership housing units*** and ***affordable rental***

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housing units as follows, and in accordance with Implementation Guidelines:

a. one-bedroom units will be priced at or below the maximum purchase price for the 4th income decile or rented at or below the maximum rent for the 4th renter income decile;

b. two-bedroom units will be priced at or below the maximum purchase price for the 5th income decile or rented at or below the maximum rent for the 5th renter income decile; and

c. three-bedroom units will be priced at or below the maximum purchase price for the 6th income decile or rented at or below the maximum rent for the 6th renter income decile.

7.3.4 The suite mix of the affordable housing unit component will generally be a balanced mix of one-bedroom units and family sized units (two- and three-bedroom units), to provide a range of unit types suitable for individuals and families. Bachelor units will not qualify as affordable housing units for the purposes of Inclusionary Zoning requirements. Further unit size and suite mix requirements may be established through Implementation Guidelines.

7.3.5 ***Affordable rental housing units*** or ***affordable ownership housing units*** will be required to be maintained at affordable rents or prices commencing upon execution of an Inclusionary Zoning Agreement for a minimum period of:

a. ~~25~~ 30 years calculated from the date of first occupancy of an ***affordable rental housing unit***; or

b. ~~50~~ 99 years calculated from the later of the date of first occupancy or first closing of an ***affordable ownership housing unit***.

7.3.6 Notwithstanding Policy 7.3.5 (a), after the last day of the 25th year of the affordability period, if the tenant chooses to vacate an ***affordable rental housing unit***, the affordability requirements of Section 7.3 of this Plan no longer apply to the ***affordable rental housing unit***.

7.3.7 The City will receive a portion of the net proceeds from the sale of an ***affordable ownership housing unit*** in accordance with the following policies:

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a. the City will receive no more than 20% of the net proceeds of the sale of an ***affordable ownership housing unit*** sold during the ~~50~~ 99 year affordability period, equivalent to no more than 2% of the sale price, for administration fees, where proceeds are the difference between the purchase price and the resale price of the affordable ownership unit; and

b. the City will receive 50% of the net proceeds of the first sale of an ***affordable ownership housing unit*** at market price after the ~~50~~ 99 year affordability period, to be reinvested in affordable housing, where net proceeds are the difference between the purchase price and the resale price of the affordable ownership unit, less any legal, administration or real estate commission fees.

7.3.8 Inclusionary Zoning requirements may be met on an offsite location, at the discretion of the City through a site-specific zoning by-law amendment, subject to achieving the following conditions:

a. the offsite location must be located in an IZ Area as identified on Map 7-1;

b. offsite affordable housing units shall be located in proximity to the proposed development or redevelopment giving rise to the Inclusionary Zoning requirement. Proximity is deemed to be one or more of the following criteria:

(i) the offsite location is in the same IZ Area as the development or redevelopment giving rise to the Inclusionary Zoning requirement;

(ii) the offsite location is within 800 metres of the development or redevelopment giving rise to the Inclusionary Zoning requirement; or

(iii) IZ Area 3B and IZ Area 4 will be considered to be the same IZ Area for the purposes of Policy 7.3.8(b).

c. the offsite Inclusionary Zoning contribution results in one or more improved housing outcomes, such as:

(i) the delivery of affordable housing units occurs sooner than if the units were delivered in the development giving rise to the Inclusionary Zoning requirement;

(ii) the provision of ***affordable rental housing units***

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(iii) the provision of more deeply affordable units than required (i.e. housing affordable to ***low-income households***); or

(iv) the provision of a greater amount of affordable gross floor area than required.

d. Offsite units shall not be used to satisfy Inclusionary Zoning requirements that apply to the offsite location.

7.3.9 Inclusionary Zoning By-laws will not apply to:

a. long-term care buildings, retirement buildings, hospices, staff/student residences, group homes, or not-for profit buildings;

b. Region of Peel or Peel Housing Corporation projects;

c. approved development, as specifically identified as exempt in the zoning by-law, that is already subject to an affordable housing contribution requirement as of June 22, 2022. Inclusionary Zoning By-laws will apply to additional development permissions for such lands;

d. development or redevelopment meeting the exemption criteria under the *Planning Act* or related Ontario Regulations; and

e. notwithstanding 7.3.2, in no case will Inclusionary Zoning By-laws apply to development or redevelopment of less than 10 residential units.

7.3.10 Any replacement of affordable rental units required through the Rental Housing Protection policies of this Plan and Rental Housing Protection By-law 0121-2018, as amended, shall not:

a. be included in the gross floor area for residential purposes, used to calculate the Inclusionary Zoning requirements identified in Policy 7.3.2 and Table 7-1 of this Plan; and

b. contribute to the Inclusionary Zoning requirements in Policy 7.3.2 of this Plan.

7.3.11 Financial incentives will not be provided for affordable housing units provided in accordance with Policy 7.3.2 of this Plan. An Inclusionary Zoning By-law may identify reductions to parking rates for ***affordable rental housing units*** and ***affordable ownership housing units*** in accordance with recommendations of City-wide parking studies.

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7.3.12 Inclusionary Zoning requirements identified in Section 7.3 and Section 19.23 come into effect on the later of January 1, 2023 or the date the applicable protected ***Major Transit Station Area*** identified in the Region of Peel Official Plan is approved by the Minister of Municipal Affairs and Housing.

2. Chapter 19 – Implementation, of Mississauga Official Plan, is hereby amended by adding the following Section as Section 19.23:

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;

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i. conditions for offsite unit delivery, if permitted; and

j. any other standards or arrangements, as appropriate.

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3. Chapter 20 – Glossary, of Mississauga Official Plan, is hereby amended by adding the following definitions:

AFFORDABLE OWNERSHIP HOUSING UNIT

means the least expensive of: housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for ***low-income households*** and ***moderate-income households*****;** or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

AFFORDABLE RENTAL HOUSING UNIT

means the least expensive of: a unit for which the rent does not exceed 30 percent of gross annual household income for ***low-income households*** and ***moderate-income households***; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

MODERATE-INCOME HOUSEHOLDS

means in the case of ownership housing, households with incomes between 30 to 60 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes between 30 to 60 percent of the income distribution for renter households in the City of Mississauga.

LOW-INCOME HOUSEHOLDS

means in the case of ownership housing, households with incomes in the lowest 30 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes in the lowest 30 percent of the income distribution for renter households in the City of Mississauga.

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IMPLEMENTATION

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

The provisions of this Amendment shall not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

The lands will be zoned to implement this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated October 21, 2021.

INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

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APPENDIX I

PUBLIC MEETING

All property owners and residents within the City of Mississauga were invited to attend a Public Meeting of the Planning and Development Committee held on May 30, 2022 in connection with this proposed Amendment.

The key issues raised at the Public Meeting included the length of the affordability period, the depth of affordability, the proposed set-aside rates, the need for more affordable rental housing, and the need to address populations at risk. Based on the completed feasibility analysis, the depth of affordability, proposed set-aside rates, exemption for rental housing, and the discounted set-aside rate for developers providing affordable rental housing were maintained as proposed. These provisions will be reviewed and may be amended if financial viability changes. Implementation Guidelines may provide more guidance for housing priority segments of the population. The method to control affordability in ownership units has been scoped to include only the capped price option. ~~with a 50-year affordability term.~~ The affordability period for ownership units has been expanded to 99 years. The affordability period for rental units has been expanded to the earlier of 30 years or a date after 25 years on which the unit becomes vacant.

The issues raised at the public meeting have been addressed in the corporate reports, attached to this Amendment as Appendix II and III.

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Appendix 1

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Appendix 1

Appendix II - Planning and Building Department report dated July 15, 2022, pertaining to this Amendment.

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Appendix 1

Appendix III - Planning and Building Department report dated June 10, 2022 pertaining to this Amendment.

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Appendix 1

Appendix IV - Planning and Building Department report dated May 6, 2022 pertaining to this Amendment.

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A by-law to Adopt Mississauga Official Plan Amendment No. 140

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS in accordance with the provisions of section 16 of the *Planning Act*, Council may adopt an Official Plan or an amendment thereto to introduce Inclusionary Zoning Policies;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act,* the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to enact an Exemption By-law that may require any or all proposed Local Municipal Official Plan Amendments to be exempt from Regional approval;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 140, in their opinion the amendment conforms with the Major Transit Station Area and Inclusionary Zoning policies of the Region of Peel Official Plan, as adopted by By-law #20-2022, and is exempt;

AND WHEREAS, in the event that a discrepancy in the Major Transit Station Area delineated boundaries arises between the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, and the Mississauga Official Plan, the Region of Peel Official Plan Major Transit Station Area boundaries will prevail;

AND WHEREAS, the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, directs the City of Mississauga to implement Inclusionary Zoning policies;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding Inclusionary Zoning within certain areas in the City of Mississauga;

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

1. The document attached hereto, constituting Amendment No. 140 to Mississauga Official Plan, is hereby adopted.

2. The policies of Amendment No. 140 provide that that they will not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area as identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

ENACTED and PASSED this _____ day of _____, 2022.

_____

MAYOR

_____

CLERK

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Appendix 2

Green = text to be added
~~Red Strikethrough~~ = text to be deleted

A by-law to amend By-law Number 0225-2007, as amended.

WHEREAS pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass a zoning by-law;

AND WHEREAS pursuant to section 35.2 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass one or more by-laws to give effect to inclusionary zoning Official Plan policies;

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

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Definition to Section 1.2:

Affordable Ownership Housing Unit	means a **dwelling unit** for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for **moderate-income households**, as follows: (1) one-bedroom units priced at or below the fourth income decile for Mississauga households; (2) two-bedroom units priced at or below the fifth income decile for Mississauga households; and, (3) three-bedroom units priced at or below the sixth income decile for Mississauga households.

2. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

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Affordable Rental Housing Unit	means a **dwelling unit** where total monthly shelter costs are the least expensive of: a unit for which the rent is at or below the average market rent of a unit in the regional market area, or a unit for which the rent does not exceed 30 percent of gross annual household income for **moderate-income households** as follows: (1) one-bedroom units priced at or below the fourth income decile for Mississauga renter households; (2) two-bedroom units priced at or below the fifth income decile for Mississauga renter households; and, (3) three-bedroom units priced at or below the sixth income decile for Mississauga renter households.

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3. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Gross Floor Area - Inclusionary Zoning	means the sum of all areas of a **building**, measured from the exterior of outside walls of the **building** including floor area occupied by interior walls, but shall only include area dedicated for a **dwelling unit**, and excludes any area dedicated to rental replacement units required under Rental Housing Protection By-law 0121-2018.

4. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Low-Income Households	means in the case of an **affordable ownership housing unit**, households with incomes in the lowest 30 percent of the income distribution for households in the City of Mississauga; or in the case of an **affordable rental housing unit**, households with incomes in the lowest 30 percent of the income distribution for renter households in the City of Mississauga.

5. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Moderate-Income Households	means in the case of an **affordable ownership housing unit**, households with incomes between 30 to 60 percent of the income distribution for households in the City of Mississauga; or in the case of an **affordable rental housing unit**, households with incomes between 30 to 60 percent of the income distribution for renter households in the City of Mississauga.

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6. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Non-profit Housing Provider	means: (1) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing; (2) a corporation without share capital to which the *Canada Business Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; (3) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*; or (4) an organization that is a registered charity within the meaning of the *Income Tax Act* (Canada) or a non-profit organization exempt from tax under paragraph 149(1)(l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing.

7. By-law Number 0225-2007, as amended, is further amended by changing the term "Not-for-Profit Housing Provider" to "Non-Profit Housing Provider" where it appears throughout By-law 0225-2007.

8. By-law Number 0225-2007, as amended, is further amended by bolding the term "**Non-Profit Housing Provider**" where it appears throughout By-law 0225-2007.

9. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Purpose-Built Rental Housing	means a **building**: (1) containing **dwelling units** where a minimum of 80% of the **dwelling units** are owned by a single owner and available for rent; and (2) which is not organized as a life lease project where the right to occupy the **dwelling units** is based on a life lease interest.

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10. By-law Number 0225-2007, as amended, is further amended by adding Subsection 2.1.34 to Section 2.1 as follows:

2.1.34 Inclusionary Zoning

The following regulations shall apply to lands located in the Inclusionary Zoning Overlay boundaries identified as IZ-1, IZ-2, IZ-3A, IZ-3B, and IZ-4 on Schedule B of Part 13 of this By-law.

2.1.34.1 Subsection 2.1.34 of this By-law shall not apply to:

(1) development or redevelopment of less than 50 units and less than 3 600 m^2 of **gross floor area - inclusionary zoning**;

(2) **retirement buildings**, **staff/student residences**, **long-term care buildings**, **hospices**, **group homes**;

(3) Region of Peel or Peel Housing Corporation projects;

(4) a **building** which will be owned and operated by a **non-profit housing provider** where the **non-profit housing provider** has 100 percent interest;

(5) development as approved pursuant to the following:

(1) up to 8 050 units approved by Mississauga City Council through OZ 19/003 W1 for the lands located at 800 and 985 Hydro Road and 1082 Lakeshore Road East;

(2) up to 122 units approved by Mississauga City Council through OZ 19/018 W10 and T-M19006 W10 for lands located at 5150 Ninth Line;

(3) up to 1 365 units approved by Mississauga City Council through OZ 20/015 W7 for lands located at 24 to 64 Elm Drive West and 3528 to 3563 Hurontario Street;

(4) up to 2 995 units approved by Mississauga City Council through OZ/OPA 17/012 W1 and T-M17004 W1 for lands located at 70 Mississauga Road South and 181 Lakeshore Road West;

(5) up to 2 500 units approved by Mississauga City Council through OZ 18/016 W5 for lands located at 91 Eglinton Avenue East and 5055 Hurontario Street;

(6) up to 1 869 units approved by Mississauga City Council through OZ 18/011 W5 for lands located at 0 and 5044 Hurontario Street;

(7) up to 361 units approved by Mississauga City Council through OZ 19/008 W1 and SP 20/051 W1 for lands located at 78 Park Street East and 22 Ann Street;

(8) lands located at 1 Fairview Street East, where maximum building height permissions were approved by Mississauga City Council through OZ 20/001 W4;

(9) lands located at 4116 and 4128 Parkside Village Drive, where maximum building height permissions were approved through Committee of Adjustment file 'A' 124/22; and

(10) up to 1 265 units approved by Mississauga City Council through OZ 20/020 W5 for lands located at 5081 Hurontario Street.

(6) development or redevelopment where the following application types are filed on or before the later of January 1, 2023 or the date the applicable protected Major Transit Station Area identified in the Region

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of Peel Official Plan is approved by the Minister of Municipal Affairs and Housing:

(1) a complete application for a site plan or building permit;

(2) a complete application for a rezoning, provided that a subsequent complete application for a site plan is filed within two years of the date the rezoning application was deemed complete; or

(3) an application for a lifting of a holding H symbol, provided that a subsequent complete application for a site plan is filed within two years of the date the lifting of a holding H symbol application was submitted;

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(7) legally **existing building** established prior to January 1, 2023, except where any addition or extension to, or change of **use** within, a legally **existing building** results in 50 or more new **dwelling units** or 3 600 m^2 or more of new **gross floor area - inclusionary zoning**.

(8) exemptions in accordance with the *Planning Act* and associated regulations.

2.1.34.1.1 Notwithstanding Sentence 2.1.34.1(1) of this By-law, in no case will the Inclusionary Zoning requirements of this By-law apply to developments of less than 10 residential units.

2.1.34.1.2 Notwithstanding Sentence 2.1.34.1(5) of this By-law, Inclusionary Zoning requirements apply to the lands described in Sentence 2.1.34.1(5) of this By-law if additional development permissions are applied for.

2.1.34.2 The minimum required percentage of **gross floor area - inclusionary zoning** to be provided as affordable housing is identified in Table 2.1.34.2 – Minimum Required Percentage of Gross Floor Area - Inclusionary Zoning to be Provided as Affordable Housing.

Table 2.1.34.2 - Minimum Required Percentage of Gross Floor Area - Inclusionary Zoning to be Provided as Affordable Housing

Column A		**B**	**C**	**D**	**E**
Line 1.0	**IZ AREA**	**TYPE OF AFFORDABLE HOUSING PROVIDED**	**APPLICABLE JANUDARY 1, 2023 TO DECEMBER 31, 2023**	**APPLICABLE JANUARY 1, 2024 to DECEMBER 31, 2024**	**APPLICABLE AS OF January 1, 2025**
2.0	IZ-1	**Affordable ownership housing units** for **moderate-income households**	4%	7%	10%
3.0	IZ-1	**Affordable rental housing units** for **moderate-income households**	2%	3.5%	5%
4.0	IZ-2	**Affordable ownership housing units** for **moderate-income households**	3%	5%	7%
5.0	IZ-2	**Affordable rental housing units** for **moderate-income households**	1.5%	2.5%	3.5%

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Appendix 2

Column A		B	C	D	E
Line 1.0	**IZ AREA**	**TYPE OF AFFORDABLE HOUSING PROVIDED**	**APPLICABLE JANUDARY 1, 2023 TO DECEMBER 31, 2023**	**APPLICABLE JANUARY 1, 2024 to DECEMBER 31, 2024**	**APPLICABLE AS OF January 1, 2025**
6.0	IZ-3A and IZ-3B	**Affordable ownership housing units** for **moderate-income households**	3%	4%	5%
7.0	IZ-3A and IZ-3B	**Affordable rental housing units** for **moderate-income households**	1.5%	2%	2.5%
8.0	IZ-4	**Affordable ownership housing units** for **moderate-income households**	10%	10%	10%
9.0	IZ-4	**Affordable rental housing units** for **moderate-income households**	5%	5%	5%

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2.1.34.2.1 Notwithstanding Article 2.1.34.2 of this By-law, rental replacement units secured under Rental Housing Protection By-law 0121-2018 are not counted towards the minimum required **gross floor area - inclusionary zoning** to be set aside as affordable housing outlined in Table 2.1.34.2 of this By-law.

2.1.34.2.2 Notwithstanding Article 2.1.34.2 of this By-law, the minimum required percentage of **gross floor area - inclusionary zoning** to be affordable housing is not applicable to **purpose-built rental housing**.

2.1.34.3 **Affordable ownership housing units** or **affordable rental housing units** required in Article 2.1.34.2 of this By-law shall be maintained at affordable rents or prices commencing upon execution of an agreement referred to in Article 2.1.34.6 of this By-law for a minimum period of:

(1) ~~25~~ 30 years calculated from the date of first occupancy of an **affordable rental housing unit**.

(2) ~~50~~ 99 years calculated from the later of the date of first occupancy or first closing of an **affordable ownership housing unit**.

2.1.34.3.1 Notwithstanding Article 2.1.34.3(1), after the last day of the 25th year of the affordability period, the affordability requirements of Subsection 2.1.34 of this By-law no longer apply to an **affordable rental housing unit** if that **affordable rental housing unit** is vacated in accordance with a notice of termination from the tenant or an agreement between the landlord and the tenant to terminate.

2.1.34.4 The permitted resale price for **affordable ownership housing units** and annual increases to the rates for **existing affordable rental housing units** required in Article 2.1.34.3 of this By-law shall be as determined on an annual basis by the City, in coordination with the Region, and in accordance with Inclusionary Zoning Implementation Guidelines.

2.1.34.5 On a **lot** which is subject to the requirements of Article 2.1.34.2 and Sentence 2.1.34.3(2) of this By-law, the City shall receive a portion of the net proceeds from the sale of an **affordable ownership housing unit** as follows:

(1) the City will receive no more than 20% of the net proceeds of the sale of an **affordable ownership housing unit** sold during the ~~50~~ 99 year affordability period, equivalent to no more than 2% of the sale price, for administration fees, where net proceeds are the difference between the purchase price and the resale price of the **affordable ownership unit**; and

(2) the City will receive 50% of the net proceeds of the first sale of an **affordable ownership housing unit** at market price after the ~~50~~ 99 year affordability period, to be reinvested in affordable housing, where net proceeds are the difference between the purchase price and the resale price of the **affordable ownership unit**, less any legal, administration or real estate commission fees.

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2.1.34.6 For development or re-development of lands subject to the regulations of Articles 2.1.34.2 and 2.1.34.3 of this By-law, the owner of such lands shall enter into one or more legal agreements with the City, to be registered on title to the lands, securing the Inclusionary Zoning requirements outlined in Subsection 2.1.34 of this By-law and the following, to the satisfaction of the City Solicitor and the Commissioner of Planning and Building:

(1) requirements ensuring occupants of **affordable ownership housing units** and **affordable rental housing units** have the same **building** and amenity access as occupants of market units;
(2) requirements for eligibility to purchase an **affordable ownership housing unit** or to rent an **affordable rental housing unit**;
(3) requirements for ongoing administration, reporting and monitoring of **affordable ownership housing units** and **affordable rental housing units**.

2.1.34.7 Subject to Article 2.1.34.2 of this By-law, where **purpose-built rental housing** ceases to meet the definition of **purpose-built rental housing**, the requirements of Subsection 2.1.34 of this By-law will then apply to the **building**.

2.1.34.8 Notwithstanding Sentence 2.1.34.2.2 of this By-law, the owner of lands proposing **purpose-built rental housing** in a condominium registered under section 2 of the *Condominium Act, 1998,* or a predecessor of that section, shall enter into one or more legal agreements with the City, to be registered on title to the lands, securing Inclusionary Zoning requirements outlined in Subsection 2.1.34 of this By-law, including Article 2.1.34.6 of this By-law, that would be applicable if the **purpose-built rental housing** ceases to meet the definition of **purpose-built rental housing**.

11. By-law Number 0225-2007, as amended, is further amended by adding Sentence 3.1.2.1.4 to Article 3.1.2.1 as follows:

3.1.2.1.4 Notwithstanding the regulations contained in Table 3.1.2.1 of this By-law, the required number of off-street **parking spaces** for **dwelling units** that are **affordable ownership housing units** or **affordable rental housing units** located within the Inclusionary Zoning Overlay Area boundaries identified on Schedule B of Part 13 this By-law shall be subject to a parking rate of:

(1) Precinct 1: 50% of the required number of **parking spaces** for the corresponding residential **uses** as otherwise required pursuant to this By-law;
(2) Precincts 2, 3 and 4: 70% of the required number of **parking spaces** for the corresponding residential **use** as otherwise required pursuant to this By-law.

12. Map Numbers 01, 03 to 08, 10 to 25, 28, 29, 36W, 37E, 55 (55b), 56 (56a, 56b), 57 (57a), and 59 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, are amended by adding the Inclusionary Zoning Overlay Areas identified by a grey dashed outline and grey hatching as shown on the attached Schedules "A1" to "A35", which are deemed to be an integral part of this By-law.

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13. This By-law shall not come into force until Mississauga Official Plan Amendment Number 140 is in full force and effect.

ENACTED and PASSED this _____ day of _____, 2022.

_____

MAYOR

_____

CLERK

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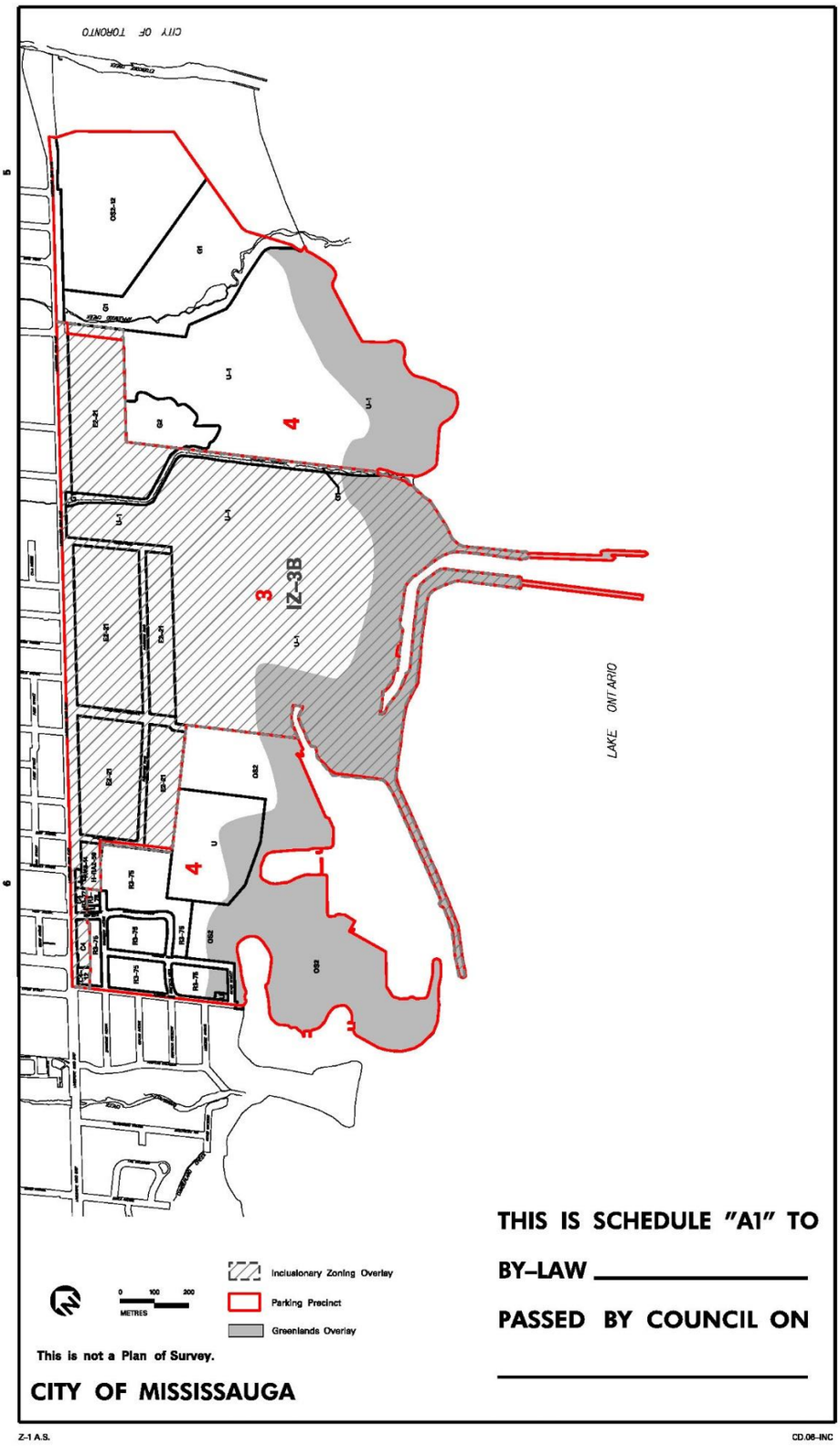
Draft Schedule "A1"



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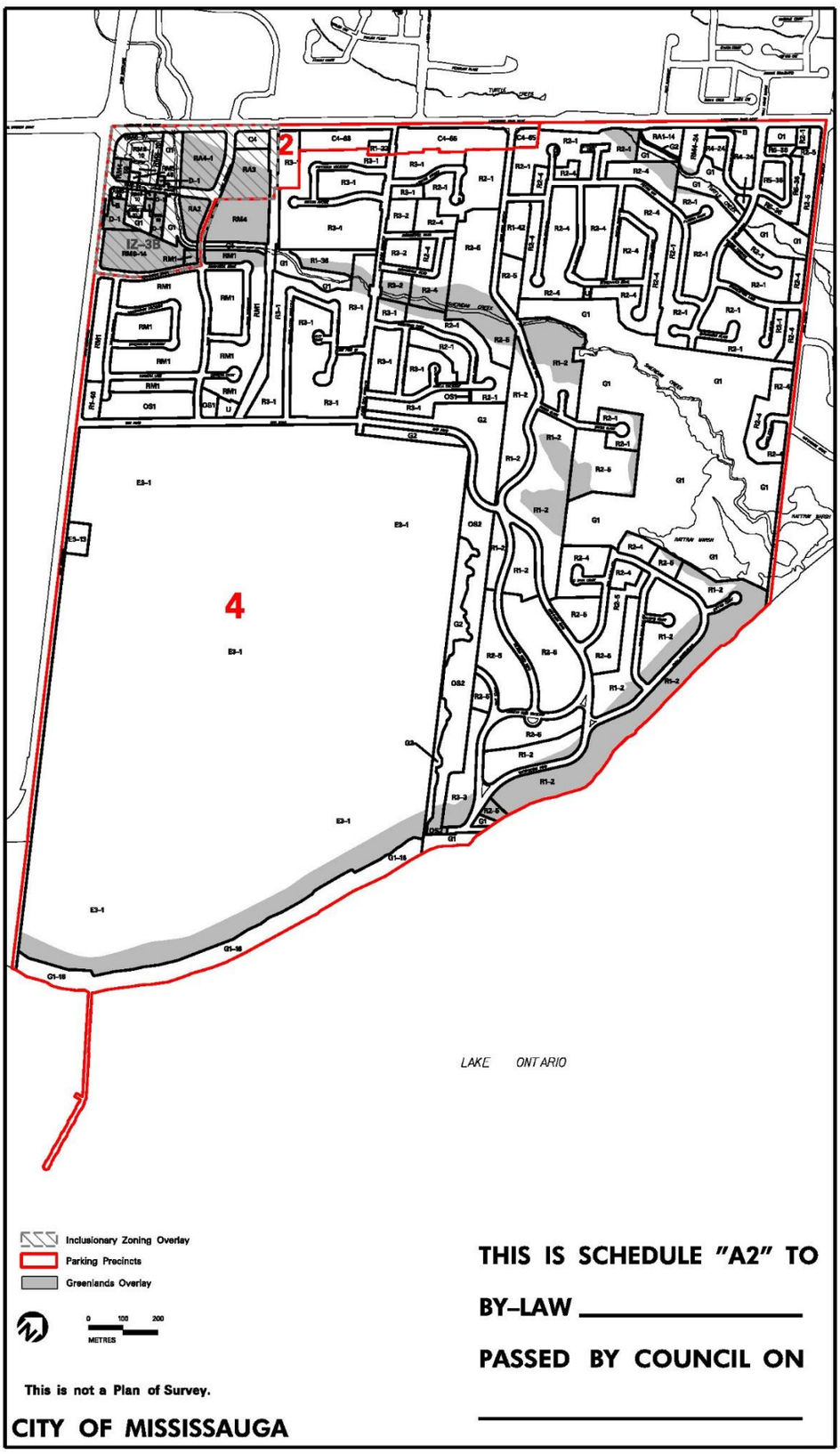

Z-3 A.S. CD.06-INC

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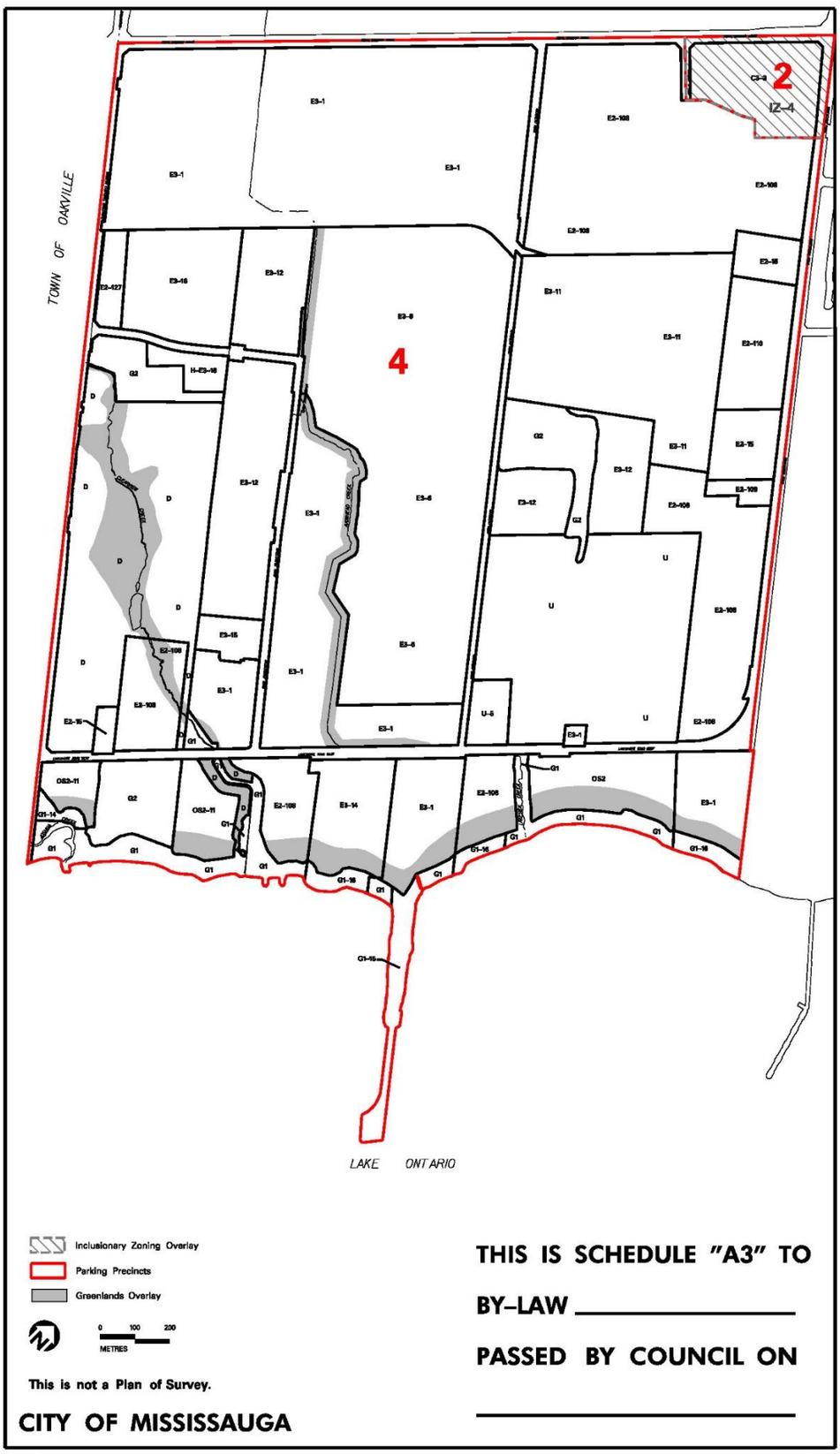

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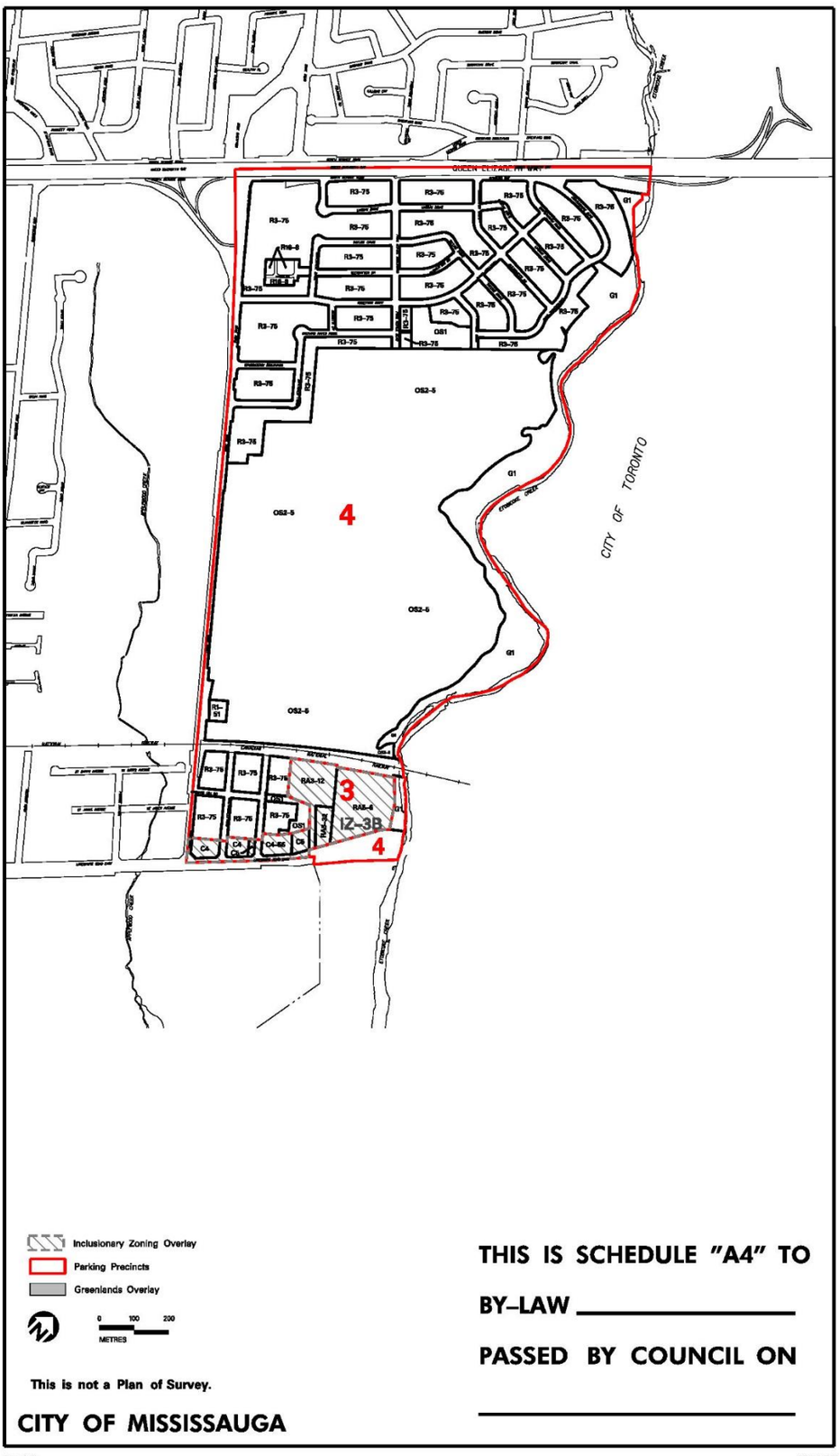

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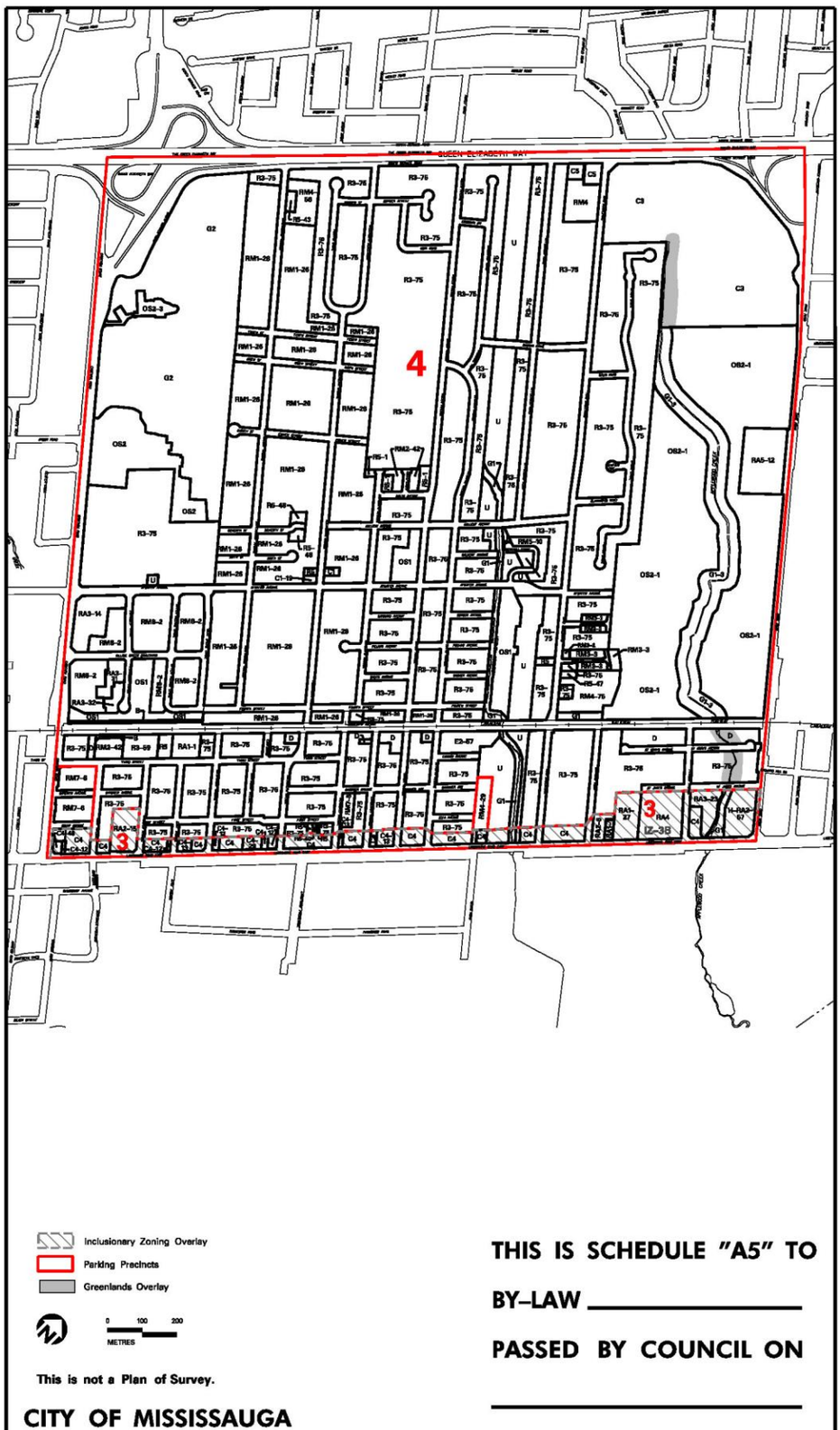

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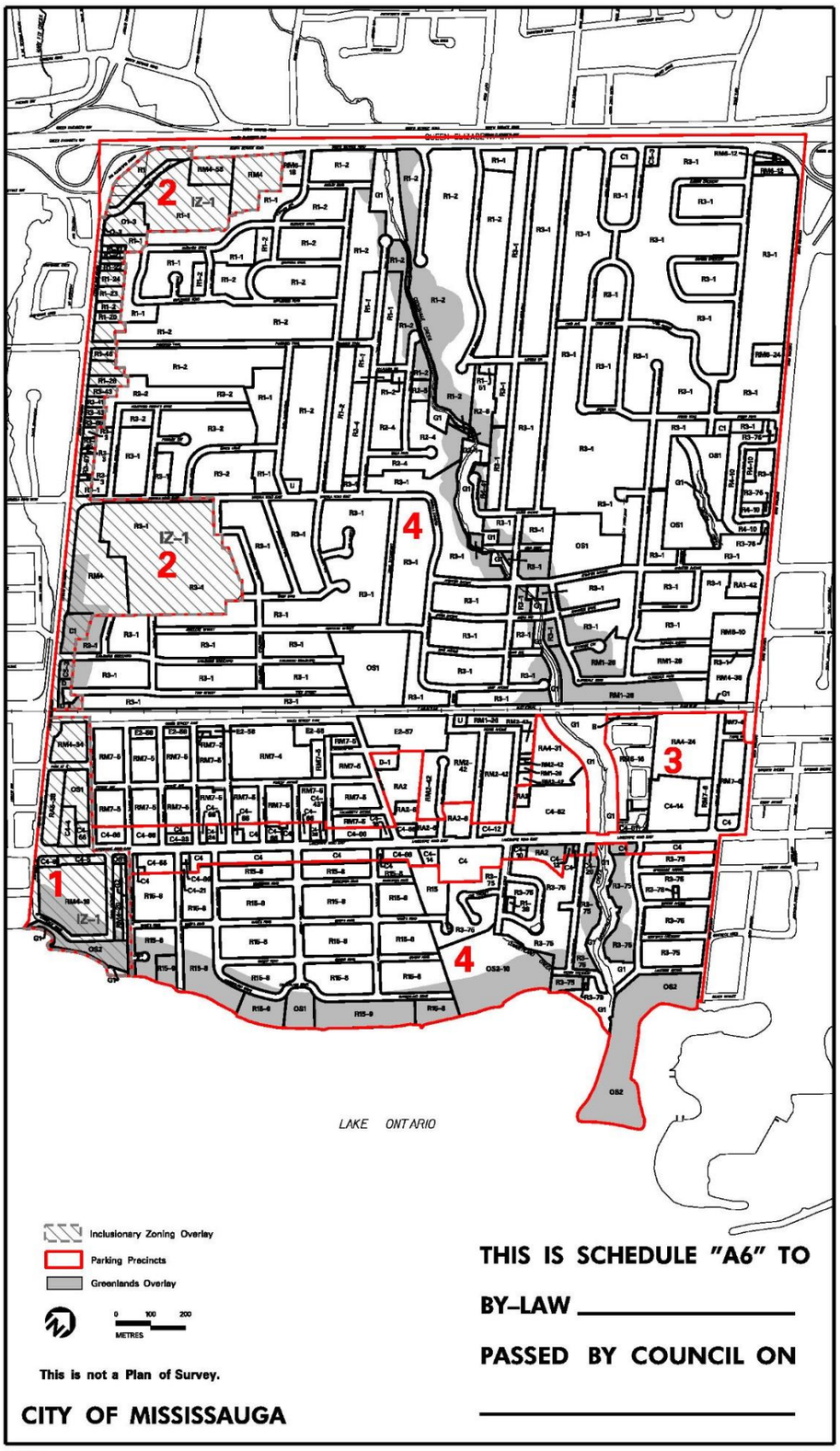

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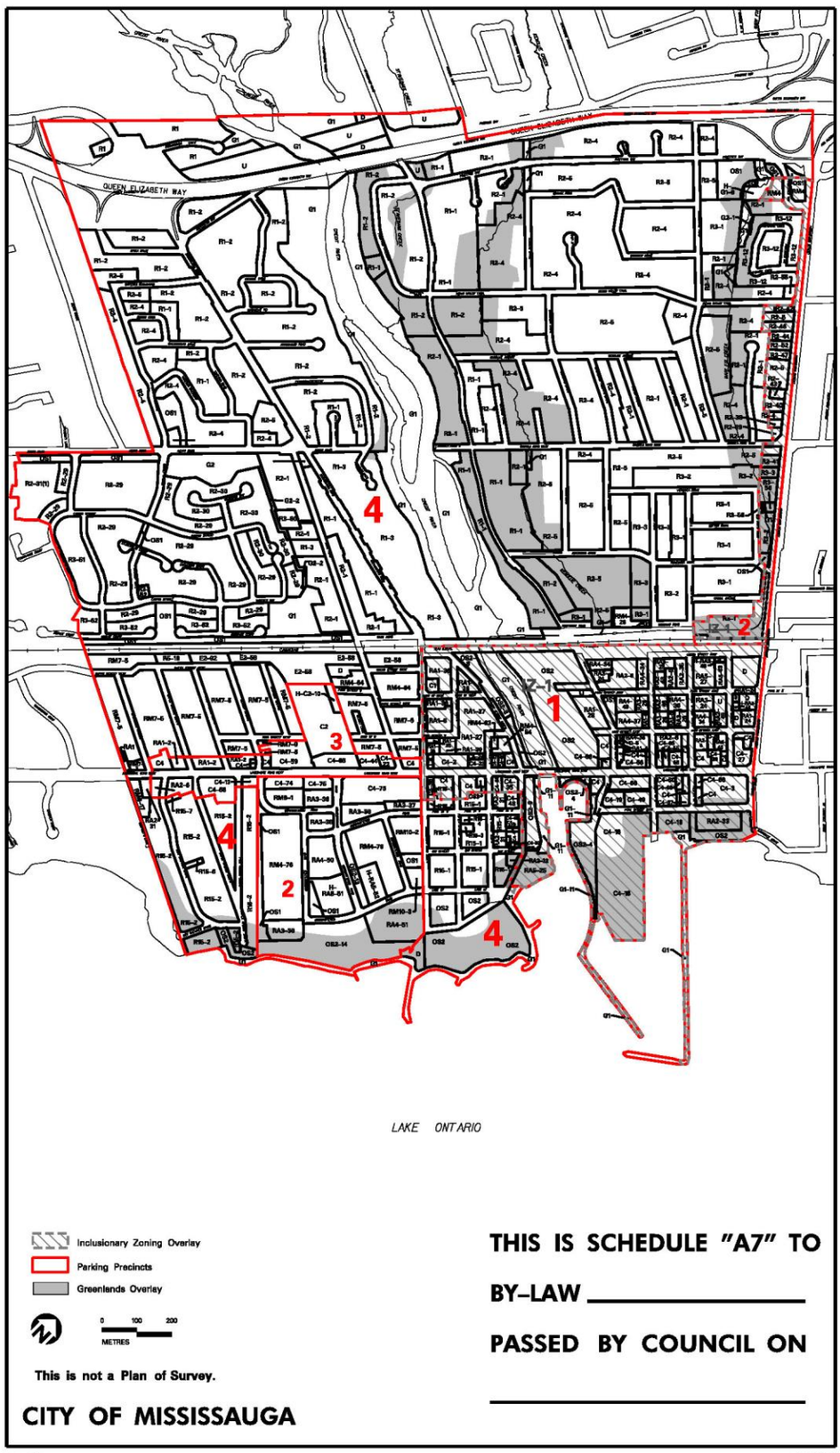

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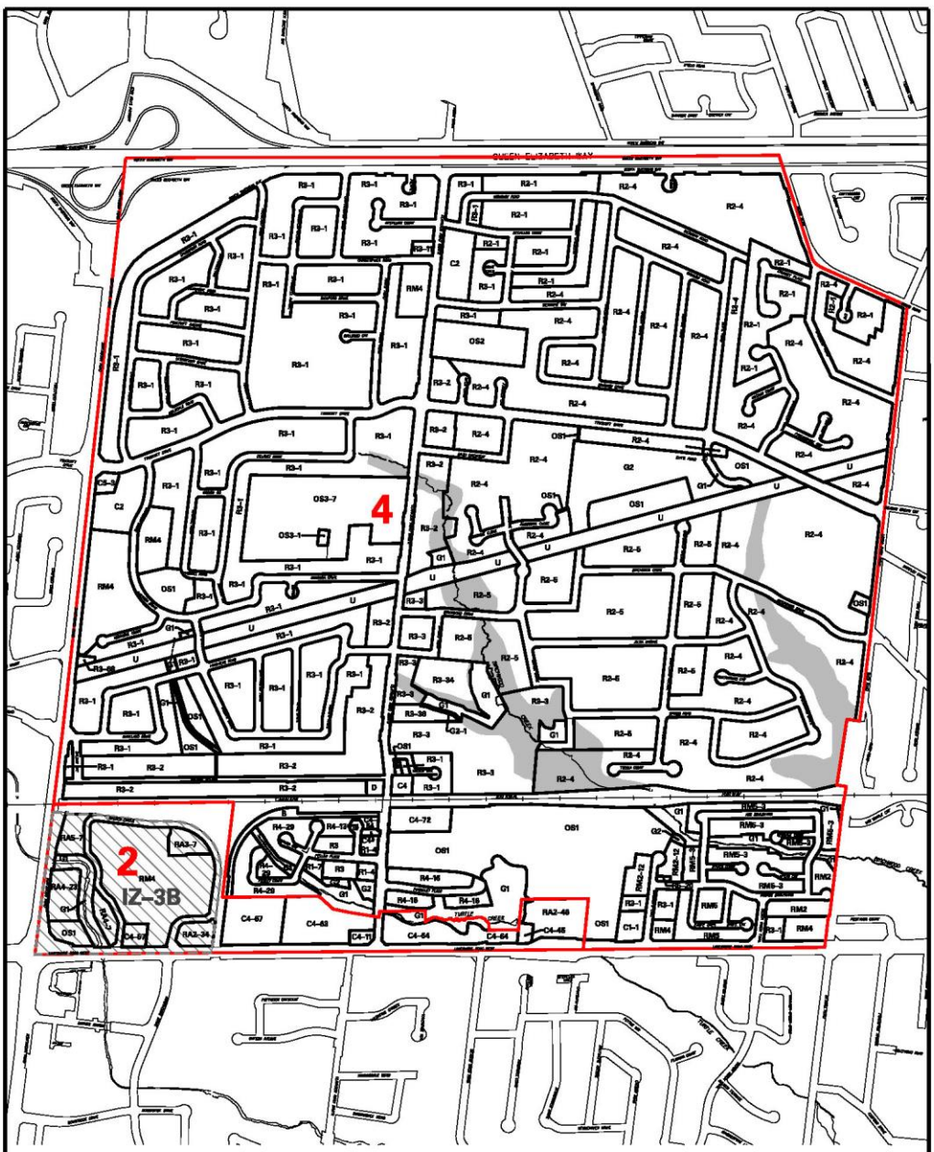


Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A8" TO

BY-LAW _____

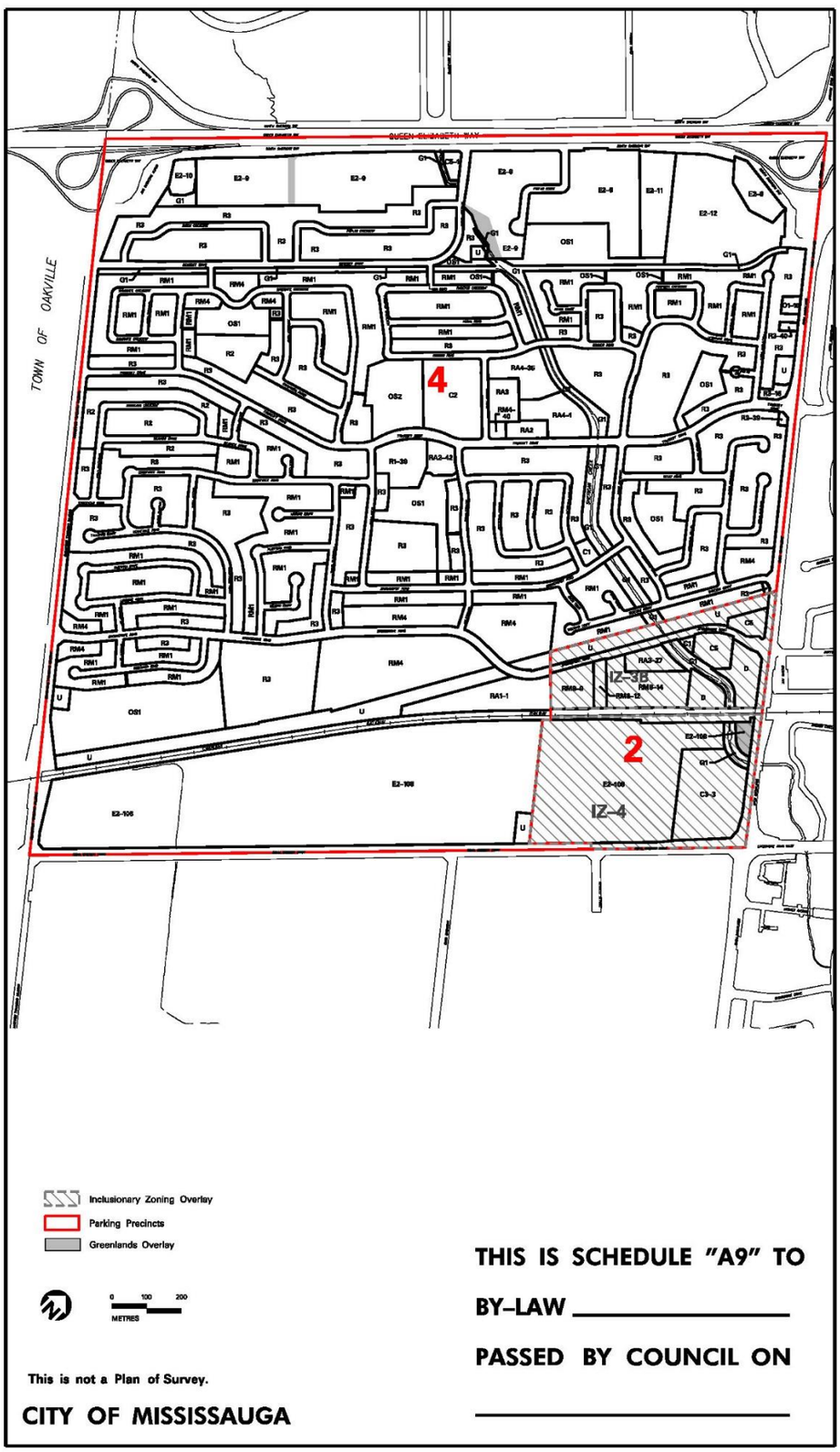
PASSED BY COUNCIL ON

_____

Z-10 A.S.

CD.06-INC

Draft Schedule "A9"



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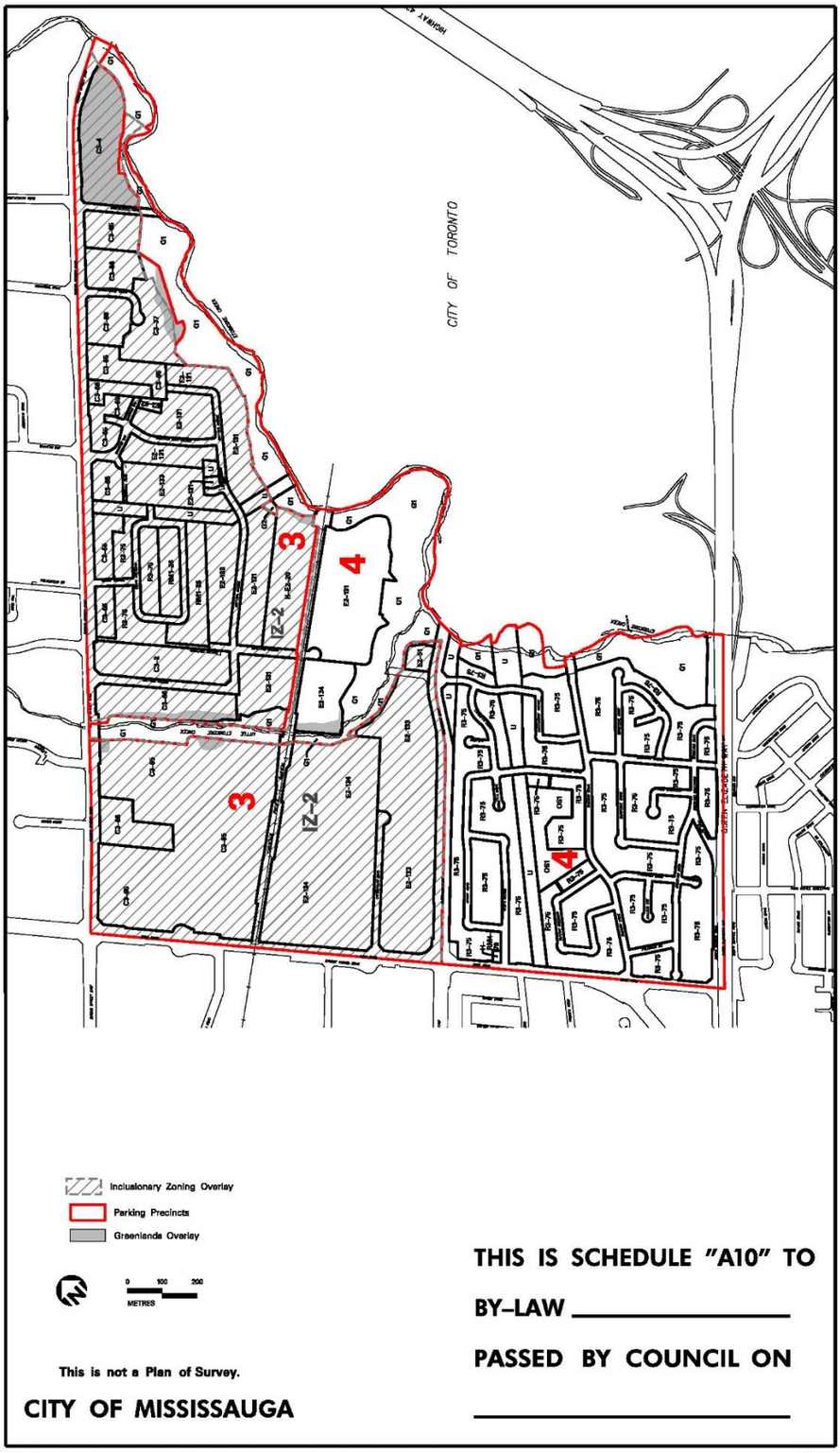

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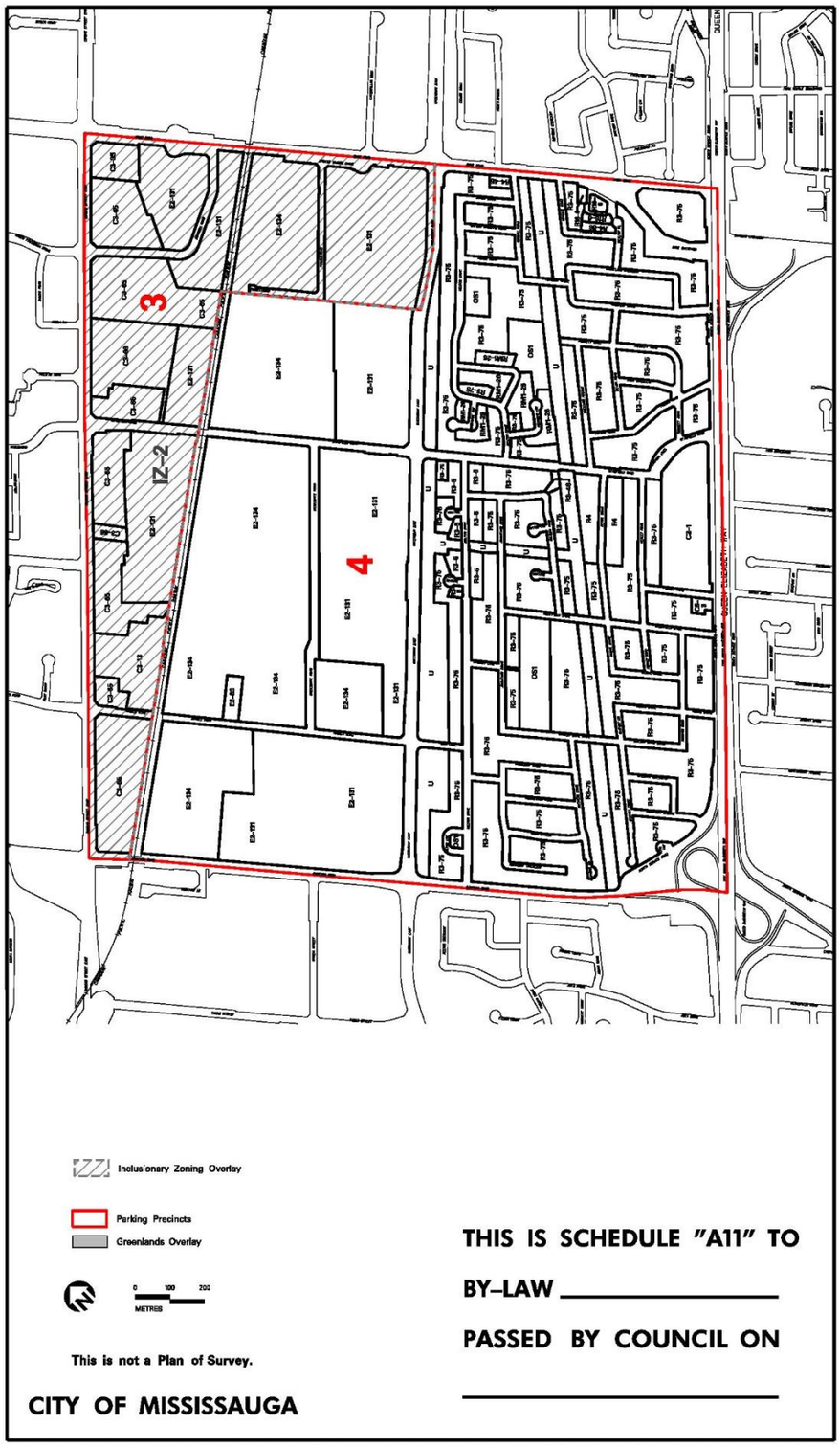

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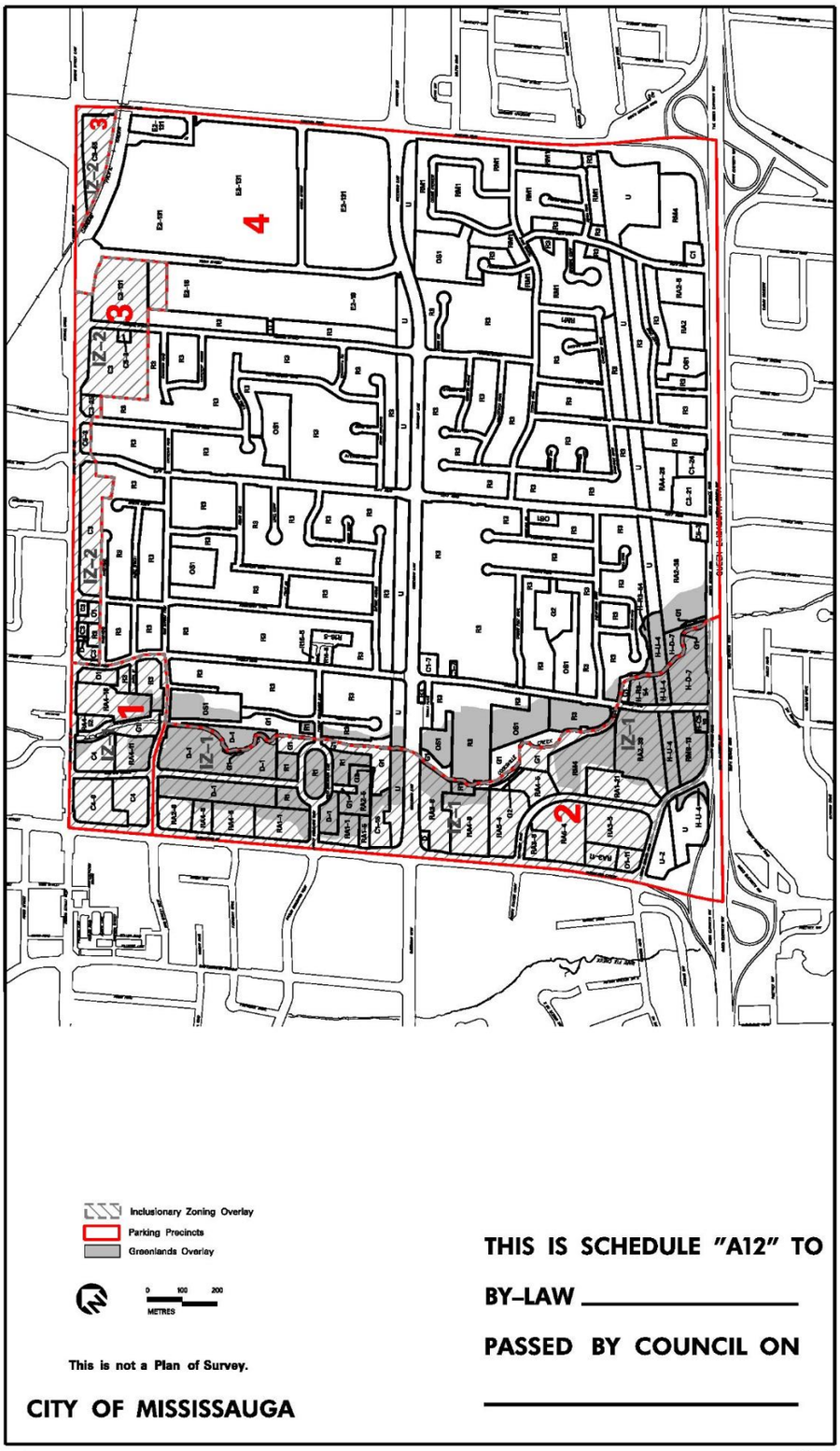

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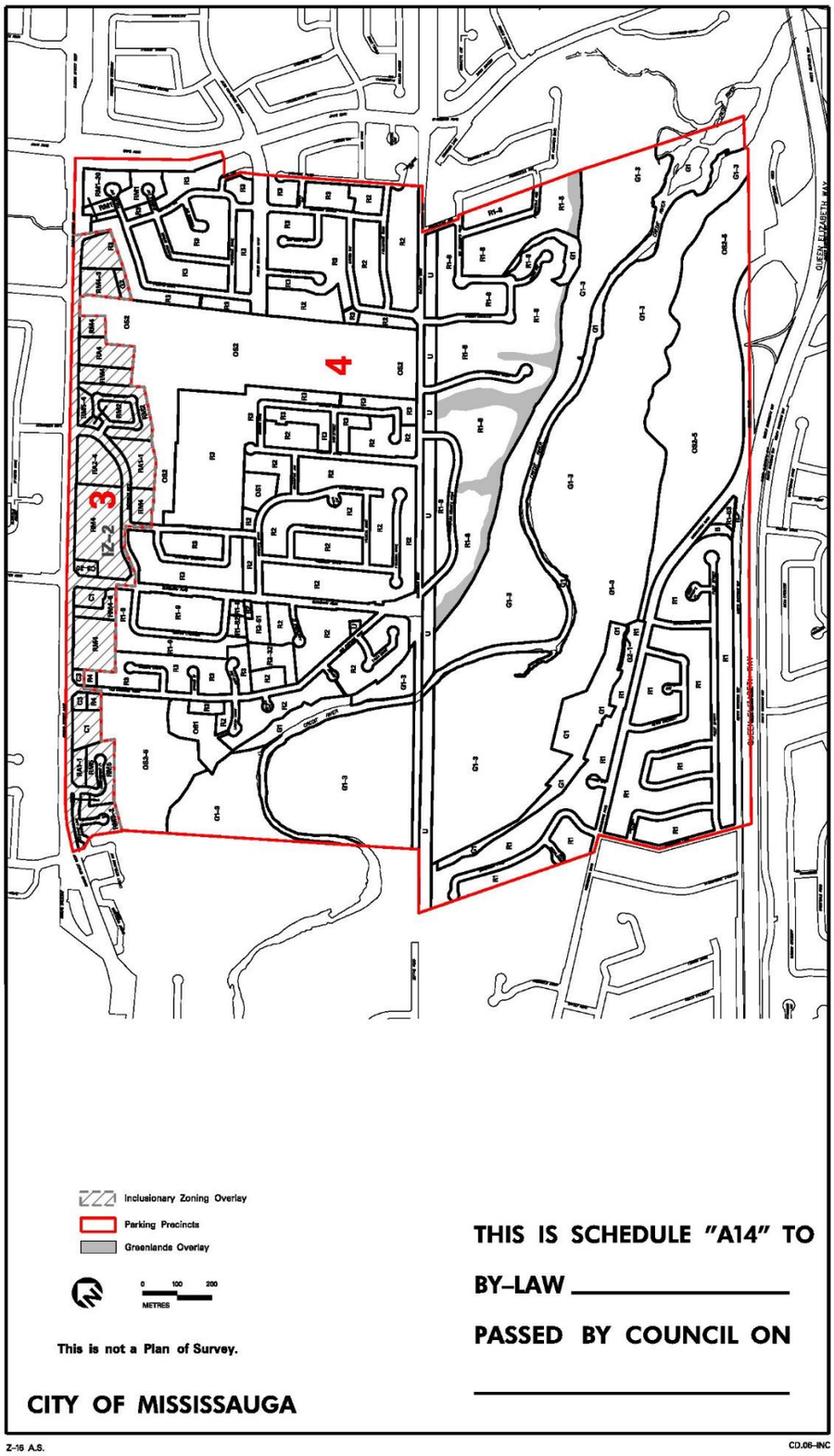

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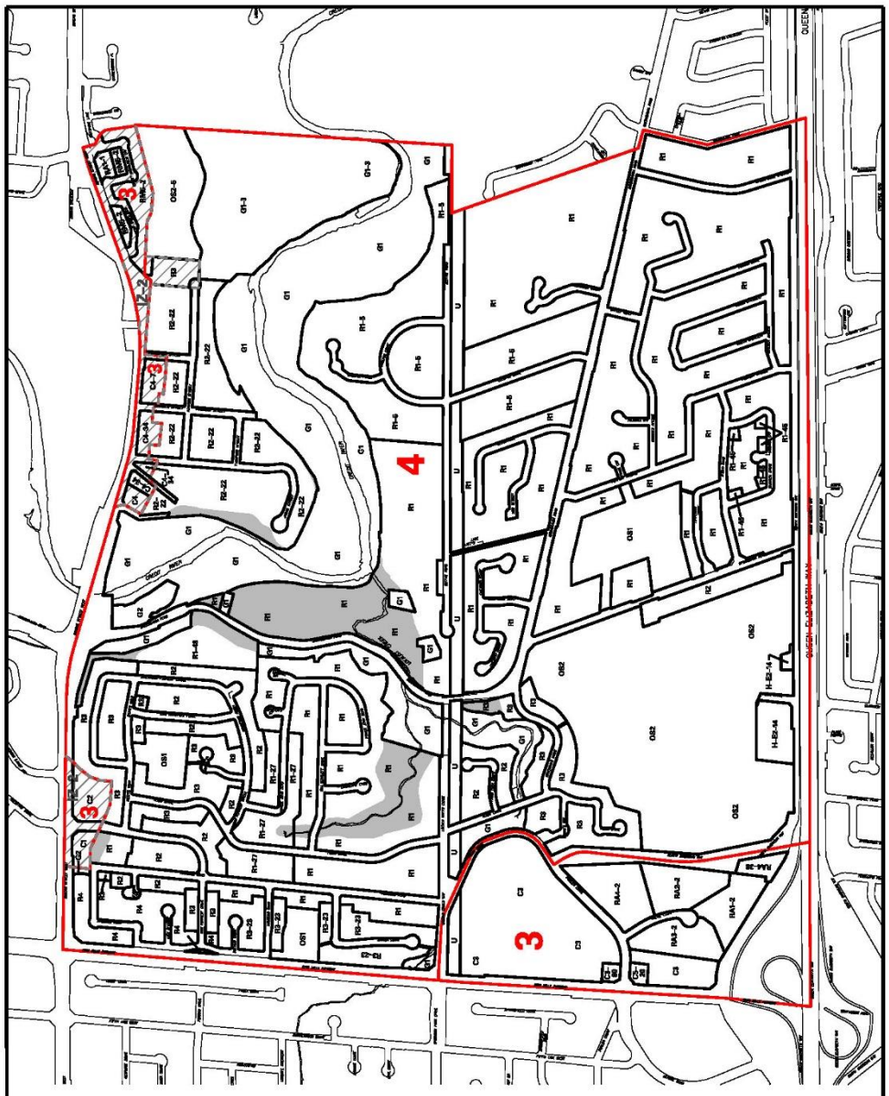

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A15" TO

BY-LAW _____

PASSED BY COUNCIL ON

_____

Z-17 A.S.

CD.06-INC

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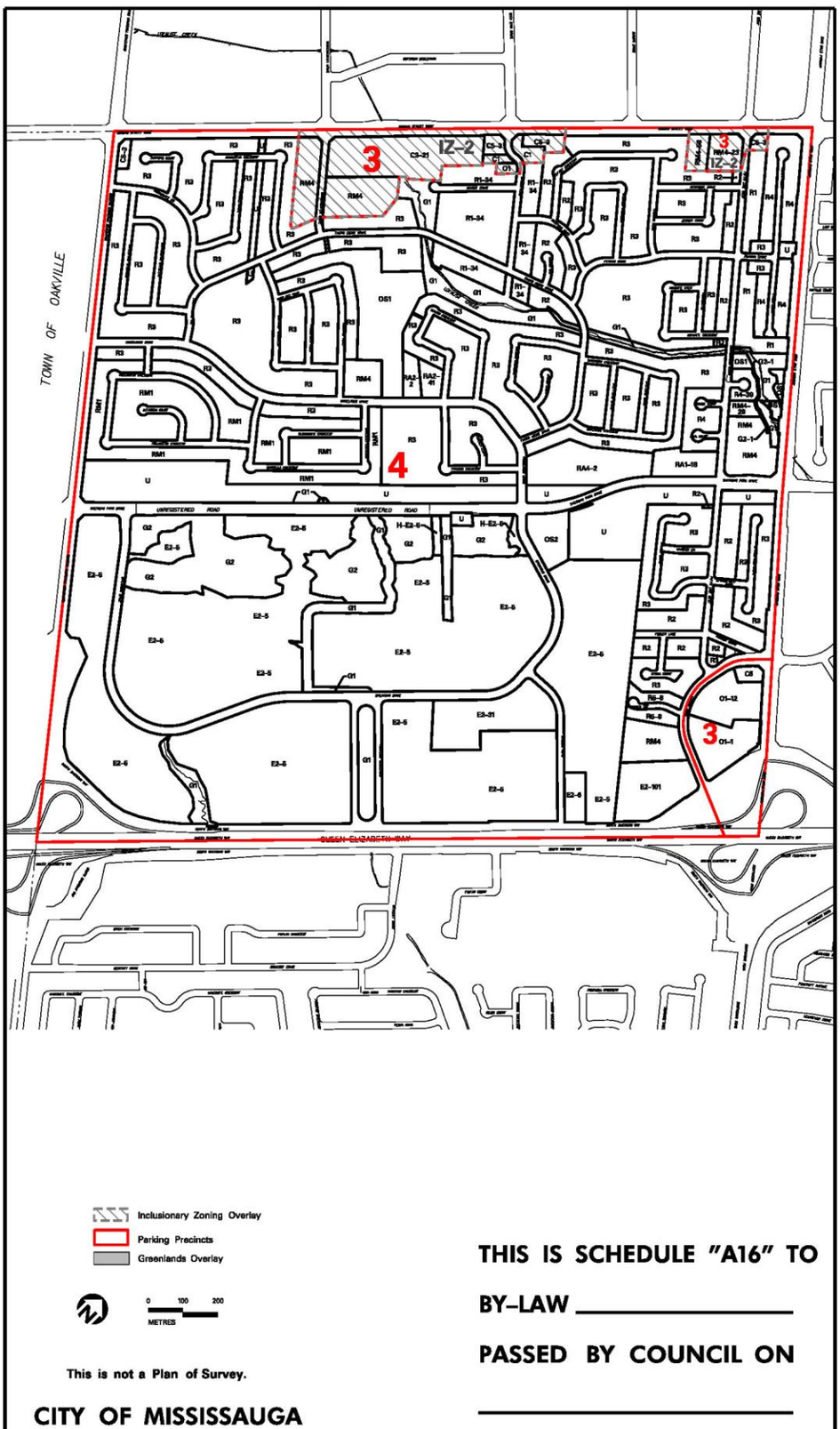

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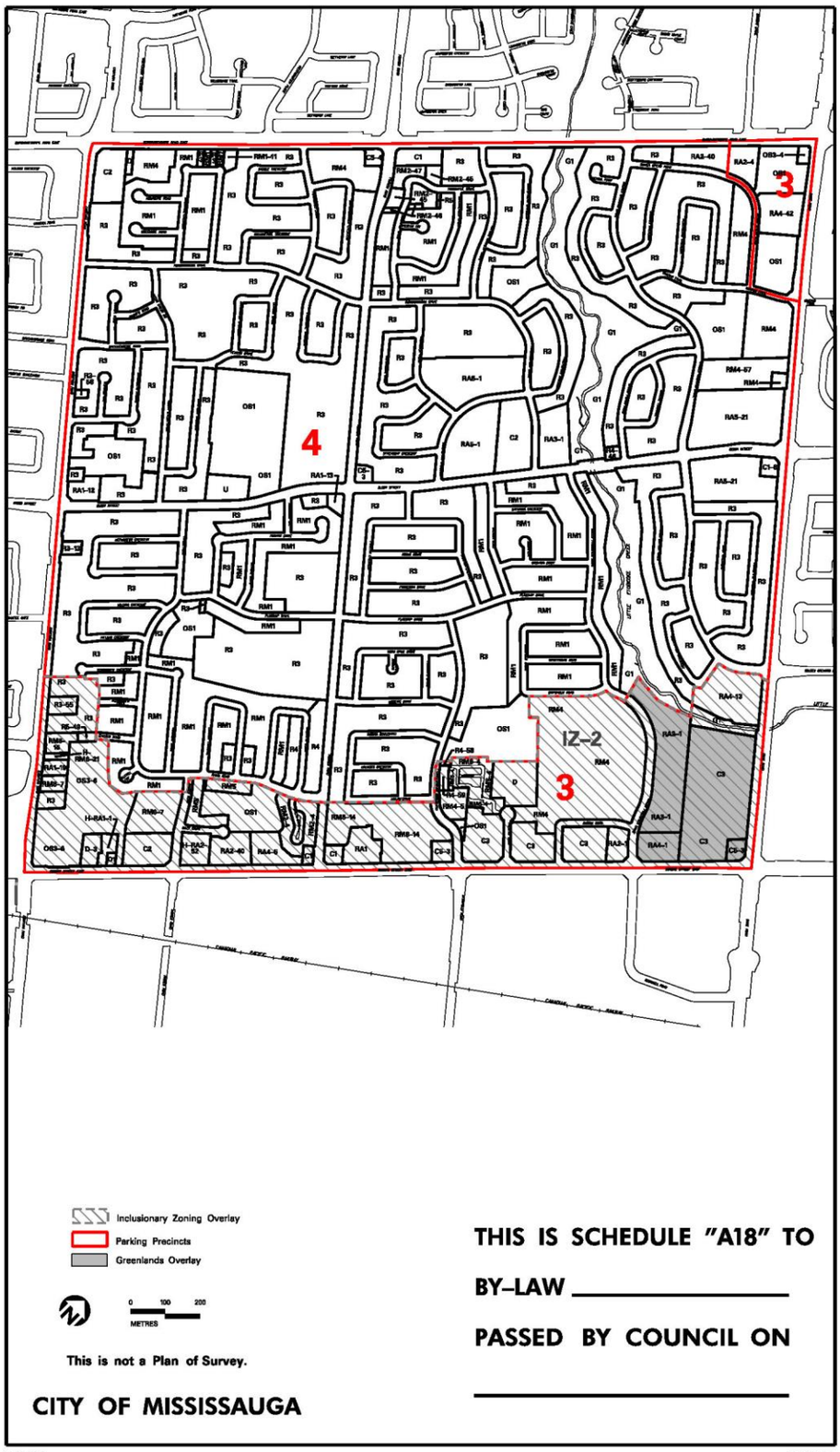

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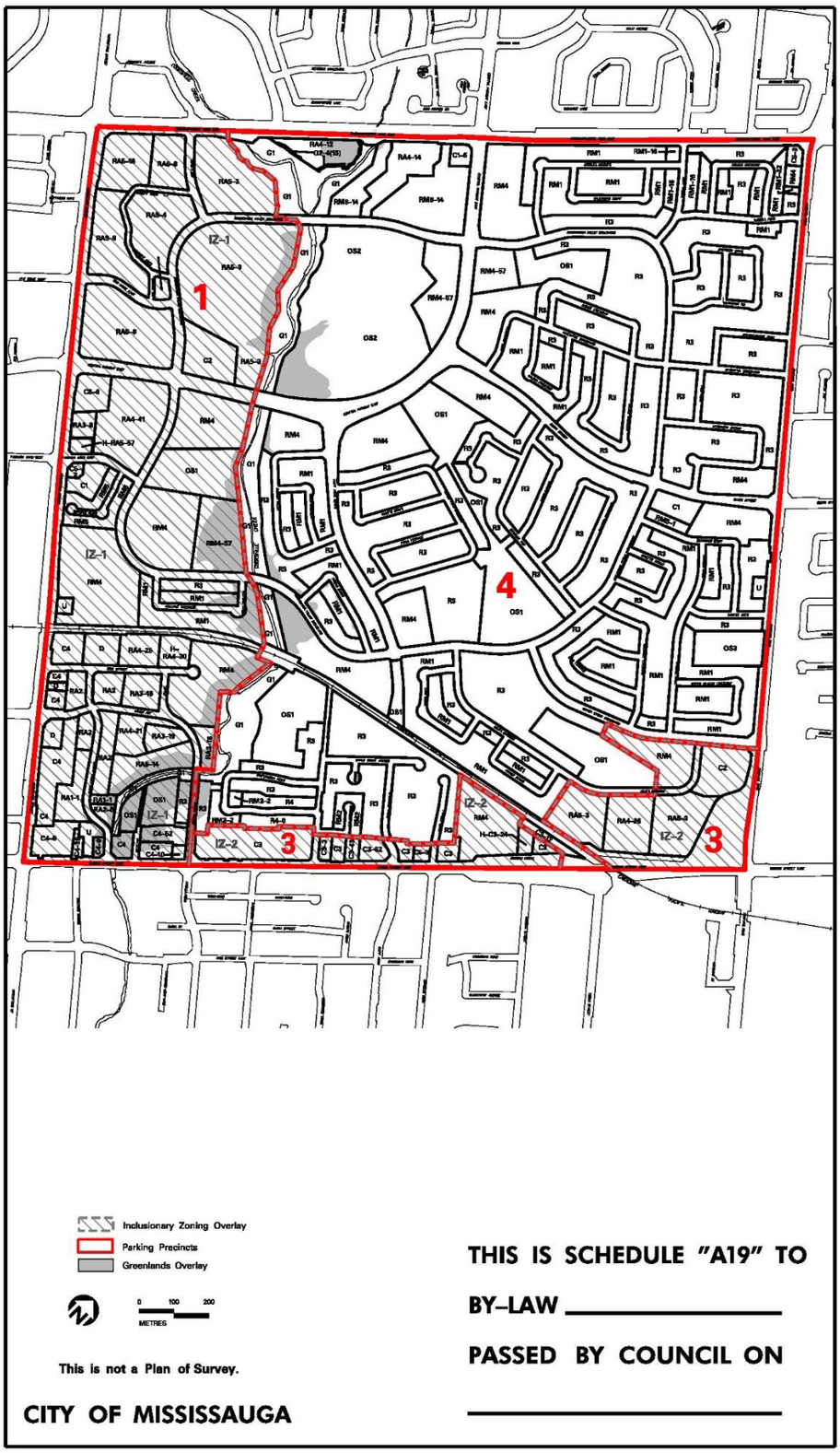

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Z-22 A.S.

CD.06-INC

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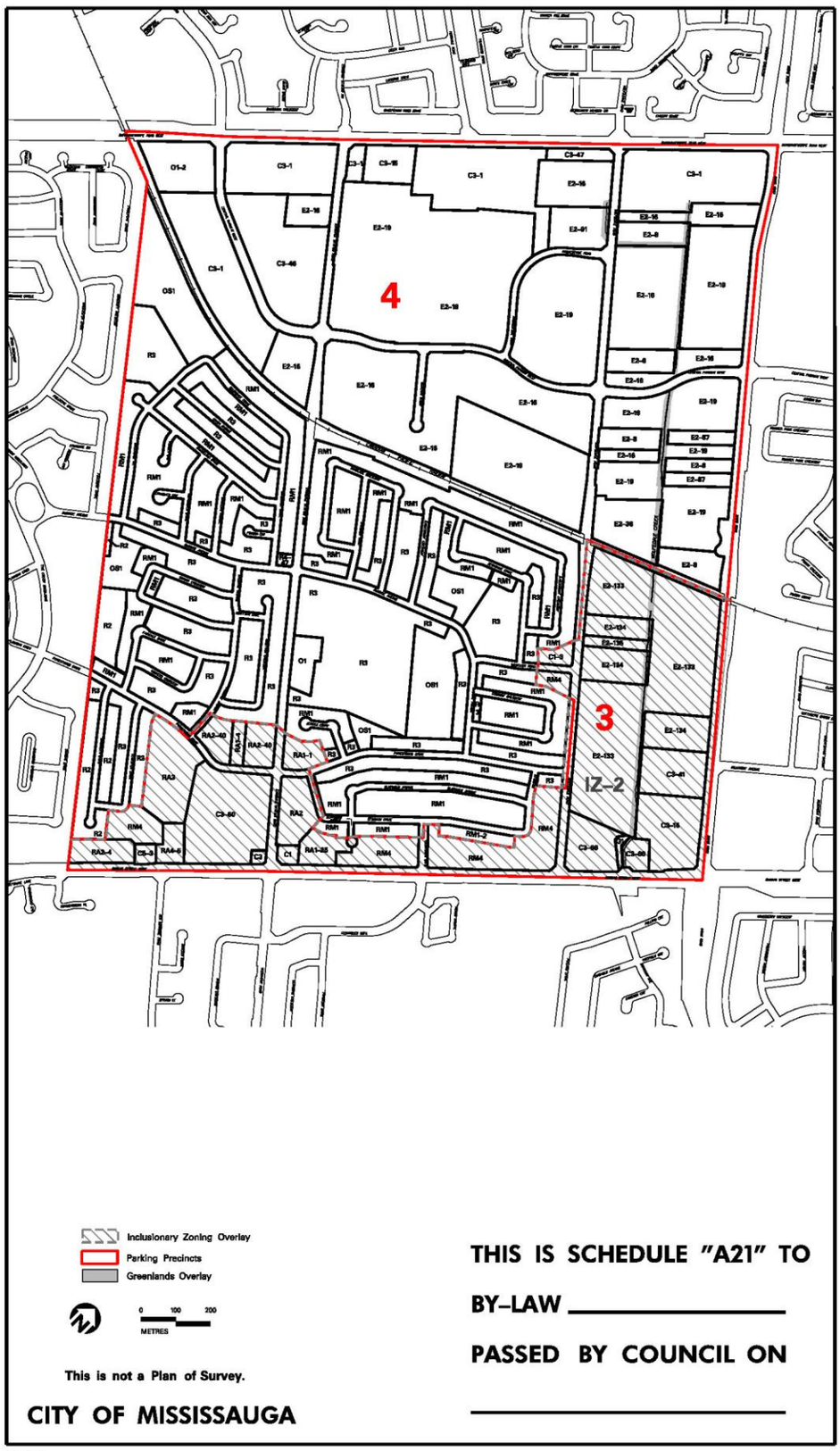

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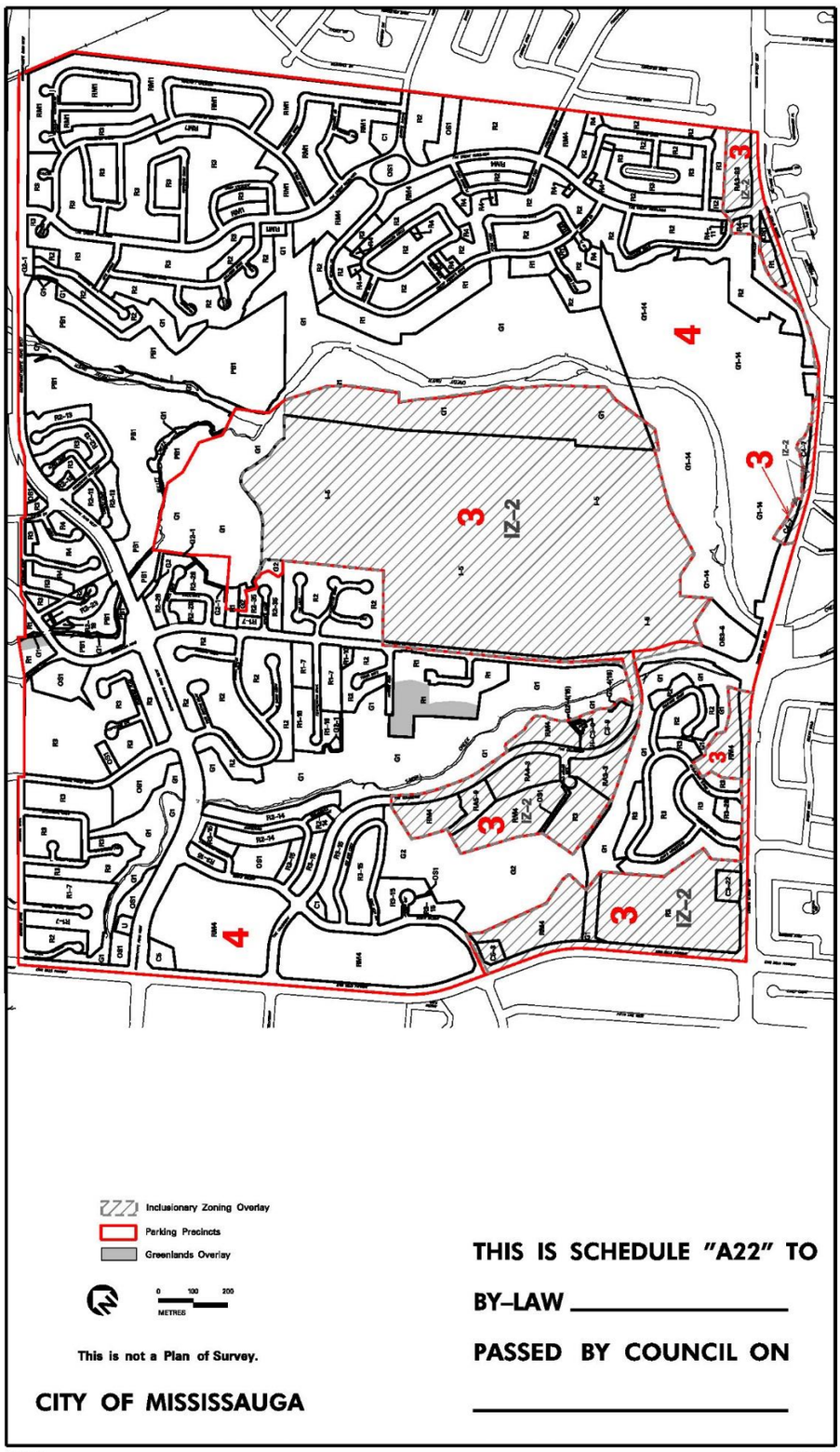

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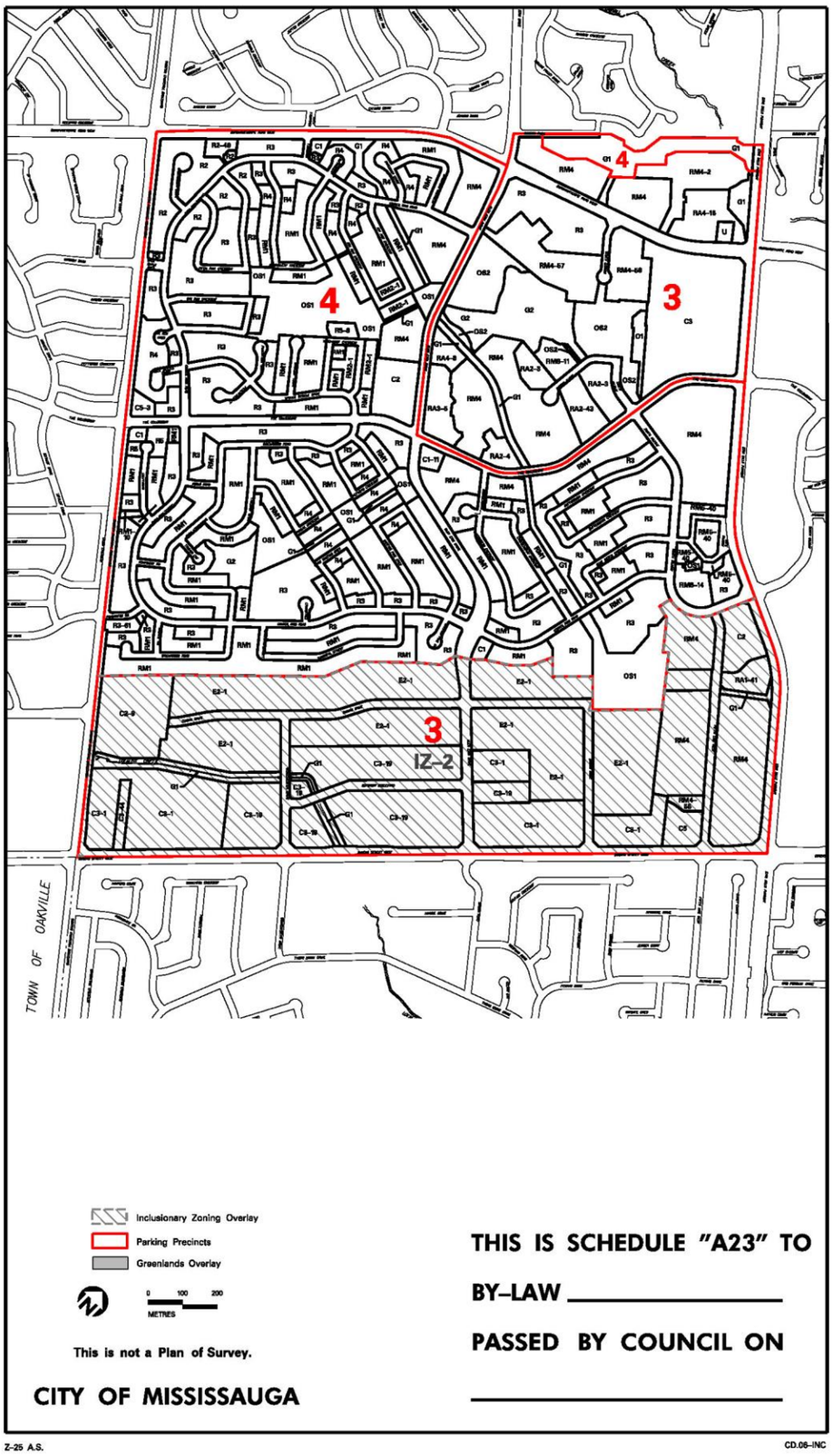

Draft Schedule "A24"

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A24" TO

BY-LAW _____

PASSED BY COUNCIL ON

_____

Z-28 A.S.

CD.06-INC

Draft Schedule "A25"

Inclusionary Zoning Overlay

Parking Precincts

Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A25" TO

BY–LAW _____

PASSED BY COUNCIL ON

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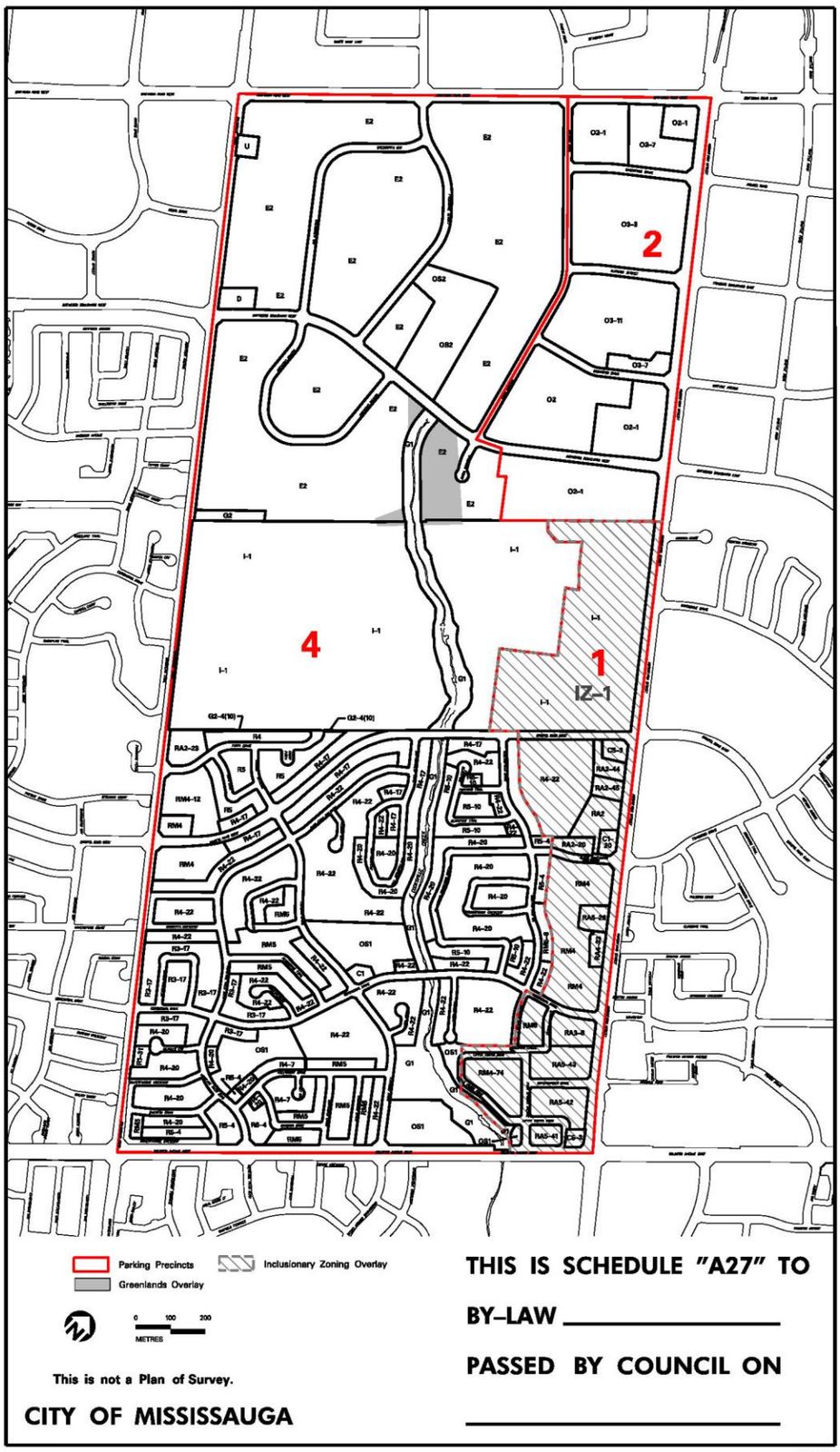
Z–29 A.S.

CD.06–INC

Draft Schedule "A26"

Draft Schedule "A27"



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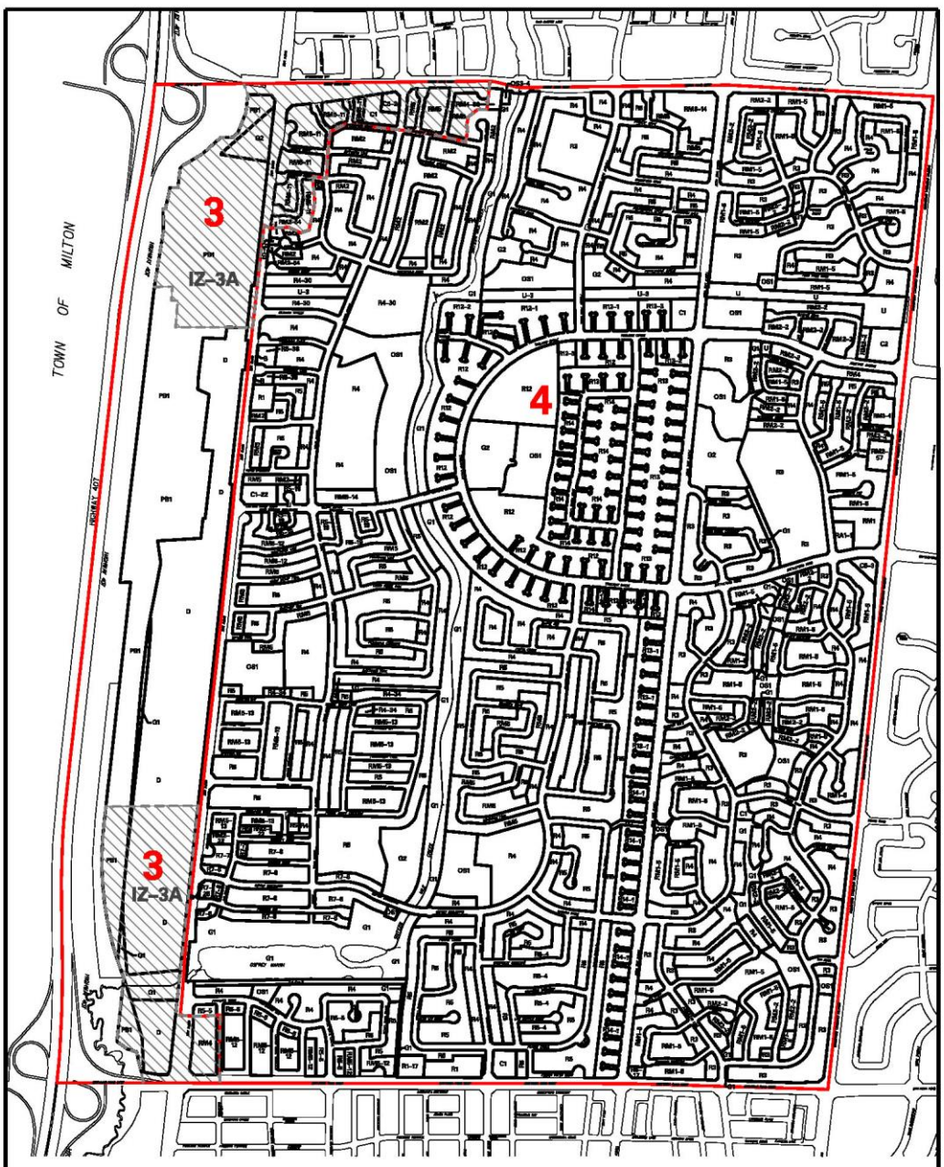
Draft Schedule "A29"

Draft Schedule "A30"



For Clarity See Grid Map Sections 56a and 56b

Inclusionary Zoning Overlay
Parking Precincts
Greenlands Overlay

0 100 200
METRES

This is not a Plan of Survey.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A30" TO

BY-LAW _____

PASSED BY COUNCIL ON

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Z-56 A.S.

CD.06-INC

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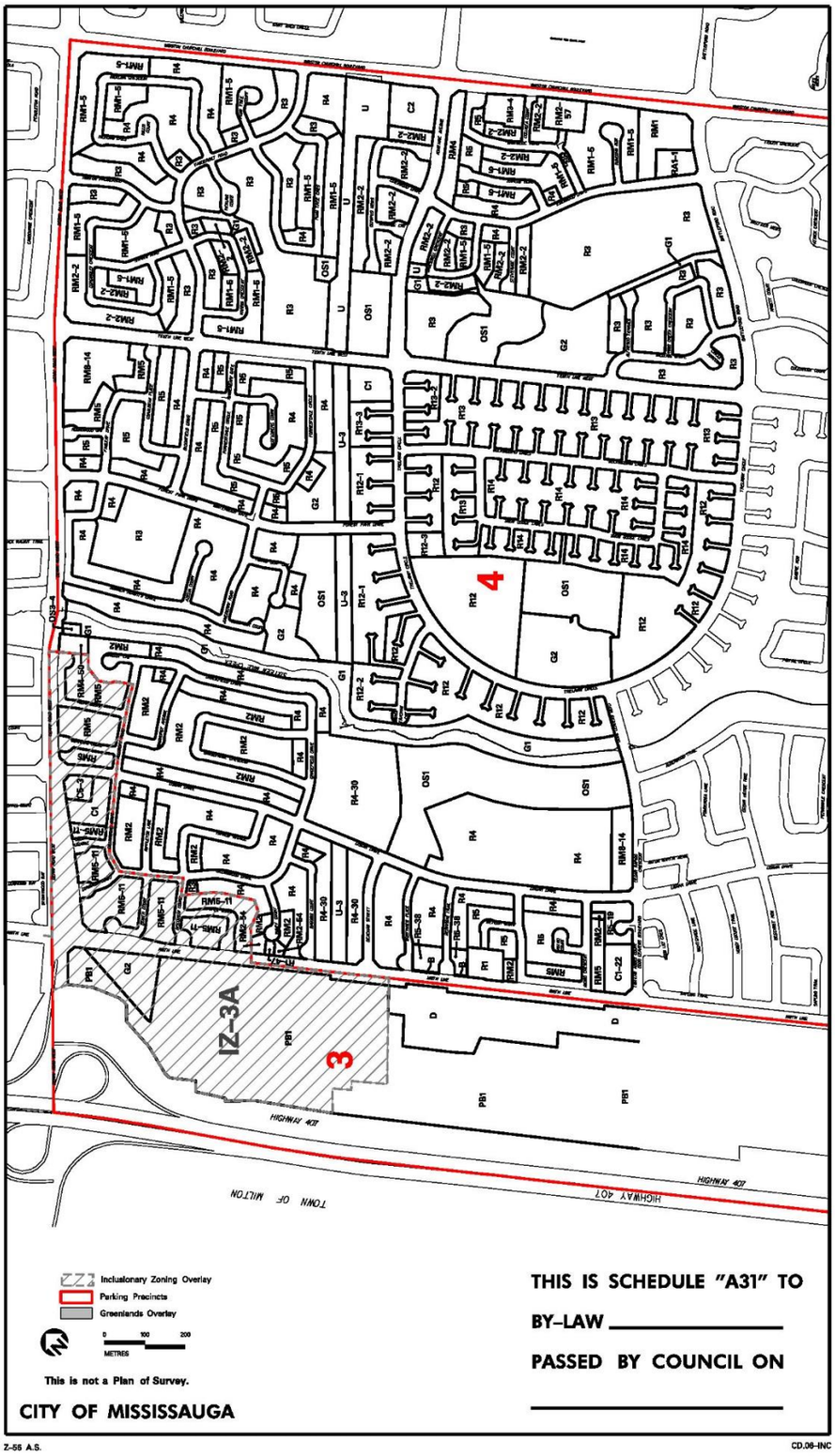

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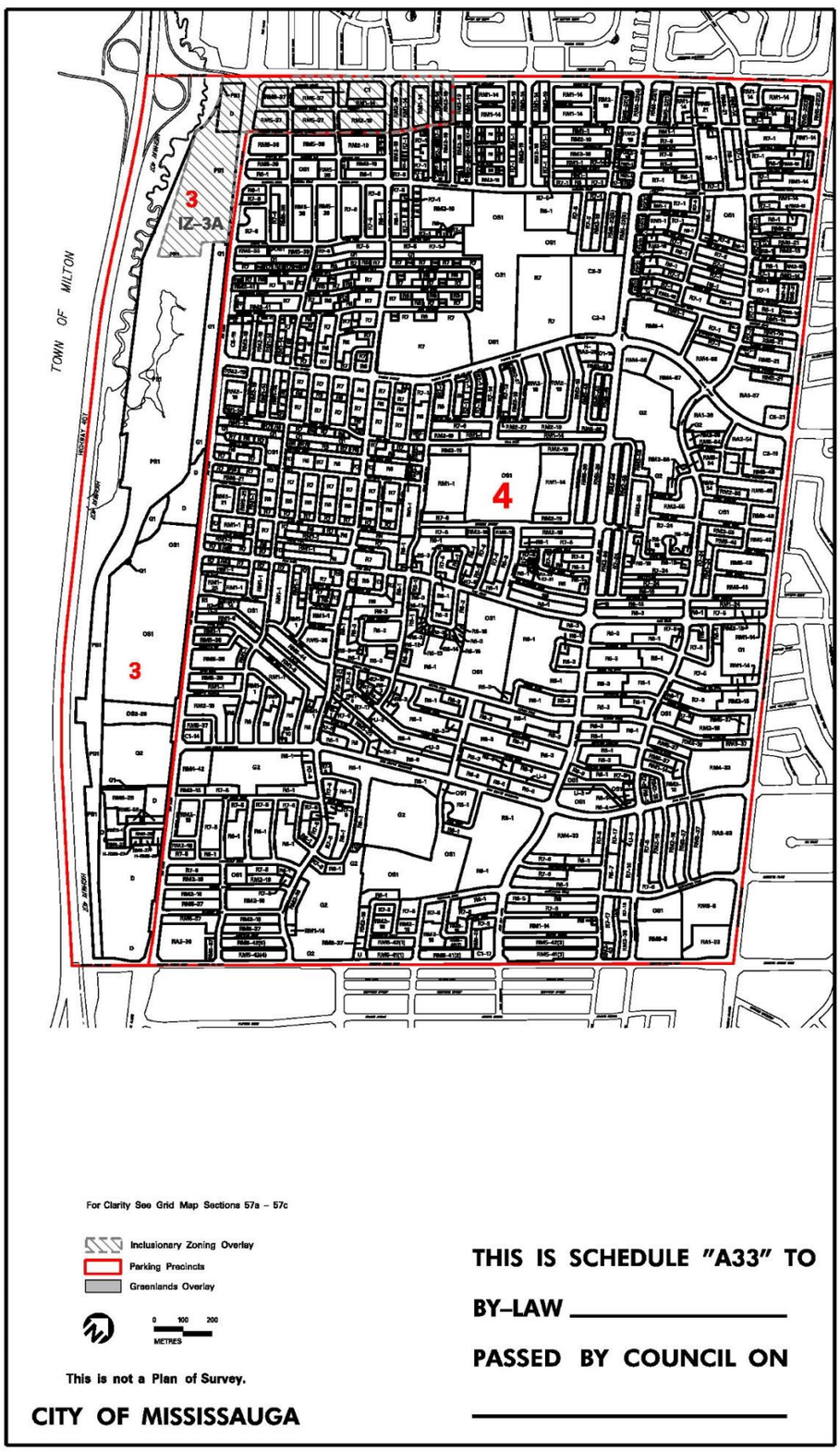

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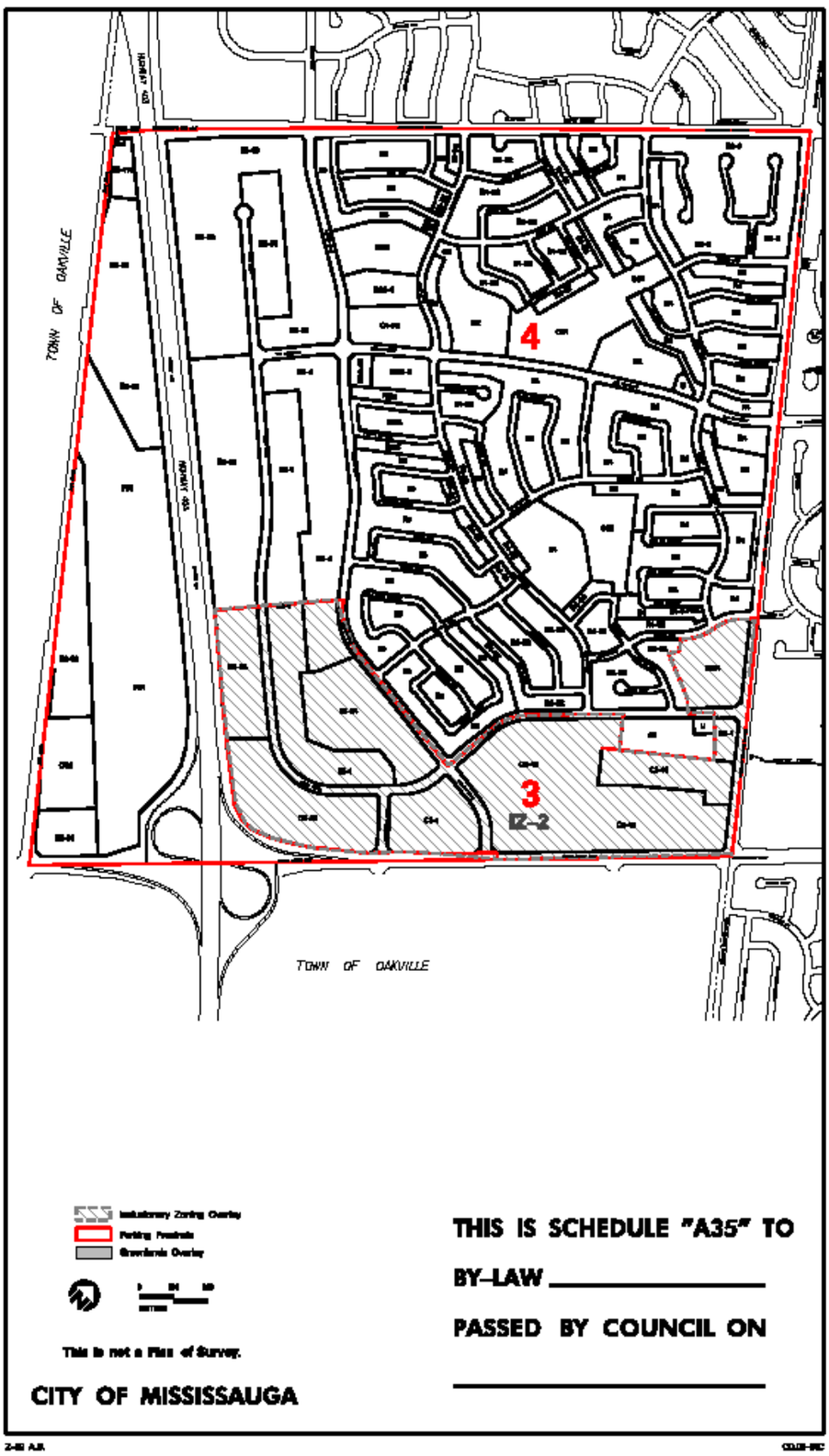

APPENDIX "A" TO BY-LAW NUMBER _____

Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to introduce Inclusionary Zoning requirements for certain lands in the municipality.

This By-law amends the zoning of the properties outlined on the attached Schedules "A1 to A35" by adding an Inclusionary Zoning Overlay consisting of five Inclusionary Zoning Areas.

The proposed zoning regulations require development/re-development within the Inclusionary Zoning Overlay and meeting certain criteria to set aside a portion of the residential area as affordable housing units. The requirements are secured through a legal agreement with the City and registered on title to the lands.

Location of Lands Affected

The lands affected this amendment are generally located:

- along Hurontario Street from the southernmost point to south of Britannia Road West including the Downtown Core
- along Dundas Street
- along Lakeshore Road East
- at the intersection of Ninth Line and Britannia Road West and surrounding lands
- at the intersection of Ninth Line and Derry Road West and surrounding lands, and
- at the intersection of Lakeshore Road West and Southdown Road and surrounding lands

in the City of Mississauga, as shown on the attached Maps designated as Schedules "A1" to "A35".

Further information regarding this By-law may be obtained from Catherine Parsons of the City Planning and Building Department at 905-615-3200 ext. 8409.

NOTE:

PURSUANT TO SUBSECTIONS 34(19.3) AND 34(19.4) OF THE *PLANNING ACT*, THERE IS NO APPEAL WITH RESPECT TO THE CONTENTS OF THIS BY-LAW EXCEPT BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING.

DRAFT

City of Mississauga
Corporate Report

MISSISSAUGA

Date: June 10, 2022 To: Chair and Members of Planning and Development Committee From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Originator's files: CD.06.INC Meeting date: July 5, 2022

Subject

RECOMMENDATION REPORT (City-wide) – Inclusionary Zoning Official Plan Amendment and Zoning By-law Amendment

Recommendation

1. That the Inclusionary Zoning Official Plan Amendment and Zoning By-law Amendment, attached to the report titled "Recommendation Report (City-wide) – Inclusionary Zoning Official Plan Amendment and Zoning By-law Amendment," dated June 10, 2022, from the Commissioner of Planning and Building, be approved, and that the City Solicitor be authorized to make any non-substantive stylistic and technical changes to the Official Plan Amendment and Zoning By-law Amendment, as may be required, prior to Council adoption.

2. That notwithstanding that subsequent to the public meeting held on May 30, 2022, change(s) to the zoning by-law amendment in the report titled "Recommendation Report (City-wide) – Inclusionary Zoning Official Plan Amendment and Zoning By-law Amendment", dated June 10, 2022, from the Commissioner of Planning and Building, have been made, Council considers that the changes are minor and do not require further notice, pursuant to the provisions of subsection 34(17) of the Planning Act.

3. That the report titled "Recommendation Report (City-wide) – Inclusionary Zoning Official Plan Amendment and Zoning By-law Amendment" and attachments, dated June 10, 2022, from the Commissioner of Planning and Building, be forwarded to the Minister of Municipal Affairs and Housing.

Executive Summary

- Implementation of Inclusionary Zoning (IZ) will allow the City to require affordable housing units in new development in protected Major Transit Station Areas (MTSAs).
- A statutory public meeting was held on May 30, 2022 to consider draft IZ policies and a draft zoning framework. Public submissions included concern about low set-aside rates, the need for financial incentives to developers, the need prioritize households at risk, and the need for longer affordability terms and a greater depth of affordability.
- Staff have not made major revisions to the policy and zoning framework as a result of public submissions. Changes were made to add more clarity and detail to policies, and to select the price capping method to control affordability of ownership units over time.
- Staff are recommending approval of the attached IZ Mississauga Official Plan Amendment (MOPA) and IZ By-law, and are targeting the August 10, 2022 Council Meeting for final adoption.
- The Region of Peel has exempted the MOPA from Regional adoption. Staff continue to work with the Region of Peel on the administrative structure for IZ and will report back on related Implementation Guidelines at a later date.
- The MOPA and IZ By-law outline that IZ takes effect on the later of January 1, 2023 or the date of Provincial approval of a protected MTSA identified in the Region of Peel Official Plan.

Background

IZ is one of the actions identified in Mississauga's Housing Strategy, *Making Room for the Middle (2017)* that the City can take to increase the supply of affordable housing. The Housing Strategy focuses on assisting moderate-income households, who make up an important part of our workforce. In accordance with Provincial regulations, IZ will ensure that affordable units are developed alongside market units in protected MTSAs. Developers will be required to set aside some units for sale or rent at rates affordable to moderate-income households.

Upon completion of the IZ background analyses, Council directed staff to consult the public on IZ preliminary policy directions[1]. Subsequently, a statutory public meeting was held on May 30th, 2022[2], to consider a draft IZ MOPA and zoning by-law framework.

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[1] Update Report and Preliminary Policy Directions: Item 5.4, available here: https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=a8c18814-845c-4546-9241-3a329945f593&Agenda=Agenda&lang=English&Item=15&Tab=attachments

[2] Statutory Public Meeting Information Report: Item 5.5, available here: https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=921a1da0-a951-43d2-b129-1d69416f5e2c&Agenda=Agenda&lang=English&Item=12&Tab=attachments

This report addresses he feedback received and outlines any revisions to the draft policies and zoning framework. The final proposed official plan policies and zoning regulations contained in Appendices 1 and 2, respectively, set out a framework to guide how market development will contribute to the long-term affordable housing supply in Mississauga.

Comments

Feedback Received on the Draft OPA and Zoning Framework

Fourteen oral and written submissions were received on the materials presented at the public meeting. A summary of the key comments is provided below. Further details are provided in Appendix 3.

1. **Set-Aside Rates, Offsets, and Location**

Summary: Some participants requested that the set-aside rates be higher (e.g. 20 to 30%) while others were supportive of the proposed rates. The granting of density bonuses was mentioned as a possible mechanism to achieve higher set-aside rates. General comments were made about using financial incentives only where IZ requirements are exceeded. Building Industry and Land Development group (BILD) confirmed their support for IZ, but reiterated concerns about IZ feasibility in the context of rising costs and the need for offsets. BILD also communicated their support for clear and flexible aspects of the IZ policy framework (e.g. transition, phasing, parking reductions, offsite unit delivery). Several participants commented that IZ should not be limited to protected MTSAs.

Staff Response: The proposed set-aside rates reflect the results of the IZ market feasibility analysis and no changes are recommended at this time. The impact on the market will be monitored to determine if higher or lower set-aside rates are needed in the future. Provincial legislation limits the application of IZ to protected MTSAs in municipalities that are not prescribed by legislation to implement IZ, which includes Mississauga. Public feedback about this limitation will be shared with the Province.

2. **Tenure and Project Size**

Summary: Participants commented about the proposed exemption for purpose-built rental housing projects from IZ, noting that market rental housing is unaffordable. One participant suggested consideration could be given to applying IZ to luxury purpose-built rental housing. The minimum project size threshold to trigger an IZ requirement (50 units or 3,600 square meters) was considered low by some participants and high by others.

Staff Response: The feasibility analysis demonstrated that the land economics of requiring IZ in purpose-built rental housing could make development challenging. Even before IZ, only 7% of the city's new apartment unit completions have been purpose built rental over the last 20 years,

compared to 93% condo. The purpose built rental market has been improving over the last couple of years and this exemption can be reassessed during the next IZ update.

The proposed policy provides a discounted set aside rate to encourage the creation of affordable rental units in ownership developments.

3. Affordability Depth and Term

Summary: Concerns were raised about the need for housing affordable to low-income households and family-sized units affordable to households across the moderate-income household spectrum. Some participants requested the units remain affordable in perpetuity to maintain the affordable inventory. Another participant suggested a 25-year term was appropriate because administration is challenging over the long term.

Staff Response: The policy framework allows for the delivery of units affordable to low-income households, though staff recognize that these types of units will be on an opportunity-basis and will require partnerships and funding from senior governments to be viable. The proposed affordability terms of 25 years for rental and 50 years for ownership may encourage affordable rental housing, will keep rental and ownership units affordable for the long-term, and are generally consistent with other North American jurisdictions. Through Implementation Guidelines, the Region of Peel or non-profit housing providers may be identified as eligible purchasers of an IZ unit, and this could extend the affordability period beyond the prescribed term.

4. Populations at Risk

Summary: Written correspondence on behalf of the Accessible Housing Network requested universal accessibility be required in IZ units and the common areas of buildings. Others raised concerns that the needs of populations at risk (e.g. seniors, people struggling with addiction) are not addressed through the proposed IZ policy and zoning framework.

Staff Response: Staff will consider these issues through the development of Implementation Guidelines and our work with the Region to establish priority segments of the population to be housed through IZ.

Changes to the Proposed OPA and Zoning Framework since the Public Meeting
Refinements to policy wording have been made in addition to the following key changes:

- More detail was added to specify the calculation of unit price / rent thresholds by unit type, and that bachelor units will not count as IZ units.
- After further consultation with Regional staff, the price capping method was selected to control the affordability of ownership, which emphasises the affordability of IZ units over a longer timeframe.

- More detail about administration and monitoring of units has been added, including that Implementation Guidelines will be developed in coordination with the Region.
- Locational criteria was added to the offsite delivery policy to allow offsite unit delivery in different IZ Areas but within 800 metres of the subject development.
- Instead of an IZ signalling policy for portions of Clarkson GO MTSA should employment land conversions occur, the area is now identified as IZ Area 4 with a set-aside rate of 10% (or 5% if affordable rental units are provided). IZ will only apply if residential uses are permitted, as is the case in all other MTSAs.
- The definition of "purpose-built rental housing" now includes rental units that are organized as a condominium, provided that a minimum of 80% of the dwelling units are owned by a single owner. This change effectively exempts this type of rental housing from IZ requirements and is subject to an agreement with the City.
- Specific sites have been identified for exemption from IZ due to their prior agreement with the City to deliver an affordable housing contribution.

The recommended IZ Official Plan and Zoning By-law amendments conform to the *Planning Act* and Ontario Regulation 232/18, which set out IZ implementation procedures and policy and zoning requirements. In a letter dated June 20, 2022, from the Region of Peel Chief Planner and Director of Planning and Development Services, Regional staff indicated that they had reviewed the MOPA and the IZ policies are consistent with the new Regional Official Plan, and is exempt from Regional approval in accordance with Region of Peel By-law 1-2000.

Next Steps

Once adopted, the Official Plan policies and zoning regulations will take effect on the later of January 1, 2023 or when the Province approves an applicable protected MTSA as identified in the new Region of Peel Official Plan. In addition to statutory exemption provisions, additional transition provisions in the IZ By-law allow certain applications to be exempt from IZ if filed prior to the IZ in-effect date.

Through recent Regional Council decisions[3], the Region of Peel has indicated a commitment to develop a one-window approach for the administration of affordable housing units generated through initiatives like IZ. Over the coming months, staff will work with the Region to create the administrative framework, Implementation Guidelines, and overall monitoring plan for IZ and report back to Council with updates. The Implementation Guidelines will identify matters including but not limited to procedures for qualifying potential unit renters or purchasers, matching occupants to units, monitoring affordability of units, and other IZ requirements and program parameters.

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[3] Item 8.4: https://pub-peelregion.escribemeetings.com/Meeting.aspx?Id=df8632ad-3a8d-41b8-8121-6c28d3da661a&Agenda=Agenda&lang=English&Item=71&Tab=attachments
Item 8.1: https://pub-peelregion.escribemeetings.com/Meeting.aspx?Id=5580723a-358d-4540-94de-f5d1f52adaff&Agenda=Merged&lang=English&Item=68&Tab=attachments

Staff will also continue to advocate through the Strategic Communications and Initiatives division for permission from the Province to apply IZ city-wide, where it is demonstrated that development under an IZ framework is financially viable.

Strategic Plan

Housing affordability stems from the Strategic Plan “Belong” Pillar. Two strategic goals relate to housing affordability – “Ensuring Affordability and Accessibility” and “Support Aging in Place.” Action 1 – “Attract and keep people in Mississauga through an affordable housing strategy” connects to the work on the City’s Housing Strategy, including IZ implementation.

Financial Impact

There are no financial impacts resulting from the recommendations contained in this report. Implementation of an IZ policy will have future financial impacts for the City and Region. Staff will report back on the financial impacts of IZ administration at a future date.

Conclusion

This report seeks final approval of a Mississauga Official Plan Amendment and Zoning By-law Amendment that will establish requirements for IZ in new developments in Mississauga. As the City grows, new development will continue to provide affordable housing units. IZ is one tool in the housing toolkit, and implementation of IZ is an important step in ensuring that the affordable housing stock in Mississauga continues to grow.

Attachments

Appendix 1: Inclusionary Zoning (IZ) Mississauga Official Plan Amendment
Appendix 2: Inclusionary Zoning (IZ) Mississauga Zoning By-law Amendment
Appendix 3: Comments on Draft Inclusionary Zoning (IZ) Policies and Zoning Framework Presented at May 30, 2022 Public Meeting

A. Whittemore

Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Catherine Parsons, MCIP RPP, Planner, City Planning Strategies Division

Amendment No. 140

to

Mississauga Official Plan

DRAFT

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Appendix 1

By-law No. _____xx_____

A by-law to Adopt Mississauga Official Plan Amendment No. 140

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

WHEREAS in accordance with the provisions of section 16 of the *Planning Act,* Council may adopt an Official Plan or an amendment thereto to introduce Inclusionary Zoning Policies;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act,* the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to enact an Exemption By-law that may require any or all proposed Local Municipal Official Plan Amendments to be exempt from Regional approval;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 140, in their opinion the amendment conforms with the Major Transit Station Area and Inclusionary Zoning policies of the Region of Peel Official Plan, as adopted by By-law #20-2022, and is exempt;

AND WHEREAS, in the event that a discrepancy in the Major Transit Station Area delineated boundaries arises between the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, and the Mississauga Official Plan, the Region of Peel Official Plan Major Transit Station Area boundaries will prevail;

AND WHEREAS, the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, directs the City of Mississauga to implement Inclusionary Zoning policies;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding Inclusionary Zoning within certain areas in the City of Mississauga;

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

1. The document attached hereto, constituting Amendment No. 140 to Mississauga Official Plan, is hereby adopted.

2. The policies of Amendment No. 140 provide that that they will not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area as identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing;

ENACTED and PASSED this _____ day of _____, 2022.

Signed _____ Signed _____

MAYOR CLERK

DRAFT

Appendix 1

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Appendix 1

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Appendix 1

Amendment No. 140

to

Mississauga Official Plan

The following constitutes Amendment No. 140.

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

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated June 10, 2022, pertaining to this Amendment.

DRAFT

PURPOSE

The purpose of this Amendment is to introduce policies and mapping that will permit the City to require affordable housing units in new developments in certain protected Major Transit Station Areas ("MTSA").

LOCATION

The lands affected by this Amendment are located in protected MTSAs:

- Along the Hurontario Street Light Rail Transit Route from the southernmost point to Matheson Boulevard West, including MTSAs located in the Downtown Core;
- Along the 407 Bus Rapid Transit Route (Derry and Britannia MTSAs);
- Along the future Lakeshore Road East Bus Rapid Transit Route (Lakefront Promenade, Haig, and Dixie MTSAs); and
- Along the Dundas Street Bus Rapid Transit Route.

BASIS

Mississauga Official Plan came into effect on November 14, 2012, save and except for the outstanding site specific appeals to the Ontario Land Tribunal.

This Amendment is required to introduce new policies that will require affordable housing units in new developments where residential uses are permitted.

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

1. Housing affordability is a major issue in Mississauga.
2. Provincial legislation includes provisions for the introduction of Inclusionary Zoning policies into Official Plans to address housing affordability.
3. The new Region of Peel Official Plan adopted by Region of Peel By-law #20-2022 directs the City of Mississauga to implement Inclusionary Zoning policies.
4. Mississauga Official Plan contains policies that indicate the commitment of the City to ensure the creation of affordable housing to meet the population's needs.

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DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Chapter 7 - Complete Communities, of Mississauga Official Plan, is hereby amended by adding the following policies as Section 7.3, and renumbering sections 7.3, 7.4, 7.5, 7.6, and 7.7 to 7.4, 7.5, 7.6, 7.7, and 7.8:

7.3 Inclusionary Zoning

7.3.1 Inclusionary Zoning is a tool that enables the City to require that new residential development or redevelopment in specified locations include affordable housing units where residential uses are permitted by this Plan. Inclusionary Zoning in Mississauga will be guided by the following principles and objectives:

(a) Inclusionary Zoning will be implemented in conjunction with other planning tools to increase the supply of affordable housing, contributing to diverse, mixed-income communities that offer a range of housing options for residents of various socio-economic backgrounds.

(b) Inclusionary Zoning policies will be informed by ongoing monitoring and periodic financial impact assessments in accordance with Provincial requirements, or more frequently as necessary, to create and maintain affordable housing stock without negatively impacting overall development activity.

(c) The City will work collaboratively with the Region of Peel, private and non-profit developers, housing providers, and other special interest groups to leverage expertise and achieve housing objectives.

(d) The City and the Region of Peel will work collaboratively to establish Inclusionary Zoning Implementation Guidelines to ensure the efficient delivery and monitoring of affordable housing units, such as but not limited to the procedure for qualifying purchasers and tenants, establishing annual affordable prices and rents, and ensuring the units remain affordable for the affordability period.

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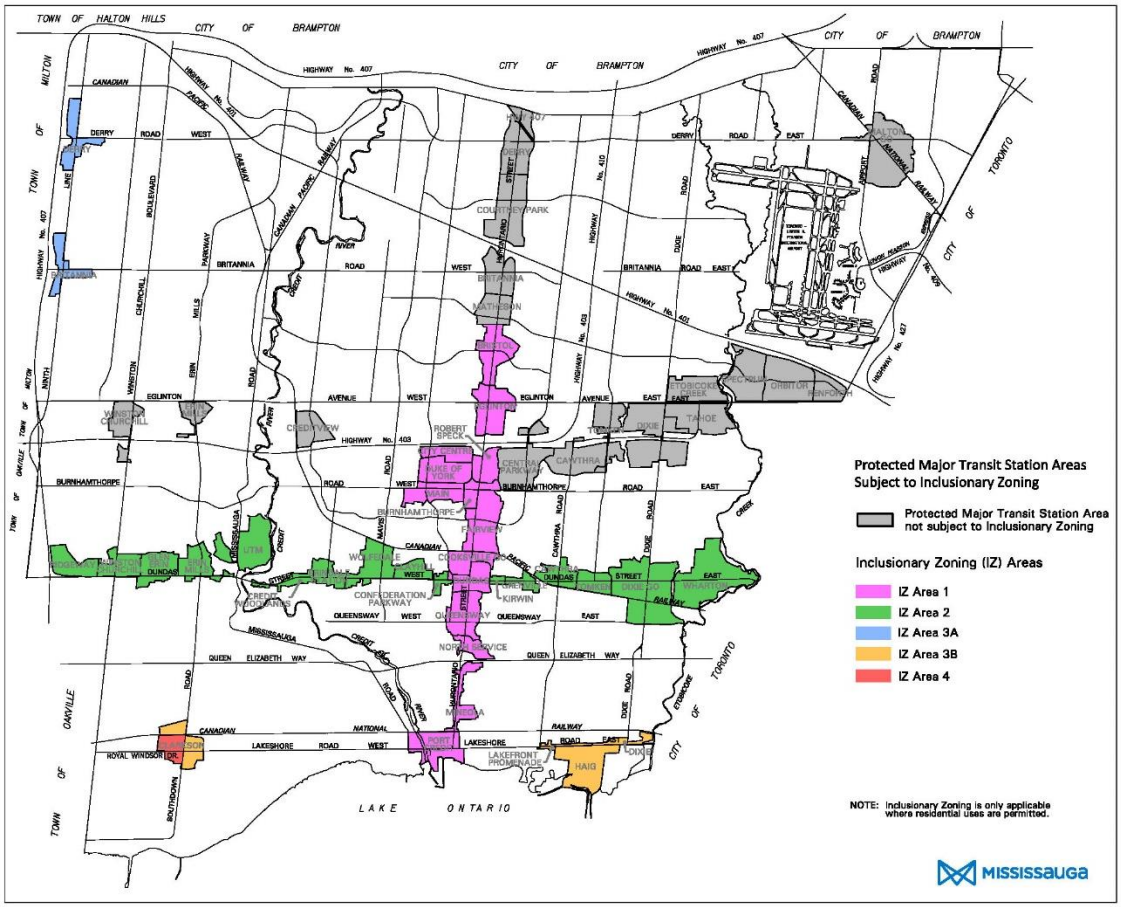

Map 7-1: Inclusionary Zoning (IZ) Areas

7.3.2 An owner of new development or redevelopment proposing 50 or more residential units or 3,600 square metres or more of gross floor area (GFA) for residential purposes, and located within an IZ Area as identified on Map 7-1: Inclusionary Zoning (IZ) Areas of this Plan, and subject to an Inclusionary Zoning By-law, is required to include ***affordable ownership housing units*** or ***affordable rental housing units*** for ***moderate-income households***, as follows:

(a) the minimum required percentage of gross floor area for residential purposes in ownership housing to be set-aside as ***affordable ownership housing units*** or ***affordable rental housing units*** for ***moderate-income households*** is established in Table 7-1.

(b) notwithstanding Policy 7.3.2 (a), a discounted set-aside rate may be considered for the delivery of housing for ***low-income households*** at the City's discretion through a site-specific zoning by-law amendment.

(c) through an amendment to this Plan, the City may introduce Inclusionary Zoning requirements for lands within protected ***Major Transit Station Areas*** that are not currently identified within an IZ Area on Map 7-1.

(d) IZ Area 4 is within an Employment Area and would require a land conversion to permit residential uses. Inclusionary Zoning requirements of Section 7.3 and 19.23 of this Plan will only apply to development on lands within IZ Area 4 in the event that residential uses are permitted.

(e) the Inclusionary Zoning requirements of Policy 7.3.2 (a) and Table 7-1 do not apply to portions of a development or redevelopment containing purpose-built rental housing until such time as it ceases to serve as purpose-built rental housing. Inclusionary Zoning requirements for purpose-built rental housing may be introduced through future amendments to this Plan.

Table 7-1 – Minimum Required Percentage of Residential Gross Floor Area (GFA) in Ownership Housing to be Affordable Housing

IZ Area as identified on Map 7-1	Tenure of Affordable Housing Units	Applies January 1, 2023 to December 31, 2023	Applies January 1, 2024 to December 31, 2024	Applies January 1, 2025
IZ Area 1	***Affordable Ownership Housing Units***	4%	7%	10%
	Affordable Rental Housing Units	2%	3.5%	5%
IZ Area 2	***Affordable Ownership Housing Units***	3%	5%	7%
	Affordable Rental Housing Units	1.5%	2.5%	3.5%
IZ Area 3A and IZ Area 3B	***Affordable Ownership Housing Units***	3%	4%	5%
	Affordable Rental Housing Units	1.5%	2%	2.5%
IZ Area 4	***Affordable Ownership Housing Units***	10%	10%	10%
	Affordable Rental Housing Units	5%	5%	5%

7.3.3 To provide a range of affordable prices and rents, the City, in consultation with the Region of Peel, will establish maximum prices and rents on an annual basis during the affordability period for ***affordable ownership housing units*** and ***affordable rental***

housing units as follows, and in accordance with Implementation Guidelines:

(a) one-bedroom units will be priced at or below the maximum purchase price for the 4th income decile or rented at or below the maximum rent for the 4th renter income decile;

(b) two-bedroom units will be priced at or below the maximum purchase price for the 5th income decile or rented at or below the maximum rent for the 5th renter income decile; and

(c) three-bedroom units will be priced at or below the maximum purchase price for the 6th income decile or rented at or below the maximum rent for the 6th renter income decile.

7.3.4 The suite mix of the affordable housing unit component will generally be a balanced mix of one-bedroom units and family sized units (two- and three-bedroom units), to provide a range of unit types suitable for individuals and families. Bachelor units will not qualify as affordable housing units for the purposes of Inclusionary Zoning requirements. Further unit size and suite mix requirements may be established through Implementation Guidelines.

7.3.5 ***Affordable rental housing units*** or ***affordable ownership housing units*** will be required to be maintained at affordable rents or prices commencing upon execution of an Inclusionary Zoning Agreement for a minimum period of:

(a) 25 years calculated from the date of first occupancy of an ***affordable rental housing unit***; or

(b) 50 years calculated from the later of the date of first occupancy or first closing of an ***affordable ownership housing unit***.

7.3.6 The City will receive a portion of the net proceeds from the sale of an ***affordable ownership housing unit*** in accordance with the following policies:

(a) the City will receive no more than 20% of the net proceeds of the sale of an ***affordable ownership housing uni*t** sold during the 50 year affordability period, equivalent to no more than 2% of the sale price, for administration fees, where proceeds are the difference between the purchase

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price and the resale price of the affordable ownership unit; and

(b) the City will receive 50% of the net proceeds of the first sale of an ***affordable ownership housing unit*** at market price after the 50 year affordability period, to be reinvested in affordable housing, where net proceeds are the difference between the purchase price and the resale price of the affordable ownership unit, less any legal, administration or real estate commission fees.

7.3.7 Inclusionary Zoning requirements may be met on an offsite location, at the discretion of the City through a site-specific zoning by-law amendment, subject to achieving the following conditions:

(a) the offsite location must be located in an IZ Area as identified on Map 7-1.

(b) offsite affordable housing units shall be located in proximity to the proposed development or redevelopment giving rise to the Inclusionary Zoning requirement. Proximity is deemed to be one or more of the following criteria:

(i) the offsite location is in the same IZ Area as the development or redevelopment giving rise to the Inclusionary Zoning requirement;

(ii) the offsite location is within 800 metres of the development or redevelopment giving rise to the Inclusionary Zoning requirement; or

(iii) IZ Area 3B and IZ Area 4 will be considered to be the same IZ Area for the purposes of Policy 7.3.7(b).

(c) the offsite Inclusionary Zoning contribution results in one or more improved housing outcomes, such as:

(i) the delivery of affordable housing units occurs sooner than if the units were delivered in the development giving rise to the Inclusionary Zoning requirement;

(ii) the provision of ***affordable rental housing units***

(iii) the provision of more deeply affordable units than required (i.e. housing affordable to ***low-income households***); or

(iv) the provision of a greater amount of affordable gross floor area than required.

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(d) Offsite units shall not be used to satisfy Inclusionary Zoning requirements that apply to the offsite location.

7.3.8 Inclusionary Zoning By-laws will not apply to:

(a) long-term care buildings, retirement buildings, hospices, staff/student residences, group homes, or not-for profit buildings;

(b) Region of Peel or Peel Housing Corporation projects;

(c) approved development, as specifically identified as exempt in the zoning by-law, that is already subject to an affordable housing contribution requirement as of June 22, 2022. Inclusionary Zoning By-laws will apply to additional development permissions for such lands;

(d) development or redevelopment meeting the exemption criteria under the *Planning Act* or related Ontario Regulations; and

(e) notwithstanding 7.3.2, in no case will Inclusionary Zoning By-laws apply to development or redevelopment of less than 10 residential units.

7.3.9 Any replacement of affordable rental units required through the Rental Housing Protection policies of this Plan and Rental Housing Protection By-law 0121-2018, as amended, shall not:

(a) be included in the gross floor area for residential purposes, used to calculate the Inclusionary Zoning requirements identified in Policy 7.3.2 and Table 7-1 of this Plan.

(b) contribute to the Inclusionary Zoning requirements in Policy 7.3.2 of this Plan.

7.3.10 Financial incentives will not be provided for affordable housing units provided in accordance with Policy 7.3.2 of this Plan. An Inclusionary Zoning By-law may identify reductions to parking rates for ***affordable rental housing units*** and ***affordable ownership housing units*** in accordance with recommendations of City-wide parking studies.

7.3.11 Inclusionary Zoning requirements identified in Section 7.3 and Section 19.23 come into effect on the later of January 1, 2023 or the date the applicable protected ***Major Transit Station Area*** identified in the Region of Peel Official Plan is approved by the Minister of Municipal Affairs and Housing.

2. Chapter 19 – Implementation, of Mississauga Official Plan, is hereby amended by adding the following Section as Section 19.23:

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.

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3. Chapter 20 – Glossary, of Mississauga Official Plan, is hereby amended by adding the following definitions:

   Affordable ownership housing unit means the least expensive of: housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for ***low-income households*** and ***moderate-income households*****;** or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

   Affordable rental housing unit means the least expensive of: a unit for which the rent does not exceed 30 percent of gross annual household income for ***low-income households*** and ***moderate-income households***; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

   Moderate-income households means in the case of ownership housing, households with incomes between 30 to 60 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes between 30 to 60 percent of the income distribution for renter households in the City of Mississauga.

   Low-income households means in the case of ownership housing, households with incomes in the lowest 30 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes in the lowest 30 percent of the income distribution for renter households in the City of Mississauga.

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IMPLEMENTATION

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

The provisions of this Amendment shall not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing.

The lands will be zoned to implement this Amendment.

This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan dated October 21, 2021.

INTERPRETATION

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

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APPENDIX I

PUBLIC MEETING

All property owners and residents within the City of Mississauga were invited to attend a Public Meeting of the Planning and Development Committee held on May 30, 2022 at 1:30pm in connection with this proposed Amendment.

The key issues raised at the Public Meeting included the length of the affordability period, the depth of affordability, the proposed set-aside rates, the need for more affordable rental housing, and the need to address populations at risk. Based on the completed feasibility analysis, the depth of affordability, proposed set-aside rates, exemption for rental housing, and the discounted set-aside rate for developers providing affordable rental housing were maintained as proposed. These provisions will be reviewed and may be amended if financial viability changes. Implementation Guidelines may provide more guidance for housing priority segments of the population. The method to control affordability in ownership units has been scoped to include only the capped price option with a 50-year affordability term.

The issues raised at the public meeting have been addressed in the corporate report, attached to this Amendment as Appendix II

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Appendix 1

Appendix II – STAFF REPORT

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Appendix 1

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A by-law to Adopt Mississauga Official Plan Amendment No. 140

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, ("*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

WHEREAS in accordance with the provisions of section 16 of the *Planning Act*, Council may adopt an Official Plan or an amendment thereto to introduce Inclusionary Zoning Policies;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act,* the Ministry of Municipal Affairs and Housing authorized the Regional Municipality of Peel ("Region" or "Regional"), an approval authority, to enact an Exemption By-law that may require any or all proposed Local Municipal Official Plan Amendments to be exempt from Regional approval;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region has advised that, with regard to Amendment No. 140, in their opinion the amendment conforms with the Major Transit Station Area and Inclusionary Zoning policies of the Region of Peel Official Plan, as adopted by By-law #20-2022, and is exempt;

AND WHEREAS, in the event that a discrepancy in the Major Transit Station Area delineated boundaries arises between the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, and the Mississauga Official Plan, the Region of Peel Official Plan Major Transit Station Area boundaries will prevail;

AND WHEREAS, the Region of Peel Official Plan, as adopted by Region of Peel By-law #20-2022, directs the City of Mississauga to implement Inclusionary Zoning policies;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding Inclusionary Zoning within certain areas in the City of Mississauga;

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

1. The document attached hereto, constituting Amendment No. 140 to Mississauga Official Plan, is hereby adopted.

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2. The policies of Amendment No. 140 provide that that they will not come into force and effect until the later of January 1, 2023 or the date the applicable protected Major Transit Station Area as identified in the Region of Peel Official Plan adopted by By-law #20-2022 is approved by the Minister of Municipal Affairs and Housing;

ENACTED and PASSED this _____ day of _____, 2022.

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Appendix 2

A by-law to amend By-law Number 0225-2007, as amended.

WHEREAS pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass a zoning by-law;

And WHEREAS pursuant to section 35.2 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass one or more by-laws to give effect to inclusionary zoning Official Plan policies;

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

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by adding the following Definition to Section 1.2:

Affordable Ownership Housing Unit	means a **dwelling unit** for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for **moderate-income households,** as follows: (1) one-bedroom units priced at or below the fourth income decile for Mississauga households; (2) two-bedroom units priced at or below the fifth income decile for Mississauga households; and, (3) three-bedroom units priced at or below the six income decile for Mississauga households.

2. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Affordable Rental Housing Unit	means a **dwelling unit** where total monthly shelter costs are the least expensive of: a unit for which the rent is at or below the average market rent of a unit in the regional market area, or a unit for which the rent does not exceed 30 percent of gross annual household income for **moderate-income households** as follows: (1) one-bedroom units priced at or below the fourth income decile for Mississauga renter households; (2) two-bedroom units priced at or below the fifth income decile for Mississauga renter households; and, (3) three-bedroom units priced at or below the sixth income decile for Mississauga renter households.

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3. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Gross Floor Area - Inclusionary Zoning	means the sum of all areas of a **building**, measured from the exterior of outside walls of the **building** including floor area occupied by interior walls, but shall only include area dedicated for a **dwelling unit,** and excludes any area dedicated to rental replacement units required under Rental Housing Protection By-law 0121-2018.

4. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Low-Income Households	means in the case of an **affordable ownership housing unit**, households with incomes in the lowest 30 percent of the income distribution for households in the City of Mississauga; or in the case of an **affordable rental housing unit**, households with incomes in the lowest 30 percent of the income distribution for renter households in the City of Mississauga.

5. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Moderate-Income Households	means in the case of an **affordable ownership housing unit**, households with incomes between 30 to 60 percent of the income distribution for households in the City of Mississauga; or in the case of an **affordable rental housing unit**, households with incomes between 30 to 60 percent of the income distribution for renter households in the City of Mississauga.

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6. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Non-Profit Housing Provider	means: (1) a corporation to which the *Not-for-Profit Corporations Act, 2010* applies that is in good standing under that Act and whose primary object is to provide housing; (2) a corporation without share capital to which the *Canada Business Corporations Act* applies, that is in good standing under that Act and whose primary object is to provide housing; (3) a non-profit housing co-operative that is in good standing under the *Co-operative Corporations Act*; or (4) an organization that is a registered charity within the meaning of the *Income Tax Act* (Canada) or a non-profit organization exempt from tax under paragraph 149(1)(l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing.

7. By-law Number 0225-2007, as amended, is further amended by bolding all references to the term "**Non-Profit Housing Provider**" where it appears throughout By-law 0225-2007.

8. By-law Number 0225-2007, as amended, is further amended by adding the following Definition to Section 1.2:

Purpose-Built Rental Housing	means a **building**: (1) containing **dwelling units** where a minimum of 80% of the **dwelling units** are owned by a single owner and available for rent; and (2) which is not organized as a life lease project where the right to occupy the **dwelling units** is based on a life lease interest.

9. By-law Number 0225-2007, as amended, is further amended by adding Subsection 2.1.34 to Section 2.1 as follows:

2.1.34 Inclusionary Zoning

The following regulations shall apply to lands located in the Inclusionary Zoning Overlay boundaries identified as "IZ-1," "IZ-2," "IZ-3A," "IZ-3B," and "IZ-4" on Schedule B of Part 13 of this By-law.

2.1.34.1 Section 2.134 of this By-law does not apply to:

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(1) development or redevelopment of less than 50 units and less than 3,600 m^2 of **gross floor area - inclusionary zoning**;

(2) **retirement buildings**, **staff/student residents**, **long-term care buildings**, **hospices**, **group homes**;

(3) Region of Peel or Peel Housing Corporation projects;

(4) a building which will be owned and operated by a **non-profit housing provider** where the **non-profit housing provider** has 100 percent interest;

(5) development as approved pursuant to the following:

(5.1) up to 8,050 units approved through OZ 19-003 W1 for lands located at 800 & 985 Hydro Road & 1082 Lakeshore Road East;

(5.2) up to 122 units approved through OZ 19-018 W10 and 21T-M19006 for lands located at 5150 Ninth Line;

(5.3) up to 1,365 units approved through OZ 20-015 W7 for lands located at 24-64 Elm Drive West & 3528-3563 Hurontario Street;

(5.4) up to 2,995 units OZ/OPA 17-012 W1 and T-M17004 for lands located at 70 Mississauga Road South & 181 Lakeshore Road West;

(5.5) up to 2,500 units approved through OZ 18-016 W5 for lands located at 91 Eglinton Avenue East & 5055 Hurontario Street

(5.6) up to 1,869 units approved through OZ 18-011 W5 for lands located at 0 & 5044 Hurontario Street;

(5.7) up to 361 units approved through OZ 19-008 W1 and SP 20-51 W1 for lands located at 78 Park Street East & 22 Ann Street;

(5.8) lands located at 1 Fairview Street East, where maximum building height permissions were approved through OZ 20-001 W4;

(5.9) lands located at 4116 & 4128 Parkside Village Drive, where maximum building height permissions were approved through Committee of Adjustment file “A” 124/22 for; and

(5.10) up to 1,265 units approved through OZ 20-020 for lands located at 5081 Hurontario Street.

(6) development or redevelopment where the following application types are filed on or before the later of January 1, 2023 or the date the applicable protected Major Transit Station Area identified in the Region of Peel Official Plan is approved by the Minister of Municipal Affairs and Housing:

(6.1) a complete application for a site plan or building permit;

(6.2) a complete application for a rezoning, provided that a subsequent complete application for a site plan is filed within two years of the date the rezoning application was deemed complete; or

(6.3) an application for a lifting of a holding "H" symbol, provided that a subsequent complete application for a site plan is filed within two years of the date the lifting of a holding "H" symbol application was submitted;

(7) exemptions in accordance with the *Planning Act* and associated regulations.

2.1.34.1.1 Notwithstanding Article 2.1.34.1(1), in no case will the Inclusionary Zoning requirements of this By-law apply to developments of less than 10 residential units.

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2.1.34.1.2 Notwithstanding Article 2.1.34.1(5), Inclusionary Zoning requirements of this By-law apply to the lands described in Article 2.1.34.1(5) if additional development permissions are applied for.

2.1.34.2 The Inclusionary Zoning requirements of this By-law do not apply to a legally **existing building** established prior to January 1, 2023 except where any addition or extension to, or change of **use** within, a legally **existing building** results in 50 or more new **dwelling units** or 3,600 m^2 or more of new **gross floor area - inclusionary zoning**.

2.1.34.3 The minimum required percentage of **gross floor area - inclusionary zoning** to be provided as affordable housing is identified in Table 2.1.34.4.

2.1.34.3.1 Notwithstanding Article 2.1.34.3 of this By-law, rental replacement units secured under Rental Housing Protection By-law 0121-2018 are not counted towards the minimum required **gross floor area – inclusionary zoning** to be set aside as affordable housing outlined in Table 2.1.24.4 of this By-law.

2.1.34.3.2 Notwithstanding Article 2.1.34.3, the minimum required percentage of **gross floor area – inclusionary zoning** to be affordable housing is not applicable to **purpose-built rental housing.**

2.1.34.4 **Affordable ownership housing units** or **affordable rental housing units** required in Article 2.1.34.3 of this By-law shall be maintained at affordable rents or prices commencing upon execution of an agreement referred to in Article 2.1.34.7 for a minimum period of:

(1) 25 years calculated from the date of first occupancy of an **affordable rental housing unit**.

(2) 50 years calculated from the later of the date of first occupancy or first closing of an **affordable ownership housing unit**.

2.1.34.5 The permitted resale price for **affordable ownership housing units** and annual increases to the rates for existing **affordable rental housing units** required in Article 2.1.34.4 of this By-law shall be as determined on an annual basis by the City, in coordination with the Region, and in accordance with Inclusionary Zoning Implementation Guidelines.

2.1.34.6 On a **lot** which is subject to the requirements of Articles 2.1.34.3 and 2.1.34.4(2) of this By-law, the City shall receive a portion of the net proceeds from the sale of an **affordable ownership housing unit** as follows:

(1) The City will receive no more than 20% of the net proceeds of the sale of an affordable ownership housing unit sold during the 50 year affordability period, equivalent to no more than 2% of the sale price, for administration fees, where net proceeds are the difference between the purchase price and the resale price of the affordable ownership unit; and

(2) The City will receive 50% of the net proceeds of the first sale of an affordable ownership housing unit at market price after the 50 year affordability period, to be reinvested in affordable housing, where net proceeds are the difference between the purchase price and the resale price of the affordable ownership unit, less any legal, administration or real estate commission fees.

2.1.34.7 For development or re-development of lands subject to the regulations of Articles 2.1.34.3 and 2.1.34.4 of this By-law, the owner of such lands shall enter into one or more legal agreements with the City, to be registered on title to the

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lands, securing the Inclusionary Zoning requirements outlined in Section 2.1.34 of this By-law and the following, to the satisfaction of the City Solicitor and the Commissioner of Planning and Building:

(a) requirements ensuring occupants of **affordable ownership housing units** and **affordable rental housing units** have the same building and amenity access as occupants of market units;

(b) requirements for eligibility to purchase an **affordable ownership housing units** or to rent an **affordable rental housing units**;

(c) requirements for ongoing administration, reporting and monitoring of **affordable ownership housing units** and **affordable rental housing units**.

2.1.34.8.1 Subject to Article 2.1.34.2, where **purpose-built rental housing** ceases to meet the definition of **purpose-built rental housing**, the requirements of Section 2.1.34 will then apply to the building.

2.1.34.8.2 Notwithstanding Article 2.1.34.3.2, the owner of lands proposing **purpose-built rental housing** in a condominium registered under section 2 of the *Condominium Act, 1998*, or a predecessor of that section, shall enter into one or more legal agreements with the City, to be registered on title to the lands, securing Inclusionary Zoning requirements outlined in Section 2.1.34 of this By-law, including 2.1.34.7, that would be applicable if the **purpose-built rental housing** ceases to meet the definition of **purpose-built rental housing**.

Table 2.1.34.4 - Minimum Required Percentage of Gross Floor Area - Inclusionary Zoning to be Provided as Affordable Housing

Column A		**B**	**C**	**D**	**E**
Line 1.0	**IZ AREA**	**Type of Affordable Housing Provided**	**Applicable January 1, 2023 to December 31, 2023**	**Applicable January 1, 2024 to December 31, 2024**	**Applicable as of January 1, 2025**
2.0	IZ-1	**Affordable ownership housing units** for **moderate-income households**	4%	7%	10%
3.0	IZ-1	**Affordable rental housing units** for **moderate-income households**	2%	3.5%	5%
4.0	IZ-2	**Affordable ownership housing units** for **moderate-income households**	3%	5%	7%
5.0	IZ-2	**Affordable rental housing units** for **moderate-income households**	1.5%	2.5%	3.5%
6.0	IZ-3A and IZ-3B	**Affordable ownership housing units** for **moderate-income households**	3%	4%	5%

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7.0	IZ-3A and IZ-3B	**Affordable rental housing units** for **moderate-income households**	1.5%	2%	2.5%
8.0	IZ-4	**Affordable ownership housing units** for **moderate-income households**	10%	10%	10%
9.0	IZ-4	**Affordable rental housing units** for **moderate-income households**	5%	5%	5%

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10. By-law Number 0225-2007, as amended, is further amended by adding the following Article to Subsection 3.1.2.1:

3.1.2.1.1 Notwithstanding the regulations contained in Table 3.1.2.1 of this By-law, the required number of off-street **parking spaces** for **dwelling units** that are **affordable ownership housing units** or **affordable rental housing units** located within the IZ Area boundaries on Schedule B of this By-law shall be subject to a parking rate of:

(1) Precinct 1: 50% of the required number of **parking spaces** for the corresponding residential uses as otherwise required pursuant to this by-law;

(2) Precincts 2, 3 and 4: 70% of the required number of **parking spaces** for the corresponding residential use as otherwise required pursuant to this by-law.

11. Map Numbers 1, 3-8, 10-25, 28, 29, 36W, 37E, 55, 55b, 56, 56a, 56b, 57, 57a, and 59 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, are amended by adding the Inclusionary Zoning Overlay identified by a grey dash outline and grey hatching as shown on the attached Schedules "A1" to "A35", which are deemed to be an integral part of this By-law.

12. This By-law shall not come into force until Mississauga Official Plan Amendment Number __140___ is in full force and effect.

ENACTED and PASSED this _____ day of _____, 2022.

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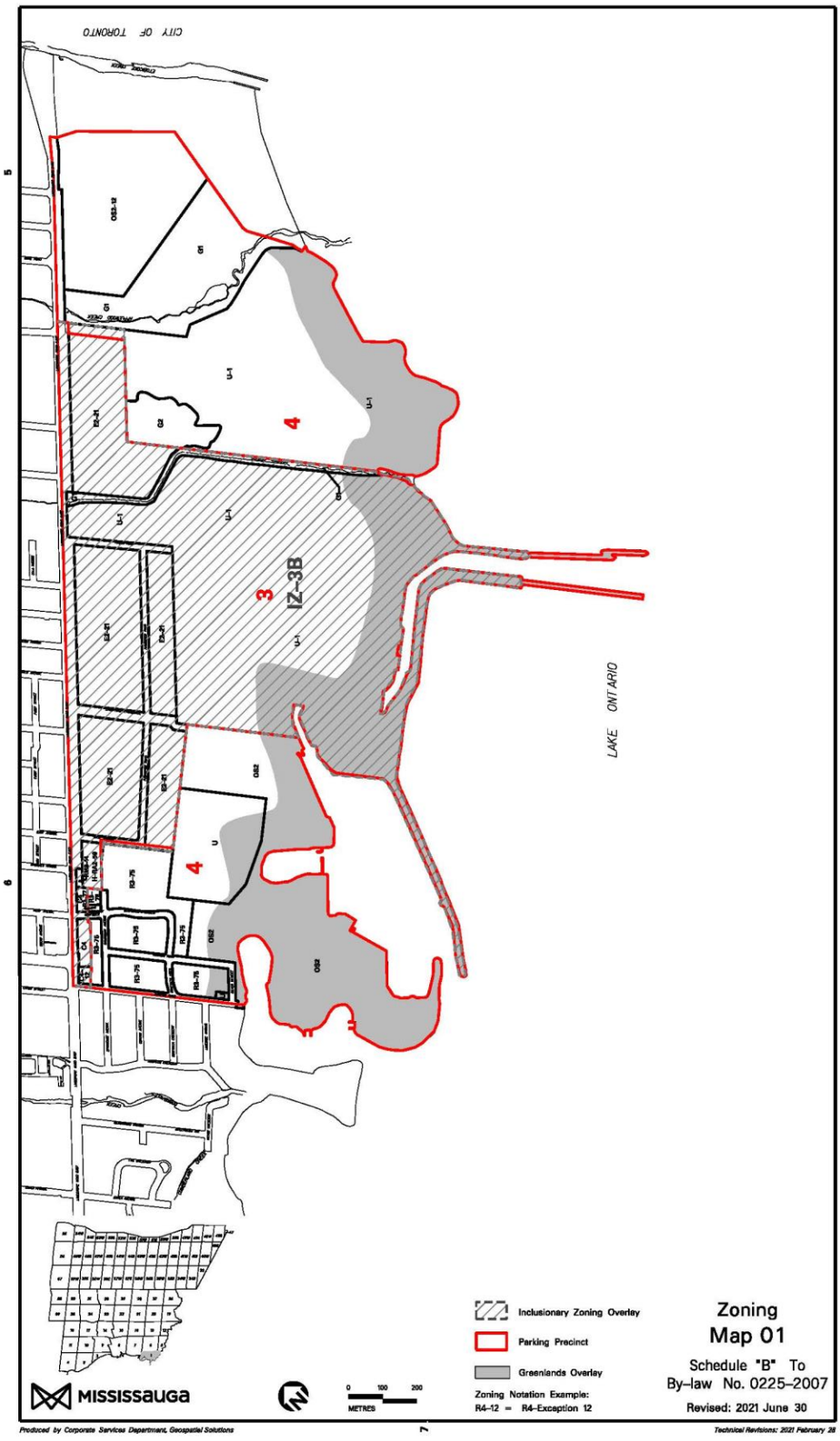
Draft Schedule “A1”



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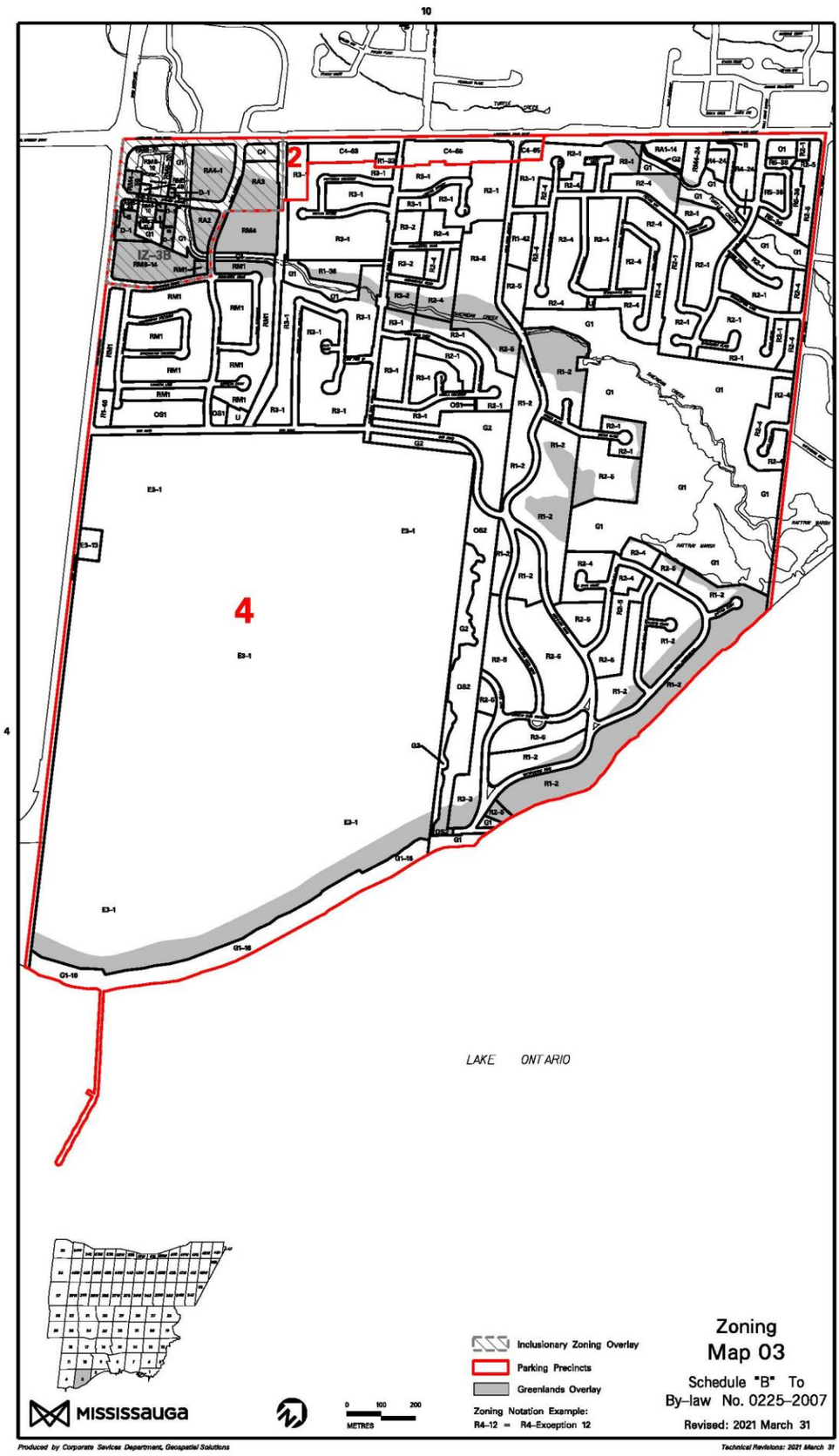

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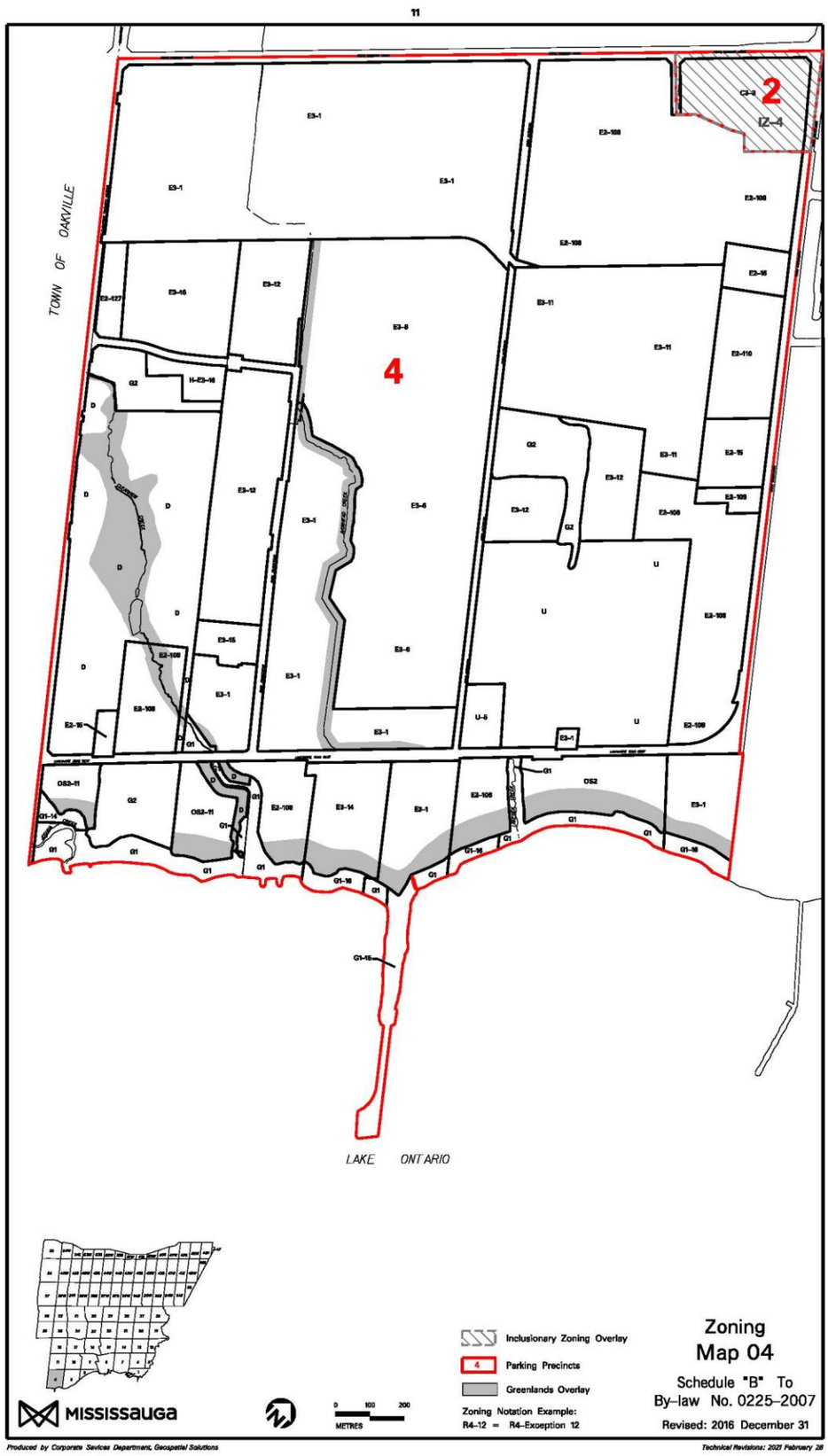

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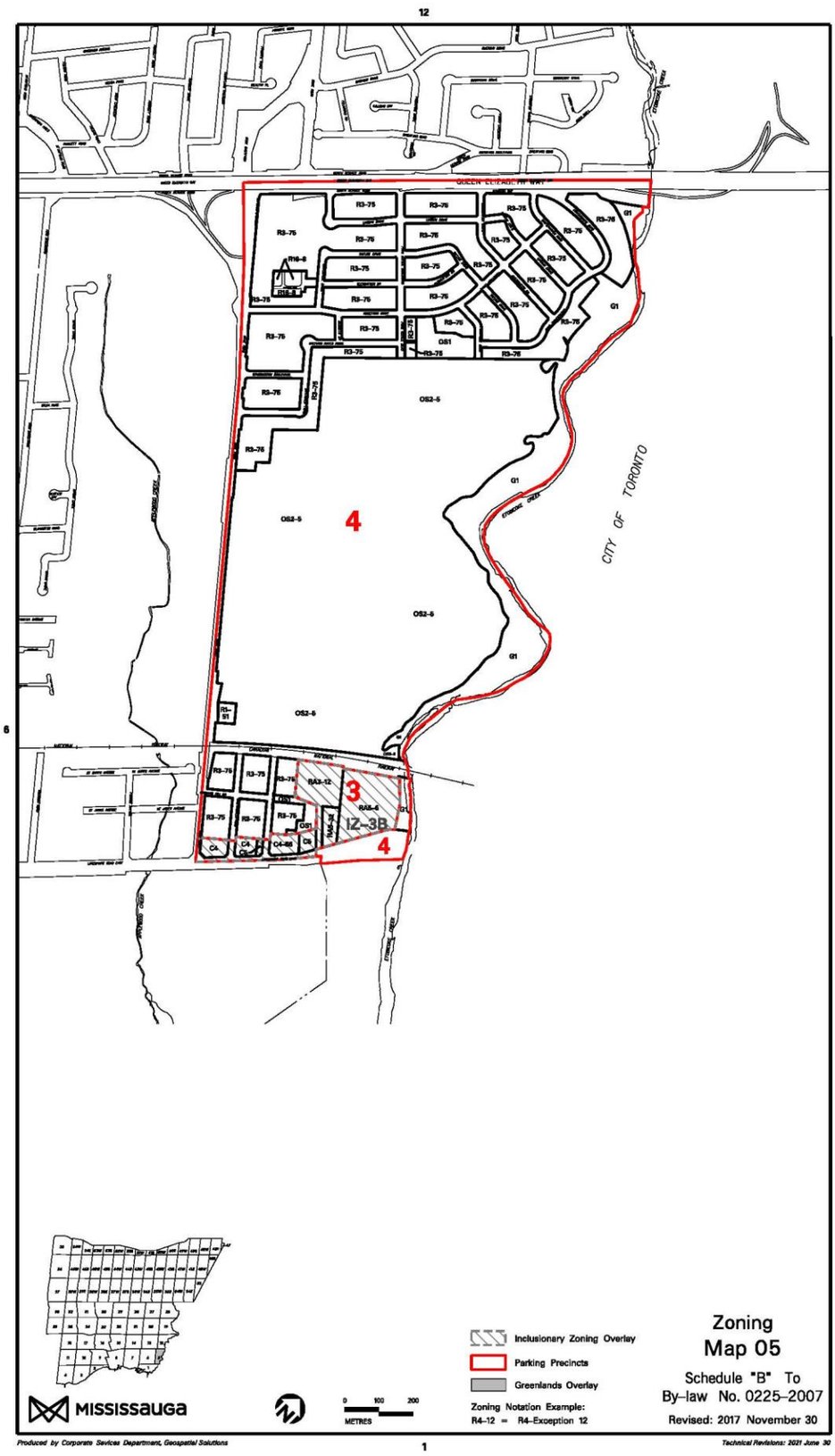

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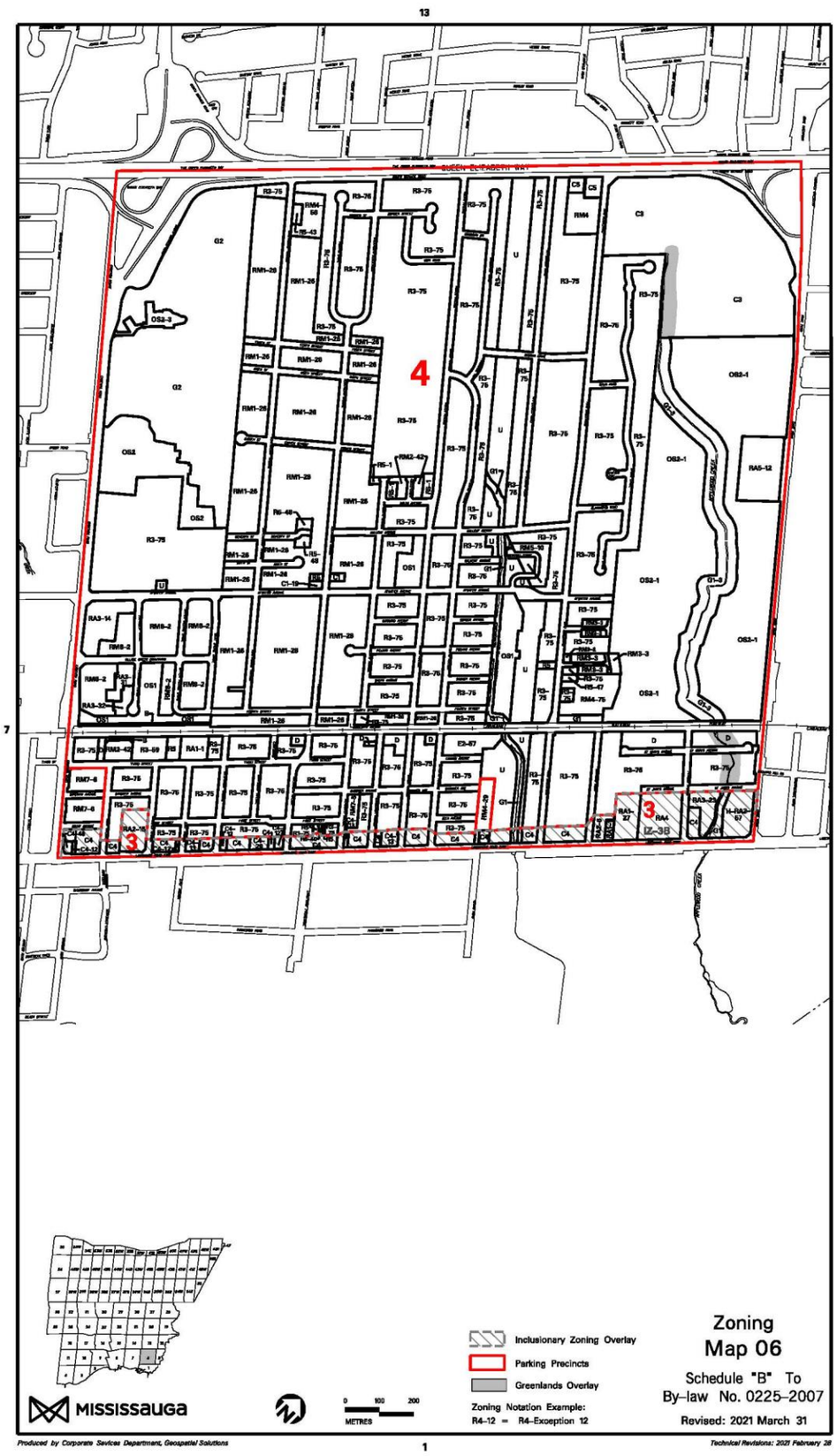

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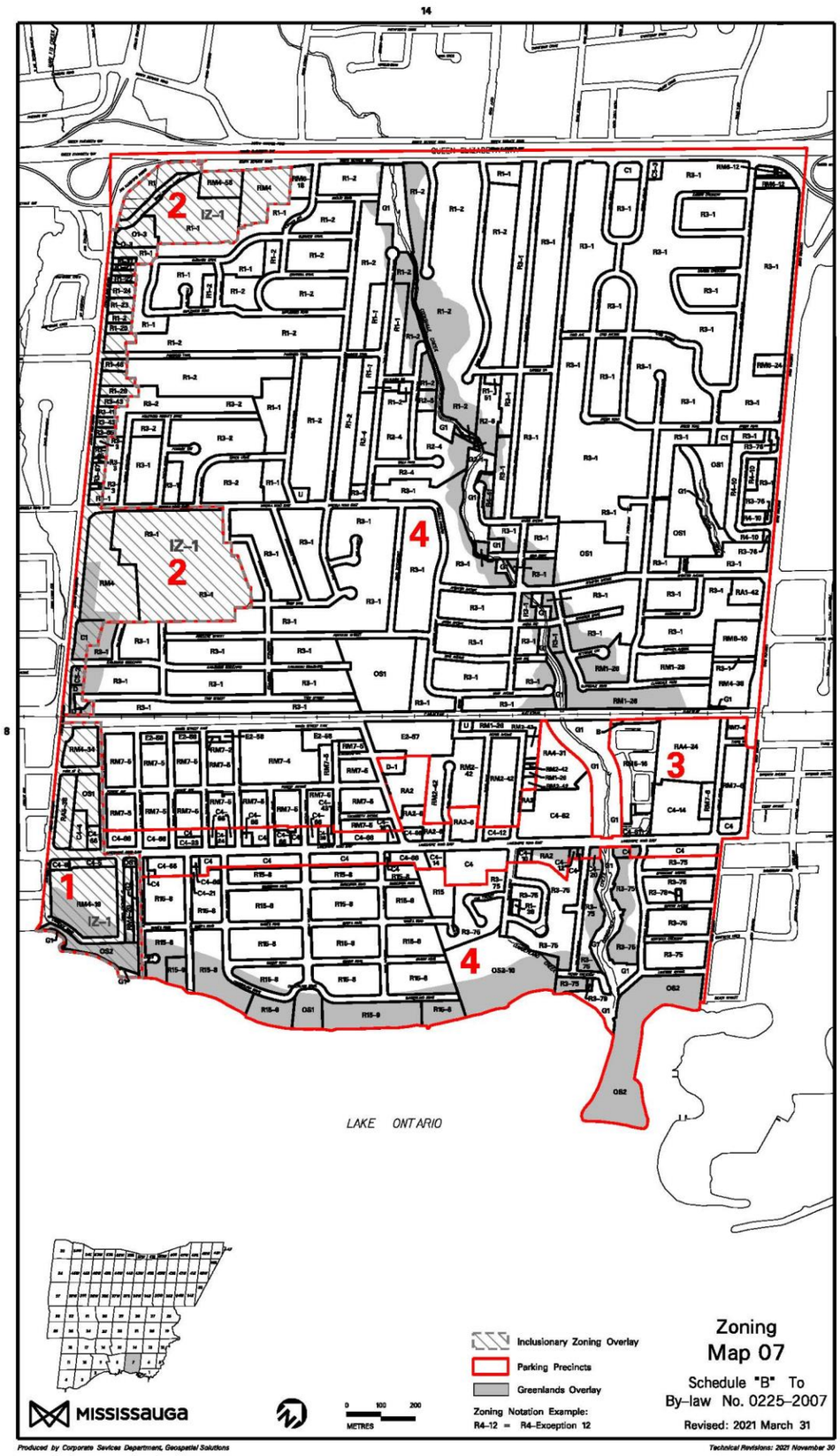

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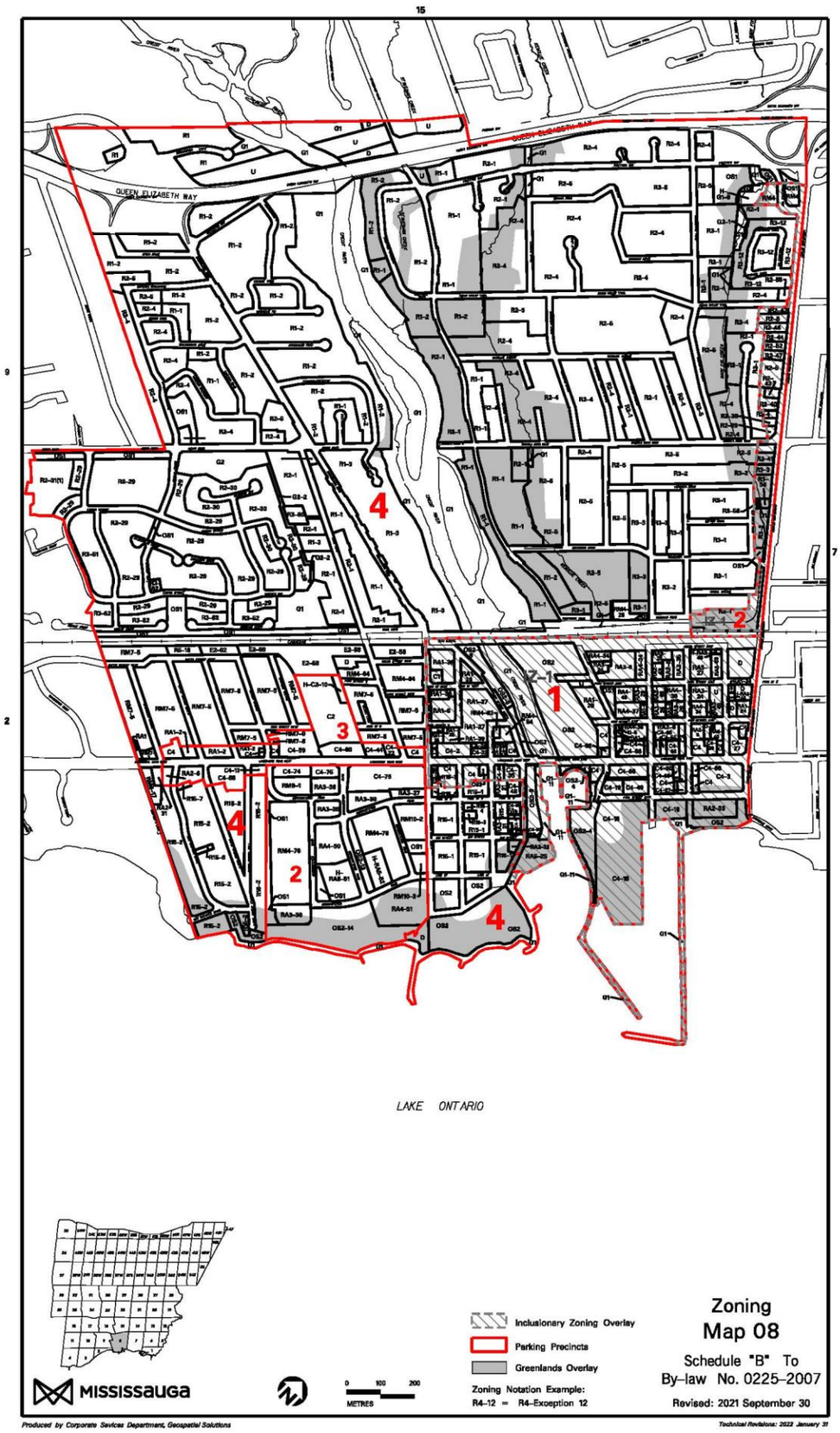

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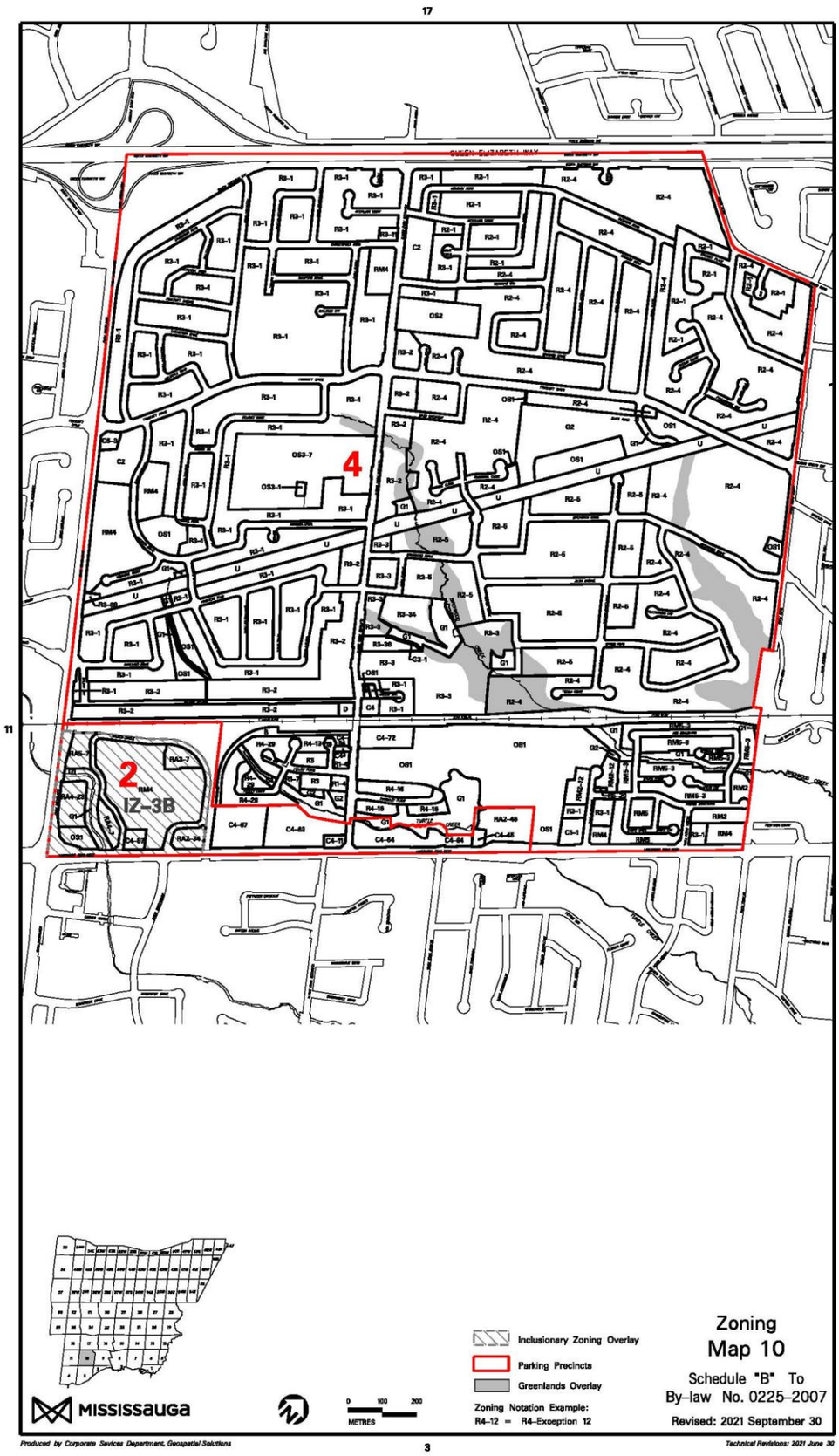

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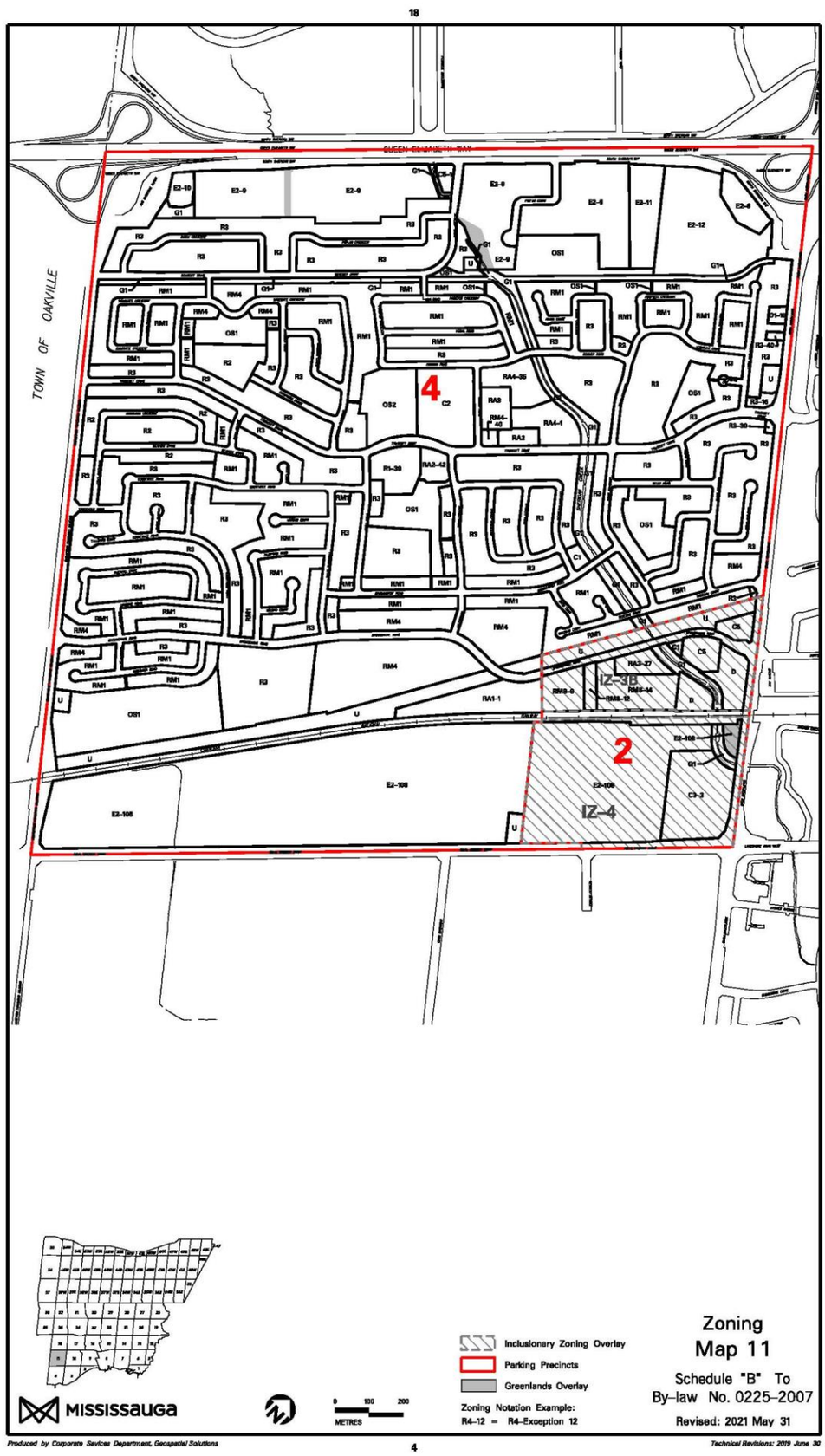

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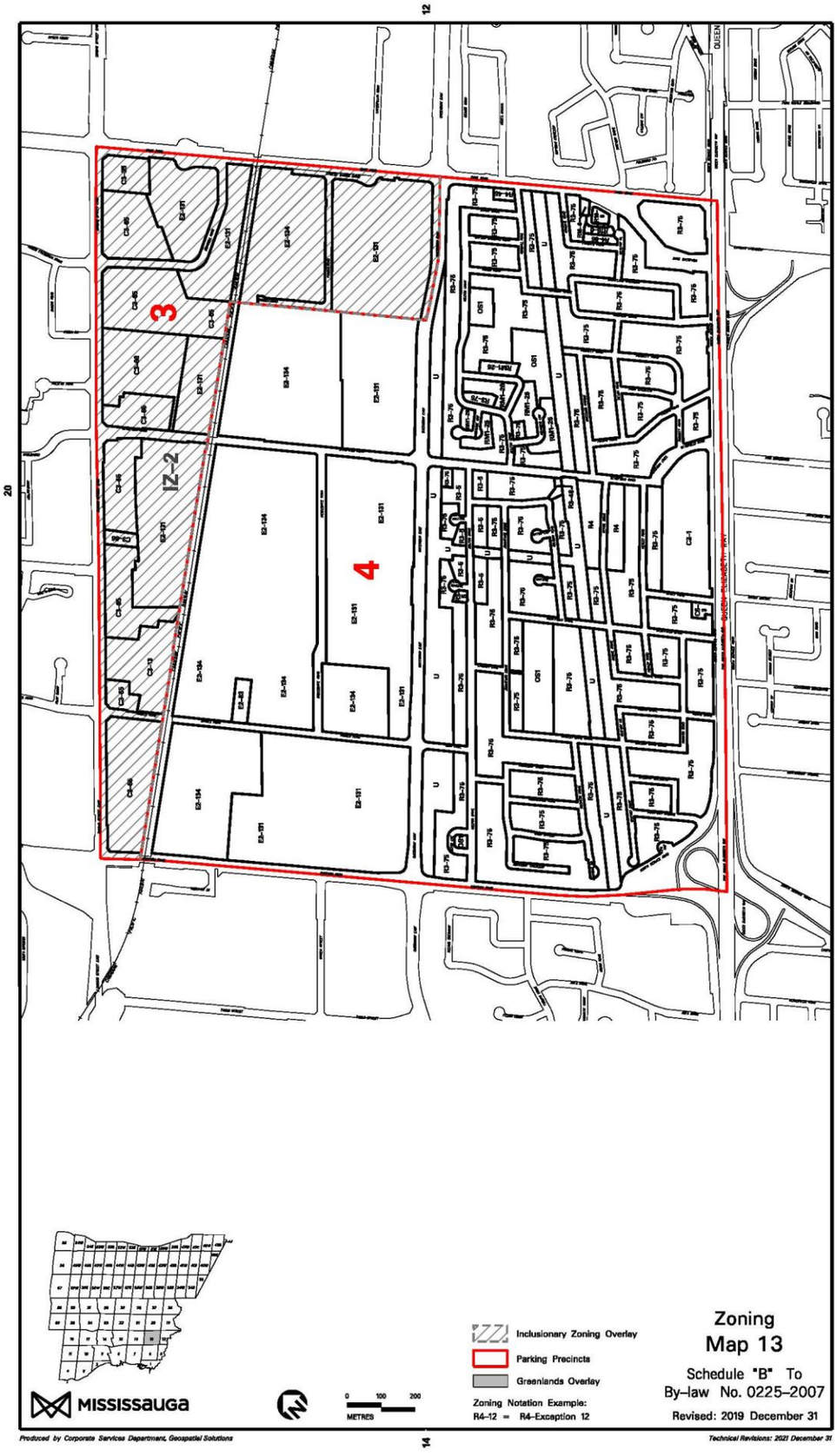

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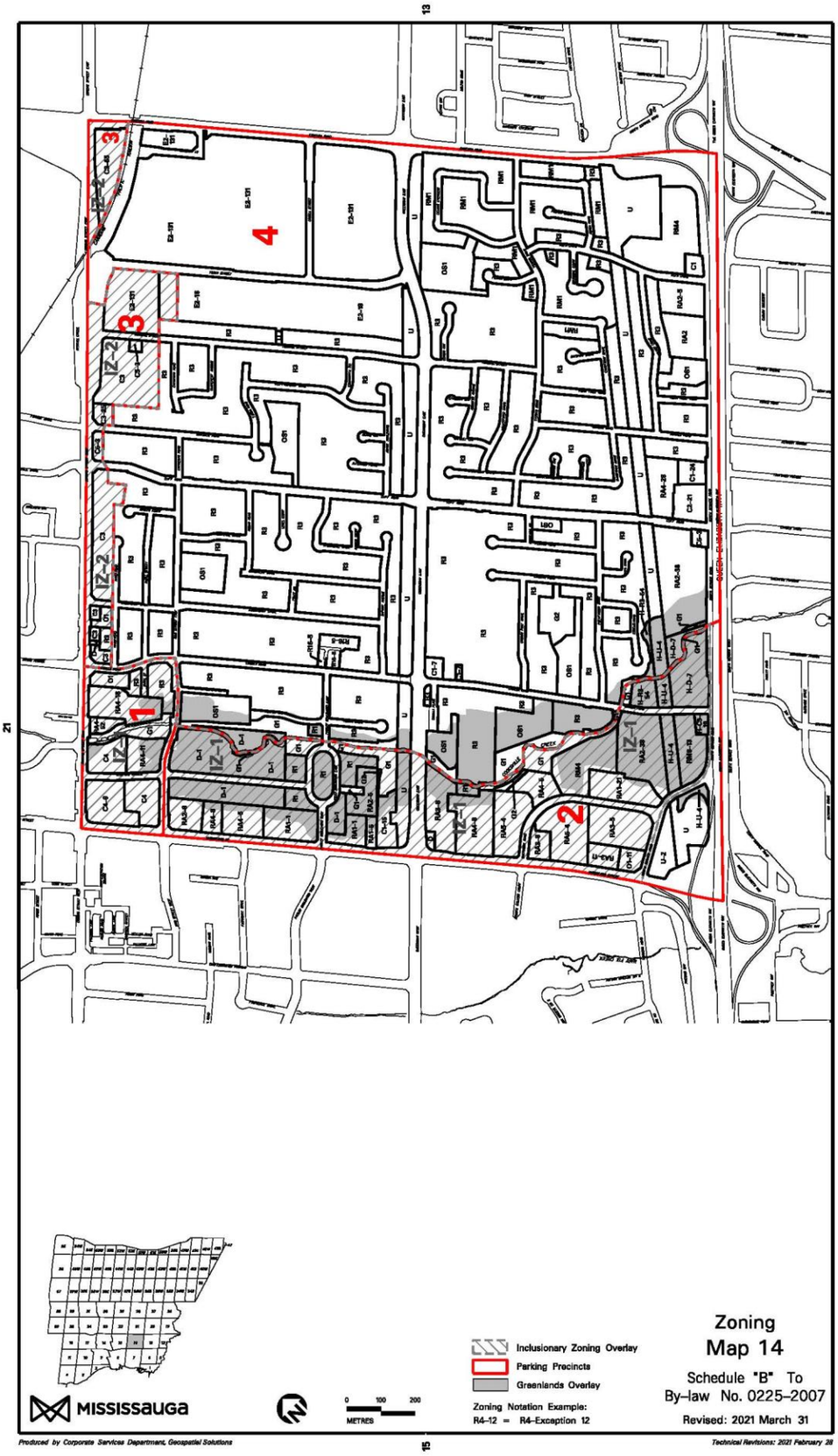

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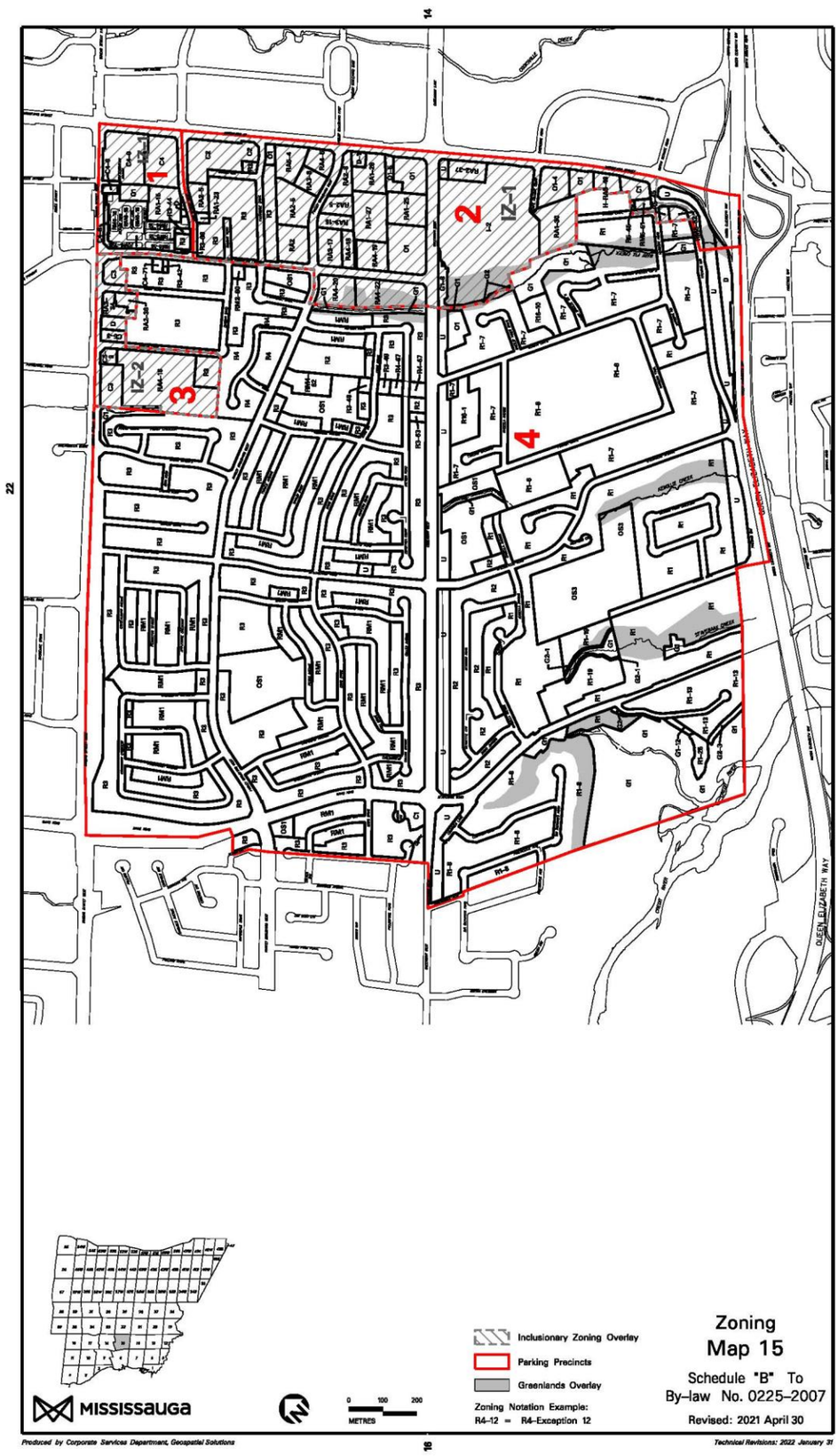

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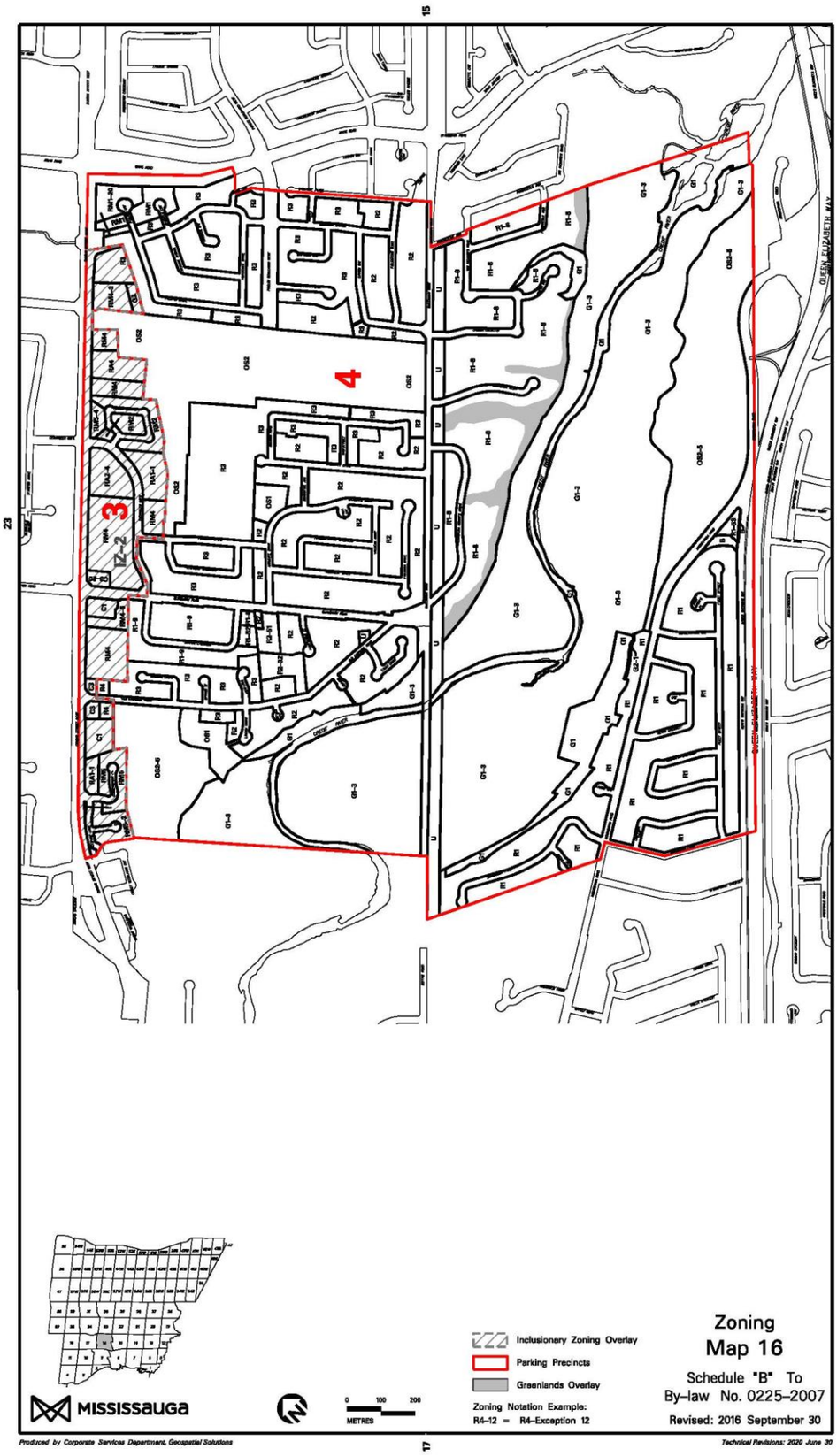

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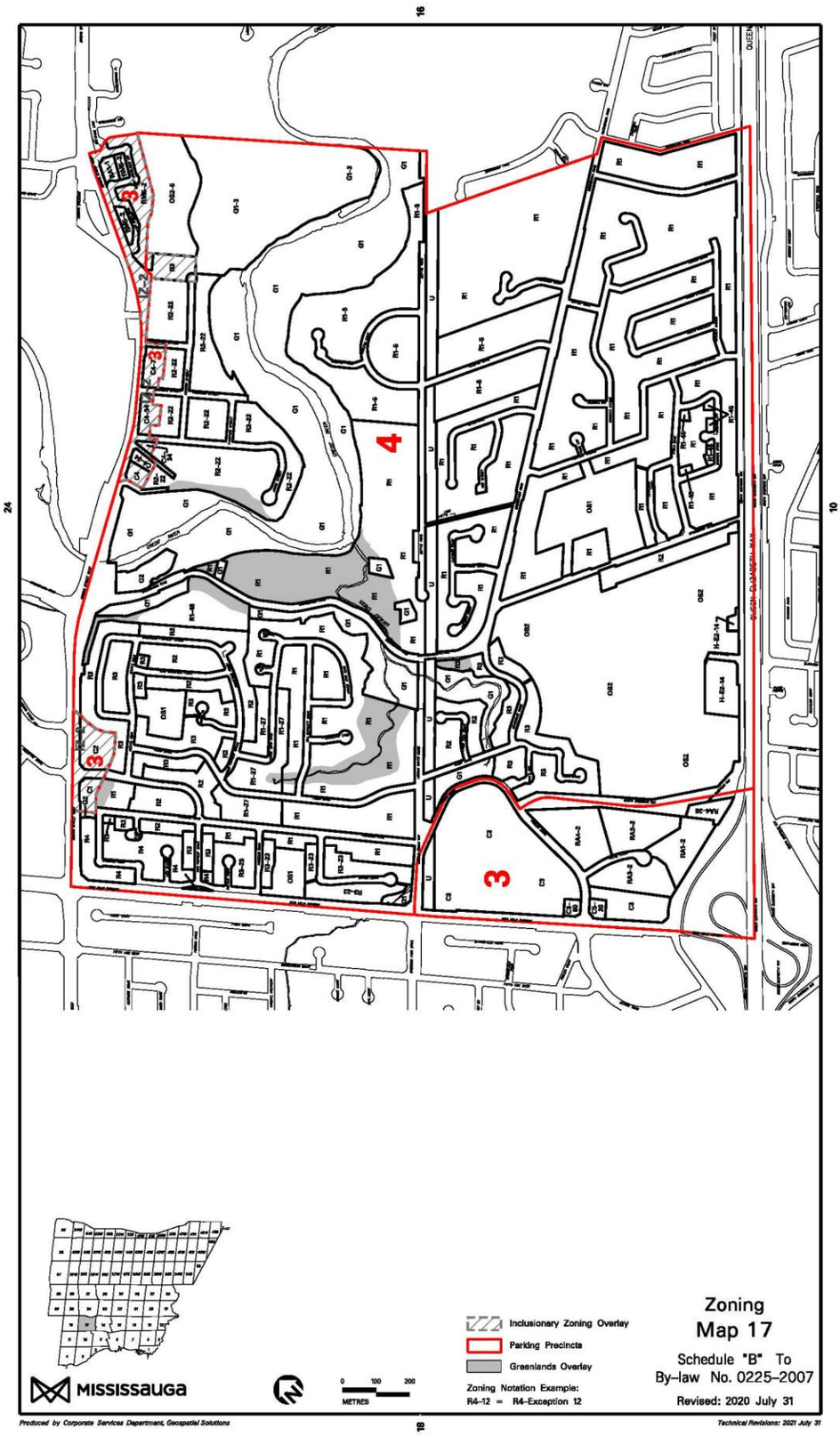

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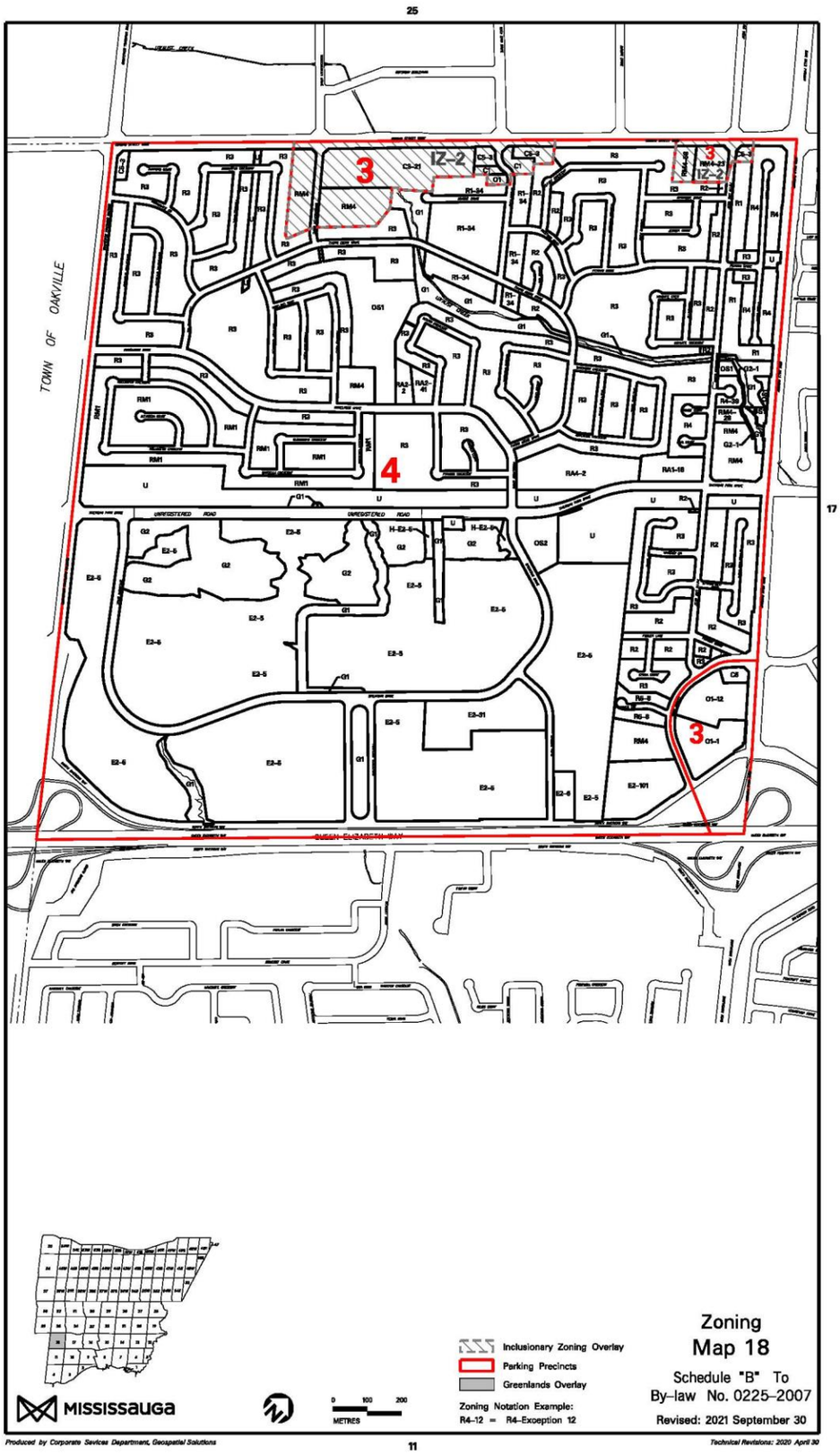

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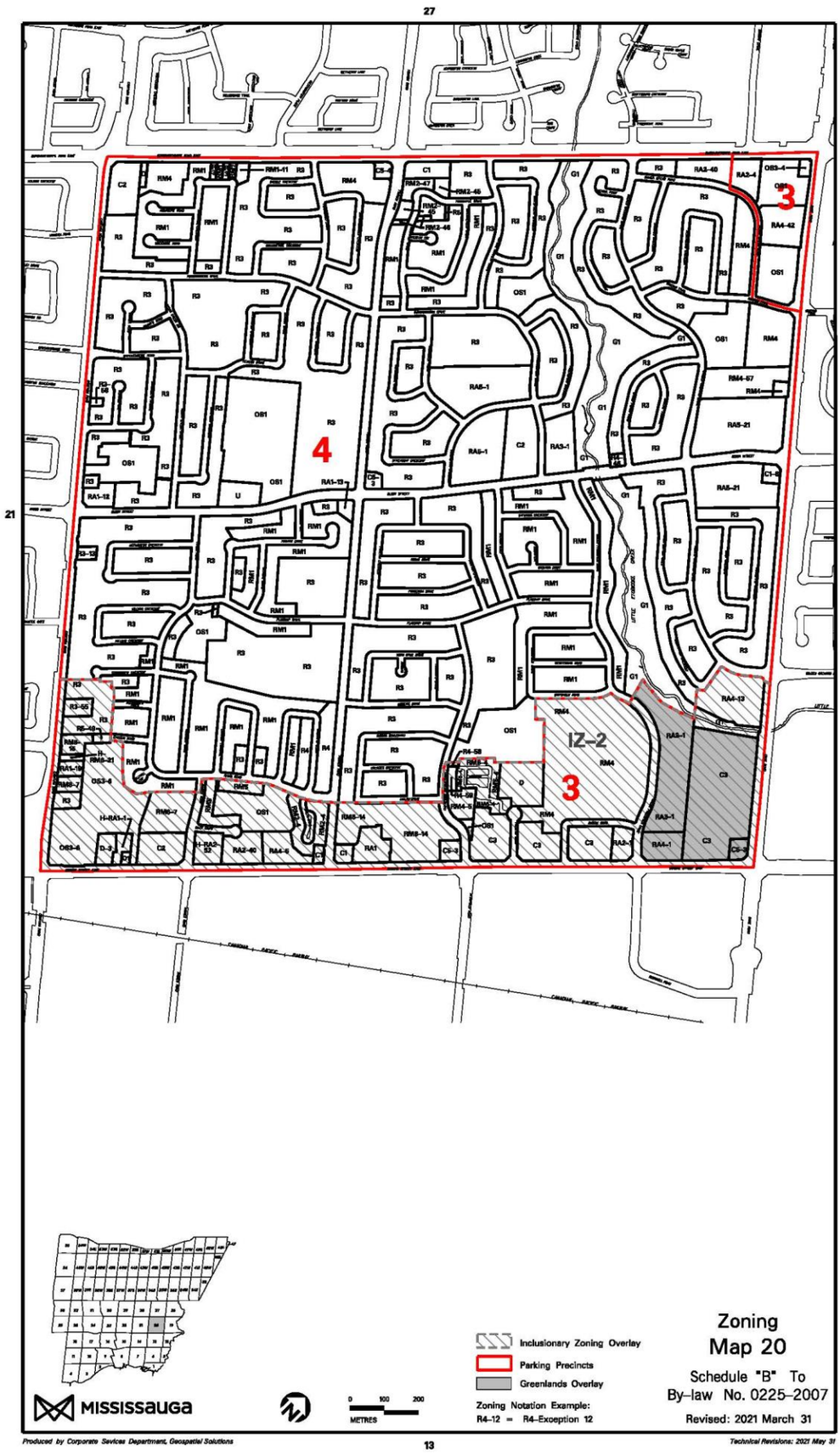

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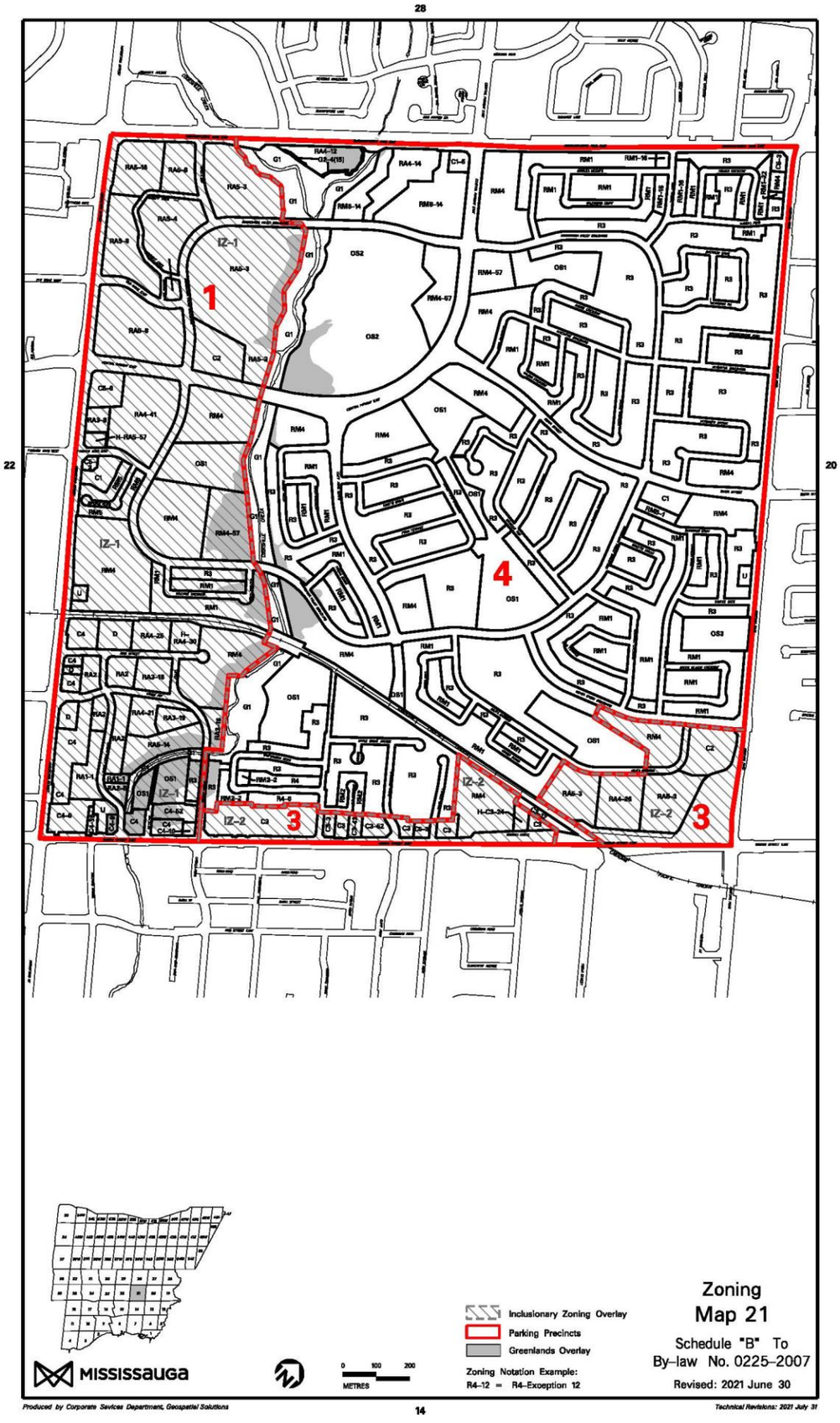

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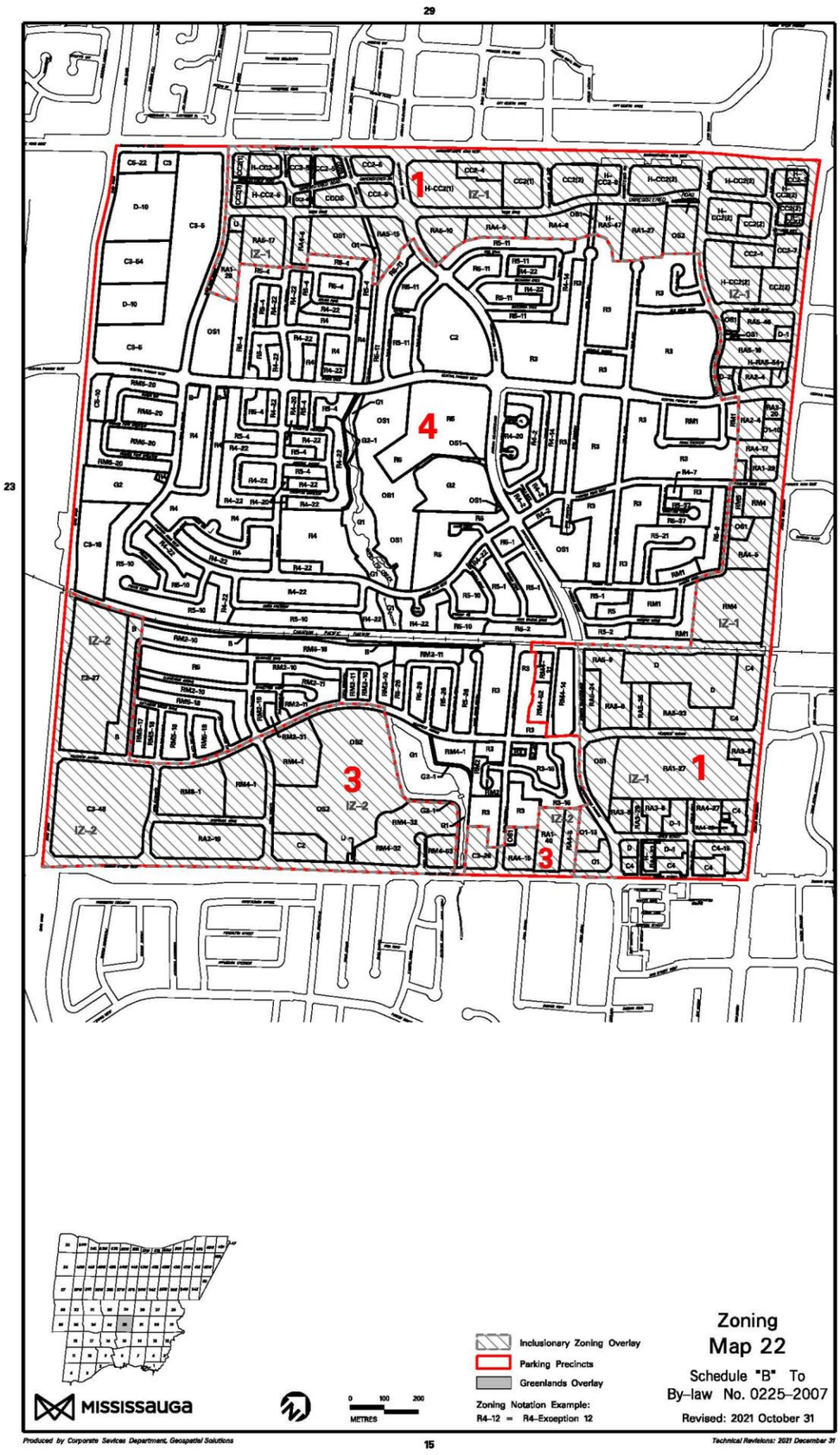

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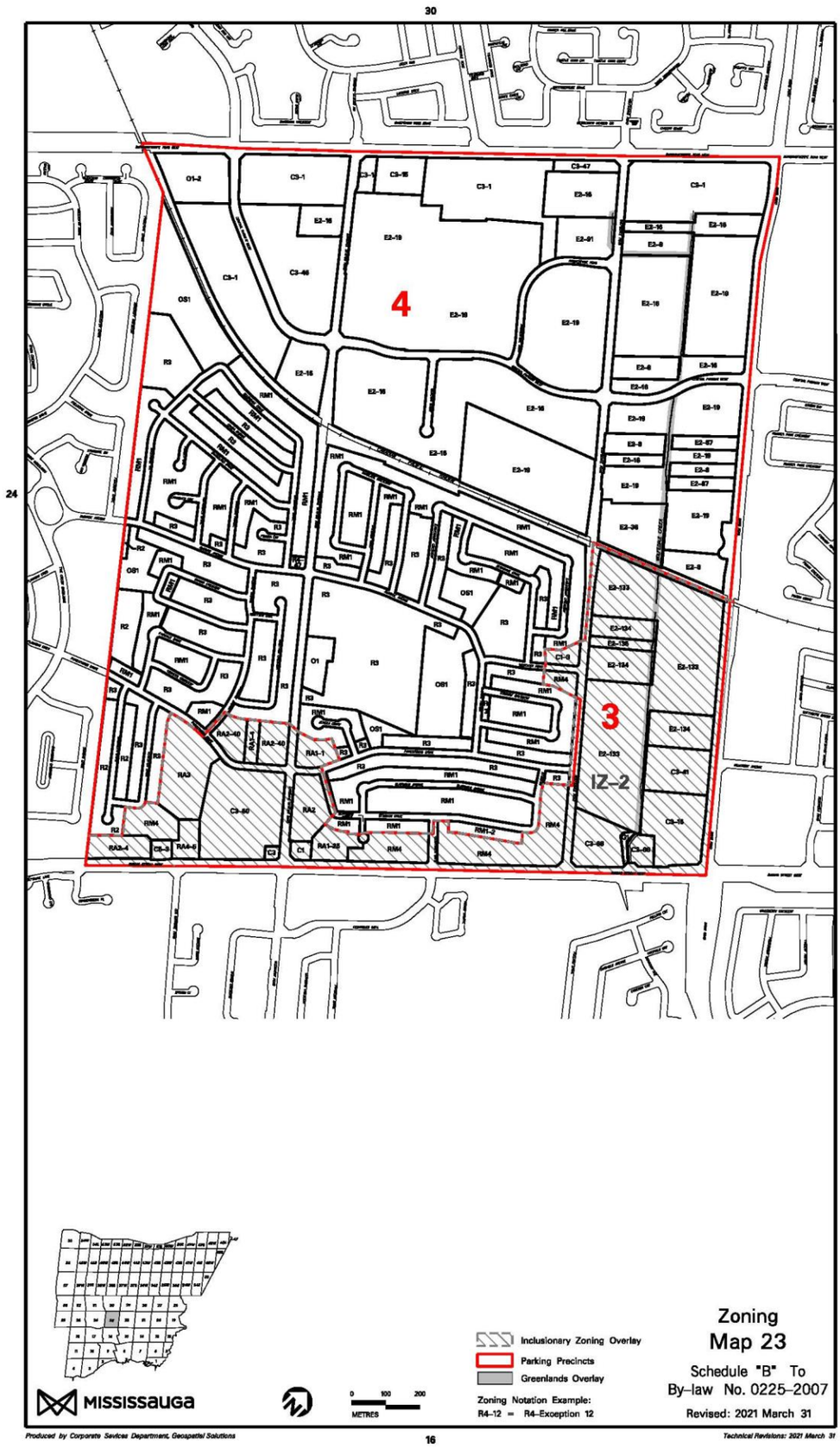

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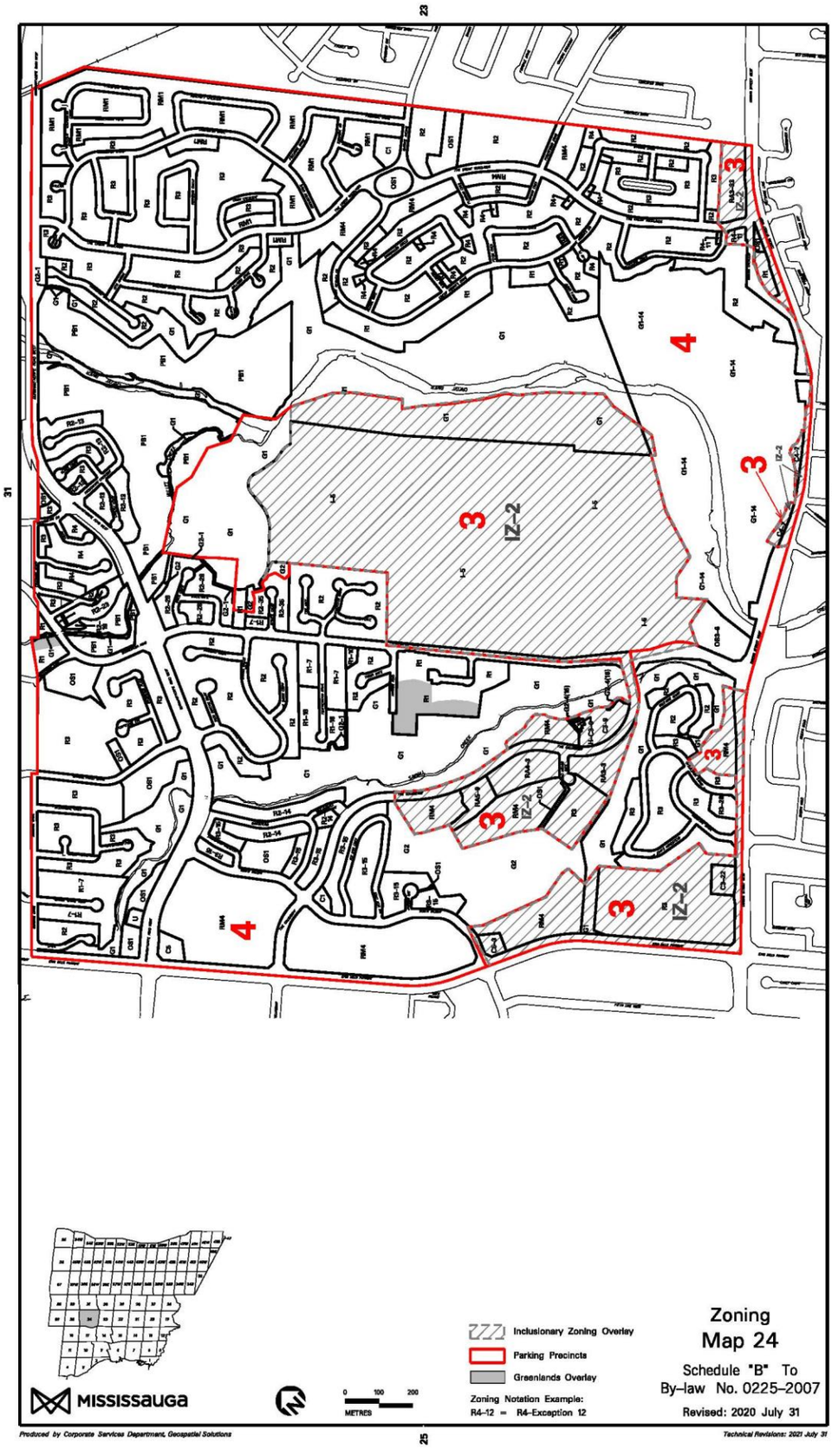

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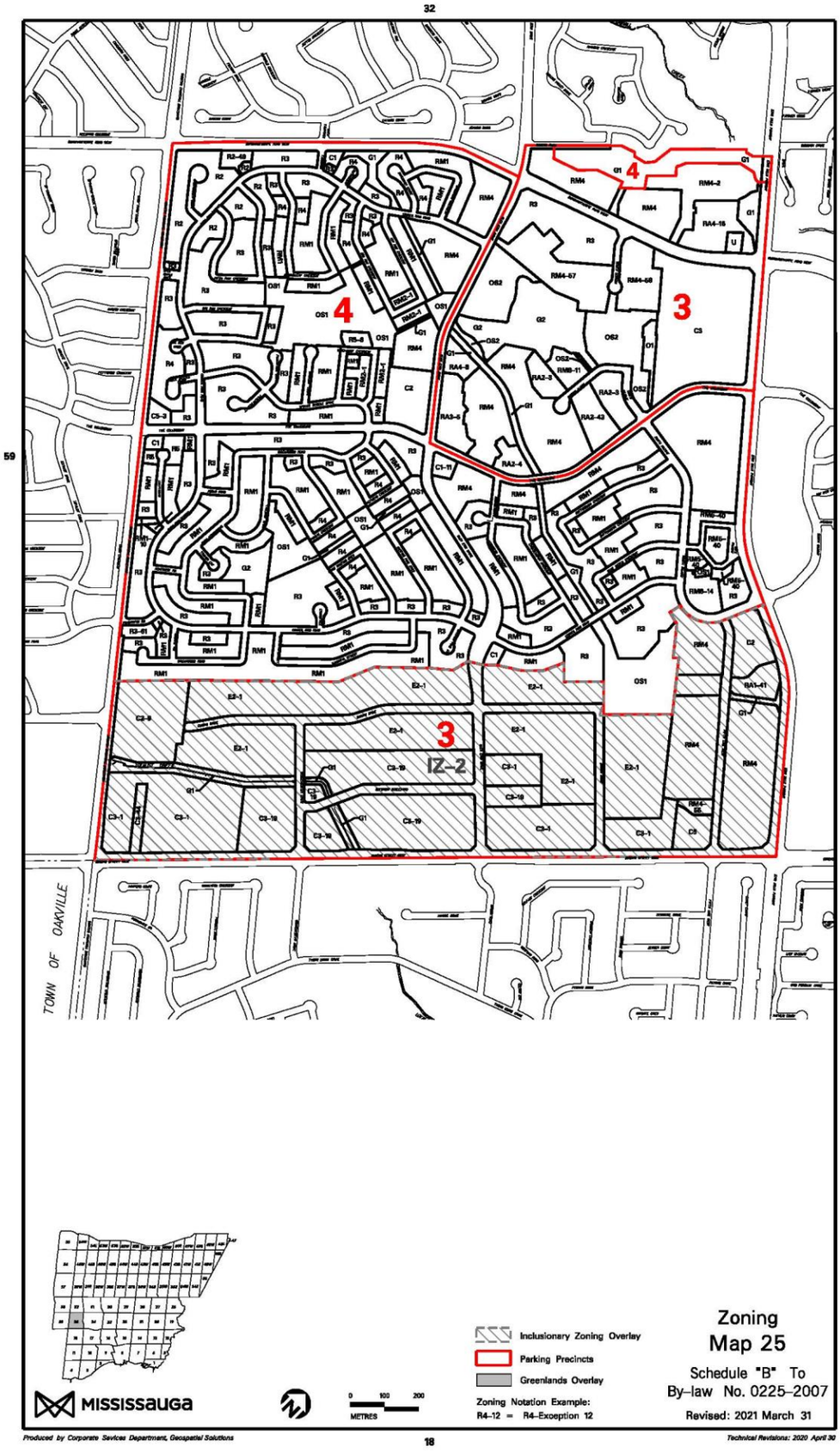

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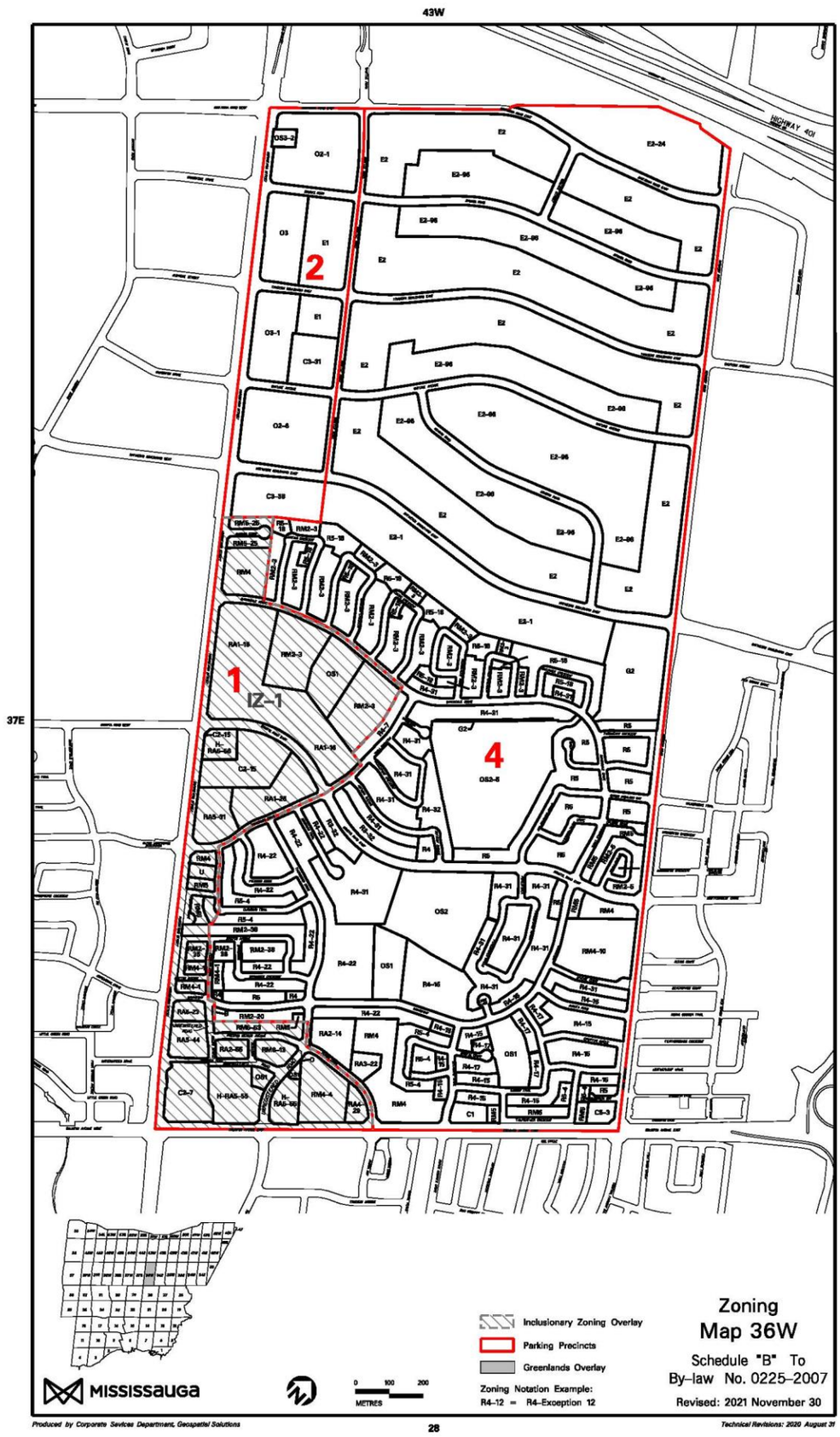

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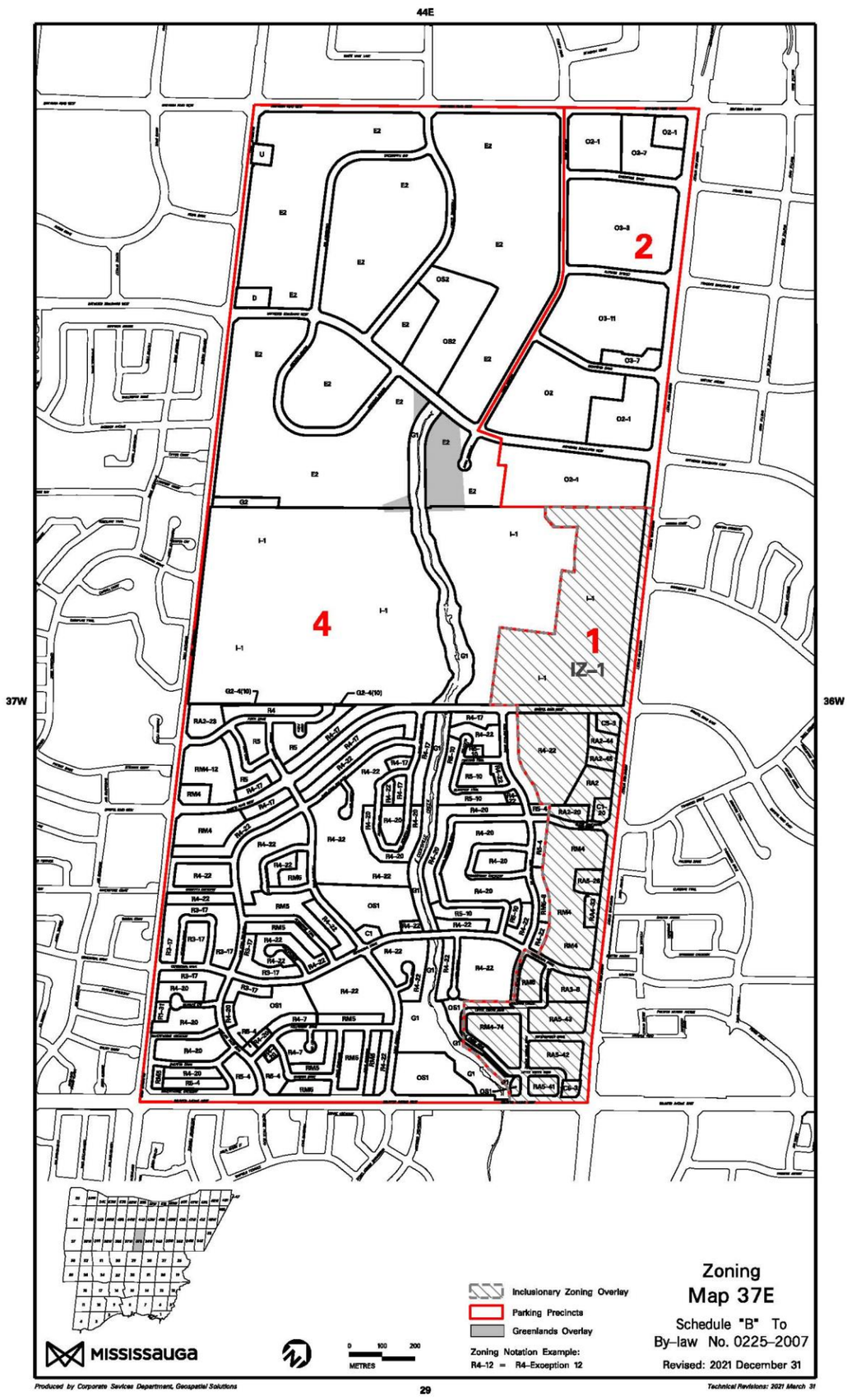

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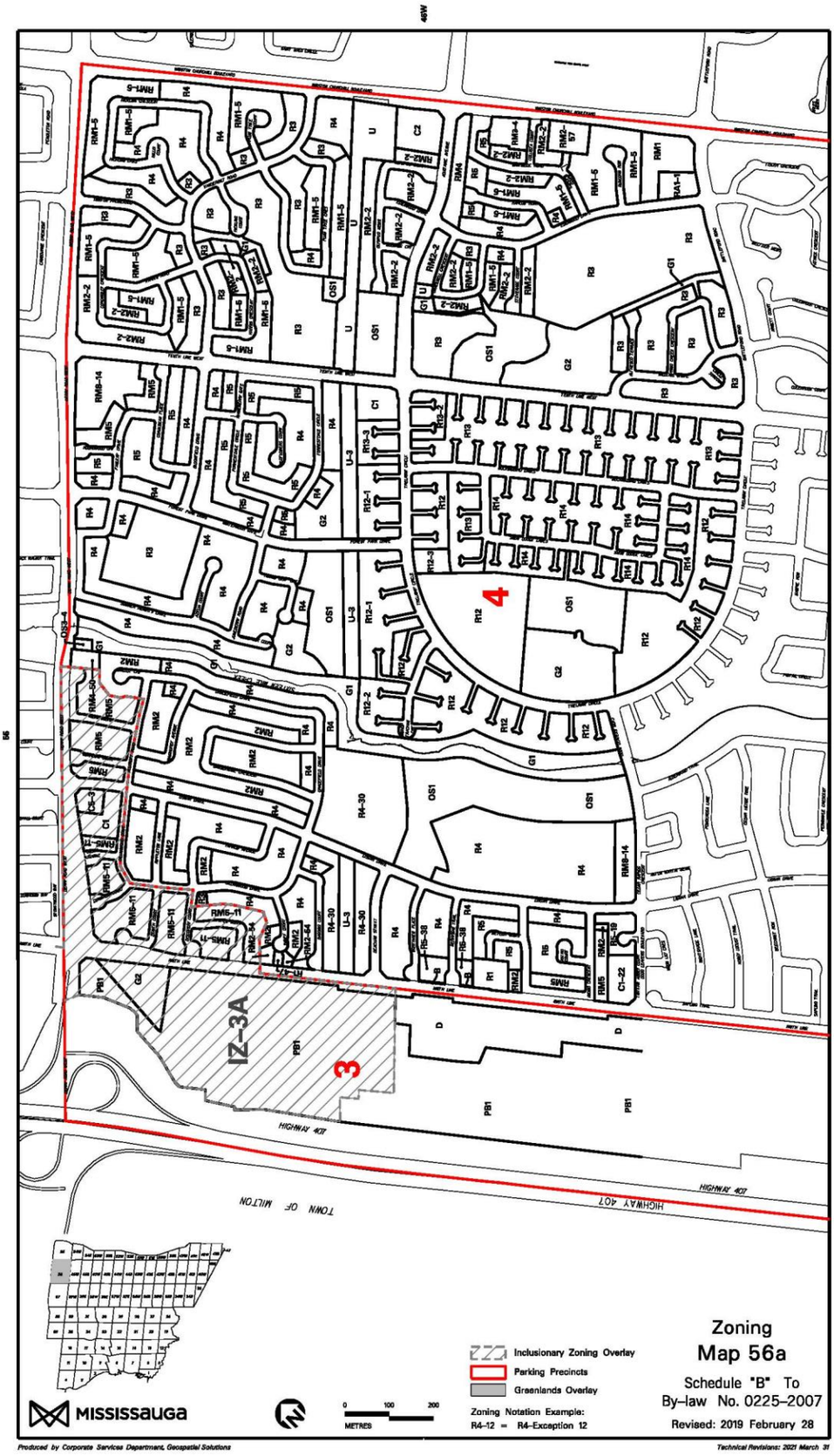

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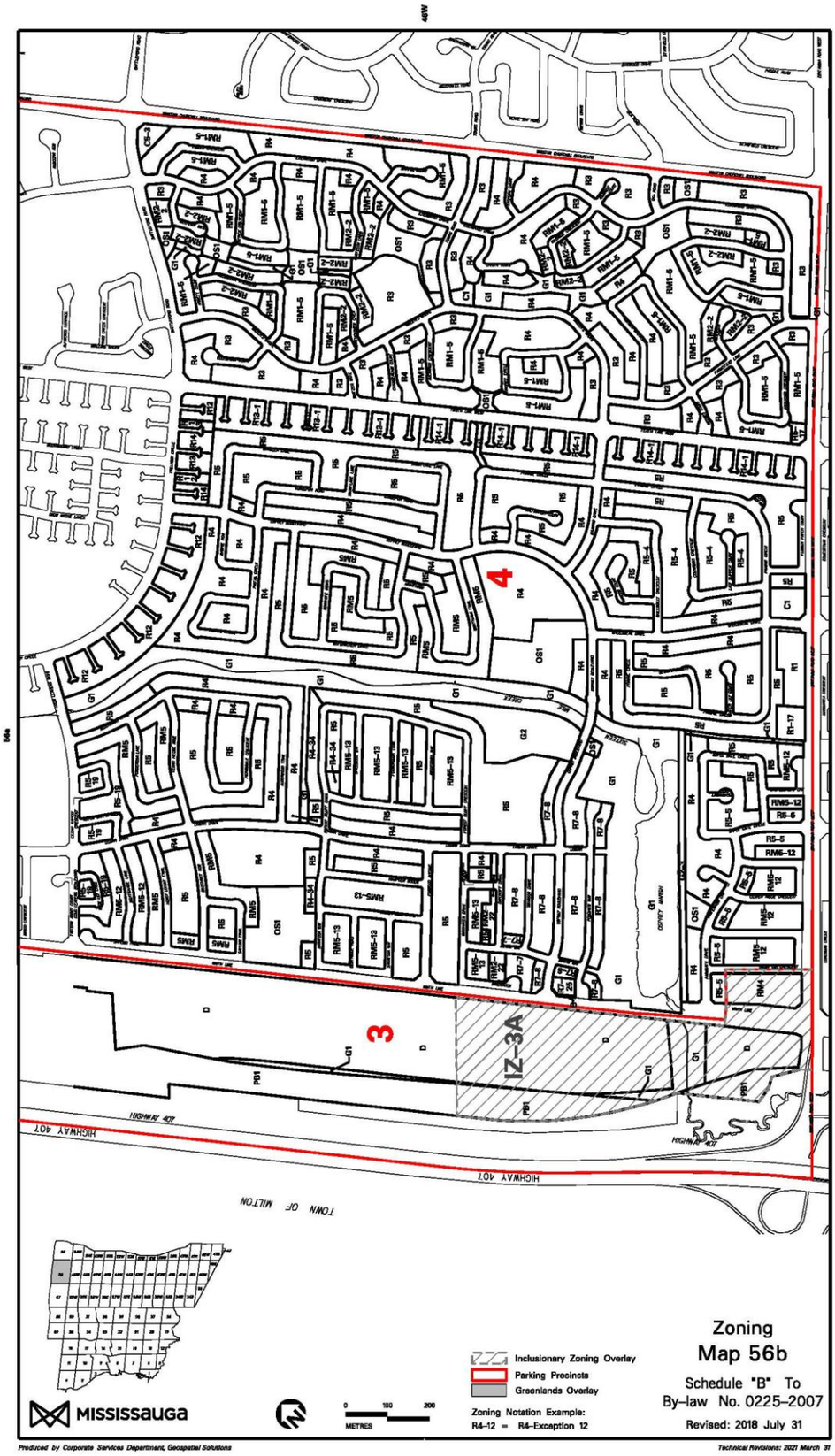

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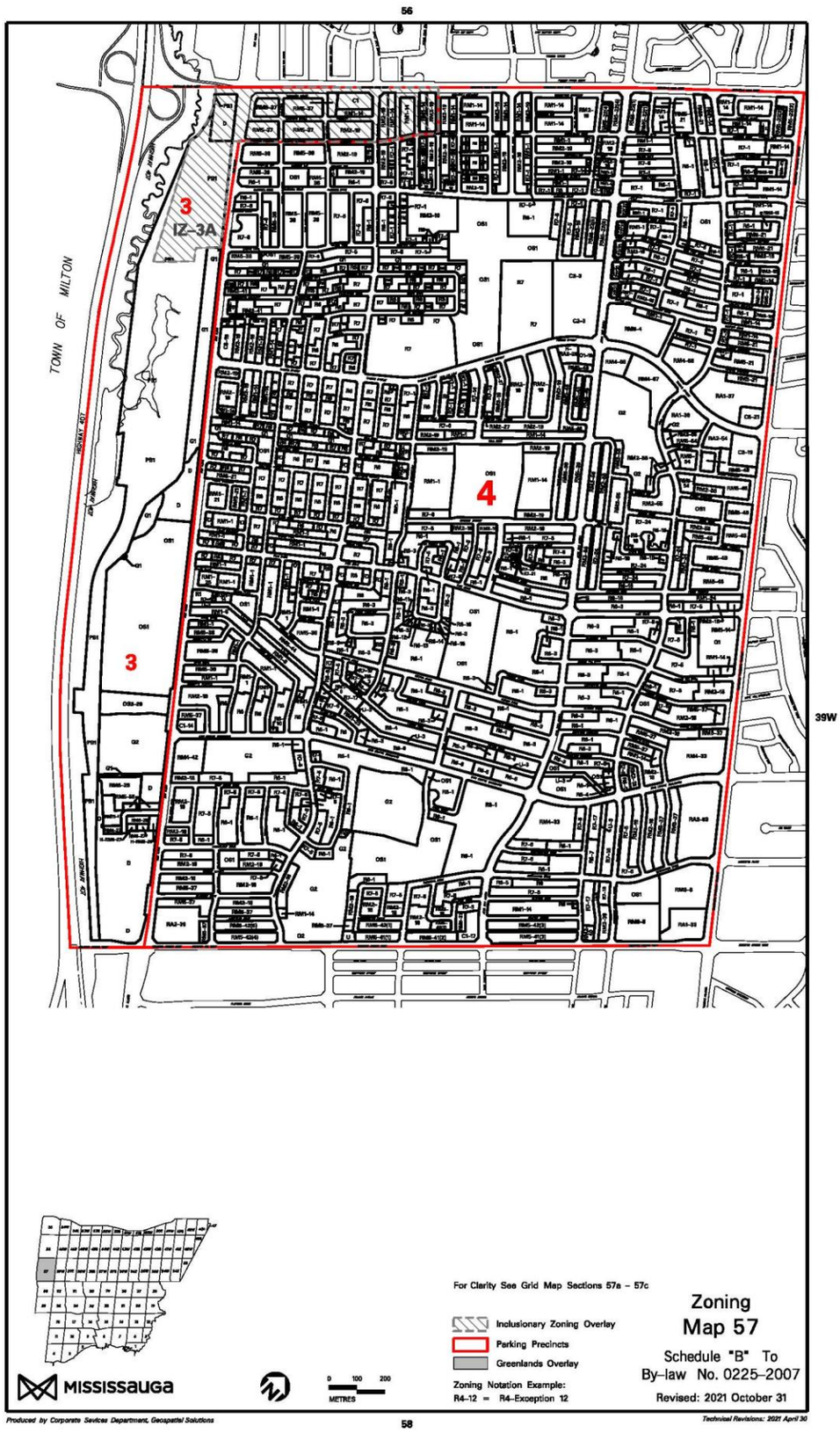

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Draft Schedule “A35”

APPENDIX "A" TO BY-LAW NUMBER _____xx_____

Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to introduce Inclusionary Zoning requirements for certain lands in the municipality.

This By-law amends the zoning of the properties outlined on the attached Schedules "A1 to A35" by adding an Inclusionary Zoning Area overlay consisting of five Inclusionary Zoning Areas.

The proposed zoning provisions require development / redevelopment within the Inclusionary Zoning Area overlay and meeting certain criteria to set-aside a portion of the residential area as affordable housing units. The requirements are secured through a legal agreement with the City and registered on title to the lands.

Location of Lands Affected

The lands affected this amendment are generally located:

- along Hurontario Street from the southernmost point to south of Britannia Road West including Downtown Core;
- along Dundas Street;
- along Lakeshore Road East;
- at the intersection of Ninth Line and Britannia Road West and surrounding lands;
- at the intersection of Ninth Line and Derry Road West and surrounding lands; and
- at the intersection of Lakeshore Road West and Southdown Road and surrounding lands

in the City of Mississauga, as shown on the attached Schedules “A1” to “A35” to this By-law.

Further information regarding this By-law may be obtained from Catherine Parsons of the City Planning and Building Department at 905-615-3200 ext. 8409.

Pursuant to subsections 34(19.3) and 34(19.4) of the *Planning Act*, there is no appeal with respect to the contents of this by-law except by the Minister of Municipal Affairs and Housing.

File tag

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Appendix 3: Comments on Draft Inclusionary Zoning (IZ) Policies and Zoning Framework Presented at May 30, 2022 Public Meeting

Participant	Comment	Staff Response
1 **Sean Meagher, Resident, Cooksville Community Hub Working Group**, oral submission at Public Meeting, Planning and Development Committee May 30, 2022	(1) Rental units should be emphasized through IZ	IZ units may be rental or ownership tenure. Although IZ will mainly apply to condominiums, a 50% discount in the set-aside rate is available for condominium developments that provide their IZ requirement in the form of long-term affordable rental units.
	(2) Luxury rental (150% AMR) should not be included in exemptions	IZ will not apply to purpose-built rental units. The market feasibility analysis indicated that rental projects are currently not viable under an IZ policy framework in Mississauga.
	(3) The feasibility of applying IZ to rental should be reviewed after phase in	Once the rental market is more established and following an updated market feasibility analysis, staff will examine whether rental projects should be subject to IZ.
	(4) Review and expand set aside rates	The feasibility analysis recommended that IZ be phased in over time in Mississauga, to allow the market to adjust to new requirements. Any future adjustments to the policy will depend upon ongoing monitoring and periodic financial impact assessments in accordance with Provincial requirements, or more frequently as necessary.
	(5) Make sure affordability levels are fair to families and individuals; low-income families are disadvantaged in the policy (3-bedroom unit tied to 6th income decile)	The IZ program focuses on moderate-income ownership and renter households, in keeping with the Housing Strategy. However, the policy framework also allows for the delivery of units affordable to low-income households on an opportunity basis when funding from senior government programs is available.
	(6) Incentives should be used to exceed requirements and stack programs	At this time, financial incentives are not proposed. A discounted parking rate will be applied as a regulatory incentive where IZ units receive a 50% reduction from the required parking rates of Precinct 1, and a 30% reduction for Precincts 2, 3, and 4. The cost to construct a parking spot is in the $50K to $70K range.

Participant	Comment	Staff Response
	(7) Move to perpetual affordability to avoid a future "affordability cliff"	Maintaining affordability in perpetuity is challenging from maintenance and administrative perspectives. The proposed affordability period is reasonable based on jurisdictional scans. Staff will consider opportunities to enhance the affordability period after more operational experience with IZ.
2 **Matt Palm, Resident,** oral submission at Public Meeting, Planning and Development Committee May 30, 2022 and written correspondence received May 22 – 25, 2022	(8) Support the provision of a clear schedule and timeline (Table 2). If a developer believes it's a strong market, they will live with modest IZ – what they need is certainty about what to expect from it.	As noted in the comment, staff have defined a clear set-aside phase in schedule.
	(9) Strongly support the highest IZ levels being around the Hurontario Line and Port Credit as is currently planned.	The IZ set-aside rates are based on the findings of the market feasibility analysis.
	(10) Vote for method two of the resale options for ownership units. Trouble imagining a government system that can effectively administer something over that long a time horizon.	Through discussions with the Region of Peel, it was determined that the capped price option (method one) would provide the best housing outcomes.
	(11) As an alternative to 50 years, perhaps something in the middle, like a 25 or 20-year threshold.	Jurisdictional scans suggest longer affordability terms are commonly used.
	(12) Consider a co-op or association to manage all the IZ units if a 50-year time horizon is used.	The Region of Peel is currently examining how to administer IZ units throughout the Region. The City is confident that Peel's expertise and long-standing role as Housing Service Manager and developer of affordable housing make them a sound implementation partner.
	(13) 49 units and below being exempt seems generous.	This intent of this policy is to promote smaller mid-rise developments by exempting them from IZ requirements
	(14) Parking reductions seem like a good concession.	Parking reductions for affordable housing have been justified through a recent city-wide parking review. They are an appropriate incentive in this instance as no operational or financial impacts are expected.

Participant	Comment	Staff Response
	(15) Require IZ be fully mixed in with the private units.	The intent is to have no major discernable differences between the IZ and market units. This will be further addressed through IZ agreements and implementation guidelines.
	(16) Proposed set-aside rates are in line with other jurisdictions	In accordance with Provincial regulations, proposed rates are supported by the results of a market feasibility analysis where sub-market areas were tested under the most onerous conditions (i.e. with the assumption that no financial offsets are provided).
3 **Mari Leesment, Resident,** oral submission at Public Meeting, Planning and Development Committee May 30, 2022	(17) Safe spaces are needed for people experiencing homelessness and addiction	Agree - but this is beyond the scope of IZ.
4 **Peel ACORN,** written correspondence received May 27, 2022	(18) Affordability Period: the period for which the units are kept affordable should be in perpetuity	See response to comment 7
	(19) Set Aside Rates: at least 20-30% of units should be set aside as affordable	See response to comment 16
	(20) Types of Buildings: expanding IZ to purpose-built apartment buildings would be beneficial	See response to comment 3
	(21) IZ Policy Benefits Middle Income: low- to moderate- income people won't be able to benefit from this policy	See response to comment 5
5 **Tanya Burkart, Resident, Peel ACORN,** oral	(22) Set-aside rates are far too low; Other municipalities have set-aside rates higher than 10%	See response to comment 16

Participant	Comment	Staff Response
submission at Public Meeting, Planning and Development Committee May 30, 2022	(23) Exceptions to IZ should not be allowed	The Province has mandated statutory exemptions. The City is proposing an additional transition period, to allow for development applications that are currently in progress to advance under the existing planning regime. Additional exemptions address non-market housing and special needs housing (e.g. long-term care, student residences) and affordable housing (e.g. Region of Peel, non-profit).
	(24) Affordability should be in perpetuity	See response to comment 7
6 **Harold Glick, Resident, Peel ACORN,** oral submission at Public Meeting, Planning and Development Committee May 30, 2022	(25) Above Guideline Increases (AGI) for capital expenditures continue in perpetuity – condo special assessments end once the capital expenditures/improvements are paid off	This is beyond the scope of IZ and municipal authority.
	(26) Review of Landlord Tenant Board legislation is needed	This is beyond the scope of IZ and municipal authority.
	(27) IZ should be in perpetuity	See response to comment 7
	(28) IZ should be city-wide	Agree - but the Province restricts the application of IZ to MTSAs.
7 **Nikolina Conteh, Resident, Peel ACORN,** oral submission at Public Meeting, Planning and Development Committee May 30, 2022	(29) Housing waitlists are too long	Agree - but this is beyond the scope of IZ, which represents only one strategy to address affordable supply.
	(30) Set-aside should be 30% affordable rental housing in all new developments; highest set-aside possible based on annual feasibility studies	See response to comment 16
	(31) Affordability should be in perpetuity	See response to comment 7
	(32) Expand IZ across entire region	See response to comment 28
8 **Saad Malik, Resident, Peel ACORN,** oral submission at Public	(33) The rent guideline increase process is concerning – not enough information provided to challenge or understand	This is beyond the reach of IZ and municipal authority. The Province regulates rent control and rent increases.
	(34) IZ should be city-wide	See response to comment 28

Participant	Comment	Staff Response
Meeting, Planning and Development Committee May 30, 2022	(35) Set-aside rate should be highest feasible	See response to comment 16
	(36) Affordability should be in perpetuity	See response to comment 7
9 **Asiya Sultana, Resident, Peel ACORN,** written correspondence received May 31, 2022	(37) Set aside 20% to 30% of every new development as affordable rental housing	See response to comment 16
	(38) Keep affordable rental/ownership units as affordable rental housing forever	See response to comment 7
	(39) Apply IZ requirements to developments with 60 or more units	See response to comment 13
	(40) Apply IZ requirements in every part of the Region	See response to comment 28
	(41) Require every development to include the maximum amount of affordable rental housing feasible	See responses to comments 2, 4, and 16
10 **Michelle Bilek, Peel Alliance to End Homelessness,** written correspondence dated May 20, 2022	(42) IZ should be encouraged to provide deeply affordable housing	The IZ program targets moderate-income ownership and renter households, in keeping with the Housing Strategy. However, discounts to the IZ set-aside rate may be considered for projects proposing to offer units that are more deeply affordable.
	(43) Definition of Affordable excludes single low-income adults and seniors	The definition of “affordable housing” is consistent with the Provincial Policy Statement definition. The focus of IZ is creating units that are affordable for moderate-income households.
	(44) Phased approach does not support current needs, should mandate 10% immediately and phase in a higher percentage within 5 years	See responses to comments 16 and 29.
	(45) The 25 year affordability for rental units and 50 year affordability for home ownership should be reconsidered	See response to comment 7

Participant	Comment	Staff Response
11 **Paula Tenuta, BILD,** written correspondence dated May 27, 2022	(46) Expedited approvals and offsets such as density bonusing and financial incentives are required to offset the costs of IZ	Density bonusing and financial offsets are currently not proposed. IZ units will receive a 50% reduction from the required parking rates of Precinct 1, and a 30% reduction for Precincts 2, 3, and 4. The cost to construct a parking spot is in the $50K to $70K range. Reducing parking requirements is a regulatory incentive.
	(47) The City's market feasibility analysis is outdated and neglects to identify the impact of current proposals related to development charges and parkland costs that will also be presented to Council in the near future for consideration	Periodic market analyses of the impact of the IZ requirements will be undertaken. The policy framework will be adjusted if monitoring and updated financial assessments demonstrate that that IZ is having a negative impact on the housing market.
12 **Ben Fulton, on behalf of the Accessible Housing Network (AHN),** written correspondence received May 31, 2022	(48) Municipalities are in a position to implement building codes to stipulate that new buildings are accessible, not only in the commercial sector, but also the residential sector. The city can pass by-laws requiring new buildings to be universally accessible.	This is beyond the scope of IZ.
	(49) The city can require all new buildings to pass an accessibility assessment performed by an accredited consultant specifically trained to provide an assessment of the blueprint and building designs.	This is beyond the scope of IZ but accessible units can be encouraged through Implementation Guidelines and secured through IZ agreements.
	(50) The municipality can work with regional. Provincial and Federal governments to establish an accreditation process to ensure those qualified to perform the accessibility assessments have the necessary training to provide expert and knowledgeable advice.	See response to comment 49
	(51) The City can ensure any money given to developers for the creation of Inclusionary Zoning carries with it the stipulation that the units constructed must be universally accessible.	Neither direct funding nor financial incentives, will be provided to developers in exchange for IZ units. Should funding and/or incentives be included in the IZ program in the future, universal accessibility could become a condition of the funding.

Participant	Comment	Staff Response
13 **Simon Tran, Resident,** written correspondence received May 17 – 27, 2022	(52) Skeptical of the efficacy of IZ without offsets; relying on land value capture alone seems ineffective with all the exceptions; there should be density bonuses	See response to comment 47
	(53) IZ should be permitted beyond arterials with MTSAs	See response to comment 28
	(54) Concerns about the quality and size of units	The IZ set-aside rate is based on percent of GFA, not total number of units, so that IZ units can be sized appropriately based on need. Additional quality performance standards may be addressed through IZ agreements and Implementation Guidelines.
	(55) Will IZ developments still have to go through the exact same approvals process as non-IZ, including Section 37?	IZ developments will be required to proceed through the normal applicable approvals process. The s. 37 regime is shifting from density bonusing to the Community Benefits Charge.
	(56) Buildings with less than 50 units should not be exempt	See response to comment 13
	(57) Condo and rental buildings should have the same IZ program	See response to comment 3
14 **Sean Keddy on behalf of the Right to Housing Peel Region,** written correspondence dated May 30, 2022	(58) Limited potential for affordable rental units to be created through this initiative	See response to comment 3
	(59) Reconsider the feasibility of more stringent set-aside rates	See response to comment 4
	(60) Skeptical about whether the undefined discount on set aside rates in return for deeply affordable options will be effective	A discount was not defined in order to ensure that the discount is proportional to the number and depth of affordability of any proposed deeply affordable units.
	(61) Two year ownership affordability period is alarming; propose scrapping this option altogether	This option has been removed.

Participant	Comment	Staff Response
	(62) Ambivalent about the 25-year affordability period required for rental options	See response to comment 7
	(63) There should be more onerous conditions on ownership options to consider rentals more seriously and the 25-year rental affordability period should be reviewed	See response to comment 4
	(64) Keen to see the City consider options such as donating land to community housing providers and increasing financing to create deeply affordable housing options	The City continues to implement its *Housing Strategy* which includes land-based actions such as exploring community land trusts and partnerships with non-profit housing producers. In recent years, the City has donated land to Habitat for Humanity for affordable housing.

City of Mississauga
Corporate Report

MISSISSAUGA

Date: May 6, 2022 To: Chair and Members of Planning and Development Committee From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Originator's files: CD.06-INC Meeting date: May 30, 2022

Subject

PUBLIC MEETING INFORMATION REPORT

Inclusionary Zoning for Affordable Housing – Draft Official Plan Amendment and Zoning Framework

Recommendation

That the report titled "Inclusionary Zoning for Affordable Housing – Draft Official Plan Amendment and Zoning Framework" dated, May 6, 2022, from the Commissioner of Planning and Building, and any submissions received at the public meeting held on May 30, 2022, be received for information.

Executive Summary

- As housing continues to be out of reach for many of Mississauga's households, it is important that the City of Mississauga and Region of Peel leverage available legislative tools such as Inclusionary Zoning (IZ) to protect and grow the affordable housing supply.
- On January 24, 2022, staff presented preliminary policy directions to Planning and Development Committee (PDC)[1]. PDC directed staff to engage the public and stakeholders on the proposed policy directions and subsequently prepare draft official plan policies and a zoning framework.
- In February and March 2022, staff held community engagement events and meetings to explain the IZ policy directions and hear feedback from stakeholders, housing advocates, and the public. Staff have attempted to address issues raised.
- Staff will prepare the final recommended IZ Official Plan Amendment (OPA) and IZ By-law for approval in Summer 2022.

[1] Item 5.4: https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=a8c18814-845c-4546-9241-3a329945f593&Agenda=Agenda&lang=English&Item=15&Tab=attachments

- IZ can be implemented where Major Transit Station Area (MTSA) policies are approved in the Region of Peel Official Plan and Mississauga Official Plan.[2] Provided MTSA approval has occurred, staff plan on requiring that new development applications will be subject to IZ starting in January 2023 through a phased approach.

Background

As market rental and ownership housing prices in Mississauga continue to be out of reach for many households, the City and Region need to employ all available tools to facilitate the creation of affordable housing units. The City has introduced a number of measures to protect and support affordable rental housing such as rental protection, demolition control, large site mixed housing policies and most recently financial offsets such as development charge grants and the upcoming Community Benefits Charge (CBC) to partially fund affordable housing initiatives.

Staff have also used the S.37 density bonusing provision of *Planning Act* to secure affordable ownership units or cash equivalents in recent years. As this regime shifts to CBCs, implementing IZ can help offset some of the lost S.37 housing opportunities.

IZ is proposed to target Mississauga's moderate-income households who are struggling to find market rental and ownership housing that they can afford, but earn too much to be eligible for community housing programs offered through the Region of Peel and other housing providers. IZ could also create units affordable to low-income households, but would likely require partnerships and funding / incentives to bridge the cost gap, and would be considered on an opportunity basis.

On January 24, 2022, staff presented the Planning and Development Committee (PDC) with an Update Report on the *Inclusionary Zoning for Affordable Housing Study* ("IZ Study"). The report confirmed that Regional and local staff have completed the background analysis required by legislation to implement IZ, described public and stakeholder feedback received to that point, and presented preliminary IZ local policy directions. PDC authorized staff to proceed with public consultation, prepare draft policies and zoning framework, and hold a statutory public meeting to consider these items.

What We Heard

Through consultation on the preliminary policy directions with the development industry, Building Industry Land Development Group (BILD), housing advocates, non-profit housing providers, and residents, several issues were raised.

The development community and BILD identified:

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[2] IZ may also be implemented in other areas as directed by the Province.

- Transparency and clarification are needed regarding transition, exemptions, phasing up of IZ requirements over time.
- Expedited approvals and offsets (e.g. density bonusing, financial incentives) are requested to offset the cost of IZ.
- Concern that the market feasibility analysis is outdated and does not take recent and upcoming development cost increases into consideration.

Housing advocates identified:

- Questions about occupant eligibility and the process to access to units, including how households will be prioritized.
- The depth and duration of affordability could be expanded for IZ units.

General feedback identified:

- A desire for IZ to prioritize the creation of affordable rental units.
- There is a need for other forms of housing (e.g. co-op and rent-to-own housing, accessible units, and affordable ground-oriented family-sized units).

Comments

This report provides a draft OPA and zoning framework to implement IZ in Mississauga. The draft policies have been informed Region of Peel Housing Strategy (2021),[3] the market feasibility analysis (December 2021 Revised)[4] completed by N. Barry Lyon Consulting (NBLC), the peer review (December 2021)[5] completed by urbanMetrics, and public and stakeholder feedback to date.

1. Ownership developments over 50 units or 3,600 square meters of residential area would be subject to IZ

Projects less than 50 ownership units and 3,600 square metres of gross floor area for residential purposes would not be subject to IZ. This would exempt smaller mid-rise developments. Only ownership developments would be subject to IZ, consistent with prior direction. Dedicated IZ units could be rental or ownership tenures.

2. Affordability thresholds have been updated to 2022 values

The IZ program would target middle income households described below in Table 1:

Table 1 – Proposed 2022 Unit Affordability Thresholds

[3] https://pub-peelregion.escribemeetings.com/filestream.ashx?DocumentId=12969
[4] https://www.peelregion.ca/officialplan/review/pdf/NBLC-IZ-Feasibility-Analysis-Dec-2021.pdf
[5] https://www.peelregion.ca/officialplan/review/pdf/urbanMetrics-IZ-Assessment-Peer-Review-Dec-14-2021.pdf

	1-Bedroom Unit	2-Bedroom Unit	3-Bedroom Unit
Affordable Ownership Units			
Household Income Target	$77,000 (Decile 4)	$95,000 (Decile 5)	$114,000 (Decile 6)
Maximum Purchase Price*	$310,000	$381,000	$459,000
Affordable Rental Units			
Household Income Target	$45,000 (Renter Decile 4)	$55,000 (Renter Decile 5)	$66,000 (Renter Decile 6)
Maximum Monthly Rent*	$1,120	$1,390	$1,670

*Based on housing costs not exceeding 30% of household income.

A mix of both large and small units will be required with further specificity to be included in the implementation guidelines.

3. IZ market impact, transition, exemptions, incentives and phasing

In response to several issues raised by the development industry, staff offer the following clarity:

Locations and Set-aside Rates

The proposed set-aside rates and corresponding IZ areas are identified in Figure 1 and Table 2 below. To address concerns about market impact, the set-rates are proposed to be phased up over a 3 year period. A discount of 50% is proposed for developers providing affordable rental units in condominium projects.

Two signalling policies are included for the following scenarios:

- Lands within Clarkson GO MTSA that are currently under study for potential Employment Land conversions are flagged with a potential future IZ requirement of 10%, should conversions occur. The higher set-aside rate reflects the uplift resulting from the granting of new land use permissions.
- Lands within MTSAs where IZ requirements are currently not proposed may be subject to IZ in the future.

The policies provide advance notice to developers to prepare for future IZ requirements. The rates may be changed through future market analyses and amendments to official plan policies and zoning provisions.

Figure 1 – Draft Mississauga Official Plan Map identifying Inclusionary Zoning Areas[6]

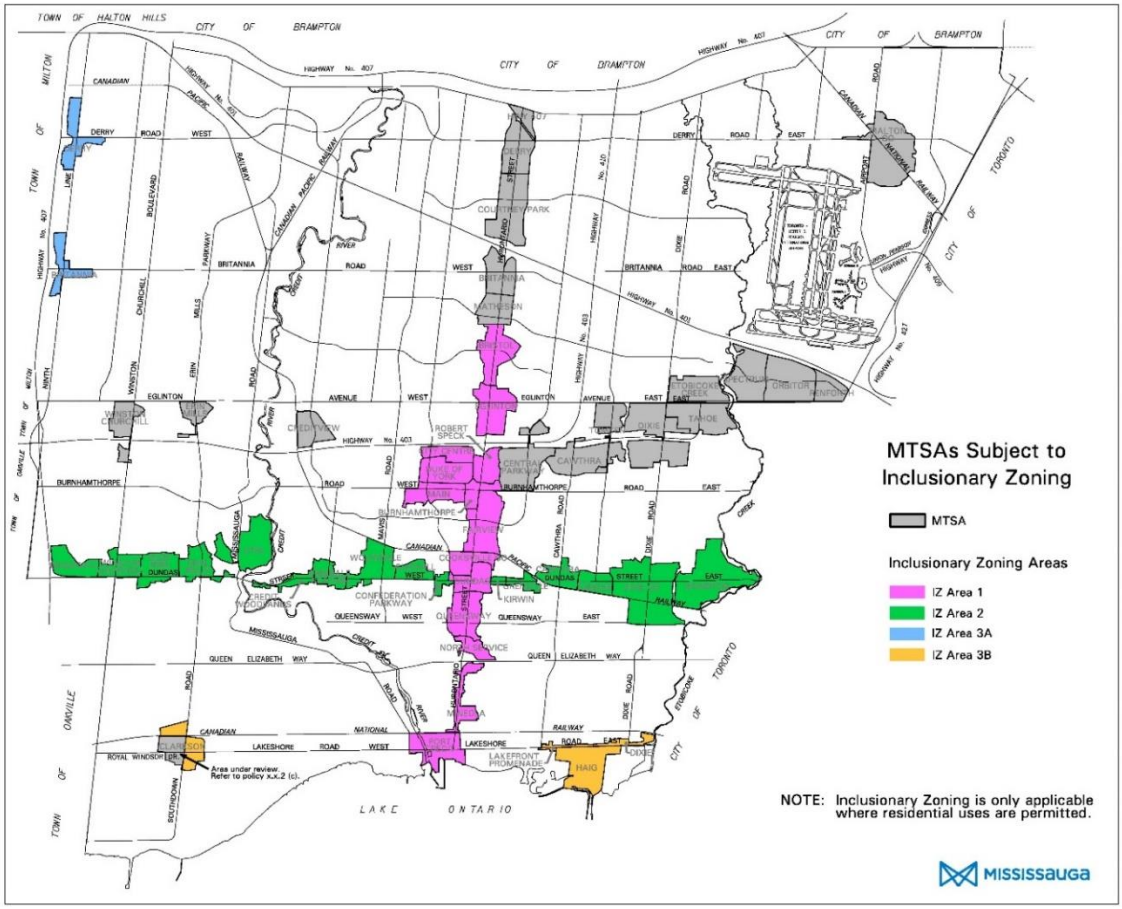


Table 2 – Phase-in Schedule for Minimum Required Percentage of Residential Gross Floor Area in Ownership Projects to be Affordable Housing*

Market Area	Tenure of Affordable Housing Units	Applies January 1, 2023 to December 31, 2023	Applies January 1, 2024 to December 31, 2024	Applies January 1, 2025
IZ Area 1	Ownership	4%	7%	10%
	Rental	2%	3.5%	5%
IZ Area 2	Ownership	3%	5%	7%
	Rental	1.5%	2.5%	3.5%
IZ Area 3A and IZ Area 3B	Ownership	3%	4%	5%
	Rental	1.5%	2%	2.5%

[6] Please refer to Appendix 1 for a larger scale map. Draft MTSA delineations are available on the MTSA dashboard: https://mississauga.maps.arcgis.com/apps/dashboards/dc8aa0db74ef49949e76a3330fe77016

*Note – requirements will only take effect when MTSAs are approved by the Province and Region.

Off-site Unit Delivery is Permitted

The *Planning Act* enables municipalities to establish criteria for the provision of offsite IZ contributions, provided offsite units are located in proximity to the development giving rise to affordable housing requirement, and the land on which the offsite units are situated shall also fall within an area subject to IZ. Staff propose to focus the off-site delivery of IZ units to situations where an improved housing outcome is achieved (i.e. affordable units required in a condominium building could be delivered in adjacent rental building). Off-site delivery should not be used as a mechanism to defer IZ obligations.

Incentives

Direct municipal financial incentives are not proposed for IZ units. The analysis completed by NBLC established the feasibility of development under an IZ framework in sub-market areas under the most onerous conditions (i.e. no financial incentives).

While financial incentives are not offered, staff recommend a phased approach to implement IZ. Additionally, a reduction of the required parking rates for IZ units will be provided. Parking rates in Precinct 1 are reduced by 50% from required rates, and in Precinct 2, 3, and 4 are reduced by 30%.[7]

Statutory Transition and Additional Transition Period before Effective Date

Staff are targeting a Summer 2022 PDC meeting and subsequent Council meeting for adoption of the final OPA and IZ By-law. The statutory exemptions require that the following scenarios are exempt from IZ:

- A site plan application or building permit application received on or before the date of passing of the IZ By-law; or
- A rezoning application along with a plan of subdivision application or plan of condominium application received on or before the date of adoption of the IZ OPA.

The IZ OPA and By-law will also set out a future date when the IZ requirements will come into effect, which is the later of January 1, 2023 or the date MTSAs are approved (by Province and Region). The following scenarios will be exempt from IZ if received prior to this date:

- A complete application for a site plan or building permit; or,
- A complete application for a rezoning or lifting of an “H” holding provision, provided that a complete application for a site plan approval is received within two years of complete application date of the rezoning or “H” lifting application.

Exemptions from IZ

The draft policies and by-law contain the following exemptions:

[7] As per Council adopted recommended rates in Off-Street Parking Regulations Study, Item 5.5 here: https://pub-mississauga.escribemeetings.com/Meeting.aspx?Id=e950f3a0-c977-426e-8bcb-7e9df8f9be9e&Agenda=Agenda&lang=English&Item=11&Tab=attachments

- Purpose-built rental housing projects;
- Student / staff residence, retirement building, hospice, long-term care building, group home;
- Region of Peel / Peel Living projects;
- Projects where a non-profit housing provider has an interest that is greater than 51 percent and a minimum of 51 percent of units are affordable;
- Projects where a non-profit housing provider has an interest that is 100 percent; and,
- Projects where developer has an existing housing agreement with the City.

4. Maintaining Affordability Over Time (Term, Price / Rent Capping, and Net Proceeds)

The Provincial regulations require that a minimum affordability period is established. The municipality may cap the unit price / rent and may receive a share of net proceeds of any sale of IZ units, up to 50% of net proceeds. "Net proceeds" is not defined in the regulations.

- Rental: For developers providing rental IZ units within a condominium building, the rents would be capped at the affordable rate, subject to allowable increases (e.g. inflation), for a minimum 25 year affordability period.
- Ownership: City staff are currently working with the Region on a preferred ownership administration. There are two models currently under consideration, as outlined in Table 3 below. Accompanying Figures 2 and 3 illustrate the two Methods.

Table 3 – Two Methods to Secure Affordability in Affordable Ownership Units

	Method 1: Capped Resale Prices	Method 2: Uncapped Resale Prices
Goal	Maintain unit as affordable for long period of time.	Generate municipal proceeds earlier to reinvest in other affordable housing initiatives e.g. incentive programs for affordable rental housing.
Affordability Period	Minimum 50 years.	Minimum 2 years.
Net Proceeds Means	During affordability period: difference between the capped resale price and the purchase price paid by the owner. First resale after affordability period concludes: difference between the market sale price and the purchase price paid by the owner, less any legal and closing fees.	Market sale price of the unit minus any legal, administrative, and closing fees.

	Method 1: Capped Resale Prices	Method 2: Uncapped Resale Prices
Description	The resale price is capped, subject to annual increases tied to a metric such as the consumer price index (CPI). Within the affordability period, each time a unit is sold, the municipality takes a share of proceeds to cover administrative costs of the transaction (e.g. Toronto will take 2% of the sale price, up to no more 20% of the net proceeds). After the affordability period lapses, the municipality captures up to 50% of the net proceeds between the last affordable sale and the market sale of the unit.	The unit is capped for the first purchaser. During the affordability period, the unit is subject to restrictions and cannot be sold. After the affordability period expires, the first purchaser may sell the unit on the open market at an uncapped price. The municipality takes a percentage of the net proceeds that is equivalent to the difference between the original appraised market value of the unit and the original purchase price, expressed as a percentage of the original appraised value of the unit. The percentage cannot be more than 50% of the net proceeds.
Advantages	• Unit remains affordable for a long period of time. • Security of ownership tenure is prioritized. Long-term ownership is encouraged. • Consistent with comparative practices.	• Municipal share of capital captured early. • Funds can be reinvested to address changing local needs. • Expect reduced administration. • First owner receives a share of the appreciation.
Concerns	• Requires significant administration until sale of the IZ unit after the affordability period. • Largest share of appreciation would accrue to the last owner. • Earlier owners would not accrue significant equity.	• Affordability of the IZ units is not guaranteed over the long-term. • May be a lag with reinvesting the funds. • First buyer benefits from potential appreciation, although it is shared proportionally with municipality.

Figure 2: Capped Resale Price illustration (Method 1)

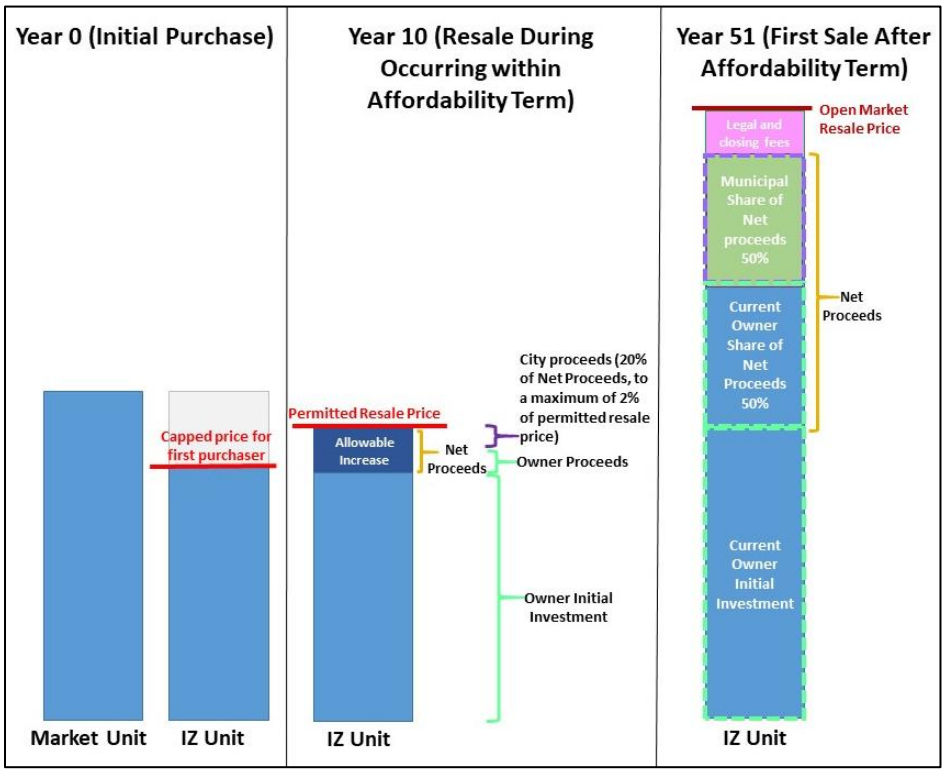
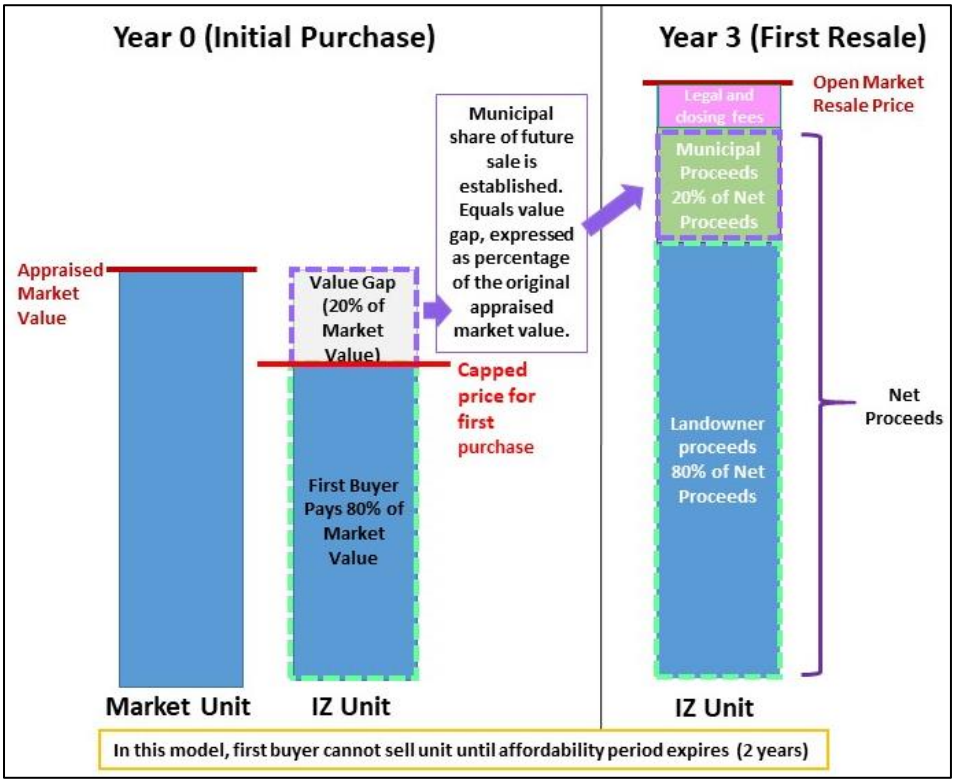


Figure 3: Uncapped Resale Price Illustration (Method 2)



5. Draft OPA and Zoning Framework

The IZ legislation specifies what is required to be included in IZ official plan policies and zoning provisions, including the administration of such units. The Draft OPA and zoning framework are attached for consideration as Appendix 1 and 2, respectively.

6. Administration

Local and Regional staff continue to work collaboratively to plan for the administration of IZ units. At its meeting on May 12, 2022, Regional Council approved a report titled "Administering Affordable Housing Units Secured by Local Municipalities Through Inclusionary Zoning and Other Mechanisms" from Sean Baird, Commissioner of Human Services. The report outlined a role for the Region to serve as an administrator who manages a system of access to affordable housing units secured by the local municipalities, and sought permission to establish a temporary staff working group to undertake program design. Through this work, staff will establish IZ program parameters and implementation guidelines, including the application process and applicant prioritization based on particular areas of need.

Strategic Plan

Housing affordability stems from the Strategic Plan "Belong" Pillar. Two strategic goals relate to housing affordability – "Ensuring Affordability and Accessibility" and "Support Aging in Place." Action 1 – "Attract and keep people in Mississauga through an affordable housing strategy" connects to the work on the City's Housing Strategy, including IZ implementation.

Engagement and Consultation

Three engagement sessions were held, with a combined total of over 100 attendees, to gather feedback on the proposed IZ policy framework:

- Community Meeting (February 24, 2022)
- Development Industry Roundtable (March 8, 2022)
- Housing Advocates Roundtable (March 10, 2022)

An online survey was launched on February 24, 2022 as an alternative option to provide feedback. Detailed feedback summaries of the sessions and survey are available on the project website[8].

On March 29, 2022, staff met with 33 BILD members to present the proposed policy directions, respond to questions and hear ideas.

[8] https://yoursay.mississauga.ca/inclusionary-zoning-policy-for-affordable-housing

Staff have previously met with BILD on two occasions and 14 community organizations (28 participants) prior to the preparation of the preliminary policy directions. A summary of this engagement is outlined in the January 24, 2022 Update Report.

Financial Impact

There are no financial impacts resulting from the recommendations contained in this report. Implementation of an IZ policy will have future financial impacts for the City and Region. Staff will report back at a later time with financial impacts of IZ administration.

Conclusion

This report seeks to advance the City's work on implementation of IZ by presenting draft IZ official plan policies and zoning framework for the purposes of gathering feedback at the statutory public meeting. The feedback will inform the preparation of the final IZ OPA and Zoning By-law Amendment, which are targeted for approval in Summer 2022.

IZ is anticipated to come into effect in January 2023, assuming Regional MTSA policies and local MTSA policies have been approved. The implementation of IZ is estimated to help house a minimum of 100 Mississauga households per year, which underscores the importance of the City and Region leveraging this important tool to increase the affordable housing supply, promote socio-economic inclusion, support our workforce, and create complete communities.

Attachments

Appendix 1: Draft Inclusionary Zoning Mississauga Official Plan Amendment
Appendix 2: Summary of Draft Zoning By-law Measures to Implement Inclusionary Zoning

Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building

Prepared by: Catherine Parsons, MCIP RPP, Planner, City Planning Strategies

Appendix 1: Draft Inclusionary Zoning Mississauga Official Plan Amendment

Mississauga Official Plan, Chapter 7 – Complete Communities is amended by adding the following policies as Section x.x – Inclusionary Zoning:

x.x.1 Inclusionary Zoning is a tool that enables the City to require that new residential development or redevelopment include affordable housing units in specified locations. Inclusionary Zoning in Mississauga will be guided by the following principles and objectives:

(a) Inclusionary Zoning will be implemented in conjunction with other planning tools to increase the supply of affordable housing, contributing to diverse, mixed-income communities that offer a range of housing options for residents of various socio-economic backgrounds.

(b) Inclusionary Zoning policies will be informed by ongoing monitoring and periodic financial impact assessments in accordance with Provincial requirements, or more frequently as necessary, to create and maintain affordable housing stock while also avoiding negative impacts to overall development activity.

(c) The City will work collaboratively with the Region of Peel, private and non-profit developers, housing providers, and other special interest groups to leverage expertise and achieve housing objectives.

x.x.2 An owner of new development or redevelopment proposing ownership buildings containing 50 or more residential units or 3,600 square metres or more of gross floor area for residential purposes, and located within an Inclusionary Zoning area as outlined on Map xx of this Plan, and subject to an Inclusionary Zoning by-law is required to include **affordable ownership housing units** or **affordable rental housing units** for **moderate income households**, as follows:

(a) The minimum required percentage of gross floor area for residential purposes to be set-aside as **affordable ownership housing units** or **affordable rental housing units is** established in Table x.

Table x – Required Percent of Gross Floor Area for residential purposes to be Affordable Housing in Accordance with Policy x.x.2

Market Area	Affordable Housing Provision	Applies January 1, 2023 to December 31, 2023	Applies January 1, 2024 to December 31, 2024	Applies January 1, 2025
IZ Area 1 Hurontario Street LRT MTSAs	Affordable Ownership Housing Units Provided	4%	7%	10%
	Affordable Rental Housing Units Provided	2%	3.5%	5%
IZ Area 2 Dundas Street BRT MTSAs excluding Dundas MTSA	Affordable Ownership Housing Units Provided	3%	5%	7%
	Affordable Rental Housing Units Provided	1.5%	2.5%	3.5%

IZ Area 3a Ninth Line MTSAs **IZ Area 3B** Lakeshore Road East MTSAs and portions of Clarkson GO MTSA	Affordable Ownership Housing Units Provided	3%	4%	5%
	Affordable Rental Housing Units Provided	1.5%	2%	2.5%

(b) At the City's discretion, a discounted set-aside rate may be considered for the delivery of housing for **low income households** through **affordable rental housing units** or **affordable ownership housing units**.

(c) The City may introduce Inclusionary Zoning requirements for lands within MTSAs that are not currently identified within an IZ Area on Map xx.

(d) Lands within Southdown Employment Area and Clarkson GO MTSA as identified on Map xx are subject to ongoing review and may be subject to Inclusionary Zoning requirements at a rate of 10% upon conclusion of the review.

x.x.3 The suite mix of the affordable housing component will contain a mix of 1-bedroom units and family sized units (2- and 3-bedroom suites), to ensure the provision of a range of unit types suitable for individuals and families.

x.x.4 **Affordable rental housing units or affordable ownership housing units** will be required to be maintained at affordable rents or prices for a period of:

(a) a minimum of 25 years from the date of first occupancy of an **affordable rental housing unit**.

(b) a minimum of 50 years from the date of first occupancy of an **affordable ownership housing unit** meeting the description outlined in x.x.6(a); or,

(c) a minimum of 2 years from the date of first occupancy of an **affordable ownership housing unit** meeting the description outlined in x.x.6(b).

x.x.5 The City will receive a portion of the net proceeds from the sale of an **affordable ownership housing unit** in accordance with the following policies:

(a) For **affordable ownership housing units** subject to price capping over a 50 year affordability period,

(i) The resale price of the unit during the affordability period will be capped at the original affordable purchase price, plus annual allowable increases benchmarked to the Consumer Price Index;

(ii) The City will receive no more than 20% of the net proceeds of the sale of an **affordable ownership housing unit** sold during the 50 year affordability period, equivalent to no more than 2% of the sale price, for administration fees, with net proceeds determined based on the

difference between the purchase price and the resale price of the affordable ownership unit; and

(iii) The City will receive 50% of the net proceeds of the first sale of an **affordable ownership housing unit** at market price after the 50 year affordability period, to be reinvested in affordable housing, with net proceeds determined based on the difference between the purchase price and the resale price of the affordable ownership unit, less any legal, administration or real estate commission fees.

(b) For **affordable ownership housing units** subject to a 2-year affordability period,

(i) No resale is permitted during the affordability period; and,

(ii) The City will receive a percentage of the net proceeds of the first sale of an **affordable ownership housing unit** at market price after the 2 year affordability period ends, where the percentage is established at the time of first purchase; and

(iii) The City's percentage of net proceeds is equivalent to the difference between the original appraised market value of the unit and the original purchase price, expressed as a percentage of the original appraised value of the unit, to be reinvested in affordable housing, up to no more than 50% of the net proceeds, where net proceeds is defined as the resale market price of the unit, less any legal, administration, or real estate commission fees.

x.x.6 At the discretion of the City, affordable housing requirements may be met on an offsite location, subject to achieving the following conditions:

(a) The offsite location must be located in an IZ Area as identified on Map xx.

(b) Offsite affordable housing units shall be located in proximity to the proposed development or redevelopment giving rise to the affordable housing requirement. Proximity is deemed to be a site located within the same IZ Area as identified on Map xx.

(c) The offsite contribution results in an improved housing outcome, such as:

(i) Delivery of units occurs sooner than if the units were delivered in the development giving rise to the affordable housing requirement.

(ii) The provision of **affordable rental housing,** or the provision of more deeply affordable units than required (i.e. housing affordable to **low-income households**).

(iii) The provision of a greater number of affordable GFA than required.

(d) Offsite units shall not be used to satisfy affordable housing requirements that apply to the development or redevelopment in which the offsite units are permitted.

x.x.7 The requirements of Section x.x (i.e. IZ requirements) of this Plan come into effect on the later of January 1, 2023 or ROPA xx and MOPA xx (pertaining to MTSA approval) come into effect.

x.x.8 Inclusionary Zoning By-laws will not apply to:

(a) Portions of a development or redevelopment containing long-term care buildings, retirement buildings, hospices, staff/student residences, or group homes.

(b) Region of Peel or Peel Housing projects.

(c) Developments subject to an existing affordable housing contribution, secured before the date of passage of an Inclusionary Zoning Official Plan Amendment through a Section 37 (density bonusing community benefits) agreement, development agreement, Section 51 agreement, Section 45 agreement or other form agreement with the City, to the satisfaction of the Commissioner of Planning and Building.

(d) Development or redevelopment meeting the exemption requirements under the *Planning Act* or related Ontario Regulations.

(e) Purpose-built rental buildings.

x.x.9 Any replacement of affordable rental units required through the Rental Housing Protection policies of this Plan and Rental Housing Protection By-law 0121-2018, as amended, shall not contribute to the affordable housing requirements identified in Policy x.x.2 of this Plan.

x.x.10 Financial offsets will not be provided for affordable housing units provided in accordance with Policy x.x.2 of this Plan.

Mississauga Official Plan Chapter 19 – Implementation is amended by adding the following Policies as Section x.x – Inclusionary Zoning Agreements:

x.x.1 Owners 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 Policy x.x.2, x.x.4, x.x.5, and x.x.6 of this Plan;

b) Requirements for timely delivery of the affordable units, and if applicable, any phasing of affordable units;

c) Requirements for adjustments to the required amount of affordable housing to meet Policy x.x.2 should a proposed purpose-built rental development convert to condominium or a proposed condominium change to purpose-built rental;

d) Requirements that ensure affordable units are provided to eligible households;

e) Requirements for ongoing administration, reporting and monitoring of the affordable housing units over the affordability period;

f) The approach for determining the maximum rent or price of an affordable ownership housing unit;

g) Conditions for offsite unit delivery, if permitted; and

h) Any other requirements set out in Section x.x of this Plan, other standards, or arrangements, as appropriate.

Mississauga Official Plan Chapter 20 – Glossary is amended by adding the following terms:

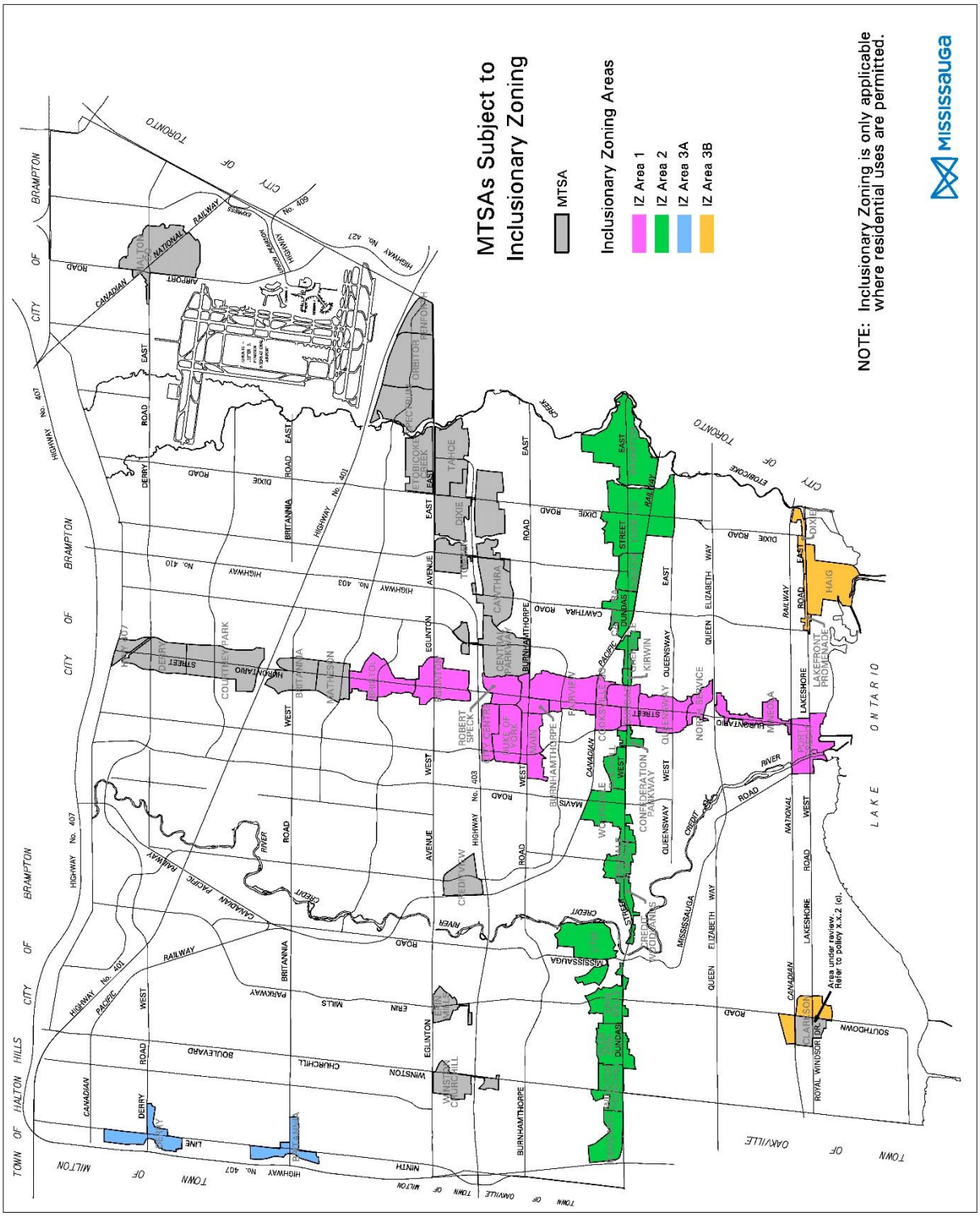
Affordable ownership housing unit means the least expensive of: housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for **low income households** and **moderate income households;** or housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area.

Affordable rental housing unit means the least expensive of: a unit for which the rent does not exceed 30 percent of gross annual household income for **low income households** and **moderate income households**; or a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Moderate income households means: in the case of ownership housing, households with incomes between 30 to 60 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes between 30 to 60 percent of the income distribution for renter households in the City of Mississauga.

Low income households means: in the case of ownership housing, households with incomes in the lowest 30 percent of the income distribution for households in the City of Mississauga; or in the case of rental housing, households with incomes in the lowest 30 percent of the income distribution for renter households in the City of Mississauga.

Mississauga Official Plan is amended by adding the following map as Map xx to Section xx:



Appendix 2: Summary of Draft Zoning By-law Measures to Implement Inclusionary Zoning

Table 1 identifies the zoning provisions that are legislatively required to be included in the Inclusionary Zoning (IZ) By-law, as well as additional provisions that may be included in the IZ By-law. This is not a draft zoning by-law amendment or an exhaustive list of changes to the zoning by-law. There may be additional measures that are required that may not be captured here (e.g. additional new definitions, exemptions, etc.).

Table 1 – IZ By-law Framework

Provision	Legislatively Required or Optional	Draft Zoning Framework
Required affordable gross floor area	Required	A mapping overlay will be introduced to the Zoning By-law to establish the locations that will be required to address affordable housing requirements. The overlay will reflect the Inclusionary Zoning Official Plan Map. The overlay will work in conjunction with Table 2 below, which identifies the required affordable housing rates for IZ Areas. Projects delivering affordable rental housing will receive a 50% discount to the required set-aside rate. Table 2 also proposes a phase-in schedule for the rates.
Affordability term	Required	The zoning will require the affordable housing units stay affordable for a minimum period of: • 25 years for affordable rental units • 2 to 50 years for affordable ownership units (currently under consideration)
Requirement that units are sold or leased at rates set out in by-law	Optional	For affordable rental units, the units will be required to stay affordable to moderate-income renter households, with an allowance for annual rent increases tied to the Consumer Price Index (CPI). For affordable ownership units, the units will initially be affordable to moderate-income households. After the first sale, two options are proposed to manage affordability in affordable ownership units: • Option 1 – Capped Resale: The unit price will be capped (plus annual CPI increases). An affordability term of 50 years is proposed. • Option 2 – Uncapped Resale: The first purchaser buys the unit at the affordable price and cannot sell the unit for the 2 year affordability period. The unit can then sell on the open market for the first resale.

Provision	Legislatively Required or Optional	Draft Zoning Framework
Other requirements or standards	Optional	Net proceeds to be distributed to the municipality (see row above). • Option 1 (Capped Resale Price) (i) The City will receive no more than 20% of the net proceeds of the sale of an **affordable ownership housing unit** sold during the 50 year affordability period, equivalent to no more than 2% of the sale price, for administration fees, with net proceeds determined based on the difference between the purchase price and the resale price of the affordable ownership unit; and (ii) The City will receive 50% of the net proceeds of the first sale of an **affordable ownership housing unit** at market price after the 50 year affordability period, to be reinvested in affordable housing, with net proceeds determined based on the difference between the purchase price and the resale price of the affordable ownership unit, less any legal, administration or real estate commission fees. • Option 2 (Uncapped Resale Price) - After the affordability period, the unit can sell on the open market. The City's percentage of net proceeds is equivalent to the difference between the original appraised market value of the unit and the original purchase price, expressed as a percentage of the original appraised value of the unit, to be reinvested in affordable housing, up to no more than 50% of the net proceeds, where net proceeds is defined as the resale market price of the unit, less any legal, administration, or real estate commission fees.
Measures or incentives	Optional	<u>Incentives</u> Currently no financial incentives are proposed for IZ units. <u>Parking</u> The zoning by-law will establish an affordable housing parking rate. The reduced parking rates will only apply to affordable housing units within a project. • Precinct 1: affordable units will be subject to a rate that is 50% of the required parking rate • Precincts 2-4: affordable units will be subject to a rate that is 70% of the required parking rate.

Provision	Legislatively Required or Optional	Draft Zoning Framework
Owner of lands being developed required to enter into an agreement	Required	The By-law will include a requirement that owners of developments enter into a legal agreement to address the matters set out in the By-law prior to Building Permit issuance. The By-law will also require that agreements are registered on title.
Statutory Exemptions	Required	• [Statutory Exemption] Development or redevelopment is proposed by a non-profit housing provider or is proposed by a partnership in which (a) a non-profit housing provider has an interest that is greater than 51 per cent, and (b) a minimum of 51 per cent of the units are intended as affordable housing, excluding any offsite units that would be located in the development or redevelopment; • [Statutory Exemption] On or before the day an official plan authorizing inclusionary zoning was adopted by the council of the municipality, a request for an amendment to an official plan, if required, and an application to amend a zoning by-law were made in respect of the development or redevelopment along with an application for either of the following: (a) Approval of a plan of subdivision under section 51 of the Act, or (b) Approval of a description or an amendment to a description under section 9 of the Condominium Act, 1998 • [Statutory Exemption] On or before the day the inclusionary zoning by-law is passed, an application is made in respect of the development or redevelopment for a building permit, a development permit, a community planning permit, or approval of a site plan under subsection 41(4) of the Act.
Additional Exemptions	Optional	• Projects proposing less than 50 units and less than 3,600 square meters of **Gross Floor Area (GFA) – Inclusionary Zoning** • Purpose-built rental housing projects • A student / staff residence, retirement building, hospice, long-term care building, group home • Region of Peel, Peel Living, or Peel Housing projects • Development or redevelopment subject to an existing agreement with the City to provide affordable housing units (may be done on a site-specific basis) • Projects a where a non-profit housing provider has a 100 percent interest

Provision	Legislatively Required or Optional	Draft Zoning Framework
Transition Period	Optional	If the following application types are filed on or before the later of January 1, 2023 or the date MOPA xx and ROPA xx come into effect (i.e. MTSA approval) IZ will not apply to the development or redevelopment: (a) A complete application for a site plan or building permit; or, (b) A complete application for a rezoning or lifting of a Holding "H" condition, provided that a subsequent complete application for a site plan is filed within two years of the date the deemed complete dates of the rezoning or lifting of a Holding "H" condition applications.

Table 2 – Percent of Gross Floor Area – Inclusionary Zoning to be Provided as Affordable Housing

Market Area	Affordable Housing Provision	Applies January 1, 2023 to December 31, 2023	Applies January 1, 2024 to December 31, 2024	Applies January 1, 2025
IZ Area 1 Major Transit Station Areas (MTSAs) located along Hurontario Street Light Rail Transit	Affordable Ownership Housing Units Provided	4%	7%	10%
	Affordable Rental Housing Units Provided	2%	3.5%	5%
IZ Area 2 MTSAs located along Dundas Street BRT (excluding Dundas MTSA)	Affordable Ownership Housing Units Provided	3%	5%	7%
	Affordable Rental Housing Units Provided	1.5%	2.5%	3.5%
IZ Area 3A Ninth Line MTSAs **IZ Area 3b** Lakeshore Road East MTSAs and portions of Clarkson GO MTSA	Affordable Ownership Housing Units Provided	3%	4%	5%
	Affordable Rental Housing Units Provided	1.5%	2%	2.5%

*Note – requirements will only take effect where MOPA xxx and ROPA xx are (i.e. MTSA approvals) in effect.

New Definitions to Be Added to the Zoning By-law

"Affordable rental housing unit" means the least expensive of either: a unit for which the total monthly shelter cost (inclusive of rent and heat, hydro, hot water, and water utilities) does not exceed 30 percent of gross annual household income for **low income households** and **moderate income households**; or a unit for which the rent is at or below the average market rent in the City of Mississauga as reported annually by Canada Mortgage and Housing Corporation.

"Affordable ownership housing unit" means housing where the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for **low income households** and **moderate income households**.

"Moderate income households" means

1) in the case of ownership housing, households with incomes in the 40th to 60th percent of the income distribution for the City of Mississauga; or

2) in the case of rental housing, households with incomes in the 40th to 60th percent of the income distribution for renter households for the City of Mississauga.

"Low income households" means

1) in the case of ownership housing, households with incomes in the 10th to 30th percent of the income distribution for the City of Mississauga; or

2) in the case of rental housing, households with incomes in the 10th to 30th percent of the income distribution for renter households for the City of Mississauga.

"Gross Floor Area (GFA) – Inclusionary Zoning (IZ)" means the sum of the areas of each storey of a building above or below established grade, measured from the exterior of outside walls of the building including floor area occupied by interior walls, but excluding the following:

(1) Any part of the building used for mechanical floor area;
(2) Areas of stairwells or elevators;
(3) Any enclosed area used for the collection or storage of disposable or recyclable waste generated within the building;
(4) Any part of the building above or below established grade used for motor vehicle or bicycle parking, the provision of loading spaces, or storage lockers;
(5) Any part of the building used for common facilities for the use of residents of the building and amenity area;
(6) Any part of the building used for a daycare, retail or office uses.

"Non-profit Housing Provider" means

(1) a corporation to which the Not-for-Profit Corporations Act, 2010 applies that is in good standing under that Act and whose primary object is to provide housing,

(2) a corporation without share capital to which the Canada Business Corporations Act applies, that is in good standing under that Act and whose primary object is to provide housing,

(3) a non-profit housing co-operative that is in good standing under the Co-operative Corporations Act, or

(4) an organization that is a registered charity within the meaning of the Income Tax Act (Canada) or a non-profit organization exempt from tax under paragraph 149 (1) (l) of that Act, and whose land is owned by the organization, all or part of which is to be used as affordable housing;