

Policy Title: Development not Subject to Site Plan Review and Approval**Policy Number: 07-01-01**

Section:	Community Development	Subsection:	Site Plan Control
Effective Date:	March 9, 2020	Last Review Date:	March, 2020
Approved by: Council	Owner Division/Contact: Development and Design Division, Planning and Building Department		

Policy Statement

Certain residential and non-residential building projects do not constitute “development” as defined in subsection 41(1) of the *Planning Act* and therefore are not subject to site plan approval.

Purpose

Site Plan Control is the process that is used to control or regulate various features of site development. Section 41 of the *Planning Act* provides the municipality the opportunity to designate, by by-law, areas of the municipality as areas subject to site plan control. Areas of site plan control in the City of Mississauga are identified in the City's Site Plan Control By-law.

Within a site plan control area, however, certain types of building projects may not be subject to site plan control and therefore will not be required to receive site plan approval.

This policy provides a guideline as to the types of building projects that are not subject to site plan review, despite the fact that they are in areas under site plan control.

Legislative Requirements

This policy is in accordance with the *Planning Act*, R.S.O. 1990, c.P. 13, as amended and the City of Mississauga Site Plan Control By-law.

Scope

This policy applies only to building projects that fall within areas of site plan control, but do not constitute “development” as defined by the *Planning Act*.

Definition

“Development”, as defined in the *Planning Act*, means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building

or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot or of sites for the location of three or more trailers as defined in subsection 164 (4) of the *Municipal Act, 2001* or subsection 3 (1) of the *City of Toronto Act, 2006*, as the case may be, or of sites for the location of three or more mobile homes as defined in subsection 46 (1) of this Act or of sites for the construction, erection or location of three or more land lease community homes as defined in subsection 46 (1) of this Act. R.S.O. 1990, c. P.13, s. 41 (1); 1994, c. 4, s. 14; 2002, c. 17, Sched. B, s. 14 (1); 2006, c. 32, Sched. C, s. 47 (8).

Building Projects not Subject to Site Plan Control

The following are examples of types of building projects that may not be considered development as defined in the *Planning Act* and therefore are not subject to site plan approval:

- The addition of bay windows or doors to an existing dwelling
- First storey rear decks
- Free standing accessory structures less than 25 m² (269 sq. Ft.) that do not require variances or conservation authority approval
- One storey rear additions with a floor area up to 50 m² (538 sq. Ft.) or 20 percent of the lot coverage of the existing dwelling (whichever is lesser) and that meet the requirements of the Zoning By-law
- Balcony enclosures
- Façade replacements
- Non-residential mezzanine additions that do not affect the building's paved or landscaped areas
- Walk-up automated banking machines incorporated on the exterior of the existing building
- Addition of windows, doors or conversion of existing openings that do not increase the gross floor area of existing non-residential (including institutional) buildings
- New and replacement of roof top mechanical units on existing buildings or structures that do not require variances
- Underground and surface works such as replacement sewers, catch basins, etc.
- Power generators installed on concrete pads
- Park picnic or shade structures, and
- New or altered parking lots that do not change or add access points to a municipal roadway; that do not alter existing grades and drainage patterns; and/or that are not adjacent to park or greenbelt lands

There may be other types of building projects that do not constitute "development" as defined by the *Planning Act* and therefore are not subject to site plan review. Such projects will be assessed by the Development and Design Division of the Planning and Building Department on a case-by-case basis to determine whether site plan approval applies.

Policy Number: 07-01-01

Effective Date: March 9, 2020

Policy Title: Development not Subject to Site Plan
Review and Approval

Last Review Date: March, 2020

3 of 3

The Director of Development and Design will make the final decision as to whether site plan approval applies to a particular building project.

Staff are to notify the appropriate ward councillor when an application for development affected by this policy is received.

Some building projects, though not subject to site plan approval, may be subject to and must meet the requirements of other City by-laws and policies (e.g. tree preservation by-law).

Revision History

Reference	Description
GC-0486-2006 – 2006-07-05	
March 9, 2020	Scheduled review. Minor administrative changes to reflect current legislation.