

To: COUNCIL

Meeting Date: 09/28/21

Subject: MZO Policy

Submitted By: Deanne Friess, Manager of Policy Planning

Prepared By: Deanne Friess, Manager of Policy Planning

Report No.: 21-260(CD)

File No.: C1101

Recommendations

THAT report 21-260(CD) be received;

AND THAT Council approve the Minister Zoning Order policy attached as Attachment A to report 21-260(CD).

Executive Summary

Purpose

- On May 11, 2021 Council passed a motion directing staff to bring forth policies to Council for Minister's Zoning Orders by the end of 2021.
- The purpose of this report is to present a policy for Council's consideration with respect to Council support of Minister's Zoning Order requests.

Key Findings

- Minister's Zoning Orders (MZOs) are a tool that is in place to support and expedite government priorities, including transit-oriented communities, affordable housing, long-term care homes and strategic economic recovery projects by removing potential barriers and delays.
- MZOs are not required to follow the regulated planning process with public consultation and review by agencies and staff prior to a recommendation to Council.
- Council, through their May 2021 motion, requested that policies be brought forth for when Council will consider support for an MZO.

- Based on the request of Council, a policy has been prepared in Attachment A which includes requirements for consideration by Council to support an MZO.

Financial Implications

The use of MZOs eliminates the ability for the City to collect development application fees that would have been required to process a planning application.

Background

- Section 47 of the Planning Act allows the Minister of Municipal Affairs and Housing to make Minister's Zoning Orders (MZOs) to govern land uses within areas subject to the order.
- MZOs do not follow the regulated planning process and there is no notice required prior to making an order.
- Council has recently provided support for two MZOs - one at the northeast corner of Hespeler Road and Pinebush for a mixed-use development with significant height and density to expedite a mixed-use housing development, and the other in the Blair area at the southwest corner of Fountain St. S. and Dickie Settlement Rd for a warehouse/logistics operation/fulfillment centre, which aligned with the Strategic Plan of supporting the creation of quality and diverse employment opportunities.

Analysis

Strategic Alignment

PROSPERITY: To support and encourage the growth of a highly competitive local economy where there is opportunity for everyone to contribute and succeed.

Goal #2 - Governance and Leadership

Objective 2.4 Work collaboratively with other government agencies and partners to achieve common goals and ensure representation of community interests.

This report recommends Council approve the attached policy and require that all requests for support of MZOs address the policy when presented to Council for consideration. The purpose of an MZO is to expedite potential developments which have the broad community interest for the entire municipality. This policy allows Council to consider what, if any other requirements will be needed before Council can support the request.

Comments

Section 47(1) of the Planning Act permits the Minister to exercise any of the powers granted to Councils by sections 34 (zoning), 38 (interim control) or 39 (temporary use) with the requirements to carry out public consultation or complete the expert analysis for justification.

The legislation for MZO was put in place to allow an expedited process for development proposals. An MZO prevails over any other zoning by-law in effect in the area and gives the Minister complete authority to regulate land use on a property subject to the order. On July 21, 2020, Bill 197 added additional powers for MZOs including site plan control and inclusionary zoning.

At the May 11, 2021 Council meeting the following motion was made by Council:

THAT staff be directed to work on bringing forth policies to Council that allow for public consultation, heritage impact assessments, consultations with agencies and regional government, etc. prior to approving or not approving support for an application of a Minister's Zoning Order, which are in the best interests of the people and businesses of Cambridge and that these policies be brought to Council by the end of 2021;

AND THAT Council refuse to support any such Minister's Zoning Order requests until the policies are brought forward.

When an MZO is not requested, the Planning Act specifies a process which includes public notice, circulation to staff and agencies for expert review of the proposal and a statutory public meeting. This process can take on average between 6 months to 2 years, depending on the type of application and often involves additional neighbourhood meetings and consultation prior to a Council decision. Attachment B to this report includes a flow chart of the standard planning application process.

The purpose of an MZO is to by-pass the Planning Act's typical process. There is no legislative requirement for Council to provide its support for an MZO. However, the Minister of Municipal Affairs and Housing has recently stated that before a request for MZO will be considered, the request must have municipal support.

Although MZOs have received some criticism from members of the community they can be an appropriate and valuable tool. MZOs can be used to promote City initiatives such as affordable housing, strategic projects, and economic benefits. The attached policy requires that all requests for support must include a planning justification report. Council can choose to support or not support any MZO request and they can request additional items as a condition of their support in appropriate circumstances. The policy allows flexibility for Council to support a request that it deems necessary to expedite for the benefit of the broader public good of the community. Council can also require additional information including consultation or further expert review and opinion.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) supports intensification through a range of housing options and an appropriate range and mix of housing types and densities.

Planning Act

Section 47(1) of the Planning Act permits the Minister to exercise any of the powers granted to Councils by sections 34 (zoning), 38 (interim control) or 39 (temporary use) without the requirement to carry out public consultation and the zoning order subject is not subject to appeal to the Local Planning Appeal Tribunal.

The Minister of Municipal Affairs and Housing is not required by legislation to give notice or consult with a municipality prior to enacting a Minister's Zoning Order (MZO).

Bill 197 COVID-19 Economic Recovery Act, 2020

This Bill received Royal Assent on July 21, 2020 and included amendments in relation to Minister's Zoning Orders. The amendments gave the Minister enhanced order-making powers related to specified land, being lands located outside of the Greenbelt. The City of Cambridge is located outside of the Greenbelt and therefore the Minister could apply a Zoning Order and other enhanced powers in this municipality. The legislation also permits these enhanced powers to apply to Ministerial approval of site plans to implement the Minister's Zoning Order.

Bill 257 Building Broadband Faster Act, 2021

This Bill received Royal Assent on April 12, 2021 and included amendments that Ministerial Zoning Orders made under section 47 of the Planning Act are not required to be consistent with policy statements with the exception of land in the Greenbelt Area that is required to be consistent with a policy statement.

Financial Impact

The use of MZOs eliminates the ability for the City to collect development application fees that would have been required to process certain planning applications.

Public Input

No public consultation was conducted with this report. The report is posted publicly.

Internal/External Consultation

No external consultation was conducted with this report. This report was circulated for information to the City of Cambridge Economic Development division, Legal Services division and the Planning division.

Conclusion

Council has requested that staff report back on policies to Council that allow for public consultation, heritage impact assessments, consultation with agencies and regional government etc. prior to approving or not approving support for a Minister's Zoning Order.

The nature of an MZO is to by-pass the typical Planning Act requirements for processing development applications. The attached policy requires all requests for support of an MZO to include a planning justification report. Once received by staff, all requests for support will be presented to Council for consideration at which time, Council determines whether public consultation and /or submission of additional studies will be necessary.

Signature

Reviewed by the CFO

Division Approval

Reviewed by Legal Services

Name: N/A

Title: N/A

Departmental Approval



Name: Hardy Bromberg

Title: Deputy City Manager, Community Development

City Manager Approval



Name: David Calder

Title: City Manager

Attachments

Attachment A – MZO Support Policy

Attachment B – Planning Application Process

Attachment A – MZO Support Policy

POLICY TITLE Minister’s Zoning Order Council Support

EFFECTIVE DATE 10/28/2021

REVIEW DATE 10/28/2023

POLICY

Minister’s Zoning Orders (MZOs) are a tool that is in place which allows the Minister of Municipal Affairs and Housing to expedite the government priorities, including transit-oriented communities, affordable housing, long-term care homes and strategic economic recovery projects by removing potential barriers and delays that may occur during the regulated planning process. **The Minister of Municipal Affairs and Housing is the sole approval authority for an MZO. MZOs are not required to follow the typical planning process as prescribed in the *Planning Act*.**

Although not a requirement of the Planning Act, the Minister has required that any request for an MZO must have the support of City Council before the request will be considered. This policy outlines the process for the consideration of a request for support from Council of an MZO.

Any request for support of an MZO must include a planning justification report. The MZO request will be presented to Council for consideration. Council may approve the request for support based on the information provided in the planning justification report or may request that any or all of the following requirements be complied with by the requester of an MZO before it will consider the request:

- Consult with the public including affected stakeholders
- Circulation of the proposal for an initial review to:
 - Region of Waterloo
 - Grand River Conservation Authority
 - City of Cambridge
- Completion of a Transportation Impact Study
- Completion of a Heritage Impact Assessment if the property is a listed or designated property or adjacent to a listed or designated property

Attachment B – Planning Application Process

Standard Planning Process

