

## Ministry of Municipal Affairs and Housing Zoning Order Framework

In April 2024 the Ministry of Municipal Affairs and Housing published a zoning order framework on its website to guide how requests for zoning orders are to be submitted and considered. The zoning order framework is broken into three components: intake thresholds, submission expectations and the process for ministry assessment and decision making (including public consultation). It is important to note that the zoning order framework is not established under Provincial legislations or regulations, meaning that the framework provides guidance only.

The intake thresholds in the zoning order framework state that the request must meet at least one of the two criteria below:

1. requests that deliver on a provincial priority that is supported by a minister (for example, long-term care, hospitals, transit-oriented communities, educational facilities, housing priorities, economic development, manufacturing, etc.).
2. requests that are supported by a single-tier or lower-tier municipality (for example, through a municipal council resolution or a letter from a mayor where the municipality has been designated with strong mayor powers)

This means that zoning order requests can be considered and approved by the Minister of Municipal Affairs and Housing without municipal support.

The submission expectations list information needed to support the minister’s zoning order request. Required information includes a copy of the draft zoning order, information on how the lands will be serviced and a rationale for why an order is required. The submission expectations also include “a description of consultation with the public and engagement with Indigenous communities”. As discussed in the consultation section of this report, the Upper West Side Landowners group has not engaged directly with Indigenous communities on their development proposal.

The zoning order framework states that the Ministry may ask the applicant for additional information or material, including on previous engagement completed with the public and Indigenous communities, prior to making a decision on a zoning order request. The framework states that the minister will post zoning order requests on the Ontario Environmental Registry for public comment for a minimum of 30 days except where requests for zoning relief is deemed time sensitive.

## Applicable Provincial Planning Statement, 2024 Policies

The following Provincial Planning Statement policies have been identified as potentially conflicting with the proposed Minister’s Zoning Order request. Note that this is not an exhaustive list of all applicable Provincial policies.

### 2.3.2 New Settlement Areas and Settlement Area Boundary Expansions

1. In identifying a new *settlement area* or allowing a *settlement area* boundary expansion, planning authorities shall consider the following:
  - a) the need to designate and plan for additional land to accommodate an appropriate range and mix of land uses;
  - b) if there is sufficient capacity in existing or planned *infrastructure* and *public service facilities*;
  - c) whether the applicable lands comprise *specialty crop areas*;
  - d) the evaluation of alternative locations which avoid *prime agricultural areas* and, where avoidance is not possible, consider reasonable alternatives on lower priority agricultural lands in *prime agricultural areas*;
  - e) whether the new or expanded *settlement area* complies with the *minimum distance separation formulae*;
  - f) whether impacts on the *agricultural system* are avoided, or where avoidance is not possible, minimized and mitigated to the extent feasible as determined through an *agricultural impact assessment* or equivalent analysis, based on provincial guidance; and
  - g) the new or expanded *settlement area* provides for the phased progression of urban development.
2. Notwithstanding policy 2.3.2.1.b), planning authorities may identify a new *settlement area* only where it has been demonstrated that the *infrastructure* and *public service facilities* to support development are planned or available.

## 2.5 Rural Areas in Municipalities

1. Healthy, integrated and viable *rural areas* should be supported by:
  - a) building upon rural character, and leveraging rural amenities and assets;
  - b) promoting regeneration, including the *redevelopment* of *brownfield sites*;
  - c) accommodating an appropriate range and mix of housing in rural *settlement areas*;
  - d) using rural *infrastructure* and *public service facilities* efficiently;

- e) promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
  - f) providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;
  - g) conserving biodiversity and considering the ecological benefits provided by nature; and
  - h) providing opportunities for economic activities in *prime agricultural areas*, in accordance with policy 4.3.
2. In *rural areas*, *rural settlement areas* shall be the focus of growth and development and their vitality and regeneration shall be promoted.
  3. When directing development in *rural settlement areas* in accordance with policy 2.3, planning authorities shall give consideration to locally appropriate rural characteristics, the scale of development and the provision of appropriate service levels.

Growth and development may be directed to *rural lands* in accordance with policy 2.6, including where a municipality does not have a *settlement area*.

### 2.8.2 Employment Areas

1. Planning authorities shall plan for, protect and preserve *employment areas* for current and future uses, and ensure that the necessary *infrastructure* is provided to support current and projected needs.
2. Planning authorities shall protect *employment areas* that are located in proximity to *major goods movement facilities and corridors*, including facilities and corridors identified in provincial transportation plans, for the *employment area* uses that require those locations.
3. Planning authorities shall designate, protect and plan for all *employment areas* in *settlement areas* by:
  - a) planning for *employment area* uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;
  - b) prohibiting residential uses, commercial uses, *public service facilities* and other institutional uses;

- c) prohibiting retail and office uses that are not associated with the primary employment use;
  - d) prohibiting other *sensitive land uses* that are not ancillary to uses permitted in the *employment area*; and
  - e) including an appropriate transition to adjacent non-*employment areas* to ensure land use compatibility and economic viability.
4. Planning authorities shall assess, and update *employment areas* identified in official plans to ensure that this designation is appropriate to the planned function of *employment areas*. In planning for *employment areas*, planning authorities shall maintain land use compatibility between *sensitive land uses* and *employment areas* in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas.
5. Planning authorities may remove lands from *employment areas* only where it has been demonstrated that:
- a) there is an identified need for the removal and the land is not required for *employment area* uses over the long term;
  - b) the proposed uses would not negatively impact the overall viability of the *employment area* by:
    - 1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned *employment area* uses in accordance with policy 3.5;
    - 2. maintaining access to *major goods movement facilities and corridors*;
  - c) existing or planned *infrastructure* and *public service facilities* are available to accommodate the proposed uses; and
  - d) the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.

### 3.1 General Policies for Infrastructure and Public Service Facilities

*Infrastructure* and *public service facilities* shall be provided in an efficient manner while accommodating projected needs.

Planning for *infrastructure* and *public service facilities* shall be coordinated and integrated with land use planning and growth management so that they:

- a) are financially viable over their life cycle, which may be demonstrated through asset management planning;

- b) leverage the capacity of development proponents, where appropriate; and
  - c) are available to meet current and projected needs.
2. Before consideration is given to developing new *infrastructure* and *public service facilities*:
- a) the use of existing *infrastructure* and *public service facilities* should be optimized; and
  - b) opportunities for adaptive re-use should be considered, wherever feasible.
3. *Infrastructure* and *public service facilities* should be strategically located to support the effective and efficient delivery of emergency management services, and to ensure the protection of public health and safety in accordance with the policies in Chapter 5: Protecting Public Health and Safety.
4. *Public service facilities* should be planned and co-located with one another, along with parks and open space where appropriate, to promote cost-effectiveness and facilitate service integration, access to transit and *active transportation*.
5. Planning authorities, in collaboration with school boards, should consider and encourage innovative approaches in the design of schools and associated child care facilities, such as schools integrated in high-rise developments, in *strategic growth areas*, and other areas with a *compact built form*.

### 3.4 Airports, Rail and Marine Facilities

Planning for land uses in the vicinity of *airports*, *rail facilities* and *marine facilities* shall be undertaken so that:

- a) their long-term operation and economic role is protected; and
  - b) *airports*, *rail facilities* and *marine facilities*, and *sensitive land uses* are appropriately designed, buffered and/or separated from each other, in accordance with policy 3.5.
2. *Airports* shall be protected from incompatible land uses and development by:
- a) prohibiting new residential *development* and other *sensitive land uses* in areas near *airports* above 30 NEF/NEP;
  - b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the *airport*; and
  - c) prohibiting land uses which may cause a potential aviation safety hazard.

### 3.5 Land Use Compatibility

1. *Major facilities* and *sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.
2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other *major facilities* that are vulnerable to encroachment by ensuring that the planning and *development* of proposed adjacent *sensitive land uses* is only permitted if potential *adverse effects* to the proposed *sensitive land use* are minimized and mitigated, and potential impacts to industrial, manufacturing or other *major facilities* are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

### 3.6 Sewage, Water and Stormwater

1. Planning for *sewage and water services* shall:
  - a) accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing *municipal sewage services* and *municipal water services* and existing *private communal sewage services* and *private communal water services*;
  - b) ensure that these services are provided in a manner that:
    1. can be sustained by the water resources upon which such services rely;
    2. is feasible and financially viable over their life cycle;
    3. protects human health and safety, and the natural environment, including the *quality and quantity of water*; and
    4. aligns with comprehensive municipal planning for these services, where applicable.
  - c) promote water and energy conservation and efficiency;
  - d) integrate servicing and land use considerations at all stages of the planning process;
  - e) consider opportunities to allocate, and re-allocate if necessary, the unused system capacity of *municipal water services* and *municipal sewage services* to support efficient use of these services to meet current and projected needs

- for increased housing supply; and
- f) be in accordance with the servicing options outlined through policies 3.6.2, 3.6.3, 3.6.4 and 3.6.5.
2. *Municipal sewage services* and *municipal water services* are the preferred form of servicing for *settlement areas* to support protection of the environment and minimize potential risks to human health and safety. For clarity, *municipal sewage services* and *municipal water services* include both centralized servicing systems and decentralized servicing systems.
6. Partial services shall only be permitted in the following circumstances:
- a) where they are necessary to address failed *individual on-site sewage services* and *individual on-site water services* in existing development;
  - b) within *settlement areas*, to allow for infilling and minor rounding out of existing development on *partial services* provided that site conditions are suitable for the long- term provision of such services with no *negative impacts*; or
  - c) within rural *settlement areas* where new development will be serviced by *individual on-site water services* in combination with *municipal sewage services* or *private communal sewage services*.
7. Planning authorities may allow lot creation where there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity*.

#### 4.1 Natural Heritage

1. Natural features and areas shall be protected for the long term.
2. The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.
3. *Natural heritage systems* shall be identified in Ecoregions 6E & 7E<sup>1</sup>, recognizing that *natural heritage systems* will vary in size and form in *settlement areas*, *rural areas*, and *prime agricultural areas*.
4. *Development* and *site alteration* shall not be permitted in:
  - a) *significant wetlands* in Ecoregions 5E, 6E and 7E<sup>1</sup>; and
  - b) *significant coastal wetlands*.
5. *Development* and *site alteration* shall not be permitted in:

- a) *significant wetlands* in the Canadian Shield north of Ecoregions 5E, 6E and 7E<sup>1</sup>;
- b) *significant woodlands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary’s River)<sup>1</sup>;
- c) *significant valleylands* in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Mary’s River)<sup>1</sup>;
- d) *significant wildlife habitat*;
- e) *significant areas of natural and scientific interest*; and
- f) *coastal wetlands* in Ecoregions 5E, 6E and 7E<sup>1</sup> that are not subject to policy 4.1.4.b),

unless it has been demonstrated that there will be no *negative impacts* on the natural features or their *ecological functions*.

6. *Development and site alteration* shall not be permitted in *fish habitat* except in accordance with *provincial and federal requirements*.
7. *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.
8. *Development and site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 4.1.4, 4.1.5, and 4.1.6 unless the *ecological function* of the *adjacent lands* has been evaluated and it has been demonstrated that there will be no *negative impacts* on the natural features or on their *ecological functions*.
9. Nothing in policy 4.1 is intended to limit the ability of *agricultural uses* to continue.

## 4.2 Water

1. Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
  - a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
  - b) minimizing potential *negative impacts*, including cross-jurisdictional and cross-*watershed* impacts;
  - c) identifying *water resource systems*;
  - d) maintaining linkages and functions of *water resource systems*;

- e) implementing necessary restrictions on *development* and *site alteration* to:
    - 1. protect all municipal drinking water supplies and *designated vulnerable areas*; and
    - 2. protect, improve or restore *vulnerable* surface and ground water, and their *hydrologic functions*;
  - f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality; and
  - g) ensuring consideration of environmental lake capacity, where applicable.
2. *Development* and *site alteration* shall be restricted in or near *sensitive surface water features* and *sensitive ground water features* such that these features and their related *hydrologic functions* will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches.
  3. Municipalities are encouraged to undertake, and *large and fast-growing municipalities* shall undertake *watershed planning* to inform planning for *sewage and water services* and stormwater management, including *low impact development*, and the protection, improvement or restoration of the *quality and quantity of water*.
  4. Despite policy 4.2.3, where planning is conducted by an upper-tier municipality that includes one or more lower-tier *large and fast-growing municipalities*, the upper-tier municipality shall undertake *watershed planning* in partnership with lower-tier municipalities, including lower-tier *large and fast-growing municipalities*.
  5. All municipalities undertaking *watershed planning* are encouraged to collaborate with applicable conservation authorities.

## 6.2 Coordination

3. Planning authorities shall undertake early engagement with Indigenous communities and coordinate on land use planning matters to facilitate knowledge-sharing, support consideration of Indigenous interests in land use decision-making and support the identification of potential impacts of decisions on the exercise of Aboriginal or treaty rights.
4. Planning authorities are encouraged to engage the public and stakeholders early in local efforts to implement the Provincial Planning Statement, and to provide the necessary information to ensure the informed involvement of local citizens, including equity-deserving groups.

5. Planning authorities and school boards shall collaborate to facilitate early and integrated planning for schools and associated child care facilities to meet current and future needs.