

City of Mississauga

Corporate Report



<p>Date: June 15, 2020</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's files: CD.21-TEM</p>
<p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Meeting date: July 8, 2020</p>

Subject

PUBLIC MEETING INFORMATION/RECOMMENDATION REPORT (All Wards) Covid-19 Recovery – Support for Temporary Outdoor Patios File: CD.21-TEM

Recommendation

1. That Planning and Development Committee recommend to Council to permit temporary outdoor patios, accessory to all types of restaurants for a period of time expiring on December 31, 2020, through a temporary use by-law in accordance with the regulations contained in the staff report dated June 15, 2020 from the Commissioner of Planning and Building.
2. That time limited amendments to the following City by-laws be approved in accordance with the regulations contained in the staff report dated June 15, 2020:
 - (i) Prohibit Sale of Goods on Highways By-law 0127-1995
 - (ii) Encroachment By-law 0057-2004
 - (iii) Business Licensing By-law 0001-2006
 - (iv) Noise Control By-law 0360-1979

Background

A meeting was held by Council on June 17, 2020, at which time a Report was received for information (see Appendix 1) and to give direction to staff to hold a statutory public meeting with respect to a temporary use by-law. Resolution 0191-2020 was adopted by Council on the same day.

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1. That Council authorize City staff to prepare a Temporary Use By-law effective to December 31, 2020, to permit outdoor patios accessory to all types of restaurants on adjacent private and public lands.
2. That Council authorize staff to prepare by-laws to amend the following City by-laws so as to not conflict with the provisions of the proposed Temporary Use By-law:
 - i. the Prohibit Sale of Goods on Highways By-law 127-95 to temporarily permit business operations on a public highway;
 - ii. the Encroachment By-law 57-04 to allow temporary outdoor patios accessory to all types of restaurants to temporarily infringe on a public highway;
 - iii. the Business Licensing By-law 001-2006 to allow temporary outdoor patios on private property to comply with zoning requirements;
 - iv. the Fees and Charges By-law 0156-2019 to allow an application for a temporary outdoor patio to be processed without charge.
3. That Council direct staff, upon the issuance of notice for the statutory public meeting to consider the temporary use by-law, to suspend the enforcement of those zoning by-law provisions which currently prohibit or regulate outdoor patios accessory to all types of restaurants on private and public lands and that the suspension continue until the temporary use zoning by-law comes into force or until the duration stipulated for the temporary use zoning by-law expires, as may be the case.
4. Notwithstanding planning protocol, that a recommendation report from the Commissioner of Planning and Building be scheduled for a Planning and Development Committee meeting to be held on July 8, 2020, to conduct a public meeting to meet the statutory requirements under the provisions of the Planning Act.

Comments

Since the Council meeting on June 17th, 2020, the Provincial Government moved the Region of Peel to Stage 2 of the Reopening Ontario framework. This step means that restaurants can now open for dining in outdoor areas only. The City's initiative to permit temporary outdoor patios on private property, curbside, parking lots and adjacent premises is consistent with the Provincial regulations and guidelines.

In anticipation of the move to Stage 2, and to accommodate the time required to convene a statutory public meeting to consider the temporary use by-law, Council passed Resolution 0192-2020, also on June 17th. This resolution suspended enforcement of the zoning by-law regulations that prohibit outdoor patios accessory to all types of restaurants. This waiver commenced upon publication of the notice for the statutory public meeting, and continues until the temporary use by-law comes into force or until the duration of the temporary use by-law expires.

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Since the City moved into Stage 2, staff has taken a number of steps to assist local restaurants on the road to economic recovery from the Covid-19 pandemic. These measures include:

- creating a website with quick links to each process (permission for patios on public or private property)
- creating a Temporary Patio Permit program to expedite the approval of the patios on public property/road allowances
- creating detailed design guidelines for temporary patios on private property
- creating a detailed communications plan
- dedicating staff resources to work solely on this program

COMMUNITY ENGAGEMENT

Notice of the Public Meeting was placed in the Mississauga News on June 18th, 2020, in compliance with the regulations of the *Planning Act*. The notice was also sent by email to the City's Business Improvement Areas, MIRANET, the Mississauga Board of Trade and Tourism Mississauga. Some Ward Councillors were also able to use their office contact lists/websites to further advertise the statutory public meeting.

In lieu of a typical community meeting, staff attended meetings with representatives from all the BIAs, as well as with Tourism Mississauga to answer questions and help promote the pending process for temporary patios. Staff also attended a webinar hosted by the Economic Development Office and the Mississauga Board of Trade.

TEMPORARY USE BY-LAW

The Temporary Use By-law is regulated under the *Planning Act*. In Section 19.2 of Mississauga Official Plan, a temporary use which conforms to Mississauga Official Plan is permitted to deal with unfamiliar issues on a trial basis. Outdoor patios as a generally permitted use throughout the City is an unfamiliar use based on historic zoning restrictions and business practices. The temporary permission to allow them in parking lots associated with all types of restaurants and within public rights of way conforms to Mississauga Official Plan. Under this policy, the temporary use zoning amendment is consistent with the *Provincial Policy Statement*, and conforms to the *Growth Plan for the Greater Golden Horseshoe* and the Region of Peel Official Plan. The *Greenbelt Plan* and *Parkway Belt Plan* policies do not apply.

The regulations recommended for temporary patios in the proposed temporary use by-law are as follows:

- permission for an outdoor patio accessory to all types of restaurants where Zoning By-law 0225-2007, as amended, does not permit this use in zones O (Office) and exception zones, C1 to C4 (Commercial) and exception zones, E1 to E3 (Employment) and exception zones and H-CC1 to H-CC4 and H-CCO and exception zones where any type of restaurant is permitted
- temporary patios shall not be permitted on required landscaped areas or landscaped buffers

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- temporary patios shall maintain a setback of 6.0 m (19.7 ft.) from residential zones
- temporary patios shall not occupy more than 50% of required parking spaces
- temporary patios shall not occupy any accessible parking spaces
- temporary patios shall not obstruct driveways or parking aisles
- waive the requirement for a Certificate of Occupancy
- the temporary use by-law shall expire on December 31, 2020

OTHER TEMPORARY BY-LAW AMENDMENTS

Other City by-laws that require amendment to facilitate the installation of temporary patios are regulated under the *Municipal Act* and, unlike amendments to the Zoning By-law, do not require public notice. All proposed amendments will have the same expiration date of December 31, 2020. The proposed changes are as follows:

Prohibit Sale of Goods on Highways By-law 0127-1995

- exempt Public Highways adjacent to Office (O), Commercial (C1-C4), Employment (E2) and all relevant exception zones and Employment in Nodes - Exceptions (E1-Exceptions) zones where all types of restaurants are permitted by the zoning

Encroachment By-law 0057-2004

- add temporary outdoor patios as an exception to the regulation that prohibits encroachment onto a public highway
- add an exception to remove the requirement for payment of a non-refundable fee

Business Licensing By-law 0001-2006

- waive the requirements for a fee payment and a Zoning Certificate

Noise Control By-law 0360-1979

- waive fees for an application for an exemption from the provisions of the By-law

Financial Impact

Although a number of City fees will be waived as part of the temporary outdoor patio initiative, the fees would not normally have been collected and would not have been included as part of the City's revenue stream. The patio program is intended to assist local restaurants in their economic recovery. Fees related to permitting patios were not anticipated in this year's budget. The main financial impact will be the reallocation of staff time to facilitate the successful implementation of the temporary outdoor patio program.

Conclusion

In summary, the proposed regulations for the Temporary Use By-law and temporary amendments to other City by-laws are consistent with good planning. The regulations allow legal restaurants to expand in a reasonable manner, consistent with Provincial guidelines.

These actions will contribute to the City of Mississauga's overall plan for recovery from the Covid-19 pandemic, and should be approved.

Attachments

Appendix 1: Information Report



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

Prepared by: Lisa Christie, Special Projects Planner