

City of Mississauga Corporate Report



Date: February 11, 2022 To: Chair and Members of Planning and Development Committee From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building	Originator's file: BL.09-CIT (All Wards)
	Meeting date: March 7, 2022

Subject

PUBLIC MEETING INFORMATION REPORT (ALL WARDS)

Proposed City Initiated Amendments to Zoning By-law 0225-2007

File: BL.09-CIT (All Wards)

Recommendation

That the report dated February 11, 2022, from the Commissioner of Planning and Building regarding proposed City initiated amendments to Zoning By-law 0225-2007, under File BL.09-CIT (All Wards), be received for information.

Background

The purpose of this report is to present proposed amendments to the zoning by-law with respect to new and revised definitions and revised regulations which will clarify interpretation issues; and to hear comments from the public on the proposed changes.

Comments

The City periodically amends the zoning by-law to clarify wording, update definitions, deletes or modifies outdated regulations, introduces new regulations due to legislative requirements, new trends, or addresses zoning regulation interpretation issues. There are a number of proposed zoning by-law changes from different sections of the by-law. The following is an overview of the most significant amendments. A detailed list of all proposed amendments is included in Appendix 1.

FLAT ROOFS

Staff are considering amendments to definitions relating to flat and sloped roofs. Currently, the definition of a flat roof states that 50% or more of the total roof area with a roof angle of less than 15 degrees above horizontal is required to be considered a flat roof. This can result in buildings with roofs that are slightly under the 50% threshold, have the appearance of a flat roof,

but are permitted the greater height permissions of a sloped roof. To address this issue, staff are considering reducing the percentage of roof area with a low angle to be considered a flat roof.

In addition, some homes are being designed with a sloped roof that also includes parapets. This makes the houses appear like a tall flat roof building. The regulations limiting height of flat roofs are intended to mitigate visual massing impacts to neighbouring properties and the streetscape. To maintain this intent, staff are considering introducing a definition of parapet into the by-law which will clarify that the inclusion of a parapet will constitute a flat roof. This will ensure the lower flat roof height limit will apply.

GROSS FLOOR AREA AND OPEN TO BELOW AREA

The current definition of gross floor area (GFA) infill – residential measures the sum of the floor area of each storey in a house, including the area of an attached garage. In some instances, staff have reviewed proposals for GFA that include significant areas that were "open to below". In those situations, the calculations of GFA for the house will appear artificially low compared to the relative massing of the home since there are large void areas in the second floor. After the house has been built and massing of the house has been established, a homeowner can apply to complete the second floor, resulting in significant minor variances.

To address this issue, staff are considering amending the definition of GFA infill – residential to include voids in the floor, but introduce some flexibility for open entranceways and stairs.

PERMEABLE PARKING AREAS IN GREENLANDS ZONES

The current regulations for Greenlands zones permit parking areas accessory to natural heritage features and conservation uses. The regulations also require that the parking areas be constructed of a permeable type of material to minimize impacts on the natural environment. Through consultation with relevant Conservation Authority and Parks, Forestry and Environment staff, it has been determined that permeable materials such as permeable pavers are not always the ideal method for mitigating environmental impacts such as reducing stormwater runoff.

As a result of the discussions, staff are considering amendments to the regulations for Greenlands zones to provide greater flexibility in addressing various environmental scenarios. Permeable materials would not be required, and asphalt or other stable surfaces would be a permitted construction material to address situations where permeable materials may not be appropriate. Bioswales and other low impact development features consisting of landscaping will continue to be permitted in the Greenlands zones.

OTHER PROPOSED CHANGES

Other proposed changes to the zoning by-law include:

- Adding a new definition of buildable area to clarify which regulations take precedence on an exception schedule when there is a conflict with general provisions or base zone provisions
- Amending the definition of lot coverage to include pergolas
- Amending the definition of sight triangle to clarify that they are within the public right-of-way
- Inserting a minimum setback for an exterior edge of a balcony abutting a residential zone
- Restricting a deck on top, above or projecting from a detached garage
- Amending the definition of context grade to formalize the existing interpretation by staff by specifying the angle from the corner of each building
- Adding a new regulation to permit window wells to encroach of maximum of 1.0 m (3.3 ft.) into a required rear yard to align with Ontario Building Code requirements
- Clarifying that parking and loading spaces require access from unobstructed on-site driveways or aisles

LAND USE POLICIES AND REGULATIONS

The *Provincial Policy Statement* (PPS) establishes the overall policy directions on matters of provincial interest related to land use planning and development within Ontario. It sets out province-wide direction on matters related to the efficient use and management of land and infrastructure; the provision of housing; the protection of the environment, resources and water; and, economic development.

The *Growth Plan for the Greater Golden Horseshoe* (Growth Plan) builds upon the policy framework established by the PPS and provides more specific land use planning policies which support the achievement of complete communities, a thriving economy, a clean and healthy environment and social equity. The Growth Plan establishes minimum intensification targets and requires municipalities to direct growth to existing built-up areas and strategic growth areas to make efficient use of land, infrastructure and transit.

The *Planning Act* requires that municipalities' decisions regarding planning matters be consistent with the PPS and conform with the applicable provincial plans and the Region of Peel Official Plan (ROP). Mississauga Official Plan is generally consistent with the PPS and conforms with the Growth Plan, the *Greenbelt Plan*, the *Parkway Belt West Plan* and the ROP.

Conformity of the amendments with the policies of Mississauga Official Plan is under review.

Additional information and details are found in Appendix 1, Section 1.

Financial Impact

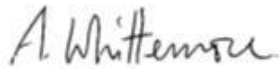
There is no financial impact.

Conclusion

Once the public meeting has been held, the Planning and Building Department will make a recommendation regarding these amendments.

Attachments

Appendix 1: Detailed Information and Preliminary Planning Analysis



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

Prepared by: Jordan Lee, Planner

Detailed Information and Preliminary Planning Analysis
City Initiated Zoning By-law Amendment

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1. Summary of Applicable Policies, Regulations and Proposed Amendments

The *Planning Act* requires that Mississauga Official Plan be consistent with the Provincial Policy Statement and conform with the applicable provincial plans and Regional Official Plan. The policy and regulatory documents that affect these proposed amendments have been reviewed and summarized in the table below. Only key policies relevant to the proposed amendments

have been included. The table should be considered a general summary of the intent of the policies and should not be considered exhaustive. In the sub-section that follows, the relevant policies of Mississauga Official Plan are summarized. The proposed amendments will be evaluated based on these policies in the subsequent recommendation report.

Policy Document	Legislative Authority/Applicability	Key Policies
Provincial Policy Statement (PPS)	<p>The fundamental principles set out in the PPS apply throughout Ontario. (PPS Part IV)</p> <p>Decisions of the council of a municipality shall be consistent with PPS. (PPS 4.1)</p> <p>The Official Plan is the most important vehicle for implementation of the Provincial Policy Statement (PPS 4.6)</p>	<p>Healthy, liveable and safe communities are sustained by: c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; (PPS 1.1.1.c)</p> <p>Natural features and areas shall be protected for the long term (PPS 2.1.1)</p>
Growth Plan for the Greater Golden Horseshoe (Growth Plan)	<p>The Growth Plan applies to the area designated as the Greater Golden Horseshoe growth plan area. All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise. (Growth Plan 1.2.2)</p>	<p>N/A – City's proposed amendments are not related to growth.</p>
Region of Peel Official Plan (ROP)	<p>The Region of Peel approved MOP on September 22, 2011, which is the primary instrument used to evaluate proposed City initiated amendments to the zoning by-law.</p>	<p>It is the policy of Regional Council to:</p> <p>Protect, maintain and enhance the quality and integrity of ecosystems, including air, water, land and biota jointly with the area municipalities, conservation authorities and provincial agencies. (ROP 2.1.3.2)</p> <p>Encourage the area municipalities, in consultation with the conservation authorities, to promote and enforce soil conservation measures on developing sites. (ROP 2.1.3.6)</p>

Policy Document	Legislative Authority/Applicability	Key Policies
		<p>General objectives: To conserve, restore and enhance integrity of Peel's air, water and land resources. (ROP 2.2.1.2)</p> <p>Objective: Identify, protect and support the restoration and rehabilitation of the Greenlands System in Peel. (ROP 2.3.1)</p>

Mississauga Official Plan

The policies of Mississauga Official Plan (MOP) implement provincial directions for growth. MOP is generally consistent with the PPS and conforms with the Growth Plan, Greenbelt Plan, PBWP and ROP. An update to MOP is currently underway

to ensure MOP is consistent with and conform to changes resulting from the recently released Growth Plan, 2019 and Amendment No. 1 (2020).

Relevant Mississauga Official Plan Policies

The following policies are applicable in the review of these proposed amendments. In some cases the description of the general intent summarizes multiple policies.

	General Intent
Chapter 6 Value The Environment	<p>Mississauga will: a) protect, enhance, restore and expand the Natural Heritage System; b) encourage the stewardship and enhancement of other areas within the Green System, particularly where it contributes to the function and linkage of the Natural Heritage System (Section 6.1.1)</p> <p>The City will work with the conservation authorities to encourage restoration, enhancement, stewardship and managements of lands identified by conservation authorities as part of their natural heritage systems. (Section 6.3.4)</p> <p>The Natural Heritage System will be protected, enhanced, restored and expanded through the following measures: e) the promotion of stewardship within privately and publicly owned lands within the Natural Heritage System; f) controlling activities that may be incompatible with the retention of the Natural Heritage System and associated ecological functions. (Section 6.3.24)</p> <p>Mississauga will use a water balance approach in the management of stormwater by encouraging and supporting measures and activities that reduce stormwater runoff, improve water quality, promote evapotranspiration and infiltration, and reduce erosion using stormwater best management practices. (Section 6.4.2.1)</p> <p>Surface drainage and stormwater management facilities will be installed for the safety of residents and to protect infrastructure and</p>

	General Intent
	property. (Section 6.4.2.4)
Chapter 9 Build A Desirable Urban Form	Where surface parking is permitted, the following will apply. Parking should: b) incorporate stormwater best management practices, such as permeable paving, bio-retention areas and tree clusters; (Section 9.5.5.3)
Chapter 11 General Land Use Designations	<p>Lands designated Greenlands are associated with natural hazards and/or natural areas where development is restricted. (Section 11.2.3.1)</p> <p>Permitted uses on Greenlands include conservation related uses, including flood control and/or erosion management, passive recreational uses are also permitted. (Section 11.2.3.2)</p>

2. Summary of Proposed Zoning By-law Amendments

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
Section 1.2: Definitions			
1	Buildable Area	Add a new definition	Create a definition for buildable area to clarify that minimum and maximum yards are no longer applicable, therefore only the setback requirements of the exception schedule will apply. This will result in removing any encroachments since yards have been removed, and leaving only projections, if permitted through the exception zone.
2	Context Grade	Amend the definition by removing the words "on a diagonal" and replacing with "at an angle of 135°"	The inclusion of a specific angle will provide greater clarity as to how context grade is measured and will be consistent with the existing interpretation used by Building Division staff.
3	Gross Floor Area (GFA) – Infill Residential	Amend the definition to include the area of void in a floor	By including the area of void in a floor in the calculation of gross floor area, the massing of an infill house will be accurately captured.

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
4	Flat Roof	Amend the percentage of flat roof area that would qualify as a flat roof	Lower the percentage of permitted flat roof area (angle less than 15 degrees) from 50% to 35%. This will result in houses that are designed to include more than 35% of the total area with flat roof components having to meet the lower flat roof height limit.
5	Lot Coverage	Amend the definition to include pergolas	Pergolas were previously not considered as part of lot coverage as they do not have a floor area, even though they are considered accessory structures.
6	Parapet	Add a new definition	Create a definition for parapet to clarify what constitutes a parapet.
7	Sight Triangle	Amend the definition to remove road allowance and replace with street	Previous definition was not clear that sight triangles only apply to public roads and not private roads.
Part 2: General Provisions			
8	2.1.30.2(2) Rooftop Balcony Setback Exception	Remove the words “does not abut” and replace with a specific measurement	Including a specific measurement provides clarity rather than using an interpretation of what is considered to be abutting.
Part 3: Parking, Loading and Stacking Lane Regulations			
9	3.1.1.8.1 Access – Parking and Loading Spaces	Remove the words “driveways and”	Clarify that parking spaces and aisles shall be provided by unobstructed on-site driveways or aisles. Driveways are not always required because there may be situations where there is only an aisle leading to a parking space.
Part 4.1: General Provisions for Residential Zones			
10	4.1.5 Encroachments and Projections – Window Wells	Add a new regulation that permits window wells to encroach a maximum of 1.2 m (3.9 ft.) into a required rear yard	The Ontario Building Code (OBC) requires that in some circumstances, second units with an egress window requires a window well to have a minimum depth clearance of 1.0 m

#	SECTION NUMBER	PROPOSED REVISION	COMMENT/EXPLANATION
			(3.3 ft.). The proposed amendment will accommodate the OBC requirement but only in the required rear yard, which is typically the largest yard and not visible from the street. An additional 0.2 m (0.7 ft.) has been included to consider thicker materials such as brick or armor stone for window wells.
11	4.1.12.3 Deck Restrictions on Garages	Include detached garage in the restriction of a deck on top, above or projecting from a garage	When the accessory structure/garage regulations were last updated, one regulation was inadvertently omitted.
12	4.1.21 Maximum Gross Floor Area – Infill Residential	Add a new regulation to the General Provisions for Residential Zones that exempts the void in a floor for the calculation of gross floor area – infill residential, to a maximum of 10% of the permitted gross floor area – infill residential	The intent of creating this regulation is to ensure that the gross floor area for new dwellings is reflective of the massing of the building. Some flexibility is appropriate if the areas of void in a floor are minor, and in those cases, should not contribute to the gross floor area calculation.
Part 10: Greenlands Zones			
13	10.1.1.4 Parking Areas in Greenlands Zones	Remove the words “shall” and replace with “may”	In consultation with Conservation Authority and Community Services staff, permeable types of materials such as permeable pavers are not always the best method for addressing environmental impacts such as increased stormwater runoff. The proposed wording allows for flexibility to address the different scenarios.
Miscellaneous			
14	Various sections of the by-law	Bold the word “parapet” as it exists throughout the by-law	The word “parapet” currently exists in the by-law as an undefined term. Creating a definition will create clarity to effectively interpret regulations.

3. Next Steps

Based on the comments received and the applicable Mississauga Official Plan policies, the Planning and Building Department will bring forward a recommendation report to a future Planning and Development Committee meeting. It is at this meeting that the members of the Committee will make a decision on the proposed amendments.