

City of Mississauga
Corporate Report



<p>Date: December 23, 2022</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning & Building</p>	<p>Originator's file: BL.09-CIT (All Wards)</p>
	<p>Meeting date: January 16, 2023</p>

Subject

PUBLIC MEETING INFORMATION / RECOMMENDATION REPORT (ALL WARDS)

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

File: BL.09-CIT (All Wards)

Recommendation

That the proposed amendments to Zoning By-law 0225-2007, as detailed in Appendix 2 of the report dated December 23, 2022, from the Commissioner of Planning and Building, be approved in accordance with the following:

1. That an implementing zoning by-law be enacted at a future City Council meeting.
2. That notwithstanding planning protocol, that this report regarding new and revised definitions and regulations in Zoning By-law 0225-2007, be considered both the public meeting, and combined information and recommendation report.

Executive Summary

- Housekeeping amendments to the City's Zoning By-law are being proposed to update definitions and regulations, address zoning regulation interpretation issues, and respond to new industry trends.
- New regulations are also being proposed to ensure appropriate safety considerations are in place for pressurized containers, specifically those abutting zones with sensitive land uses, and regulations that will allow accessory uses to locate within transit terminals in order to encourage more sustainable and convenient transit use.
- This report provides background information and recommendations on the proposed zoning by-law amendments.

Background

The City periodically amends the Zoning By-law to clarify wording, update definitions, delete or modify outdated regulations, introduce new regulations due to legislative requirements or new trends, or address zoning regulation interpretation issues. The purpose of this report is to present a series of amendments and to provide an opportunity for public comments.

Comments

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 notable amendments. A detailed list of all proposed amendments is included in Appendix 2.

PRESSURE CONTAINERS

The current Zoning By-law contains regulations for propane storage tanks, which limit the aggregate capacity on a property, restrict their location on a lot, and require a separation distance to zones that permit residential uses. However, propane storage tanks as currently defined within the by-law do not encompass other types of pressurized containers, such as liquid oxygen tanks that are used for medical purposes among other uses. As a result, other pressure containers are not regulated under the Zoning By-law and have no requirement for separation distances to sensitive land uses such as residential or the Downtown Core areas.

It should be noted that it is the responsibility of the Technical Standards and Safety Authority (TSSA) to inspect and audit pressurized equipment and quality programs in North America. Through the TSSA, inspectors examine pressurized equipment and facilities prior to operation and then periodically afterwards to ensure compliance with existing safety standards. The TSSA is essentially responsible for administering the regulatory oversight of boilers and pressure vessels (BPVs), which is addressed through the Boilers and Pressure Vessels Regulation (O. Reg. 220/01) and the Operating Engineers Regulation (O. Reg. 219/01), both of which are made under the *Technical Standards and Safety Act*. In determining the appropriate regulations for pressure containers, staff have consulted with the TSSA to understand their role and regulations that apply to pressure containers.

To ensure pressure containers are regulated with the appropriate safety considerations for sensitive land uses under the Zoning By-law, staff are proposing to amend the Zoning By-law to introduce a new definition, restrict their location to the rear yard, and prohibit them when abutting zones with residential uses and within the Downtown Core. The exception to these regulations are hospitals, which are only subject to a minimum separation distance of 10 m (32.8 ft.) to sensitive land uses.

ACCESSORY USES IN TRANSIT TERMINALS

In consultation with Metrolinx, staff have been requested to consider permitting accessory uses within transit terminals. As such, a zoning by-law amendment is being proposed for transit

terminals in an effort to encourage more sustainable and convenient transit use, by enhancing the transit experience for commuters.

Accessory uses such as retail stores, take-out restaurants, service establishments, financial institutions and offices are being proposed within transit terminals, with the restriction that these accessory uses be located wholly within the transit terminal building. This restriction consequently means that the proposed accessory uses will be subject to the hours of operation of the transit terminals. In addition, all accessory uses will be limited to 30% of the total gross floor area. These regulations will ensure that any additional uses are truly accessory, and have the added benefit of not requiring any additional parking to accommodate the accessory uses.

INTERIOR DETAILING IN MOTOR VEHICLE WASH FACILITIES

The Zoning By-law's current definitions for motor vehicle wash facility - commercial motor vehicle and motor vehicle wash facility – restricted do not capture uses such as interior detailing (i.e. cleaning). Staff have been receiving an increasing number of requests for stand-alone interior detailing facilities and as the Zoning By-law does not currently contemplate this type of use, interior detailing uses have been operating under a level of uncertainty within the by-law.

As such, staff are proposing to add interior detailing as a use to both the definitions for motor vehicle wash facility - commercial motor vehicle and motor vehicle wash facility – restricted. As a result, detailing facilities for passenger vehicles would be permitted in the E2 (Employment), E3 (Industrial) and C5 (Motor Vehicle Commercial) zones, while detailing for commercial motor vehicles (ex. trucks) would be permitted only in E3 zones. This amendment would incorporate a similar type of use to ones already permitted in these zones, and would ensure that the by-law is kept up-to-date with new industry trends across the City.

OTHER PROPOSED CHANGES

Other minor proposed changes to the Zoning By-law include:

- Amending the regulation regarding frontage on a street, to also include frontage on a common element condominium road or a private road
- Updating the designated right-of-way width schedules to align with Mississauga Official Plan
- Clarifying that the definition of gross floor area – infill residential includes void areas that are open to below, and including a new definition of void area
- Adding a 4.5 m (14.8 ft.) front and exterior side lot line setback and a 2.5 m (8.2 ft.) interior side lot line setback for accessory buildings or structures to the RM4 (Townhouse) zone
- Clarifying that in the RM4 (Townhouse) zone, the minimum lot line setback from a townhouse to a street includes the front, side and rear wall of a townhouse
- Adding regulation to the RM9 and RM10 (Back to Back and Stacked Townhouses) and RM11 (Back to Back Townhouses on a CEC-Road) zones to clarify the minimum widths for sidewalks adjacent to a street, condominium road, private road or common element condominium road

- Clarifying that in the RM11 (Back to Back Townhouses on a CEC-Road) zone, the minimum setback is measured from a building rather than a lot

A detailed list of each proposed amendment, with explanations is provided in Appendix 2.

Planning Analysis Summary

A detailed Planning Analysis of the applicable land use policies and regulations can be found in Appendix 1.

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 *Provincial Policy Statement* (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.

The proposed zoning by-law amendments are consistent with the *Provincial Policy Statement* and conform to the *Growth Plan for the Greater Golden Horseshoe*, the Region of Peel Official Plan and Mississauga Official Plan.

Financial Impact

There is no financial impact.

Conclusion

In summary, the proposed zoning by-law amendments are acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposed amendments to Zoning By-law 0225-2007, as amended, conform with the policies of Mississauga Official Plan.

2. Regular updates to definitions and regulations are required to address interpretation issues and new trends.
3. Clarification is being provided to staff and applicants, leading to efficiencies in reviewing development proposals.


Should the amendments be approved by Council, the implementing zoning by-law will be brought forward to Council at a future date.

Attachments

Appendix 1: Detailed Planning Analysis

Appendix 2: Proposed Zoning By-law Amendments

Appendix 3: Revised Right-of-Way Width Schedules 1 and 2



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