

# City of Mississauga

## Corporate Report



Date: 2019/05/31

To: Chair and Members of Planning and Development Committee

From: Andrew Whittemore, M.U.R.P., Commissioner of Planning and Building

Originator's file:  
CD.06-ACC

Meeting date:  
2019/06/24

## Subject

### **PUBLIC MEETING RECOMMENDATION REPORT (ALL WARDS)**

**Proposed Zoning By-law Amendments for Accessory Buildings and Structures**

**File: CD.06-ACC**

**Bill 139**

## Recommendation

That the report dated May 31, 2019, from the Commissioner of Planning and Building recommending proposed amendments to the Zoning By-law for accessory buildings and structures, be adopted in accordance with the following:

1. The proposed amendments to Zoning By-law 0225-2007, as detailed in Appendix 2, be approved, and that an implementing zoning by-law be brought to a future City Council meeting.

## Background

A public meeting was held by the Planning and Development Committee on April 29, 2019, at which time an Information Report ([Information Report Link](#)) was received for information. Recommendation PDC-0035-2019 was then adopted by Council on May 8, 2019.

That the report dated April 5, 2019, from the Commissioner of Planning and Building regarding potential zoning by-law amendments for accessory buildings and structures under File CD.06-ACC (All Wards), be received for information.

## Comments

No comments were made at the public meeting and no comments have been received by the Planning and Building Department.

## PLANNING ANALYSIS SUMMARY

A detailed Planning Analysis is found in the Information Report (Appendix 1). The proposed zoning amendments for accessory buildings and structures (hereinafter referred to as accessory structures) 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.

The proposed amendments, as outlined in the Information Report are as follows:

- Creating two sets of regulations for accessory structures – one for lots that are greater than or equal to 750 m<sup>2</sup> (8,072 ft<sup>2</sup>) and one for lots that are less than 750 m<sup>2</sup> (8,072 ft<sup>2</sup>)
- Permitting an increased size for accessory structures (height and area occupied) for larger lots
- Introducing a maximum lot coverage for accessory structures
- Removing the maximum number of accessory structures in favour of a maximum combined area occupied for all accessory structures
- Exempting certain outdoor fireplaces from a maximum height

Since the public meeting, further considerations regarding accessory structures were contemplated resulting in further refinements to the proposed amendments. Full notice was provided for these changes.

### Maximum Lot Coverage

Applying a 5% maximum lot coverage provision for accessory structures allows for proportional development on larger lots. However, for smaller lots, applying the same restriction may hinder the ability of property owners to place a reasonably sized accessory structure on their property. The proposed 5% maximum lot coverage provision could prevent a 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) accessory structure on a small lot, which is currently permitted. Therefore, it is recommended that the maximum lot coverage provision only apply to lots that are greater than or equal to 750 m<sup>2</sup> (8,072 ft<sup>2</sup>).

### Impact on High Density Residential Sites

The current provisions that limit the maximum height and floor area/area occupied by accessory structures apply regardless of the type or size of residential lot.

Although the Information Report only spoke to low density residential lots, it is appropriate to allow for larger structures on apartment lots as well since the properties tend to be larger and providing communal gazebos or pergolas is a benefit for residents. The maximum size of 20 m<sup>2</sup> (215.3 ft<sup>2</sup>) and maximum height of 3.5 m (11.5 ft.) would still apply so that the accessory structures do not become excessively large.

Planning and Development Committee	2019/05/31	3
------------------------------------	------------	---

Originator's file: CD.06-ACC

Appendix 2 details the proposed zoning changes that were considered in the Information Report, as well as the further considerations outlined above.

Due to the relatively minor nature of the proposed revisions, no further public meetings are required.

## Financial Impact

Not applicable

## Conclusion

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

1. The proposed amendments to Zoning By-law 0225-2007 conform with the policies of Mississauga Official Plan.
2. The proposed amendments establish a balance between mitigating impact of accessory structures on neighbouring properties, and providing flexibility for larger structures on larger lots.
3. Greater zoning flexibility will result in efficiencies in staff time as there should be fewer minor variance applications, and fewer property owners needing to apply to the Committee of Adjustment.

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: Information Report

Appendix 2: Proposed Zoning By-law Amendments for Accessory Buildings and Structures




---

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

Prepared by: Jordan Lee, Planner

# City of Mississauga

## Corporate Report



Date: April 5, 2019

To: Chair and Members of Planning and Development Committee

From: Andrew Whittemore, M.U.R.P., Commissioner of Planning and Building

Originator's file:  
CD.06-ACC

Meeting date:  
2019/04/29

## Subject

### PUBLIC MEETING INFORMATION REPORT (ALL WARDS)

Potential Zoning By-law Amendments for Accessory Buildings and Structures

File: CD.06-ACC

Bill 139

## Recommendation

That the report dated April 5, 2019, from the Commissioner of Planning and Building regarding potential zoning by-law amendments for accessory buildings and structures under File CD.06-ACC (All Wards), be received for information.

## Report Highlights

- This report provides background information on existing zoning standards for accessory buildings and structures on low density residential lots in order to receive comments from the community.
- The Planning and Building Department is proposing zoning amendments that would establish a balance between mitigating impact on neighbouring properties, and providing flexibility for larger structures on larger lots.

## Background

On May 10, 2017, Council directed Planning staff to review the existing zoning regulations for accessory buildings and structures (hereinafter referred to as accessory structures). The intent of the review was to determine if new size and height regulations that are relative to the size of the property would be more appropriate, rather than a fixed maximum.

The purpose of this report is to present proposed zoning by-law amendments for accessory structures and to hear comments from the public on the potential changes. Based on feedback received, staff will prepare a recommendation report to be considered at a later date.

## Comments

### TRENDS

Staff reviewed the zoning by-laws of several municipalities in the Greater Toronto and Hamilton Area (GTHA), including Toronto, Brampton, Milton, Oakville, Burlington, Hamilton, Vaughan and Markham. In comparison with those municipalities, Mississauga has some of the most restrictive zoning regulations for accessory structures. Due to variability in definitions and regulations that may be area-specific and may apply differently to each municipality, it is difficult to assemble the municipal standards into one comprehensive table.

Mississauga's restrictive zoning standards have resulted in staff reviewing over 150 minor variance applications for accessory structures from 2016 - 2018. The majority of the applications are located in Wards 1 and 2, and tend to be for larger lots, with a median lot size of 1 000 m<sup>2</sup> (10,763 ft<sup>2</sup>). The requests are predominantly for an increase in permitted height, floor area/occupied area and/or the number of structures. In the majority of cases where Planning and Building staff have either recommended refusal or deferral, the proposed accessory structures were significantly larger than the permitted maximum.

When staff review a minor variance application for an accessory structure that is larger than permitted, the main considerations are the size of the lot, setbacks and coverage. These are most likely to create an impact on adjacent properties. The placement of an accessory structure on a large lot with sufficient setback to neighbouring properties often mitigates the massing impact.

### POTENTIAL ZONING BY-LAW AMENDMENTS

All of the applicable zoning by-law regulations for accessory structures were examined. To introduce some flexibility into the by-law the following amendments are being considered:

- Creating two sets of regulations – one for lots that are greater than or equal to 750 m<sup>2</sup> (8,072 ft<sup>2</sup>) and one for lots that are less than 750 m<sup>2</sup> (8,072 ft<sup>2</sup>)
- Permitting an increased size (height and area occupied) for larger lots
- Introducing a maximum lot coverage for accessory structures
- Removing the maximum number of accessory structures in favour of a maximum combined area occupied for all accessory structures
- Exempting certain outdoor fireplaces from a maximum height

Staff are not proposing to amend the setback requirements as the zoning by-law already applies different setback standards depending on lot size.

Each of the proposed amended regulations is described in greater detail below.

### **Two Sets of Regulations Related to Lot Size**

The zoning by-law identifies four types of accessory structures - detached garages, gazebos, pergolas and “other accessory structures”. The detached garage regulations should more appropriately be moved to section 4.1.12 of the zoning by-law where the attached garage regulations are located. No changes to the detached garage regulations are proposed.

The regulations for the latter three categories are identical in regards to maximum height and floor area/maximum area occupied. These regulations apply regardless of lot size. The creation of two sets of regulations based on lot size for accessory structures would recognize the difference in impact relative to the size of the lot.

The minimum lot area for interior lots in the R1 zone is 750 m<sup>2</sup> (8,072 ft<sup>2</sup>), which is the largest base zone regulation for detached dwellings. This threshold is also being considered for differentiating large and small lots for the purposes of evaluating accessory structures. Milton, Vaughan and Toronto have different zoning standards based on either the lot frontage or lot area.

### **Maximum Height and Area Occupied**

The zoning by-law currently permits a maximum height of 3.0 m (9.8 ft.) and a maximum floor area/area occupied of 10 m<sup>2</sup> (107.6 ft<sup>2</sup>) for gazebos, pergolas and other accessory structures, regardless of the size of the lot. These standards represent one of the most restrictive set of requirements for municipalities in the GTHA.

Increasing the maximum height of accessory structures to 3.5 m (11.5 ft.) for lots greater than 750 m<sup>2</sup> (8,072 ft<sup>2</sup>) would have eliminated the need for 29 out of 127 height variances from 2016-2018. Of those 29 variances, the Planning and Building Department had no objection to all but one of the requests. A maximum permitted height of 3.5 m (11.5 ft.) would still be lower than the zoning standards in Toronto, Oakville, Burlington, Hamilton and Markham.

Similarly, increasing the maximum area occupied to 20 m<sup>2</sup> (215.3 ft<sup>2</sup>) for lots greater than 750 m<sup>2</sup> (8,072 ft<sup>2</sup>) would have eliminated the need for 47 out of 129 variances from 2016-2018. The Planning and Building Department had no objection to all 47 of those requests. A maximum area occupied of 20 m<sup>2</sup> (215.3 ft<sup>2</sup>) would still be lower than the zoning standard in Burlington, but would be higher than that of Markham and Vaughan. Rather than limiting each accessory structure, some municipalities rely on maximum lot coverage or a maximum combined area for all accessory structures.

No change is proposed for height and area occupied for lots smaller than 750 m<sup>2</sup> (8,072 ft<sup>2</sup>).

### **Maximum Lot Coverage**

Lot coverage is the percentage of the lot area that is occupied by all buildings and structures, including those that are accessory to the main dwelling. Along with the two sets of regulations based on lot size, creating a separate calculation that pertains only to the accessory structures

would allow for the size of the lot to be considered when determining the maximum area occupied. Relying on the existing definition of lot coverage to achieve this objective would not be effective because properties with dwellings that were built well below the maximum lot coverage would be permitted larger accessory structures.

Toronto permits a maximum lot coverage of 10% for accessory structures while Oakville permits the greater of 5% of the lot area or 42 m<sup>2</sup> (452 ft<sup>2</sup>) of building area. Introducing a 5% maximum lot coverage for accessory structures would provide flexibility to scale up for larger lots, but also provide protection from overdevelopment on smaller lots.

### **Maximum Combined Area**

Currently, the zoning by-law permits one of each of the following: gazebo, pergola, and other accessory building and structure (e.g. shed). Each one is permitted a maximum floor area or area occupied of 10 m<sup>2</sup> (107.6 ft<sup>2</sup>). The current regulations are not flexible enough to accommodate the needs of many residents. For example, two moderately sized sheds can be less impactful than allowing one of each of the permitted accessory buildings or structures. However, since only one of each is currently allowed, minor variances would be required. To address this issue, the zoning by-law could be amended to permit a maximum combined area for all accessory structures.

The by-law currently allows a maximum of 30 m<sup>2</sup> (322.9 ft<sup>2</sup>) in total for all accessory structures. This standard should be maintained for lots smaller than 750 m<sup>2</sup> (8,072 ft<sup>2</sup>). For larger lots, it is proposed to double the maximum area occupied to a maximum combined area of 60 m<sup>2</sup> (645.8 ft<sup>2</sup>) and remove the distinction between the aforementioned accessory structures.

A maximum combined area for all accessory buildings and structures has been utilized as a zoning standard in Toronto and Brampton. No other GTHA municipalities surveyed limit the number of accessory structures.

### **Exempting Certain Outdoor Fireplaces**

Under the zoning by-law, outdoor fireplaces are considered to be accessory structures. Therefore, they are subject to the same regulations as sheds, gazebos, pergolas and other accessory structures. The Ontario Building Code (OBC) also has minimum height requirements for chimney flues that are either attached to the roof or within 3 m (9.8 ft.) of a roof surface or structure. In some instances, this OBC requirement has resulted in variances being sought at the Committee of Adjustment when there is an outdoor fireplace attached to a rear deck. Exempting the height requirements for outdoor fireplaces within 3 m (9.8 ft.) of the roof or walls of the dwelling would have eliminated the need for 21 out of 30 variances from 2016-2018. Of those 21 variances, the Planning and Building Department had no objection to all of those requests.

### Effect of Potential Amendments

For the purposes of assessing the overall impact of the potential zoning amendments, typical large and small lots in Mississauga were examined. Large lots were assumed to be 950 m<sup>2</sup> (10,225 ft<sup>2</sup>) while small lots were assumed to be 390 m<sup>2</sup> (4,198 ft<sup>2</sup>). These lots represent typical lot sizes seen at the Committee of Adjustment.

Appendices 2 and 3 depict lots with typical accessory structure conditions. Appendices 4 and 5 demonstrate the maximum number, size and height of accessory structures, as they would be permitted on those lots with existing zoning regulations. Appendices 6 and 7 demonstrate the effect of all of the proposed maximum zoning regulations, as discussed above.

### LAND USE POLICIES AND REGULATIONS

The relevant policies of Mississauga Official Plan are consistent with the *Provincial Policy Statement* (PPS), *Growth Plan for the Golden Horseshoe* (Growth Plan) and Region of Peel Official Plan (ROP). The *Greenbelt Plan* and *Parkway Belt Plan* policies do not apply. The proposed amendments are consistent with the PPS and conform to the Growth Plan and the ROP. Appendix 1 contains a detailed analysis of consistency and conformity with Provincial regulations.

### Financial Impact

Not applicable.

### Conclusion

Once public input has been received, and all issues are identified, the Planning and Building Department will be in a position to make recommendations regarding potential amendments to Zoning By-law 0225-2007 for accessory structures. Notwithstanding planning protocol, the Recommendation Report may be brought directly to a future Council meeting.

### Attachments

- Appendix 1: Detailed Information and Preliminary Planning Analysis
- Appendix 2: Small Lots – Existing Condition
- Appendix 3: Large Lots – Existing Condition
- Appendix 4: Small Lots – Maximum Permitted Under Existing Zoning
- Appendix 5: Large Lots – Maximum Permitted Under Existing Zoning
- Appendix 6: Small Lots – Proposed Zoning Regulations
- Appendix 7: Large Lots – Proposed Zoning Regulations





Planning and Development Committee	2019/04/05	6
------------------------------------	------------	---

---

Originator's file: CD.06-ACC

Prepared by: Jordan Lee, Planner

**Detailed Information and Preliminary Planning Analysis**

Table of Contents

1. Land Use Policies and Regulations .....2-3

## 1. Land Use Policies and Regulations

### Summary of Applicable Policies

The proposed rezoning changes have been evaluated against Provincial Plans and policies as well as the Regional Official Plan and those contained in the Mississauga Official Plan.

The following table summarizes the policy and regulatory documents that affect this proposal.

<b>Policy</b>	<b>Mississauga Official Plan (MOP) Policies</b>	<b>City Initiated Proposal</b>
<b>Provincial Policy Statement (PPS)</b>	The existing policies of MOP are consistent with the PPS. Official Plan Amendment No. 47 to MOP added and amended policies in the Official Plan so that it is consistent with the PPS. This amendment came into force on May 18, 2016.	The lands affected by the proposed zoning amendments are located within a settlement area, as identified by the PPS. The proposed amendments would be consistent with the PPS, which states that the official plan is the most important vehicle for implementation of the PPS in building strong communities.
<b>Growth Plan for the Greater Golden Horseshoe (Growth Plan)</b>	The existing policies of MOP conform with the <i>Growth Plan</i>	The lands affected by the proposed zoning amendments are located in the delineated built-up area, as identified by the Growth Plan. The proposed amendments would conform to the Growth Plan, which addresses planning for intensification. The proposed amendments do not address matters of intensification.
<b>Greenbelt Plan</b>	n/a	n/a
<b>Parkway Belt Plan</b>	n/a	n/a
<b>Region of Peel Official Plan (ROP)</b>	The existing policies of MOP are consistent with the ROP	The lands affected by the proposed zoning amendments are located in the urban system and the built-up area, as identified by the ROP. The proposed amendments conform to the ROP, which directs municipalities to include policies in their official plans that support broader planning objectives such as growth management, protecting the natural environment, housing and transportation. Local issues such as accessory buildings and structures are addressed by Mississauga Official Plan and Zoning By-law 0225-2007.
<b>Mississauga Official Plan</b>	-	There are several policies from the Mississauga Official Plan that are applicable in the evaluation of the proposed amendments. They are outlined in the conformity analysis following this table.
<b>Zoning By-law 225-2007</b>	-	Proposed changes to the zoning regulations for accessory buildings and structures on low density residential lots include creating two sets of regulations based on lot size; permitting an increased height and area occupied for larger lots; introducing a maximum lot

Policy	Mississauga Official Plan (MOP) Policies	City Initiated Proposal
		coverage for accessory structures; removing the maximum number of accessory structures in favour of a maximum combined area; and exempting certain outdoor fireplaces.

### Conformity Analysis

#### Relevant Mississauga Official Plan Policies

The following table identifies the Mississauga Official Plan policies which will be used to evaluate the proposal.

	Specific Policies	General Intent
<b>Chapter 5 Direct Growth</b>	Section 5.1.7	Mississauga will protect and conserve the character of stable residential Neighbourhoods.
	Section 5.3.5.6	Development will be sensitive to the existing and planned context and will include appropriate transitions in use, built form, density and scale.
<b>Chapter 9 Build a Desirable Urban Form</b>	Section 9.2.2.3	While new development need not mirror existing development, new development in Neighbourhoods will: c. respect the scale and character of the surrounding area; g. be designed to respect the existing scale, massing, character and grades of the surrounding area.
	Section 9.5.1.1	Buildings and site design will be compatible with site conditions, the surrounding context and surrounding landscape of the existing or planned character of the area.
	Section 9.5.1.2	Developments should be compatible and provide appropriate transition to existing and planned development by having regard for the following elements: g. the size and distribution of building mass and height; h. front, side and rear yards; i. the orientation of buildings, structures and landscapes on a property; m. the function and use of buildings, structures and landscapes.
	Section 9.5.1.4	Buildings, in conjunction with site design and landscaping, will create appropriate visual and functional relationships between individual buildings, groups of buildings and open spaces.
<b>Chapter 19 Implementation</b>	Section 19.4.2	To ensure that the policies of this Plan are being implemented, the following controls will be regularly evaluated: b. Mississauga Zoning By-law.
	Section 19.6.1	The zoning for all properties will conform to this Plan within three years of it coming into force and effect.





# Existing Condition

The dwellings and lots as they exist today. 146 m<sup>2</sup> building footprint with a 6 m<sup>2</sup> pergola. 0.61 m setback to side and rear lot lines.







# Existing Condition

The dwellings and lots as they exist today. 270 m<sup>2</sup> building footprint with a 10 m<sup>2</sup> pergola. 1.2 m setback to side and rear lot lines.





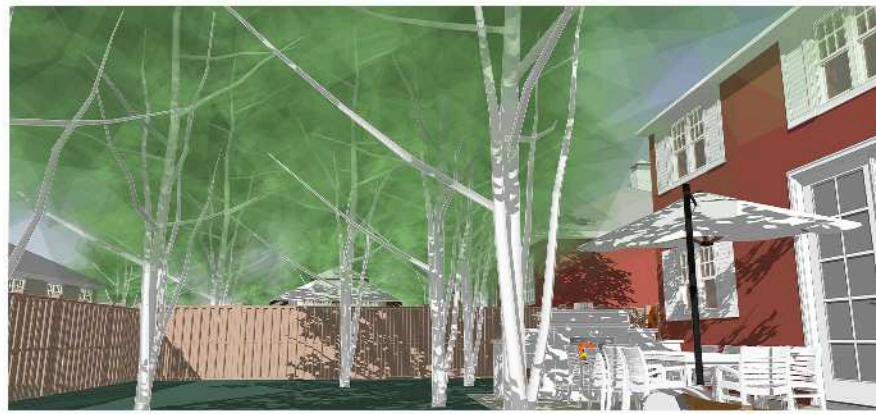


## Maximum permitted under existing zoning

146 m<sup>2</sup> building footprint, with 10 m<sup>2</sup> gazebo, 10 m<sup>2</sup> shed, and 10 m<sup>2</sup> pergola. All accessory structures will be 3 m high. 0.61 m setback to side and rear lot lines.

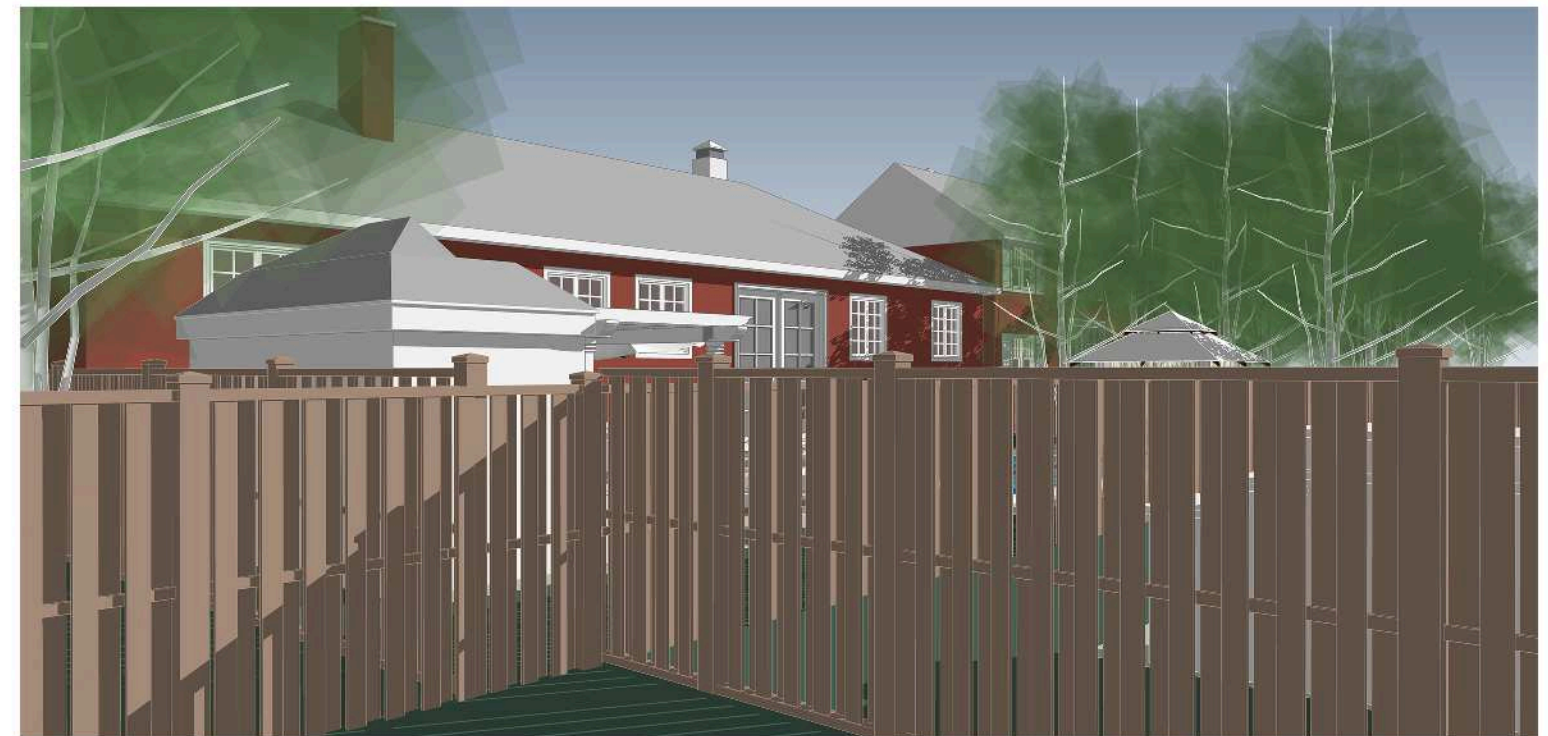






## Maximum permitted under existing zoning

270 m<sup>2</sup> building footprint with 10 m<sup>2</sup> gazebo, 10 m<sup>2</sup> cabana, 10 m<sup>2</sup> pergola. All accessory structures are 3 m in height, 1.2 m setback to side and rear lot lines.







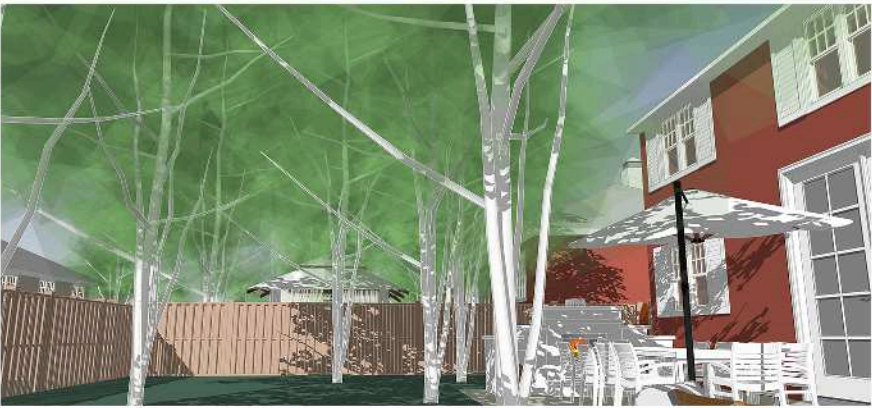
# Proposed Zoning Regulations

146 m<sup>2</sup> building footprint, with 6 m<sup>2</sup> gazebo, 6 m<sup>2</sup> shed, 6 m<sup>2</sup> pergola. All accessory structures will be 3 m high. 0.61 m setback to side and rear lot lines.

*\* Based on potential new lot coverage regulation.*







# Proposed Zoning Regulations

270 m<sup>2</sup> building footprint with 15 m<sup>2</sup> gazebo, 15 m<sup>2</sup> cabana, 15 m<sup>2</sup> pergola\*. All accessory structures are 3.5 m in height, 1.2 m setback to side and rear lot lines.

\* Based on potential new lot coverage regulation.





Proposed Zoning By-law Amendments for Accessory Buildings and Structures  
File: CD.06-ACC

Proposed Zoning Amendments	Residential Lots Greater than or Equal to 750 m <sup>2</sup> (8,072 ft <sup>2</sup> )	Residential Lots Smaller than 750 m <sup>2</sup> (8,072 ft <sup>2</sup> )
Maximum Area Occupied	20 m <sup>2</sup> (215.3 ft <sup>2</sup> )	10 m <sup>2</sup> (107.6 ft <sup>2</sup> )
Maximum Height	3.5 m (11.5 ft.)	3 m (9.8 ft)
Maximum Lot Coverage for Accessory Buildings and Structures	5%	N/A
Maximum Combined Area	60 m <sup>2</sup> (645.8 ft <sup>2</sup> )	30 m <sup>2</sup> (322.9 ft <sup>2</sup> )
Outdoor Fireplaces	Exempt from maximum height restrictions if within 3 m (9.8 ft.) of roof or walls of dwelling	Exempt from maximum height restrictions if within 3 m (9.8 ft.) of roof or walls of dwelling