

City of Mississauga  
**Corporate Report**



<p>Date: November 8, 2023</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Andrew Whittemore, M.U.R.P., Commissioner of Planning &amp; Building</p>	<p>Originator's files: BL.09-CIT (All Wards)</p>
	<p>Meeting date: November 27, 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 November 8, 2023, 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, this report regarding new and revised definitions and regulations for Zoning By-law 0225-2007, be considered both the public meeting and combined information and recommendation report.

## Executive Summary

- Several City-initiated amendments to the Zoning By-law are being proposed, which will: update definitions and regulations; address zoning interpretation issues; and, respond to new industry trends.
- A new definition for “Group Home” is being proposed to align directly with Provincial legislation (i.e. the *Municipal Act* and the *Ontario Human Rights Code*).
- New regulations are being proposed to permit and regulate enclosed rooftop-amenity areas for apartment, long-term care, and retirement buildings.

- 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The City periodically amends the Zoning By-law to clarify wording; update definitions; delete or modify outdated standards; introduce regulations to address industry and legislative trends; and/or, manage zoning interpretation issues. The purpose of this report is to present both a series of amendments, as well as provide the opportunity for the public to comment.

## Comments

Several amendments, from multiple sections of the Zoning By-law, are being proposed. The following represents an overview of the most notable amendments, with a detailed list of all proposed changes subsequently included in Appendix 2.

### GROUP HOMES

While it has not been a major issue to date, staff recognize that the current definition of “group home” may be outdated. Land use definitions which make specific prohibitory references to their operators, or regulate the users rather than the use, are inconsistent with the practices and standards found within the *Ontario Human Rights Code*.

Staff are proposing to amend the Zoning By-law to incorporate verbatim the legislative definition of “group home”, as found in the *Municipal Act*. This proposed amendment will ensure that only provincially or federally licensed / funded operators will be permitted to manage a group home within the City. The current definition in the City’s Zoning By-law allows both unlicensed and licensed operators to qualify as a group home. The proposed amendment would also identify the permitted number of residents in each group home.

The proposed wording for the Zoning By-law for group homes is as follows:

Group Home means a residence licensed or funded under a federal or provincial statute for the accommodation of three to 10 persons, exclusive of staff, living under supervision in a single housekeeping unit and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being.

By removing outdated and exclusionary wording from the current definition, the City will align with Provincial legislation. The revised definition will also provide clearer criteria when group homes are being evaluated for zoning compliance. These changes are recommended as the need for supportive housing options for vulnerable populations continues to grow.

### ROOFTOP AMENITY AREA

Through recent development applications, the City has been receiving more development proposals for apartment buildings that incorporate enclosed rooftop amenity areas. Currently, the

Zoning By-law restrictions on maximum height are inclusive of enclosed rooftop amenity areas. However, if appropriately designed and set back, visual impacts can be mitigated.

As such, a Zoning By-law amendment is being proposed to permit an enclosed rooftop amenity structure: provided such construction is limited to 4.5 m (14.8 ft.) in height; represents no more than 30% of the rooftop area; and, is set back a minimum of 3.0 m (9.8 ft.) from the rooftop's edge.

The above regulations would mitigate resulting concerns from this perceived increase in height. Staff note that by limiting the overall height of the amenity structure to 4.5 m (14.8 ft.), the resulting construction would be comparable to a typical mechanical room, which is already permitted an exemption in the by-law, provided it is less than 6.0 m (19.7 ft.) in height. Further, by controlling the coverage of this amenity space to less than a third of the rooftop area, such regulations minimize the overall presence of any subsequent structure, especially in relation to that of the primary building.

The proposed amendment would result in the better utilization of amenity space, as well as be more reflective of contemporary urban design. To this end, Staff would note the inclusion of similar design features in several recently approved development applications, where the incorporation of amenity space in a similar manner was deemed appropriate.

### **OTHER PROPOSED CHANGES**

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

- Amending the definitions of Corner Lot, Exterior Side Lot Line, and Street Line to include reference to "CEC – Road" (common element condominium – road).
- Amending the definition of Electric Vehicle Ready Parking Space to remove the requirements for confirmation from an electrical engineer.
- Amending the definition of Landscaped Buffer to remove the existing reference of "utility easement".
- Creating a definition for "Terrace", providing clarity for such design features.
- Amending the regulation for frontage on a street to also recognize Meadow Wood Lane.
- Adding a vacant-unit parking rate of 3.2 parking spaces per 100 m<sup>2</sup> of non-residential gross floor area.
- Clarifying the points of reference for setbacks in the RM4 Zone.
- Removing the antiquated Courier/Messenger term as a permitted use.
- Deleting the redundant G1-2 Exception Zone, and Greenlands Overlay from a site-specific property.

A detailed list explaining the proposed amendments 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.

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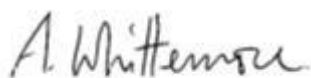
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Should the amendments be approved by Council, the implementing zoning by-law will be brought forward to Council at a future date.

## Attachments

Appendix 1: Detailed Planning Analysis

Appendix 2: Proposed Zoning By-law Amendments



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