

City of Mississauga

Corporate Report



<p>Date: September 25, 2020</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: CD.02-MIS</p>
	<p>Meeting date: October 19, 2020</p>

Subject

PUBLIC MEETING INFORMATION REPORT (WARDS 1-11)

City Initiated Amendments for D (Development) Policies and Zone

File: CD.02-MIS

Recommendation

That the report dated September 25, 2020 from the Commissioner of Planning and Building regarding proposed amendments to Development Zone Provisions and Policies in Section 19.11 of Mississauga Official Plan and Section 12.3 of Zoning By-law 0225-2007, be received for information.

Background

The purpose of this report is to receive comments on proposed amendments to the official plan and zoning by-law to provide policy and regulatory guidance for Committee of Adjustment applications for lands zoned **D** (Development) in the Zoning By-law. Once a public meeting has been held and comments received, a final report with recommendations on the matter will be brought forward.

Origin of the D-zone and D-zone Official Plan Policies

There are a number of properties in the City with uses that had been established before the current zoning regulations and/or the City's first official plan were adopted. Over the years, the City has undertaken a number of official plan reviews to update the vision and/or to respond to provincial requirements. As a result, a number of these properties and their uses are no longer consistent with the future vision for the city. It is assumed that over time market conditions will be such that interest in redevelopment alternatives will be more compatible with the neighbourhood and official plan.

At the time of the comprehensive zoning review in the 2000's, properties with non-conforming uses in the new by-law were not zoned as the City did not want to pre-zone the lands in the absence of detailed studies and community consultation.

The City had to strike a balance of allowing existing, non-conforming uses to continue, but discourage any expansions without the completion of a detailed planning review process. As a result, the use of the **D** (Development) Zone was introduced to allow property owners to continue to use their property as they had at the time of the passage of the zoning by-law, provided the use and the building legally existed. The Zone restricted the use and size of the buildings to align with the uses and building sizes that existed on the date of passage of the new by-law.

The **D** zone was also applied to vacant sites to ensure any rezoning of these lands went through a detailed review and public consultation process.

COMMENTS

Since the **D** zone was enacted, property owners who seek to undertake additions or to change uses, but are not ready for a comprehensive redevelopment, have applied for minor variances at the Committee of Adjustment (the "Committee"). Many of these applications do not pass the four tests of a minor variance under Section 45 of the *Planning Act*, which are:

- Is the application minor in nature?
- Is it desirable for the appropriate development or use of the land, building or structure?
- Is it in keeping with the general intent and purpose of the zoning by-law?
- Is it in keeping with the general intent and purpose of the official plan?

Therefore due to the fact that the **D** zones were designed to only recognize existing uses and buildings, regulations for matters such as setbacks, coverage, parking, and gross floor area were not included in the by-law. As a result, there are no regulations against which proposals can be assessed.

Given the complexity of undertaking a comprehensive redevelopment, consideration should be given to how to allow sites with **D** zones to continue to be viable by allowing minor expansions and similar uses without jeopardizing the future vision for the neighbourhood.

PROPOSED MISSISSAUGA OFFICIAL PLAN AMENDMENTS

To address situations where it is appropriate to consider minor changes or expansions to the **D** Zone properties, it is proposed that a set of criteria be added to MOP. This will allow planning staff to evaluate applications and provide comments to the Committee of Adjustment regarding conformity with the four tests. A list of criteria is attached as Appendix 1.

The intention of the list is to identify circumstances where a new, similar use, or minor expansion/alteration to a building or structure is acceptable and would neither preclude the future, comprehensive redevelopment of the property, nor create a negative impact on the local area.

PROPOSED ZONING BY-LAW AMENDMENTS

In addition to the official plan policies, a set of regulations for minimum lot frontage, setbacks, height and size of addition is proposed to be added to the zoning by-law. This will give staff and members of the Committee of Adjustment a basis on which to assess proposed building alterations, including use under Section 45 (2) of the *Planning Act*. It will also give applicants guidance when seeking a minor variance for changes to the property. These proposed regulations are attached as Appendix 2.

Financial Impact

There is no financial impact associated with the proposed amendments to MOP or the Zoning By-law.

Conclusion

The proposed amendments are seeking to establish policies to apply to those sites where landowners are seeking minor expansions or minor changes in land use for lands zoned **D**. After the public meeting has been held, the Planning and Building Department will be in a position to make recommendations regarding the proposed amendments.

Attachments

Appendix 1: Proposed Criteria for Section 19.11 (MOP) Development Zone

Appendix 2: Proposed Criteria for Section 12.3 (By-law) Development Zone



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