

# City of Mississauga

## Corporate Report



<p>Date: February 14, 2020</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 file: BL.09-ZON (All Wards)</p>
	<p>Meeting date: March 9, 2020</p>

### Subject

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

#### **Proposed Zoning By-law Amendments for Notes**

**File: BL.09-ZON**

### Recommendation

1. That the report dated February 14, 2020, from the Commissioner of Planning and Building regarding proposed zoning by-law amendments for Notes under File BL.09-ZON, be received for information.
2. That following the public meeting, staff report back to Planning and Development Committee on any submissions made.

### Background

The zoning by-law currently contains Notes that serve different functions. Some of the Notes are used to provide additional information by referring the reader to other relevant sections of the by-law. Other Notes function as by-law regulations.

To see examples of the different types of Notes in the by-law, see Appendix 1.

There are multiple benefits to clarifying Notes versus regulations in the by-law:

1. There will be less confusion for the public and for staff. Using the terminology "Notes" does not make it clear that they are enforceable regulations.
2. Informational Notes would not form part of the by-law, which means that any changes required in the future can be done without the need for a public process. Illustrations and examples are already treated this way in the by-law.

3. Some Notes should be removed from the by-law as they are redundant, no longer relevant or create conflicts with regulations. Removing them will create a more efficient and straightforward zoning by-law.

The purpose of this report is to present proposed zoning by-law amendments to: relocate those Notes that function as regulations into appropriate sections of the by-law; to remove Notes that are no longer relevant, and to hear comments from the public on the proposed changes.

## Comments

The intent of the proposed zoning amendments is to generally keep the content of the Notes as they currently exist, but relocate those that function as regulations. There are some exceptions, and they are as follows:

1. Some Notes will remain due to special circumstances. In Section 4.5, which contains the regulations for detached dwellings on modular lots (R12 to R14), all Notes will remain even though some of them function as regulations. The reason for this is that these are infrequently used zones with unusual lotting patterns and are subject to complex regulations. In addition, some Notes will remain as they are currently subject to an appeal before the Local Planning Appeal Tribunal (LPAT) or other by-laws currently in process.
2. Some Notes will be deleted as they are redundant or no longer relevant. For example, there are several Notes that permit common elements as part of a common element condominium. However, the definition of common element in the by-law already states that they are part of a common element condominium.
3. Some Notes create conflicts with existing regulations. For example, in Section 4.3, which contains regulations for detached dwellings on shallow lots (R6 and R7), an attached garage is required. However, there are also Notes that refer to a detached garage, and properties are not permitted to have both.

These proposed amendments will have no impact to people's property rights.

In summary, the proposed changes will provide clarification for the public and staff, reduce the need for city-initiated amendments, while not changing any of the regulations that apply to people's properties.

For a list of each amendment being contemplated, see Appendix 2.

## Financial Impact

Not applicable.

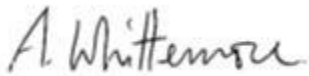
## Conclusion

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

## Attachments

Appendix 1: Examples of Notes in the Zoning By-law

Appendix 2: Proposed Zoning By-law Amendments for Notes



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

Prepared by: Jordan Lee, Planner

## Examples of Notes in the Zoning By-law

Column	A	B	C	D	E	F
ZONES		R1	R2	R3	R4	R5
Table 4.2.1 continued from previous page						
13.0	ACCESSORY BUILDINGS AND STRUCTURES	✓ <sup>(6)</sup>	✓ <sup>(6)</sup>	✓ <sup>(6)</sup>	✓ <sup>(6)</sup>	✓ <sup>(6)</sup>

- NOTES:**
- (1) See also Subsections 4.1.1, 4.1.16 and 4.1.17 of this By-law.
  - (2) See also Subsections 4.1.7 and 4.1.8 of this By-law.
  - (3) See Subsection 4.1.12 of this By-law.
  - (4) See Subsection 4.1.9 of this By-law.
  - (5) See Part 3 of this By-law.
  - (6) See Subsection 4.1.2 of this By-law.
  - (7) Where a **lot** abuts a **lot** with an existing **front yard** of 12.0 m or more, the minimum **front yard** shall be 12.0 m.
  - (8) The setback to the **garage face** shall be the same as the **front yard**.  
(0379-2009), (0181-2018/LPAT Order 2019 February 15)
  - (9) The setback to the **garage face** shall be the same as the **exterior side yard**.  
(0379-2009), (0181-2018/LPAT Order 2019 February 15)

Notes (1) to (6) are for informational purposes. Notes (7) to (9) function as zoning regulations.

**Proposed Zoning By-law Amendment for Notes**

<b>Table/Section</b>	<b>Note</b>	<b>Regulation</b>	<b>Comments</b>
1.1.18	N/A	Examples and illustrations are for the purpose of clarification and convenience, and do not form part of this By-law.	Include notes so that they are no longer part of the by-law, and can be changed for technical reasons when necessary
2.1.14.1	1	Where a buffer block and/or 0.3 m reserve is located between a designated right-of-way and a required yard/setback, the width of the buffer block and/or 0.3 m reserve shall be added to the minimum centreline setback requirement.	Add as a new regulation
3.1.2.1	1	Visitor parking spaces shall not be required for an apartment for which a building permit has been issued on or before May 29, 2009.	Add as a new regulation for CC1-CC4 zones
3.1.2.1	2	All required parking spaces must be accessible to all users participating in the shared parking arrangements and may not be reserved for a particular use or occupant.	Add as a new regulation for CC1-CC4 zones
3.1.2.2	1	Where permanent fixed seating is open-style bench or pew, each 0.5 m of bench or pew space is equal to one (1) seat for the purpose of calculating required parking.	Add as a new regulation
3.1.2.2	4	Manufacturing Facility (Multiple-Occupancy Mixed Use Building) a building(s) occupied by more than one (1) occupant located on one (1) lot, primarily used for manufacturing, warehouse/distribution and/or wholesaling facilities, but may contain other non-manufacturing, non-warehouse/distribution and/or non-wholesaling facilities. Where the non-manufacturing, non-warehouse/distribution and/or non-wholesaling facilities exceed 50% of the total gross floor area - non-residential of the site, separate parking will be required for all uses in accordance with the regulations contained in Table 3.1.2.2 of this By-law.	Add as a new regulation
3.1.2.2	5	Warehouse/Distribution Facility, Wholesaling Facility (Multiple-Occupancy Building) a building(s) occupied by more than one (1) occupant located on one (1) lot, where the primary function of all occupants is warehousing, distribution or wholesaling.	Add as a new regulation
3.1.2.2	6	Where a single occupant office building includes a manufacturing, warehouse/distribution and/or wholesaling facility component and the GFA - non-residential of the manufacturing, warehouse/distribution and/or wholesaling facility component is greater than 10% of the total GFA - non-residential of the building, parking for the manufacturing, warehouse/distribution and/or wholesaling facility component shall be calculated in accordance with the applicable manufacturing, warehouse/distribution and/or wholesaling facility (single occupancy) regulations contained in Table 3.1.2.2 of this By-law.	Add as a new regulation

**Proposed Zoning By-law Amendment for Notes**

<b>Table/Section</b>	<b>Note</b>	<b>Regulation</b>	<b>Comments</b>
3.1.2.3	1	Excludes resident physicians, dentists, drugless practitioners, health professionals, retirement buildings and long-term care buildings.	Add as a new regulation
3.1.3.1	1	Where only 1 accessible parking space is required, a Type A accessible parking space shall be provided.	Add as a new regulation
3.1.3.1	2	Where more than 1 accessible parking space is required: (2.1) if an even number of accessible parking spaces are required, an equal number of Type A and Type B accessible parking spaces must be provided; (2.2) if an odd number of accessible parking spaces are required, an equal number of Type A and Type B accessible parking spaces must be provided and the odd space may be a Type B accessible parking space	Add as a new regulation, slightly amend wording and include a reference to the appropriate illustration
3.1.3.1	3	Where a shared parking arrangement is used for the calculation of required visitor/non-residential parking, the required accessible parking space requirement will be calculated on either the visitor component or non-residential component.	Add as a new regulation
4.1.2.2	1	The maximum lot coverage in an applicable zone is inclusive of the combined total area used for all accessory buildings and structures, including a detached garage.	Add as a new regulation
4.1.2.2	2	In zones where the interior side yard is regulated by the number of storeys, the interior side yard to an accessory structure shall comply with the yard required for a one storey dwelling.	Add as a new regulation and include detached garages
4.1.2.2	3	In zones having a combined width of interior side yards regulation, accessory structures shall comply with the required interior side yard regulation and the combined width of interior side yards regulation.	Add as a new regulation and include detached garages
4.1.12.1	1	Only one attached garage or one detached garage shall be permitted per lot.	Add as a new regulation and include Note (2) from Table 4.1.12.1
4.1.12.1	2	Line 1.0 shall not apply in RM4, RM7 to RM12 zones	See above
4.1.12.1	3	The maximum lot coverage in an applicable zone is inclusive of the combined total area used for a detached garage and all other accessory buildings and structures.	Reference the existing regulation
4.1.12.1	4	In zones where the interior side yard is regulated by the number of storeys, the interior side yard to a detached garage shall comply with the yard required for a one storey dwelling.	Reference the existing regulation
4.1.12.1	5	In zones having a combined width of interior side yards regulation, detached garages shall comply with the required interior side yard regulation and the combined width of interior side yards regulation.	Reference the existing regulation
4.1.12.1	7	On two adjoining lots in a Residential Zone, a detached garage with a joint party wall is	Add as a new regulation

**Proposed Zoning By-law Amendment for Notes**

Table/Section	Note	Regulation	Comments
		permitted.	
4.2.1	7	Where a lot abuts a lot with an existing front yard of 12.0 m or more, the minimum front yard shall be 12.0 m.	Add into the table
4.2.1	8	The setback to the garage face shall be the same as the front yard.	Add into the table
4.2.1	9	The setback to the garage face shall be the same as the exterior side yard.	Add into the table
4.3.1	8	A detached garage is not permitted in a rear yard.	Delete from by-law as an attached garage is required and only one garage is permitted
4.4.1	2	A maximum of 36 m <sup>2</sup> of the floor area of the garage shall be excluded from the calculation of lot coverage where the garage is one storey with no habitable rooms above, located in a rear or interior side yard and is 15.0 m or more from the front lot line.	Delete from by-law as an attached garage is required and only one garage is permitted
4.4.1	3	On an interior lot, a maximum of 12 m <sup>2</sup> of porch area shall be excluded from the calculation of lot coverage.	Add as a new regulation
4.4.1	4	On a corner lot a maximum of 20 m <sup>2</sup> of porch area shall be excluded from the calculation of lot coverage	Add as a new regulation
4.4.1	6	On an interior lot, the front yard may be reduced to 6.0 m where a garage is located in a rear or interior side yard and is located 15.0 m or more from the front lot line.	Delete from by-law as an attached garage is required and only one garage is permitted
4.4.1	7	No part of any garage may be located closer to the front lot line than the main front entrance	Add into the table
4.4.1	8	Regulation is not applicable where the regulations of Line 8.2 have been applied.	Add into the table and amend Line 8.2 to remove reference to detached garage
4.4.1	13	Accessory buildings and structures shall not be located within the front and exterior side yards	Add into Section 4.1.2 and remove the front yard restriction as it is redundant
4.4.1	14	On an interior lot, maximum lot coverage shall be 45% where the projection of a garage beyond the main front entrance or the main entry feature, where provided, is less than or equal to 1.0 m and the projection of a garage beyond the main front entrance is less	Add as a new regulation

**Proposed Zoning By-law Amendment for Notes**

<b>Table/Section</b>	<b>Note</b>	<b>Regulation</b>	<b>Comments</b>
		than or equal to 2.5 m.	
4.4.1	15	The setback to the garage face shall be the same as the front yard.	Add into the table
4.4.1	16	The setback to the garage face shall be the same as the exterior side yard.	Add into the table
4.7.1	1	Common elements are permitted within a common element condominium corporation.	Delete from by-law as existing definition makes this redundant
4.8.1	8	The setback to the garage face shall be the same as the front yard.	Add into the table
4.8.1	9	The setback to the garage face shall be the same as the exterior side yard.	Add into the table
4.8.1	10	Where the rear yard is the attached side of a semi-detached, the interior side yard shall permit encroachments and projections, accessory structures and swimming pools in accordance with rear yard regulations.	Delete from by-law as regulation is not relevant
4.9.1	1	Common elements are permitted within a common element condominium corporation	Delete from by-law as existing definition makes this redundant
4.10.1	2	A wing wall and/or heating and/or air conditioning equipment shall not be located closer to a street line than a townhouse.	Add into the table
4.10.1	3	Provided that the platform with or without direct access to the ground shall have a 3.0 m setback to a lot line.	Add into the table
4.12.1	1	Common elements are permitted within a common element condominium corporation.	Delete from by-law as existing definition makes this redundant
4.12.1	2	Measured from the exterior of outside walls and the midpoint of interior walls.	Delete from by-law as existing definition makes this redundant
4.13.1	8	The setback to the garage face shall be the same as the front yard.	Add into the table
4.14.1	1	Measured to the highest ridge of a sloped roof.	Add into the table
4.14.1	3	Only applies to the RM7 zone if lands are used for a duplex or triplex	Add into the table
4.14.1	4	Where there are buildings with different heights on one lot, the average of the required setbacks shall be used.	Add into the table
4.14.1	8	Excludes private outdoor space.	Add into the table
4.14.1	9	The calculation of height shall be exclusive of structures for rooftop access, provided that the structure has a maximum height of 3.0 m; a maximum floor area of 20.0 m <sup>2</sup> ; and it is set back a minimum of 3.0 m from the exterior edge of the building.	Add into the table



**Proposed Zoning By-law Amendment for Notes**

<b>Table/Section</b>	<b>Note</b>	<b>Regulation</b>	<b>Comments</b>
4.14A.1	1	Common elements are permitted within a common element condominium corporation.	Delete from by-law as existing definition makes this redundant
4.14A.1	2	Measured from the exterior of outside walls and the midpoint of interior walls.	Delete from by-law as existing definition makes this redundant
4.14A.1	9	The calculation of height shall be exclusive of structures for rooftop access, provided that the structure has a maximum height of 3.0 m; a maximum floor area of 20.0 m <sup>2</sup> ; and it is set back a minimum of 3.0 m from the exterior edge of the building.	Add into the table
4.14A.1	10	Measured to the highest ridge of a sloped roof.	Add into the table
4.14A.1	11	Excludes private outdoor space.	Add into the table
4.14B.1	1	Measured to the highest ridge of a sloped roof.	Add into the table
4.14B.1	3	Air conditioning equipment is permitted in the required front or exterior side yard, provided it is located on a balcony.	Add into the table
4.14B.1	7	Exclusive of landscaped area at grade.	Add into the table
6.2.1	5	The minimum yard/setback to a fuel dispensing island weather canopy shall be measured to the face of the canopy.	Add into Table 6.1.2.1
6.2.1	10	Where a lot abuts a Residential Zone.	Add into the table
7.2.1	4	Additions which are constructed onto any building or structure legally existing on the date of passing of this By-law shall not be subject to the regulations of Lines 4.1 to 4.3 contained in Table 7.2.1 of this By-law.	Add as a new regulation
8.2.1	7	An interior side yard is not required where an interior side lot line abuts a railway right-of-way that includes a spur line.	Add as a new regulation
8.2.1	8	A rear yard is not required where a rear lot line abuts a railway right-of-way that includes a spur line.	Add as a new regulation
8.2.1	10	The minimum yard/setback to a fuel dispensing island weather canopy shall be measured to the face of the canopy.	Add into Table 8.1.10.1
9.2.1	2	Not including a memorial stone or monument.	Add into the table