

City of Mississauga
Corporate Report



<p>Date: May 1, 2024</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-PAT (All Wards)</p>
	<p>Meeting date: May 21, 2024</p>

Subject

PUBLIC MEETING INFORMATION/RECOMMENDATION REPORT (ALL WARDS)

Proposed City Initiated Zoning By-law Amendments to Permit Seasonal and Permanent Outdoor Patios in the C3 (General Commercial) Zone

File: BL.09-PAT (All Wards)

Recommendation

That the proposed amendments to Zoning By-law 0225-2007, as detailed in Appendix 1 of the report dated May 1, 2024, 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 the proposed amendments to Zoning By-law 0225-2007, be considered both the public meeting and a combined information and recommendation report.

Executive Summary

- At the December 11, 2023 Planning and Development Committee (PDC) meeting, staff presented a report with recommendations to transition the temporary outdoor patio regulations to "as-of-right" permissions in the Zoning By-law.
- However, at the PDC meeting, concerns arose about outdoor patio permissions on private lands in larger plazas and malls. This prompted the removal of the C3 zone from the list of zones with "as-of-right" permissions pending further staff review.
- Upon review, staff found that existing zoning regulations adequately regulate outdoor patios in the C3 zone. Proposed amendments include reinstating the C3 zone for seasonal outdoor patios and adding it for permanent outdoor patios.

Background

At the December 11, 2023, PDC meeting staff presented recommendations for transitioning the temporary outdoor patio regulation to "as-of-right" permissions in the Zoning By-law (See Appendix 3). As a result, Council passed By-law 0217-2023 which amended the Zoning By-law to introduce as-of-right permissions for permanent outdoor patios and permitted seasonal outdoor patios in specific zones, to operate with certain waived fees for a period of two years until December 31, 2025.

However, during the December 11, 2023, PDC meeting concerns were raised with regards to permitting seasonal and permanent outdoor patios on private lands in larger plazas and malls with multiple restaurant uses on a lot. In response to Council's concerns, the proposed Zoning By-law amendment was amended to remove the C3 zone from the list of zones granted as-of-right permissions to utilize seasonal and permanent outdoor patios within the Zoning By-law.

Staff were directed to consider specific criteria for the C3 zones to address these concerns.

Comments

Staff undertook additional research on properties zoned C3 and met with members of Council to discuss localized issues with patios. Upon reviewing the C3 zoned lands, which include larger plazas and malls totaling 456 properties, staff observed the following:

- The vast majority of restaurants with patios operate with minimal issues
- Most complaints related to patios can be addressed through existing municipal by-laws (e.g. noise control by-law)
- Utilization of parking spaces for seasonal patios is relatively uncommon
- Notwithstanding the zoning permissions, property owners or condominium boards (on private lands) can choose to further limit the scope of their property rights by opting not to utilize the permissions to allow outdoor patios on their property
- The number of C3 zones vary across Wards
- The size of C3 zoned properties varies from smaller to very large lots

Based on the above, staff are of the opinion that the current Zoning By-law regulations for seasonal and permanent outdoor patios are also appropriate for the C3 zone. Since the temporary outdoor patio program was initiated, staff have observed minimal complaints regarding patios, and they have also contributed to street level activity and the economic vibrancy of the City. In the limited cases where complaints occur, there tends not to be the traditional range of commercial plaza uses; rather, there is a clustering of multiple restaurants or similar establishments, leading to larger operational problems and non-compliance with other city by-laws. Staff will continue to monitor the operation of patios on private lands and may propose amendments to the regulations in the future, should they be necessary.

Therefore, staff recommend the following zoning by-law amendments:

- Reinstate the permissions for seasonal outdoor patios within the C3 zone,

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- Add the C3 zone to the list of zones permitted to operate permanent outdoor patios.

A detailed list of all proposed amendments is included in Appendix 1.

Planning Analysis Summary

A detailed Planning Analysis of the applicable land use policies and regulations can be found in Appendix 2.

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 resulting from the recommendation of this report.

Conclusion

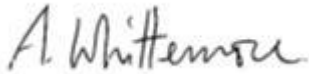
The proposed amendments seek to reintroduce seasonal outdoor patios in the C3 zone and extend the permissions to include permanent outdoor patio uses in C3 zones as well. These changes could help bolster Mississauga's restaurant sector by providing additional space for businesses to serve customers and enhances the vitality of commercial districts.

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In summary, the proposed Zoning By-law amendments are acceptable from a planning standpoint and should be approved.

Attachments

- Appendix 1: Proposed Zoning By-law Amendments
- Appendix 2: Detailed Planning Analysis
- Appendix 3: Temporary Outdoor Patio Program Report



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

Prepared by: Trista James, Planner