

City of Mississauga
Corporate Report



<p>Date: September 4, 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: BL.09-MOT (All Wards)</p>
	<p>Meeting date: September 28, 2020</p>

Subject

PUBLIC MEETING RECOMMENDATION REPORT (ALL WARDS)

Proposed Zoning By-law Amendments for Accessory Motor Vehicle Sales

File: BL.09-MOT (All Wards)

Recommendation

That the report dated September 4, 2020, from the Commissioner of Planning and Building recommending proposed amendments to the Zoning By-law for accessory motor vehicle sales, 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.

Report Highlights

- Proposed zoning by-law amendments under consideration include permitting motor vehicle sales accessory to motor vehicle body repair facility, motor vehicle repair facility – restricted, and motor vehicle service station in E2 and E3 zones, subject to restrictions on the number of vehicles, and indoor/outdoor storage.
- Staff contacted almost 400 Mississauga businesses to receive input on the proposed zoning by-law amendments. The majority of comments were supportive.
- Staff are satisfied that the proposed zoning by-law amendments are acceptable from a planning standpoint, and recommend that the amendments be approved.

Background

A public meeting was held by the Planning and Development Committee on October 7, 2019, at which time an Information Report ([Information Report Link](#)) was received for information. Recommendation PDC-0069-2019 was then adopted by Council on October 23, 2019.

That the report dated September 13, 2019, from the Commissioner of Planning and Building regarding potential zoning by-law amendments for accessory motor vehicle sales under File BL.09-MOT (All Wards), be received for information.

No comments were made at the public meeting. However, members of the Planning and Development Committee requested that staff reach out to affected businesses for input and education on the municipal and provincial requirements for selling motor vehicles.

Given the amount of time since the public meeting, full notification was provided.

Comments

COMMUNITY ENGAGEMENT

Staff reached out to the Automotive Aftermarket Retailers of Ontario (AARO) and the Used Car Dealers Association of Ontario (UCDA), who sent out correspondence to their membership on behalf of the City. AARO represents automobile repair businesses while UCDA represents used car dealerships. Approximately 140 Mississauga members of AARO and approximately 250 Mississauga members of UCDA were contacted.

The correspondence included the purpose of the project, a brief overview of the potential zoning changes, a link to Provincial requirements to sell motor vehicles, and request for comments. A commenting period of approximately one month was provided.

Five individuals or businesses provided comments on the potential zoning changes. The majority of comments were supportive of permitting automotive repair businesses to sell a limited number of vehicles.

The objections/suggestions received are summarized below.

Comment

The use should not be permitted as it will create congestion in repair shop parking areas.

Response

The proposed provisions would not permit motor vehicles to be stored in required parking spaces or aisles. In addition, a limit on the number of vehicles for sale will ensure that vehicle circulation will not be impacted.

Comment

Motor vehicle sales as a primary use should be more broadly permitted in zones other than the C3 (General Commercial) zone.

Response

As indicated in the Information Report, staff are undertaking a review of the Official Plan policies related to motor vehicle sales (i.e. car dealerships) as a primary use in employment areas. This issue will be brought forward at a later date as it is also under review by the Region of Peel. If and when the Official Plan policies permit motor vehicle sales in employment areas, the Zoning By-law can be amended to conform to those policies.

PLANNING ANALYSIS SUMMARY

The Province identifies through its *Provincial Policy Statement* matters that are of provincial interest, which require the development of efficient land use patterns and sustainability in urban areas that already exist. The Province has also set out the *Growth Plan for the Greater Golden Horseshoe*, which is designed to promote economic growth and build communities that are affordable and safe, among other items. The Growth Plan requires municipalities to manage growth within already existing built up areas to take advantage of existing services to achieve this mandate. In order to meet required employment projections, the *Planning Act* instructs municipalities to make planning decisions that are consistent with the *Provincial Policy Statement* and the Growth Plan.

A detailed Planning Analysis is found in the Information Report (Appendix 1). The proposed zoning amendments for accessory motor vehicle sales 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:

- Permitted accessory to motor vehicle body repair facility, motor vehicle repair facility – restricted, and motor vehicle service station
- Permitted in the E2 (Employment) and E3 (Industrial) zones
- Maximum of five vehicles for sale
- Maximum of 20% of total GFA – non-residential if stored indoors
- Outdoor storage regulations for E2 and E3 zones would apply

Since the public meeting, further considerations were contemplated for the outdoor storage regulations. Some of the standard outdoor storage regulations for E2 and E3 zones are too limiting or onerous for the proposed use and therefore, should not be applied.

Fencing Around Outdoor Storage Area

The Zoning By-law requires a fence with a minimum height of 2.4 m (7.87 ft.) for both E2 and E3 zones, but in an E2 zone, the fencing material must properly screen the storage area. The intent of these provisions is to reduce the visual impact of outdoor storage on neighbouring properties and the streetscape. In the case of outdoor storage of motor vehicles for sale, there is often minimal difference in visual impact compared to customer or employee parking, as long as other regulations limit the location and total number of vehicles for sale. In addition, requiring a fence to be constructed around an area for five vehicles is unnecessarily onerous.

Based on the preceding, it is recommended that the fencing requirements of the E2 and E3 zones should not apply to outdoor storage of motor vehicles for sale.

Limit on Outdoor Storage Area

Based on a review of past minor variance requests through the Committee of Adjustment, the majority of applicants would prefer to store their motor vehicles for sale outdoors.

The Zoning By-law states that in an E2 zone, outdoor storage shall not exceed 5% of the lot area, or 10% of the gross floor area of the building or structure, whichever is the lesser. However, the practicality of storing motor vehicles outdoors merits some further considerations. Since a typical parking space size is 13.5 m² (145 ft²), an outdoor storage parking area of five vehicles will require 68 m² (732 ft²). Limiting the outdoor storage area to 10% of the gross floor area of the building would only allow five vehicles to be sold if the building is greater than 680 m² (7,320 ft²). While there are some repair garages that would exceed this size, based on a review of some existing repair garages in Mississauga, most are less than 680 m² (7,320 ft²). Since the impact of outdoor storage is more related to the size of the lot, it is recommended that the outdoor storage area is limited to 5% of the lot area. This provision should work in tandem with the numerical limit of five vehicles to ensure that visual impacts are mitigated, and employment lands are preserved for employment uses.

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 motor vehicle sales are acceptable from a planning standpoint and should be approved for the following reasons:

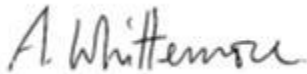
1. The proposed amendments to Zoning By-law 0225-2007 conform with the policies of Mississauga Official Plan.
2. The proposed amendments would allow flexibility for selling a limited number of vehicles for motor vehicle service (repair) businesses.
3. The limitations on number of vehicles for sale and location of outdoor storage ensure that the City's employment areas are preserved for employment uses.
4. 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 Motor Vehicle Sales



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

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