

City of Mississauga Corporate Report



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| <p>Date: 2019/09/13</p> <p>To: Chair and Members of Planning and Development Committee</p> | <p>Originator's file: BL.09-MOT (All Wards)</p> |
| <p>From: Andrew Whittlemore, M.U.R.P., Commissioner of Planning and Building</p> | <p>Meeting date: 2019/10/07</p> |

Subject

PUBLIC MEETING INFORMATION REPORT (ALL WARDS)

Potential Zoning By-law Amendments for Accessory Motor Vehicle Sales

File: BL.09-MOT (All Wards)

Recommendation

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.

Report Highlights

- This report provides background information and potential zoning amendments regarding accessory motor vehicle sales in employment zones in order to receive comments from the community
- The City receives numerous minor variance applications every year to allow motor vehicle sales accessory to a motor vehicle service use. In most instances, the Planning and Building Department does not object to these proposals
- New zoning regulations, coupled with consistent enforcement could be used to ensure that accessory motor vehicle sales do not evolve into used car lots, but will also allow flexibility for a limited number of vehicles for sale on the property

Background

On April 15th, 2019, at a Planning and Development Committee (PDC) meeting, Councillor Parrish gave direction to planning staff to bring forward policies for the retail sale of motor vehicles in employment areas that model the City of Toronto's policies. Staff are undertaking a review of the Official Plan policies related to motor vehicles 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.

In the interim, the purpose of this report is to present potential zoning by-law amendments to permit motor vehicle sales when they are accessory to motor vehicle service uses, and to hear comments from the public on the potential changes.

Comments

Historical Context of Accessory Motor Vehicle Sales

Prior to 1997, the City of Mississauga's zoning by-law permitted retail sales and display of motor vehicles when accessory to a repair garage. The use was restricted to enclosed buildings or structures, but over time, a number of sites evolved to used car lots, with vehicles for sale being stored outdoors. This was problematic because used car lots are considered a retail use and therefore not appropriate in employment areas. To rectify the problem, Council passed By-law 0427-97 on September 10th, 1997 to amend the zoning by-law, prohibiting the accessory sale of automobiles in industrial zones.

This restriction was carried forward into the current Zoning By-law 0225-2007. As a result, the City has dealt with these types of requests on an individual basis through the Committee of Adjustment.

Committee of Adjustment

In the last ten years, the City has received 89 minor variance applications for motor vehicle sales in zones where they are not currently permitted. The majority of those applications are for properties within employment zones, and usually as an accessory use to an existing motor vehicle service use. These types of businesses will often purchase damaged vehicles, repair and sell them as a supplementary income for their business.

For applications where it is clear that the motor vehicle sales are accessory to a motor vehicle service use, the Planning and Building Department typically has no objection, provided that certain conditions are applied to the approval:

1. A limited number of vehicles available for sale, typically three to six vehicles;
2. If vehicles are stored indoors, a maximum 20% of gross floor area (GFA) can be dedicated to motor vehicle sales; and
3. No advertising or signage is permitted to advertise motor vehicle sales on the property.

In light of the number of variances and the limited objections to the proposals, it may be appropriate to permit the use as-of-right in certain employment zones, with appropriate regulations.

POTENTIAL ZONING BY-LAW AMENDMENTS

Primary Uses and Zones

The zoning by-law differentiates between commercial and non-commercial motor vehicles, with different uses associated with each type. Commercial motor vehicles are larger and used for hauling and commercial purposes (e.g. bus, cube van, tractor trailer, etc.). Non-commercial vehicles are smaller and used as personal vehicles. In the zoning by-law, motor vehicle service uses for non-commercial vehicles are as follows with a brief explanation of each use:

- **Gas bar** – where gas can be purchased
- **Motor vehicle body repair facility** – where painting and structural changes or repairs are made to the bodies of vehicles, or where vehicles are taken for appraisal of damage for insurance purposes
- **Motor vehicle rental facility** – where rental or leasing of vehicles are done, but no on-site repair or cleaning
- **Motor vehicle repair facility – restricted** – where mechanical repairs are made to vehicles
- **Motor vehicle service station** - where servicing and repairing of vehicles are done, and includes the sale of fuel
- **Motor vehicle wash facility – restricted** – where vehicles can be washed

According to the definition in the zoning by-law, accessory uses must be "naturally and normally incidental, subordinate and exclusively devoted to, and located on the same lot as the permitted use". Therefore, of the above listed uses, accessory motor vehicle sales appear to be most appropriate if they are accessory to motor vehicle body repair facility, motor vehicle repair facility – restricted, and motor vehicle service station. Accessory motor vehicle sales would not normally be associated with a motor vehicle rental facility, a motor vehicle wash facility – restricted, or a gas bar.

Motor vehicle body repair facility, motor vehicle repair facility – restricted and motor vehicle service station are permitted in the E2 (Employment) and E3 (Industrial) zones. Therefore, accessory motor vehicle sales could be considered for these zones. Motor vehicle repair facility - restricted and motor vehicle service station are also permitted in the C5 (Motor Vehicle Commercial) zone, but are not appropriate locations for accessory motor vehicle sales because most of the C5 zones are located at major intersections in the city.

Total Number of Vehicles for Sale

The purpose of limiting the number of vehicles for sale is to ensure that the sales component remains accessory to the primary employment use. As previously discussed, the current zoning restriction was implemented because there were instances where accessory motor vehicle sales evolved over time and became used car lots. Also, there have been instances where property owners who have received minor variance approval for selling a maximum of five motor vehicles have far exceeded that number on-site (see Appendix 2). In order to ensure the accessory nature of the use is maintained, consistent enforcement will be required.

Provided that compliance is ensured, permitting a maximum of five motor vehicles for sale on these properties strikes a balance in providing flexibility to sell vehicles while ensuring that the sales component remains accessory to the primary use.

Storage/Parking

Based on the minor variance applications the City receives, the majority of business owners would prefer to store vehicles for sale outdoors rather than indoors. There are current provisions regarding outdoor storage in employment zones which could also be applied to motor vehicles.

The zoning by-law permits outdoor storage in the E2 and E3 zones, with some differences in the regulations. Outdoor storage is only permitted accessory to certain employment uses in an E2 zone while it is permitted as a primary use in an E3 zone. In addition, outdoor storage is limited to 5% of the lot area or 10% of the GFA of the building in an E2 zone, whichever is the lesser, while there is no coverage limitation in an E3 zone. Both zones do not allow outdoor storage in the front yard or exterior side yard and cannot be located any closer to the street than the building. In addition, the by-law requires a fence with a minimum height of 2.4 m (7.87 ft.) for both zones, but in an E2 zone, the fencing material must properly screen the storage area.

If motor vehicles for sale will be stored outdoors, they should not be stored in required parking spaces. Parking is meant for employee and customer usage for the business rather than a storage area. Storing vehicles in parking spaces would only be permitted where there are excess spaces and as long as the other provisions of the zoning by-law (i.e. restrictions on location) are met.

If motor vehicles will be stored indoors, a maximum 20% of the total GFA could be considered to ensure that the sales component remains accessory to the primary motor vehicle service use. This percentage has been used as a standard for other accessory use permissions in the zoning by-law.

Lastly, although Planning and Building staff have recommended a condition on previous minor variance approvals that no advertising or signage for motor vehicle sales should be permitted, the zoning by-law does not regulate signage. Any signage would be subject to the City's sign by-law.

LAND USE POLICIES AND REGULATIONS

The relevant policies of Mississauga Official Plan are consistent with the *Provincial Policy Statement (PPS)*, *Growth Plan for the Golden Horseshoe (Growth Plan)* and *Region of Peel Official Plan (ROP)*. The *Greenbelt Plan* and *Parkway Belt Plan* policies do not apply. The potential amendments are consistent with the PPS and conform to the Growth Plan and the ROP. Appendix 1 contains a detailed analysis of consistency and conformity with Provincial regulations.

Financial Impact

Not applicable.

Conclusion

Based on the direction received by Councillor Parrish at PDC to permit retail sales of motor vehicles in employment areas, staff have reviewed the possibility of allowing accessory sales in the zoning by-law as-of-right. The following by-law regulations are being considered for accessory motor vehicle sales:

- Permitted when 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
- Outdoor storage regulations for E2 and E3 zones would apply

Once public input has been received, and all issues are identified, the Planning and Building Department will be in a position to make recommendations regarding proposed amendments to Zoning By-law 0225-2007 for accessory motor vehicle sales in employment zones.

Attachments

Appendix 1: Detailed Information and Preliminary Planning Analysis

Appendix 2: Examples of Properties Exceeding the Maximum Number of Motor Vehicles for Sale, Imposed through Minor Variance



Andrew Whittmore, M.U.R.P., Commissioner of Planning and Building

Prepared by: Jordan Lee, Planner

Detailed Information and Preliminary Planning Analysis

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1. Summary of Applicable Policies

The Planning Act requires that Mississauga Official Plan be consistent with the Provincial Policy Statement and conform with the applicable provincial plans and Regional Official Plan. The policy and regulatory documents that affect the proposed amendments have been reviewed and summarized in the table below. Only key policies relevant to the amendments

have been included. The table should be considered a general summary of the intent of the policies and should not be considered exhaustive. In the sub-section that follows, the relevant policies of Mississauga Official Plan are summarized. The proposed amendments will be evaluated based on these policies in the subsequent recommendation report.

| Policy Document | Legislative Authority/Applicability | Key Policies |
|--|---|--|
| <p>Provincial Policy Statement (PPS)</p> | <p>The fundamental principles set out in the PPS apply throughout Ontario. (PPS Part IV)</p> <p>Decisions of the council of a municipality shall be consistent with PPS. (PPS 4.2)</p> <p>The Official Plan is the most important vehicle for implementation of the Provincial Policy Statement. (PPS 4.7)</p> <p>Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. (PPS 4.8)</p> | <p>Land use patterns within settlement areas will achieve densities and a mix of uses that efficiently use land, resources, infrastructure, public service facilities and transit. (PPS 1.1.3.2.a)</p> <p>Planning authorities shall promote economic development and competitiveness by:</p> <ul style="list-style-type: none"> a. Providing for an appropriate mix and range of employment and institutional uses to meet long-term needs; b. Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; and c. Encouraging compact, mixed-use development that incorporates employment uses to support liveable and resilient communities. (PPS 1.3.1) <p>Planning authorities shall plan for, protect and preserve <i>employment areas</i> for current and future uses and ensure that the necessary <i>infrastructure</i> is provided to support current and project needs. (PPS 1.3.2)</p> <p>Long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness. (PPS 1.7.1)</p> |
| <p>Growth Plan for the Greater Golden Horseshoe (Growth Plan)</p> | <p>The Growth Plan applies to the area designated as the Greater Golden Horseshoe growth plan area. All decisions made on or after May 16, 2019 in respect of the exercise of any authority that affects a planning matter will conform with this Plan, subject to any legislative or regulatory provisions providing otherwise. (Growth Plan 1.2.2)</p> | <p>The proposed amendments do not deal with matters of intensification.</p> |

| Policy Document | Legislative Authority/Applicability | Key Policies |
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| Greenbelt Plan | Mississauga is not located within the Greenbelt Area and therefore the <i>Greenbelt Act, 2005</i> does not apply in Mississauga. However, the Greenbelt Plan does recognize natural heritage systems contained within the Greenbelt are connected to systems beyond the Greenbelt, including the Credit River. | The proposed amendments would not affect any natural heritage systems. |
| Parkway Belt West Plan (PBWP) | The policies of MOP generally conform with the PBWP. Lands within the PBWP are within the City's Green System and are therefore intended to be preserved and enhanced through public acquisition. | The proposed amendments would not affect any lands within the Green System. |
| Region of Peel Official Plan (ROP) | <p>The Region of Peel approved MOP on September 22, 2011.</p> <p>The existing policies of MOP are consistent with the ROP.</p> | <p>The lands affected by the proposed zoning amendments are located in the urban system and the built-up area, as identified by the ROP.</p> <p>It is a Regional objective to provide sufficient lands in employment areas in Peel to support a vibrant and sustainable regional economy, to further the economic development goals of the area municipalities and to contribute to complete communities. (ROP 5.6.1.1)</p> <p>It is a Regional objective to attract and retain a range of employment types in Peel. (ROP 5.6.1.4)</p> <p>It is a Regional objective to plan for, protect and preserve, employment areas for employment uses. (ROP 5.6.1.6)</p> <p>It is a policy of Regional Council to require the area municipalities to include a range of employment designations in their official plans for employment areas within the Urban System to achieve the employment forecasts and to accommodate a variety of employment uses in accordance with the locational and market requirements of these uses. (ROP 5.6.2.2)</p> <p>It is a policy of Regional Council to protect and support employment areas for employment uses, as defined and designated in area municipal official plans. (ROP 5.6.2.6)</p> <p>It is a policy of Regional Council to support area municipalities in discouraging retail uses on employment land except for retail uses servicing the employment area and retail accessory to a permitted employment use, as defined in area municipal official plans. (ROP 5.6.2.11)</p> |

Relevant Mississauga Official Plan Policies

The policies of Mississauga Official Plan (MOP) implement provincial directions for land use planning. MOP is generally consistent with the PPS and conforms with the Growth Plan, 2006, Greenbelt Plan, PBWP and ROP. An update to MOP is currently underway to ensure MOP is consistent with and

conform to changes resulting from the recently released Growth Plan, 2019.

The following policies are applicable in the review of these applications. In some cases the description of the general intent summarizes multiple policies.

| | Specific Policies | General Intent |
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| Chapter 4 Vision | | Mississauga will provide the guiding principles that are to assist in implementing the long-term land use, growth and development plan for Mississauga and sets out how the City will achieve these guiding principles. |
| Chapter 5 Direct Growth | Section 5.1.8 Section 5.3.6.1 Section 5.3.6.2 Section 5.3.6.3 | Mississauga will protect employment lands to allow for a diversity of employment uses. Mississauga will maintain an adequate supply of lands for a variety of employment uses to accommodate existing and future employment needs. Mississauga will maintain a sustainable, diversified, employment base by providing opportunities for a range of economic activities. Employment uses that support opportunities for residents to work in Mississauga will be encouraged. |
| Chapter 9 Build A Desirable Urban Form | Section 9.1.4 Section 9.3.1.9 Section 9.3.5.8 Section 9.5.1.2 Section 9.5.2.11 Section 9.5.4.2 Section 9.5.4.6 Section 9.5.4.7 | Development within Employment Areas and Special Purpose Areas will promote good urban design that respects the function of the area. Development and elements within the public realm will be designed to provide continuity of the streetscape and minimize visual clutter. Landscaped, outdoor on-site amenity areas will be encouraged for employment uses. Developments should be compatible and provide appropriate transition to existing and planned development by having regard for the following elements: f. Continuity and enhancement of streetscapes h. Front, side and rear yards; m. The function and use of buildings, structures and landscapes. Site development will be required to: b. Provide enhanced streetscape; c. Provide landscaping that complements the public realm; h. Provide landscaping that beautifies the site and complements the building form. |

| | Specific Policies | General Intent |
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| | | <p>An attractive and comfortable public realm will be created through the use of landscaping, the screening of unattractive views, protection from the elements, as well as the buffering of parking, loading and storage areas.</p> <p>Outdoor storage will not be located adjacent to, or be visible from city boundaries, the public realm or sensitive land uses by incorporating the use of appropriate setbacks, screening, landscaping and buffering.</p> <p>Display areas are to be an integral part of the overall site design and evaluated based on their visual impact on the streetscape.</p> |
| <p>Chapter 10 Foster a Strong Economy</p> | <p>Section 10.1.1 Section 10.1.2 Section 10.1.5 Section 10.3.2 Section 10.4.1</p> | <p>Mississauga will encourage a range of employment opportunities reflective of the skills of the resident labour force.</p> <p>Mississauga will identify and protect lands for a diversity of employment uses to meet current and future needs.</p> <p>Mississauga will provide for a wide range of employment activities including office and diversified employment uses. To this end Mississauga will:</p> <p>c. Encourage the establishment of small innovative businesses and support their growth.</p> <p>Mississauga will protect lands within Employment Areas for industrial uses.</p> <p>Retail uses are encouraged to locate primarily within the Downtown, Major Nodes and Community Nodes.</p> |
| <p>Chapter 11 General Land Use Designations</p> | <p>Section 11.2.11.1 Section 11.2.11.3 Section 11.2.11.4 Section 11.2.11.5 Section 11.2.12.1 Section 11.2.12.3 Section 11.2.12.4</p> | <p>In addition to the Uses Permitted in all Designations, land designated Business Employment will also permit the following uses:</p> <p>n. Motor Vehicle Commercial; o. Motor vehicle body repair facilities; z. Accessory uses.</p> <p>Permitted uses will operate mainly within enclosed buildings.</p> <p>Accessory uses will generally be limited to a maximum of 20% of the total Gross Floor Area.</p> <p>All accessory uses should be on the same lot and clearly subordinate to and directly related to the functioning of the permitted use.</p> <p>In addition to the Uses Permitted in all Designations, lands designated Industrial will also permit the following uses:</p> <p>n. Motor vehicle body repair facility; o. Motor Vehicle Commercial uses; q. Outdoor storage and display area; aa. Accessory uses.</p> |

| | Specific Policies | General Intent |
|----------------------------------|--------------------------|---|
| | | <p>Accessory uses will generally be limited to a maximum of 20% of the total Gross Floor Area.</p> <p>All accessory uses should be on the same lot and clearly subordinate to and directly related to the functioning of the permitted use.</p> |
| Chapter 19 Implementation | Section 19.4.2 | <p>To ensure that the policies of this Plan are being implemented, the following controls will be regularly evaluated:</p> <p>b. Mississauga Zoning By-law.</p> |

**Examples of Properties Exceeding the Maximum Number of Motor Vehicles for Sale,
Imposed through Minor Variance**



'A' 224/16 – 1160 Crestlawn Drive (Ward 3)

Relevant Conditions: maximum three vehicles for sale; no outdoor storage of vehicles for sale



'A' 421/10 – 202 Dundas Street West (Ward 7)

Relevant Conditions: temporary approval expired on December 31, 2015; maximum five vehicles for sale



'A' 424/18 – 1109 Seneca Avenue (Ward 1)

Relevant Conditions: temporary approval to expire on December 31, 2020; maximum six vehicles for sale



'A' 409/14 – 2743 Derry Road East (Ward 5)
Relevant Conditions: maximum six vehicles for sale



'A' 297/10 – 526 South Service Road (Ward 1)

Relevant Conditions: maximum three vehicles for sale (subsequently increased to 15 through 'A' 197/19)