

City of Mississauga
Corporate Report



<p>Date: July 10, 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 files: BL.09-DWY (All Wards)</p>
	<p>Meeting date: July 29, 2024</p>

Subject

PUBLIC MEETING INFORMATION / RECOMMENDATION REPORT (ALL WARDS)

Proposed Zoning By-law Amendments for Driveways

File: BL.09-DWY (All Wards)

Recommendation

That the proposed amendments to Zoning By-law 0225-2007 for driveways, as detailed in Appendix 3 of the report dated July 10, 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, this report regarding revised regulations for driveways in the City's Zoning By-law, be considered both the public meeting and combined information and recommendation report.

Executive Summary

- Council directed staff to review the driveway-widening process, including enforcement statistics, benchmarking with other municipalities, "green driveway" initiatives, and simplified zoning regulations.
- Staff are proposing a simpler, lot frontage-based approach to maximum driveway widths, in a manner comparable to that of benchmarked municipalities. This would result in three maximum driveway width categories for low-density zones – one for one-car driveways, another for two-car driveways, and the last for three-car driveways.
- The Zoning By-law currently permits permeable materials in driveway construction. Creating a new zoning category for wider driveway widths than those proposed exclusively

for green driveways was investigated, but staff recommend that on-street and lower boulevard parking represent a more viable alternative.

Background

On April 5, 2023, Council approved a motion directing staff to review the City's driveway-widening process. The motion (Appendix 1) directed staff to make recommendations on new and consistent driveway regulations, including possible legacy exemptions (grandfathering) for existing non-compliant driveways; provide enforcement statistics; benchmark with other municipalities in the Greater Toronto Area (GTA); and, investigate "green driveways" for expanded driveway permissions.

Staff from various City Divisions, including City Planning Strategies, Enforcement, and Transportation and Works, have reviewed the motion and its implications to the City.

In order to provide the appropriate information and context, staff have divided this report into three main sections:

- Zoning regulations and benchmarking with other GTA municipalities;
- Surface material requirements (environmentally-friendly construction); and,
- Enforcement practices and statistics.

The purpose of this report is to summarize the background research and analysis completed by staff in its review of driveway regulations, as well as provide updated recommendations and rationale regarding proposed improvements to the Zoning By-law.

When framing the recommendations, staff took a holistic approach by investigating parking demand in its entirety. In this regard, staff also took into account the possibility of on-street permit and lower boulevard parking, which will be considered by Council later this year.

Comments

As will be described in more detail, the recommendations are structured to address the following issues:

- Simplify the zoning regulations so they are more easily understood.
- Increase the permitted driveway widths for certain zones to be more consistent with other cities, as well as better capture minor expansions (the walkable area beside vehicles, for example).
- Reduce CofA applications and create more certainty for By-law Enforcement staff.
- Suggest on-street and lower boulevard parking as a viable, climate-friendly option, versus permitting larger widenings (e.g. three car width driveways on small lots) for permeable driveways.

In order to better understand the existing situation, staff sought to examine the number of non-compliant driveways across the city. Although several options were explored, available technology could not derive the specific number of non-compliant driveways on a city-wide basis. Consequently, to give a general approximation, staff randomly selected and reviewed 330 properties across the City, evenly distributed through each ward. In this review, it was determined that almost half the properties were non-compliant with current regulations. It should be noted that it is possible some of these driveways were constructed during periods when no associated regulations existed; further, many of these “non-compliant” examples represented expansions under a car-width in size. When the proposed regulations were applied, the percentage of non-compliant driveways was reduced to 40%. Only one of the 330 properties had a CofA application to facilitate a driveway expansion.

In day-to-day operations, the identification of non-compliant driveways operates on a complaint basis.

Zoning Regulations and Benchmarking with Other GTA Municipalities

Staff have reviewed the relevant zoning regulations for the City of Brampton, the City of Guelph, the City of Markham, the City of Richmond Hill, the City of Toronto, the City of Vaughan, the Town of Caledon, and the Town of Oakville.

The purpose of this review is to both evaluate the individual regulations relative to Mississauga's current standards, as well as to examine the overall approach used by these municipalities.

At a high level, the intent in regulating a driveway's width is to:

- Maintain residential streetscape character;
- Provide adequate green space within the front yard;
- Ensure front yards are not overly dominated by vehicular parking;
- Facilitate appropriate drainage; and,
- Maintain the ability for on-street parking within neighbourhoods.

The above is primarily accomplished by establishing a driveway's maximum permitted width.

Currently in the City's Zoning By-law, the maximum driveway width is determined by a property's zone. There are 28 residential zones, each with their own individual permitted maximum driveway width (see Appendix 4). Other municipalities utilize different approaches to determining maximum driveway widths, or will have different sets of zones and lot frontages. Therefore, it is difficult to draw direct comparisons. However, staff have developed a method to generally compare the smallest and largest lots.

For Mississauga properties with a lot frontage of 6.0 m (19.7 ft.) or less, a maximum driveway width of 2.6 m (8.5 ft.) to 3.0 m (9.8 ft.) is permitted. This is consistent, but relatively conservative, with other municipal ranges, as evidenced by Table 1 below:

Lot Frontage of Less than 6.0 m (19.7 ft.)	
Municipality	Maximum Driveway Width
Town of Caledon	6.0 m (19.7 ft.)
Town of Oakville	6.0 m (19.7 ft.)
City of Brampton	4.9 m (16.1 ft.)
City of Guelph	3.0 m (9.8 ft.)
City of Markham	3.0 m (9.8 ft.)
City of Richmond Hill	3.0 m (9.8 ft.)
City of Vaughan	2.9 m (9.5 ft.)
City of Mississauga	2.6 m–3.0 m (8.5 ft.-9.8 ft.)
City of Toronto	2.6 m (8.5 ft.)

Table 1

Similarly, for properties with a lot frontage of 18.0 m (59.1 ft.) or greater, a maximum driveway width of 6.0 m (19.7 ft.) to 8.5 m (27.9 ft.) is permitted. This is again consistent, but relatively conservative, with other municipal ranges, as evidenced by Table 2 below:

Lot Frontage of 18.0 m (59.1 ft.) or Greater	
Municipality	Max. Driveway Width
Town of Caledon	10.0 m (32.8 ft.)
City of Markham	9.0 m - 11.5 m (29.5 ft.-37.7 ft.)
City of Richmond Hill	9.0 m (29.5 ft.)
City of Toronto	9.0 m (29.5 ft.)
City of Vaughan	9.0 m (29.5 ft.)
Town of Oakville	9.0 m (29.5 ft.)
City of Brampton	7.32 m - 9.14 m (24.0 ft.-30.0 ft.)
City of Mississauga	6.0 m - 8.5 m (19.7 ft.-27.9 ft.)
City of Guelph	6.5 m (21.3 ft.)

Table 2

In reviewing the above-noted municipalities, only the City of Guelph used a similar “zone-based” approach. However, Guelph only has eight residential zones.

In contrast, a “range-based” approach was used by the majority of the reviewed municipalities. This method establishes groupings based upon ranges of lot frontages, and subsequently assigns a corresponding maximum driveway width. This results in a more streamlined system that is easy to understand.

Based upon this review, staff recommends that the City implement a similar range-based approach to that of the benchmarked municipalities, as seen in Table 3 below and within Appendix 3:

Regulation	Lot Frontage Ranges		
	<6.0 m (19.7 ft.)	6.1 m – 16.9 m (29.9 ft. – 55.4 ft.)	17.0 m (55.8 ft.) +
Maximum Driveway Width	3.0 m (9.8 ft.)	6.0 m (19.7 ft.)	8.5 m (27.9 ft.)

Table 3

Implementation of the proposed amendments would result in the following:

- Three standards for maximum driveway width – 3.0 m (9.8 ft.) for one-car driveways, 6.0 m (19.7 ft.) for two-car driveways, and 8.5 m (27.9 ft.) for three-car driveways;
- Approximately half of the zones would experience increases ranging from 0.4 m (1.3 ft.) to 2.5 m (8.2 ft.). The greatest increases would apply to the largest lots;
- The other half of the zones would remain the same;
- The vast majority of properties would not be legal, non-conforming; and,
- Would only apply to low-density residential lots (i.e. apartment, commercial or industrial properties would not be affected).

No other changes to the associated driveway regulations are being proposed. Any driveway would therefore still be required to meet all other applicable zoning regulations, including:

- Minimum setback distances to the side lot line (the required distance to a neighbouring property);
- Minimum soft landscaping requirements (the minimum required greenspace area); and,
- Applicable walkway attachment regulations.

For more information about the proposed amendments, please see Appendix 3.

The motion also directs staff to review legalizing legacy, non-compliant driveways, also known as grandfathering. In the absence of a formal, case-by-case review, grandfathering non-compliant driveways could result in the City permitting problematic conditions, including situations where drainage is inappropriately directed onto neighbouring properties. Grandfathering would be administratively challenging as there would be a lack of consistency and equity across the City, and the onus would be on property owners to demonstrate compliance. As driveway widenings are typically driven by demand for additional parking, other practices such as on-street parking, may increase the parking supply and reduce the creation of non-compliant driveways. Before the end of the year, staff will bring forward a report with recommendations regarding boulevard parking and the creation of a residential parking permit program, which may increase parking supply.

Staff were also directed to investigate permits for driveways. Only the City of Vaughan uses a permit system to regulate driveway construction. This process requires review from the Forestry, Building Standards, and Transportation Service Departments, and can take up to six weeks to complete. A \$130 fee is also required to be paid by the property owner.

Surface Material Requirements (Environmentally-Friendly Construction)

The motion instructed staff to investigate the appropriateness of incorporating “green” elements to permit larger driveway design.

Green elements, such as permeable pavers and pavements, are hard surfaces (concrete, asphalt, paver blocks, etc.), which allow for some degree of water infiltration. The Zoning By-law currently permits these materials as-of-right in driveway construction.

However, it should be noted that loose materials associated with these designs are often washed into the City's infrastructure and without ongoing maintenance, the integrity of these features becomes compromised, resulting in reduced environmental benefits.

Benchmarking with neighbouring municipalities was conducted to determine whether any permit larger driveways that use green elements. The majority of the reviewed municipalities did identify green urban design policies, or stormwater management best practices at an Official Plan level; however, none established individual green standards or regulations as it relates to wider driveways.

The inclusion of green elements to permit larger driveways also represents an administrative challenge, as staff would be tasked with confirming both the type and integrity of utilized materials. It is staff's opinion that the greatest environmental benefit would be achieved by utilizing existing hard-scaped surfaces, such as lower boulevard and on-street parking.

Enforcement Practices and Statistics

Staff investigated the process by which the City enforces and prosecutes non-compliant driveways. Table 4 below summarizes the number of driveway-related complaints and issued Notices of Contravention:

Year	Number of Driveway Complaints	Number of Notice of Contraventions
2024	140 (to date)	29*
2023	383	119
2022	468	265

Table 4

**Staff note, as of July 13, 2024, Enforcement has paused investigations into driveway widening requests as a result of this study.*

The above Notices of Contravention have resulted in the City pursuing prosecution two times in 2022; six times in 2023; and, three times thus far in 2024.

Data collected as part of this review identifies that the typical (median) prosecution process takes approximately 15 hours of staff time to complete. While the prosecution process for individual properties can be lengthy and staff-intensive, such cases are rare (less than 0.8% in 2022, and 5% in 2023 when measured against the number of contraventions). More typical, however, are cases where violations have been observed, but are subsequently rectified. In such cases, staff spend a median time of approximately five hours.

Generally, this resolution occurs through minor variance applications. Staff would note that in 2021 the Committee of Adjustment dealt with 49 applications pertaining to driveway and driveway-

related variances (representing 8.5% of the total number of applications); 53 applications in 2022 (or 6.8%); and 69 applications in 2023 (or 14%).

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) introduces land use planning and development policies pertaining to matters of provincial interest within Ontario. This is accomplished by setting out province-wide direction on 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 and strategic growth areas to make efficient use of land, infrastructure, and transit.

The Planning Act requires that municipalities' decisions regarding planning matters are consistent with the Provincial Policy Statement (PPS) and conform with the applicable provincial plans. Mississauga Official Plan is generally consistent with the PPS and conforms with the Growth Plan, the Greenbelt Plan, and the Parkway Belt West Plan.

Financial Impact

There is no financial impact resulting from the recommendations of this report.

Conclusion

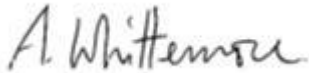
The proposed zoning by-law amendments are acceptable from a planning standpoint and should be approved for the following reasons:

1. The proposed amendments represent improvements that simplify the City's approach to regulating driveway widths, provide increased flexibility, and improve end-user experience, while maintaining other City objectives regarding driveways.
2. The updated regulations provide an approach that more closely aligns with other municipalities and will serve to reduce the number of minor variance applications.

Should the proposed amendments be approved by Council, the implementing zoning by-law will be brought forward to Council at a future date.

Attachments

- Appendix 1: Notice of Motion
- Appendix 2: Detailed Planning Analysis
- Appendix 3: Proposed Zoning By-law Amendments
- Appendix 4: Current Maximum Driveway Width Regulations



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

Prepared by: Rob Vertolli, Planner