

PUBLIC NOTICE

Notice of the Passing of a Zoning By-law

CITY INITIATED ZONING BY-LAW AFFECTING ALL LANDS IN THE CITY OF MISSISSAUGA

Date of Decision: February 11, 2015

Date of Notice: February 19, 2015

Last Date of Appeal: March 10, 2015

On the date noted above, the Council of the Corporation of the City of Mississauga passed the By-law 0018-2015, to amend Zoning By-law 0225-2007, under Section 34 of the Planning Act, R.S.O., 1990, c.P.13, as amended.

The Purpose and Effect: This By-law implements the Ontario Municipal Board order, dated July 8, 2013, with respect to Mississauga Official Plan policies and the location of "Quick Service Restaurants" and other drive-throughs.

Location of Lands: No key map is provided as the By-law affects all lands within the City of Mississauga.

IF YOU WISH TO APPEAL to the OMB a copy of an appeal form is available from the OMB website at www.omb.gov.on.ca

A notice of appeal to the Ontario Municipal Board in respect of the by-law must be filed with the Clerk of the City of Mississauga, Attention: Crystal Greer, 300 City Centre Drive, Mississauga, Ontario L5B 3C1, **no later than the March 10, 2015.**

The Notice of Appeal must:

- 1) set out reasons for the appeal; and,
- 2) be accompanied by the fee required by the Ontario Municipal Board in the amount of \$125.00 payable by certified cheque or money order to the Minister of Finance, Province of Ontario, and
- 3) be accompanied by an administration fee of \$150.00, payable by Certified Cheque to the Treasurer of City of Mississauga.
- 4) Four (4) copies of the appeal package.

Only individuals, corporations and public bodies may appeal a by-law to the Ontario Municipal Board. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the City of Mississauga Council or, in the opinion of the Ontario Municipal Board, there are reasonable grounds to add the person or public body as a party.

Getting Additional Information: A copy of the by-law is available for viewing during regular office hours at the City of Mississauga at the address noted below, or from Lisa Christie of the City of Mississauga, Planning and Building Department at (905) 615-3200 X-5542, or on the City's website at: www.mississauga.ca/portal/cityhall/publicnotices.



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0018-2015

A by-law to amend By-law Number 0225-2007, as amended.

WHEREAS pursuant to section 34 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, the council of a local municipality may pass a zoning by-law;

NOW THEREFORE the Council of The Corporation of the City of Mississauga ENACTS as follows:

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by amending the definition of "Convenience Retail and Service Kiosk" in Section 1.2 as follows:

Convenience Retail and Service Kiosk	means a building, structure or part thereof, accessory to a motor vehicle service station, a gas bar, a motor vehicle wash facility - commercial motor vehicle or a motor vehicle wash facility - restricted, with a maximum gross floor area of 300 m ² , and where goods may be stored or offered for sale, and may include as accessory thereto a banking machine and/or a take-out restaurant with or without a drive-through, excluding seating, and not exceeding a gross floor area of 30 m ² . a banking machine and/or drive-through window. (0325-2008), (0379-2009)
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2. By-law Number 0225-2007, as amended, is further amended by amending the definitions of "Restaurant", "Convenience Restaurant" and "Take-out Restaurant" in Section 1.2 as follows:

Restaurants:	
Restaurant	means a building, structure or part thereof, that shall not include a drive-through window where food is prepared and offered for sale to the public for consumption within the building, structure or part thereof, or off the premises.
Convenience Restaurant	means a building, structure or part thereof, with an accessory drive-through window where food is prepared and offered for sale to the public for consumption within the building, structure or part thereof, or off the premises.
Take-out Restaurant	means a building, structure or part thereof, that shall not include a drive-through window where food, prepared on or off the premises, is offered for sale to the public with consumption of food on or off the premises, and a maximum of six (6) seats shall be permitted.

3. By-law Number 0225-2007, as amended, is further amended by adding Subsection 2.1.29 to Section 2.1 as follows:

2.1.29 Drive-Through

2.1.29.1 Notwithstanding any other provisions of this By-law, a drive-through shall not be permitted within the hatched area identified on Schedules 2.1.29(1) and (2) of this Subsection.

2.1.29.2 Where a drive-through is legally existing on the date of passing of this By-law, it is deemed to be in compliance with the regulations of this By-law, and the said parking area, driveway or stacking lane may be enlarged or altered provided that the enlargement or alteration itself complies with all applicable regulations of this By-law and does not cause further contravention to any regulation contained herein.

4. By-law Number 0225-2007, as amended, is further amended by adding Schedules 2.1.29(1) and (2), attached to this By-law.

5. By-law Number 0225-2007, as amended, is further amended by deleting the words "window" and "bank machine" from Lines 11.0 and 16.0 in Table 3.1.2.2 and deleting the word "permitted" and adding the word "provided" to Line 11.0 in Table 3.1.2.2 contained in Article 3.1.2.2 as follows:

Column	A	B
Line No.	BY-LAW (TABLE)	MUNICIPALITY OF STONING PARKING REGULATIONS
11.0	Convenience Retail and Service Kiosk	5.4 spaces per 100 m ² GFA - non-residential plus a stacking lane where a drive-through window is provided permitted ⁽²⁾
16.0	Financial Institution	5.5 spaces per 100 m ² GFA - non-residential plus a stacking lane where a drive-through bank machine is provided ⁽²⁾

6. By-law Number 0225-2007, as amended, is further amended by amending Subsection 6.1.3, Article 6.1.3.1 and deleting Article 6.1.3.2 contained in Subsection 6.1.3 as follows:

6.1.3 Drive-Through Window

6.1.3.1 A drive-through window is permitted accessory to a ~~convenience restaurant, a gas bar with a convenience retail and service kiosk and a motor vehicle service station with a convenience retail and service kiosk~~ financial institution in a C2 and C3 zone.

6.1.3.2 ~~A drive through window shall require a stacking lane in compliance with Subsection 3.1.5 of this By-law.~~

7. By-law Number 0225-2007, as amended, is further amended by deleting Subsection 6.1.4.
8. By-law Number 0225-2007, as amended, is further amended by amending Cells D2.2.2, D2.2.9, F2.5.1 and F2.5.2, and adding Note (11) to Table 6.2.1 contained in Subsection 6.2.1 as follows:

Column Title	ZONES	General Commercial	Neighborhood Commercial	General Residential	Medium Density Residential	Single-Family Residential
2.2.2	Convenience Restaurant		✓ (11)	✓ (1)(11)		
2.2.9	Financial Institution	✓	✓	✓ (11)	✓	
2.5.1	Gas Bar					✓ (3)(11)
2.5.2	Motor Vehicle Service Station					✓ (3)(11)

NOTES: (11) See also Subsection 2.1.29 of this By-law.

9. By-law Number 0225-2007, as amended, is further amended by deleting the word "window" in Sentence 6.2.2.13.2 in Exception Table 6.2.2.13 as follows:

Section	Exception (C-1)	Map #18	By-law
Use Not Permitted			
6.2.2.13.2	(1) A drive-through window accessory to a take-out restaurant within a convenience retail and service kiosk		

10. By-law Number 0225-2007, as amended, is further amended by adding Sentences 6.2.4.21.2 and 6.2.4.21.3 in Exception Table 6.2.4.21 as follows:

Section	Exception (C3-21)	Map #18	By-law
Use Not Permitted			
6.2.4.21.1	(1) Motor Vehicle Sales, Leasing and/or Rental Facility - Restricted		
Regulations			
6.2.4.21.2	Maximum number of convenience restaurants		2
6.2.4.21.3	The provisions of Line 2.0 contained in Table 2.1.2.1.1 and Subsection 2.1.29 shall not apply		

11. By-law Number 0225-2007, as amended, is further amended by deleting the word "window" in Sentence 6.2.6.21.2 in Exception Table 6.2.6.21 as follows:

6.2.6.21	Exception	Table 6.2.6.21	By-Law 0225-2007
Use Not Permitted			
6.2.6.21.2	(1)	Drive-through window accessory to an accessory take-out restaurant	

12. By-law Number 0225-2007, as amended, is further amended by deleting the word "window" in Subsection 8.1.8, amending Article 8.1.8.1 and deleting Article 8.1.8.2 contained in Subsection 8.1.8 as follows:

8.1.8 Drive-Through Window

8.1.8.1 A drive-through ~~window~~ is permitted accessory to a ~~convenience restaurant, a gas bar with a convenience retail and service kiosk and a motor vehicle service station with a convenience retail and service kiosk~~ financial institution in an E2 and E3 zone.

8.1.8.2 ~~A drive through window shall require a stacking lane in compliance with Subsection 3.1.5 of this By-law.~~

13. By-law Number 0225-2007, as amended, is further amended by deleting Subsection 8.1.9.

14. By-law Number 0225-2007, as amended, is further amended by amending Cells C2.3.2, C2.3.5, C2.4.8, C2.4.9, D2.3.5 and D2.4.8 and adding Note (13) to Table 8.2.1 contained in Subsection 8.2.1 as follows:

Column		E	G	D
Line	ZONES	E2 Commercial Neighborhood	E3 Community Neighborhood	E3 Industrial
2.3.2	Convenience Restaurant		✓ (1)(13)	✓ (1)
2.3.5	Financial Institution (0191-2009)	✓ (12)	✓ (13)	✓ (13)
2.4.8	Gas Bar		✓ (1)(2)(13)	✓ (1)(2)(13)
2.4.9	Motor Vehicle Service Station		✓ (13)	

NOTES: (13) See also Subsection 2.1.29 of this By-law.

15. By-law Number 0225-2007, as amended, is further amended by deleting the words "and 8.1.9" in Sentence 8.2.2.5.3 in Exception Table 8.2.2.5 as follows:

8.2.2.5	Exception Table	Min. By-law	By-law 01.01.2009
Regulations			
8.2.2.5.3	The provisions contained in Subsection 8.1.8 and 8.1.9 of this By-law shall not apply		

16. The greyed-out text, identified in Items 1 to 15 inclusive of this By-law, is for information purposes only and does not form part of the amendments contained in this By-law.

ENACTED and PASSED this 11 day of February 2015.

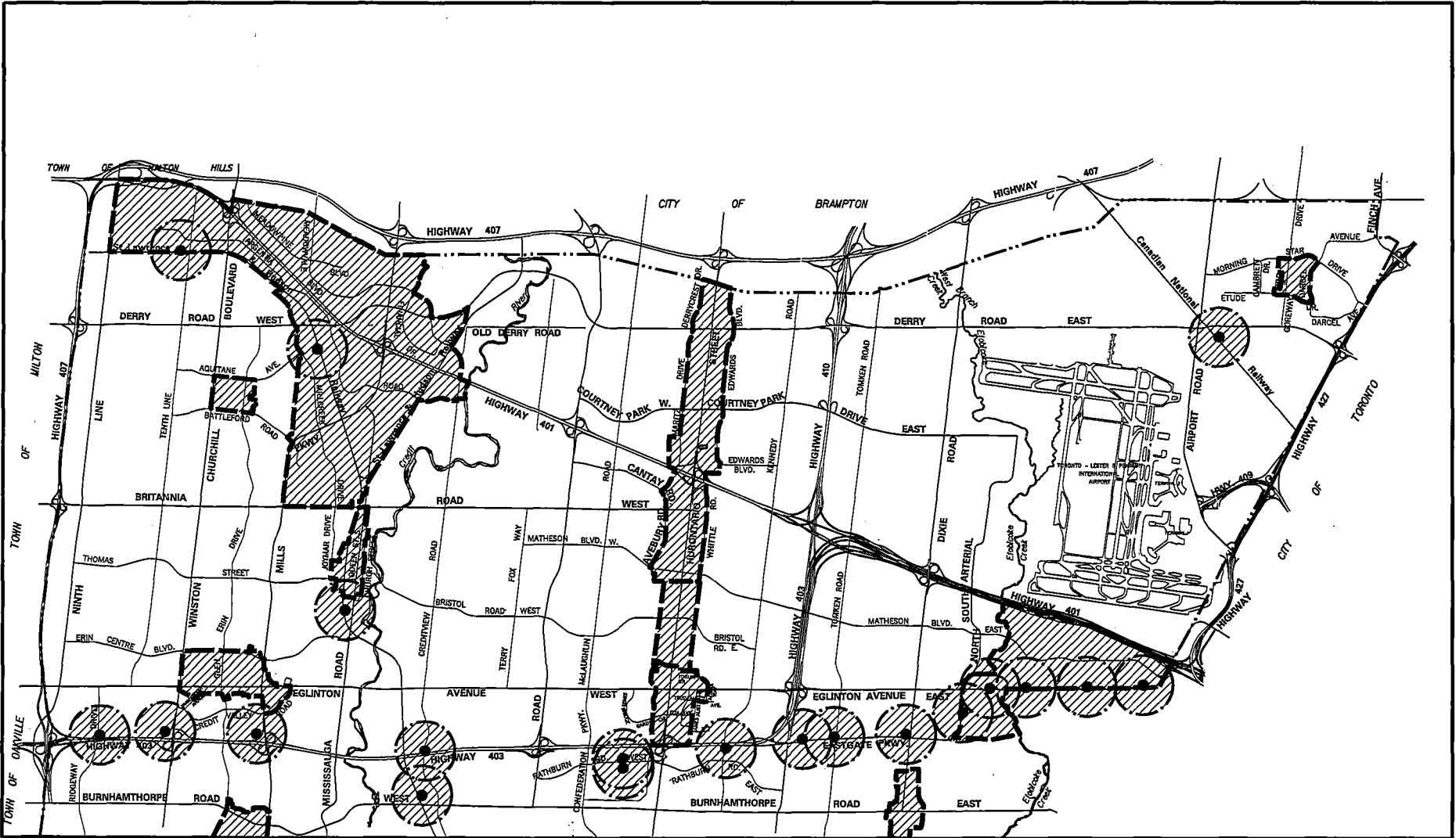
APPROVED AS TO FORM City Solicitor MISSISSAUGA			
<i>Kelly Ferra</i>			
Date	Feb	2	2015

Bonnie Crombie

MAYOR

Crystal Green

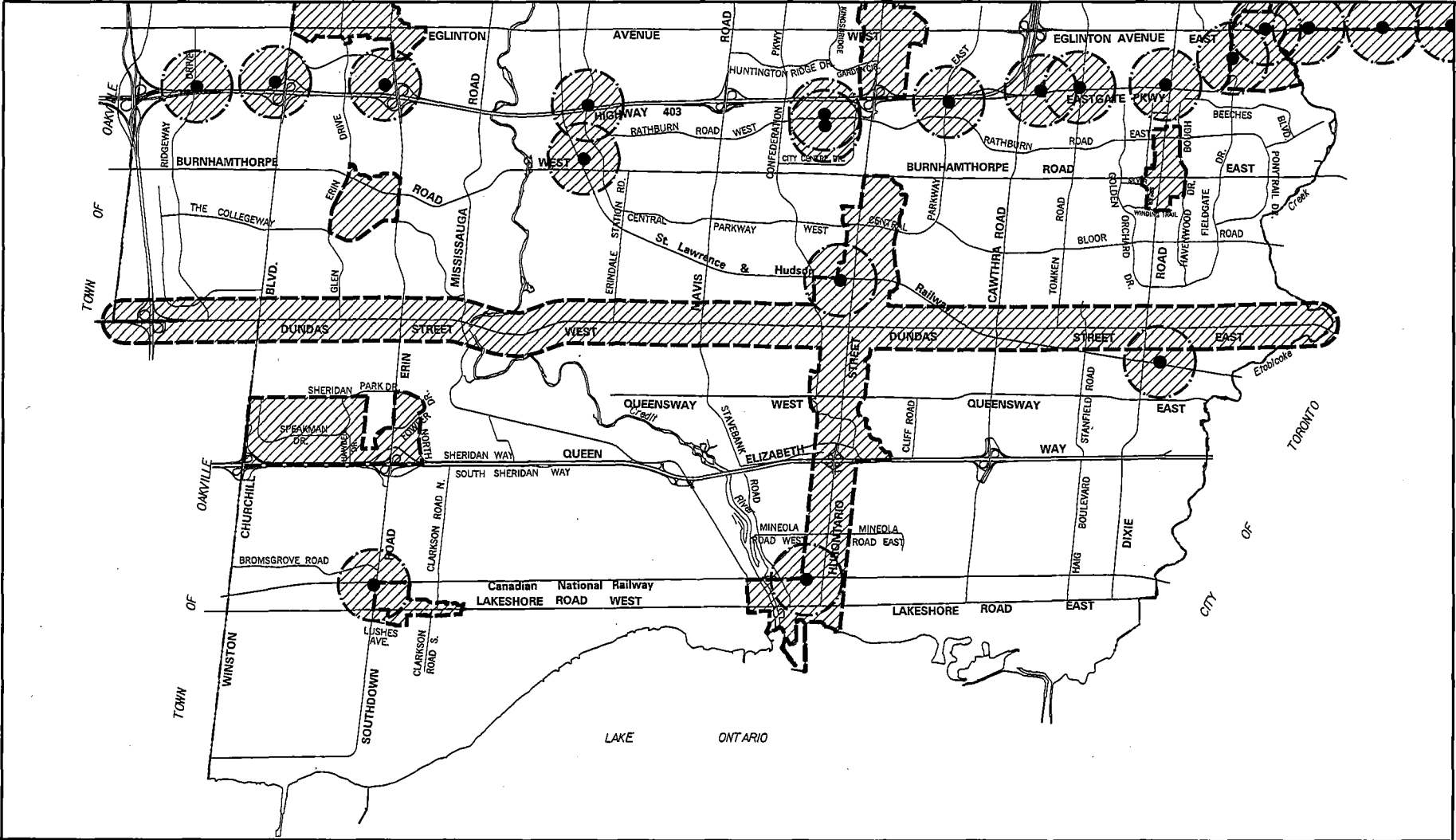
CLERK



SCHEDULE 2.1.29 (1)
 Street Location Criteria for Drive-Throughs

2015/02/11

scotts



SCHEDULE 2.1.29 (2)
 Street Location Criteria for Drive-Throughs

APPENDIX "A" TO BY-LAW NUMBER 0018-2015

Explanation of the Purpose and Effect of the By-law

To implement the Ontario Municipal Board order, dated July 8, 2013, with respect to Mississauga Official Plan policies and the location of "Quick Service Restaurants" and other drive-throughs.

This By-law amends Mississauga Zoning By-law 0225-2007, as amended, by modifying or adding provisions for drive-throughs within the General Provisions, Parking and Loading, Commercial, and Employment Zones. One Exception Zone is being revised to recognize current land use permission.

This By-law also amends the zoning of the properties outlined on the attached Schedules 2.1.29(1) and 2.1.29(2) to add street location criteria for new drive-throughs.

Location of Lands Affected

Lands identified as Intensification Areas in Mississauga Official Plan (MOP), which consist of Downtown (except Downtown Core), Major Nodes, Community Nodes, Corporate Centres, Intensification Corridors and Major Transit Station Areas in the City of Mississauga, as shown on the attached Schedules 2.1.29(1) and 2.1.29(2), Street Location Criteria for Drive-Throughs.

Further information regarding this By-law may be obtained from Lisa Christie of the City Planning and Building Department at 905-615-3200 ext. 5542.

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