

Planning and Development Committee

Date

2016/01/18

Time

7:00 PM

Location

Civic Centre, Council Chamber,
300 City Centre Drive, Mississauga, Ontario, L5B 3C1 Ontario

Members

Bonnie Crombie	Mayor
Jim Tovey	Councillor - Ward 1
Karen Ras	Councillor - Ward 2
Chris Fonseca	Councillor - Ward 3
John Kovac	Councillor - Ward 4
Carolyn Parrish	Councillor - Ward 5
Ron Starr	Councillor - Ward 6
Nando Iannicca	Councillor - Ward 7
Matt Mahoney	Councillor - Ward 8
Pat Saito	Councillor - Ward 9
Sue McFadden	Councillor - Ward 10
George Carlson	Councillor - Ward 11 (CHAIR)

Contact

Mumtaz Alikhan, Legislative Coordinator, Legislative Services
905-615-3200 ext. 5425 - mumtaz.alikhan@mississauga.ca

Find it online

<http://www.mississauga.ca/portal/cityhall/councilcommittees>

PUBLIC MEETING STATEMENT: In accordance with the *Ontario Planning Act*, if you do not make a verbal submission to the Committee or Council, or make a written submission prior to City Council making a decision on the proposal, you will not be entitled to appeal the decision of the City of Mississauga to the Ontario Municipal Board (OMB), and may not be added as a party to the hearing of an appeal before the OMB.

Send written submissions or request notification of future meetings to:

Mississauga City Council
c/o Planning and Building Department – 6th Floor
Att: Development Assistant
300 City Centre Drive, Mississauga, ON, L5B 3C1
Or Email: application.info@mississauga.ca

1. CALL TO ORDER
2. DECLARATION OF CONFLICT OF INTEREST
3. APPROVAL OF MINUTES OF PREVIOUS MEETING
4. MATTERS TO BE CONSIDERED
 - 4.1. **PUBLIC MEETING** (Page 3)
Mississauga Official Plan Conformity to the Provincial Policy Statement (PPS), 2014
File: LA.07.PRO
 - 4.2. **PUBLIC MEETING AND INFORMATION REPORT** (Page 14)
To revise the zoning for the Cranberry Cove neighbourhood in Port Credit in order to limit the impact of new infill housing development - South of Lakeshore Road West, west of Imperial Oil Limited (former Texaco Refinery) lands
Applicant: City of Mississauga
File: CD.06.POR (W1)
 - 4.3. Delegation of Payment-in-Lieu of Off-Street Parking (PIL) Program (Page 30)
File: CD.21.DEV
5. ADJOURNMENT

City of Mississauga

Corporate Report



Date: December 22, 2015	Originator's files: LA.07.PRO
	Meeting date: 2016/01/18
To: Chair and Members of Planning and Development Committee	
From: Edward R. Sajecki, Commissioner of Planning and Building	

Subject

Mississauga Official Plan Conformity to the Provincial Policy Statement (PPS), 2014 - Public Meeting

Recommendation

1. That submissions made at the public meeting held at the Planning and Development Committee meeting on January 18, 2016, to consider the proposed amendments as outlined in the report "Mississauga Official Plan Conformity to the Provincial Policy Statement (PPS), 2014 - Public Meeting" dated December 22, 2015, from the Commissioner of Planning and Building, be received.
2. That staff prepare a report on comments based on the submissions made, outlining any modifications to the original proposed policies, if necessary.

Background

On August 18, 2015, Planning and Development Committee (PDC) considered the report titled "Mississauga Official Plan Conformity to the Provincial Policy Statement (PPS) 2014" (see Appendix 1). PDC moved a public meeting be held to provide opportunity for the public to consider the proposed amendments to Mississauga Official Plan (MOP).

The proposed amendments serve to ensure MOP is in conformity with the Provincial Policy Statement (PPS). The amendment includes new policy related to healthy and active communities, infrastructure, climate change, Aboriginal communities and implementation matters.

Planning and Development Committee requested staff to also include a policy to address the restoration of bioswales and other related green infrastructure when disturbed through construction.

Comments

The purpose of the public meeting is to receive comments on the proposed amendments to conform to the PPS. Since the draft changes were originally presented to Committee on September 8th, additional changes have been included:

1. A new policy is proposed to address restoration of bioswales and other green infrastructure if damaged through construction for Section 10.6, Infrastructure and Utilities and reads:

Green infrastructure, such as bioswales, should be protected during construction and maintenance. Green infrastructure damaged during construction or maintenance should be restored to the satisfaction of the City and appropriate conservation authority.

2. Delete the first and second sentences of the second paragraph of Section 10.6, Infrastructure and Utilities:

For the purposes of this Plan, infrastructure and utilities includes sanitary sewer and water supply, stormwater management facilities and systems, gas and oil transmission pipelines, electric power distribution and transmission facilities, telecommunications and other cabled services. These are provided by various government agencies, public bodies and the private sector.

Subsequent to the public meeting, a report on comments will be prepared for consideration by Planning and Development Committee. This report will include changes to the draft policy where warranted.

Financial Impact

Not applicable.

Conclusion

The proposed amendment satisfies the requirement for MOP conformity to the Provincial Policy Statement, 2014 (PPS). The public meeting provides stakeholders an opportunity to comment on the proposed changes. A report on comments will be tabled within Planning and Development Committee for final consideration.

Attachments

Appendix 1: PDC Corporate Report September 8, 2015



Edward R. Sajecki, Commissioner of Planning and Building

Prepared by: Shahada Khan, Policy Planner

City of Mississauga Corporate Report



Date: 2015/08/18	Originator's files: LA.07.FRO
To: Chair and Members of Planning and Development Committee From: Edward R. Sajecki, Commissioner of Planning and Building	Meeting date: 2015/09/08

Subject

Mississauga Official Plan Conformity to the Provincial Policy Statement (PPS) 2014

Recommendation

That a public meeting be held to consider the amendments to Mississauga Official Plan as recommended in the report titled "Mississauga Official Plan Conformity to the Provincial Policy Statement (PPS) 2014" dated August 18, 2015, from the Commissioner of Planning and Building.

Report Highlights

- The Provincial Policy Statement (PPS) is issued under the authority of the Planning Act and provides policy direction of provincial interest related to land use planning and development. Municipal land use decisions are required to be consistent with policy statements.
- The PPS underwent a review and a revised version was released and came into effect on April 30, 2014.
- This report identifies the gaps between the PPS and Mississauga Official Plan (MOP) and proposes amendments to MOP policies in order to conform to the PPS. The policy amendments relate to healthy communities, infrastructure, climate change, aboriginal consultation and other minor changes.
- The purpose of this report is to request permission to hold a public meeting to obtain comments on the proposed policy changes.

Background

The *Planning Act* establishes the legislative framework which guides land use planning matters for all Ontario municipalities. The Act requires that an Official Plan be prepared to provide a long-term comprehensive framework for land use decision-making in the city. Additionally, under the authority of the

Planning Act, the City is required to ensure its Official Plan policies are consistent with the Provincial Policy Statement (PPS) which provides direction on land use planning and development matters of provincial interest.

The 2005 PPS recently underwent a review. An amended PPS came into effect on April 30, 2014. The City of Mississauga provided comments on the revised PPS identifying a number of revisions to strengthen the policy framework. The revised PPS incorporated some of these comments with enhanced and new policies related to:

- healthy and active communities;
- protection for corridors and employment areas for goods movement;
- planning and protection for infrastructure;
- consideration for the impacts of climate change; and
- Aboriginal consultation, among other matters.

On September 10, 2014 City Council passed by-law 0235-2014 which implemented Mississauga Official Plan Amendment (MOPA) 27. While the MOP incorporates environmental policies related to the revised PPS, there remain several other amendments needed in order to conform to the PPS. This report deals with the latter.

Comments

The Mississauga Official Plan affects almost every aspect of everyday life. Therefore, it is critical that the Official Plan be kept up-to-date.

The Official Plan determines where new houses, stores, industries, schools, cultural facilities, social services, parks, trails, and other land uses will be built; it protects our natural environment; and it directs the construction of new infrastructure such as sewers, water mains, transit and roads. It sets out the community's vision for its future. It affects the lives of all residents through policies about where and how housing, employment and other land uses will be developed. It shapes how the city's neighbourhoods will look and feel in 20 years.

The proposed amendments (Appendix 1) to the Official Plan will serve to ensure the plan is in conformity with the Provincial PPS and up-to-date.

The proposed amendments to Mississauga Official Plan (MOP) will ensure greater certainty, and clarity. This will make it easier for planners, decision makers and residents to evaluate proposals and to make appropriate land use planning decisions.

The following provides highlights on the proposed plan amendments to Mississauga's Official Plan:

Healthy and Active Communities

- Policy which supports the establishment of healthy communities through emphasis on planning the public realm for social interaction and natural recreational settings.

Infrastructure

- Increased clarity of the definition of “infrastructure”.
- Policy which requires consideration of the financial viability of infrastructure over time.
- Policy which requires consideration for the re-use and re-purposing of pre-existing buildings, infrastructure and utilities.
- Policy which emphasizes the importance of protecting planned corridors and transportation facilities.

Climate Change

- A guiding principle on “resiliency” to ensure consideration is given to the stresses new growth place on natural and built environments.

Note: The City is currently undertaking a number of studies which will inform land use policy on climate change. Interim policies identified in Appendix 1 are proposed to conform to the PPS, until further study is completed.

Aboriginal Communities

- Develop a consultation protocol for planning matters which affect the interests of the City's local Aboriginal peoples.
- New policies requiring archaeological management plans to ensure appropriate consideration to the conservation of cultural heritage and archeological resources.

Note: The PPS includes a new policy that encourages planning authorities to coordinate planning matters with Aboriginal communities. The City will be conducting a corporate strategy on public engagement and as part of this exercise will examine what this policy means for Mississauga and address how we coordinate with Aboriginal groups.

Implementation

- Change the PPS in effect date to April 30, 2014.
- Amend PPS definitions in Appendix A of MOP for “cultural heritage landscape” and “special needs” (no OPA is required for changes to the appendix).

Next Steps:

Pending Council approval, a public meeting will be held to obtain comments from the public on the proposed changes. After the public meeting a report on comments and final amendment will be prepared for Committee and Council approval.

It should be noted, that the proposed MOP changes identified in Appendix 1 have been reviewed by City staff for concurrence. Additionally, as the approval authority for amendments to the MOP, the Region of

Peel has reviewed the proposals and confirmed they meet the Provincial and Regional requirements for conformity.

Financial Impact

Not applicable.

Conclusion

This report presents proposed amendments to Mississauga Official Plan policies in order to conform to the Provincial Policy Statement, 2014 that came into effect April 30, 2014. The purpose of this report is to request permission to hold a public meeting to provide members of the public with an opportunity to comment on the proposed amendments.

Attachments

Appendix 1: Mississauga Official Plan (MOP) Conformity to the Provincial Policy Statement (PPS) 2014



Edward R. Sajecki
Commissioner of Planning and Building

Prepared by: Shahada Khan, Policy Planner

MISSISSAUGA OFFICIAL PLAN (MOP) CONFORMITY TO THE PROVINCIAL POLICY STATEMENT (PPS) 2014

POLICY AREA	PPS SECTION/ POLICY #	PPS SECTION/POLICY (Additions are shown in grey highlighting and deletions are shown in strikethrough)	RECOMMENDATIONS TO MISSISSAUGA OFFICIAL PLAN (MOP)* (Additions to existing policy are shown underlined and deletions from existing policy are shown in strikethrough)
Healthy/Active Communities	1.5.1	<p>Healthy, active communities should be promoted by:</p> <p>a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate pedestrian and non-motorized movement, including but not limited to, walking and cycling <i>active transportation</i> and community connectivity;</p> <p>b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for <i>recreation</i>, including facilities, parklands, <i>public spaces</i>, open space areas, trails and linkages, and, where practical, water-based resources;</p>	<p>Add to Section 9.3 Public Realm: The public realm will be planned to promote healthy, active communities that foster social connections at all stages of life and encourage built and natural settings for recreation, culture and <i>active transportation</i>.</p>
Infrastructure	1.6.1	<p><i>Infrastructure</i>, electricity generation facilities and transmission and distribution systems, and <i>public service facilities</i> shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodateing projected needs.</p> <p>Planning for <i>infrastructure</i>, electricity generation facilities and transmission and distribution systems, and <i>public service facilities</i> shall be coordinated and integrated with <i>land use planning for growth</i> so that these they are:</p> <p>a) financially viable over their life cycle, which may be demonstrated through asset management planning; and</p> <p>b) available to meet current and projected needs.</p>	<p>Add policy to Section 7.3 Community Infrastructure: Community infrastructure will be planned and delivered to ensure financial viability over life cycles and meet projected needs.</p> <p>Add policy to Section 10.1 Introduction, Foster a Strong Economy: Infrastructure will be planned and delivered to ensure financial viability over life cycles and meet projected needs.</p> <p>Amend Section 10.6 Infrastructure and Utilities: Delete first sentence of second paragraph in Section 10.6:</p> <p>For the purposes of this Plan, infrastructure and utilities includes sanitary sewer and water supply, stormwater management facilities and systems, gas and oil transmission pipelines, <i>electric power distribution and transmission facilities</i>,</p>

POLICY AREA	PPS SECTION/ POLICY #	PPS SECTION/POLICY (Additions are shown in grey highlighting and deletions are shown in strikethrough)	RECOMMENDATIONS TO MISSISSAUGA OFFICIAL PLAN (MOP)* (Additions to existing policy are shown underlined and deletions from existing policy are shown in strikethrough)
		<p>PPS Definition for “infrastructure”: Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. <i>Infrastructure</i> includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, <u>electric power generation and transmission</u>, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.</p>	<p>telecommunications and other cabled services.</p> <p>Add PPS definition for “Infrastructure” to Appendix A: Terms Defined in the Provincial Policy Statement (2014) and the Growth Plan for the Greater Golden Horseshoe (2006). This item does not require an amendment, but has been included for information.</p> <p>Amend policy 1.1.4mm to add “infrastructure” to the list of Provincial Policy Statement terms.</p>
	1.6.3	<p>Before consideration is given to developing new <i>infrastructure</i> and <i>public service facilities</i>:</p> <p>a) The use of existing <i>infrastructure</i> and <i>public service facilities</i> should be optimized; and</p> <p>b) opportunities for adaptive re-use should be considered, wherever feasible before consideration is given to developing new infrastructure and public service facilities.</p>	<p>Add new policy to Section 7.3 Community Infrastructure: Mississauga will maintain and establish programs for renewal of community infrastructure. In doing so, Mississauga will ensure that the capital cost, maintenance cost and environmental impact are minimized. Opportunities for reusing pre-existing buildings for new purposes will be encouraged.</p> <p>Amend existing 10.6.8: 10.6.8 Mississauga will maintain and establish programs for renewal of infrastructure and utilities. In doing so, Mississauga will ensure that the capital cost, maintenance cost and environmental impact are minimized. <u>Opportunities for reusing pre-existing infrastructure and utilities for new purposes will be encouraged.</u></p>
	1.6.8.3	<p>Planning authorities shall not permit <i>development in planned corridors</i> that could preclude or negatively affect the use of the corridor for the purpose(s) for which it was identified.</p> <p><u>New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or</u></p>	<p>Add new policy to Section 9.1 Introduction, Build a Desirable Urban Form: New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize adverse impacts on and from the corridor and transportation facilities.</p>

POLICY AREA	PPS SECTION/ POLICY #	PPS SECTION/POLICY (Additions are shown in grey highlighting and deletions are shown in strikethrough)	RECOMMENDATIONS TO MISSISSAUGA OFFICIAL PLAN (MOP)* (Additions to existing policy are shown underlined and deletions from existing policy are shown in strikethrough)
		minimize negative impacts on and from the corridor and transportation facilities.	
Climate Change	1.0	<p>Building Strong Healthy Communities</p> <p>Ontario is a vast province with urban, rural, and northern communities with diversity in population, economic activities, pace of growth, service levels and physical and natural conditions. Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. Efficient land use and development patterns support sustainability by promoting strong, liveable, and healthy and resilient communities, protecting the environment and public health and safety, and facilitate facilitating economic growth.</p>	<p>4.4 Guiding Principles, add the following after the first paragraph:</p> <p>Mississauga will become a resilient city that proactively plans for and has the capacity to respond to challenges and stresses to its natural and built environment.</p> <p>Amend existing 6.1.7: Mississauga will work with other jurisdictions and levels of government, industries, businesses and the community to address climate change mitigation and adaptation, and <u>to build a resilient city.</u></p> <p>Amend existing 6.2.1: Mississauga will strive to be a leader in sustainable development to mitigate, manage and adapt to the impacts of climate change.</p>
	1.1.1.h	<p>Healthy, liveable and safe communities are sustained by:</p> <p>h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.</p>	<p>Add a new policy to Section 6.1 Introduction, Value the Environment:</p> <p>Mississauga will consider the impacts of climate change that may increase risks to the city. Mississauga will develop policies on climate change that will:</p> <ul style="list-style-type: none"> • promote development and land use patterns that conserve and enhance biodiversity and consider the impacts of a changing climate; • promote and protect green infrastructure; and • minimize adverse impacts from a changing climate and consider the ecological benefits provided by nature.
	1.6.2	Planning authorities should promote <i>green infrastructure</i> to complement <i>infrastructure</i> .	
	1.7.1.j	Long-term economic prosperity should be supported by: j) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;	

POLICY AREA	PPS SECTION/ POLICY #	PPS SECTION/POLICY (Additions are shown in grey highlighting and deletions are shown in strikethrough)	RECOMMENDATIONS TO MISSISSAUGA OFFICIAL PLAN (MOP)* (Additions to existing policy are shown underlined and deletions from existing policy are shown in strikethrough)
	3.1.3	Planning authorities shall consider the potential impacts of climate change that may increase the risk associated with natural hazards.	Add a new policy to Section 6.1 Introduction, Value the Environment: Mississauga will consider the potential impacts of climate change that may increase the risk associated with <u>natural hazard lands</u> .
Aboriginal	1.2.2	Planning authorities are encouraged to coordinate planning matters with Aboriginal communities.	Add new policy to Section 3.1 Introduction, Promote Collaboration: Mississauga will develop a consultation protocol with members of Aboriginal communities on planning matters that affect their interests.
	4.3	This Provincial Policy Statement shall be implemented in a manner that is consistent with the recognition and affirmation of existing Aboriginal and treaty rights in section 35 of the <i>Constitution Act, 1982</i> .	
	2.6.4	Planning authorities should consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.	Add new policy to Section 7.4.1 Heritage Planning: Mississauga will consider and promote archaeological management plans and cultural plans in conserving cultural heritage and archaeological resources.
	2.6.5	Planning authorities shall consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.	Add new policy to Section 7.4.1 Heritage Planning: Mississauga will consider the interests of Aboriginal communities in conserving cultural heritage and archaeological resources.
Implementation	4.1	This Provincial Policy Statement applies to all applications, matters or proceedings commenced on or after March 1, 2005. decisions in respect of the exercise of any authority that affects a planning matter made on or after April 30, 2014.	Amend Section 2.1.2 Provincial Policy Statement: First sentence, delete date “March 1, 2005” and replace with new date “April 30, 2014”

*Noted policies are based on Mississauga Official Plan office consolidation dated July 30, 2014.

<p>Date: December 22, 2015</p> <p>To: Chair and Members of Planning and Development Committee</p> <p>From: Edward R. Sajecki, Commissioner of Planning and Building</p>	<p>Originator's file: CD.06.POR</p> <hr/> <p>Meeting date: 2016/01/18</p>
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Subject

PUBLIC MEETING INFORMATION REPORT (WARD 1)

South of Lakeshore Road West, west of Imperial Oil Limited (former Texaco Refinery) lands

Applicant: City of Mississauga

Proposal: To revise the zoning for the Cranberry Cove neighbourhood in Port Credit in order to limit the impact of new infill housing development

Recommendation

1. That the Report dated December 22, 2015, from the Commissioner of Planning and Building regarding the proposed amendments to the Zoning By-law for the Cranberry Cove neighbourhood in Port Credit, be received for information.
2. That the Planning and Building Department report back on any public submissions received and make recommendations to revise specific zone regulations for the Cranberry Cove neighbourhood.

Report Highlights

- Ward 1 Councillor Jim Tovey has requested that Planning staff review the current zoning regulations in the Cranberry Cove neighbourhood based on concerns raised by the local ratepayers association and area residents;
- Proposed solutions are discussed for retaining the neighbourhood character and addressing compatibility and massing issues associated with new and replacement housing and additions;
- Comments received to date from neighbourhood residents through the public engagement process are summarized.

Background

As a result of concerns raised about new infill housing development in the Cranberry Cove neighbourhood, Ward 1 Councillor Jim Tovey requested the Planning and Building Department to review the current Zoning By-law regulations for the neighbourhood. Similar to the review done in the Hiawatha neighbourhood of Port Credit and approved by Council in 2013, a review of the zoning for the Cranberry Cove neighbourhood has been completed by Planning staff and a public engagement process started with area residents. At meetings held with the local ratepayers association and a resident focus group in late 2014 and mid 2015 respectively (further detailed later in this report), Planning staff discussed various options to address issues about new and replacement housing and large additions being constructed in a manner that is out of character with the neighbourhood.

Comments

THE PROPERTY AND THE NEIGHBOURHOOD

The Cranberry Cove neighbourhood in Port Credit includes the residential area located south of Lakeshore Road West that extends to Lake Ontario and is bounded by Rhododendron Gardens to the west and the vacant Imperial Oil Limited (former Texaco Refinery) lands to the east, as shown on Appendix 1.

DETAILS OF THE PROJECT

Amendments to the existing R15, R15-6 and R15-7 (Detached Dwellings – Port Credit) zone regulations are being proposed for the Cranberry Cove neighbourhood to improve compatibility between existing homes and replacement housing and new additions.

The concept of regulating replacement housing and new additions through Zoning By-law standards is not new in Mississauga. The infill housing areas in Clarkson-Lorne Park, Mineola, Streetsville, the Old Port Credit Village and Meadowvale Village Heritage Conservation Districts and most recently the Hiawatha neighbourhood, are subject to specific Zoning By-law regulations that are designed to retain the character of these areas and reduce the incompatibility between existing houses, new houses and additions. In these areas, the Zoning By-law was modified to include new and revised regulations that reduced lot coverage and allowable heights, restricted how far a garage can project in front of a home and imposed a maximum house length and size restriction. In addition, Council recently approved a Zoning By-law amendment that restricted the height of flat roofed homes in parts of Ward 1 that are not subject to infill housing, including the Cranberry Cove neighbourhood.

LAND USE CONTROLS

The lands are located in the Port Credit Neighbourhood Area, more specifically within the westerly portion of the South Residential Neighbourhood (Cranberry Cove Precinct), as identified in the Port Credit Local Area Plan. The lands are generally designated **Residential Low Density I**, which permits detached dwellings (see Appendix 2). Semi-detached and duplex

dwelling is not permitted use within this designation for lands within the Port Credit Local Area Plan. Mississauga Official Plan (Port Credit Local Area Plan) contains additional policies applicable to the South Residential Neighbourhood, as outlined on Appendix 4.

The lands are currently zoned **R15, R15-6 and R15-7 (Detached Dwellings – Port Credit)**, as shown on Appendix 3. The R15 zone permits detached dwellings on lots with a minimum frontage of 12.0 m (39.4 ft.) and a minimum lot area of 460 m² (4,951 sq. ft.). The R15-6 and R15-7 zones apply to single properties on Ben Machree Drive. The R15-6 zone permits a duplex or triplex dwelling legally existing on the date of passing of the By-law in addition to a detached dwelling. The R15-7 zone permits only a detached or triplex dwelling. Appendix 5 outlines the existing R15 zone regulations.

Proposed Zoning By-law Amendments

The Planning and Building Department is considering the following combination of Zoning By-law amendments for the Cranberry Cove neighbourhood, subject to further community input:

- Adding a regulation that garages not project in front of the house;
- Revising the allowable height of homes from 9.2 m (30.2 ft.), measured from established grade to the midpoint of the roof, to 9.5 m (31.2 ft.) measured from established grade to the peak of the roof, and adding a maximum height to the roof eaves of 6.4 m (21 ft.);
- Adding a maximum house length of 20 m (65.6 ft.).

A discussion of the above regulations in the context of the Cranberry Cove neighbourhood is provided below.

Projecting Garages

A review of existing homes within the study area indicates that few houses have attached garages that project in front of the home. In order to maintain this neighbourhood characteristic, a regulation which prohibits an attached garage from projecting beyond the main face of the home is proposed in order to reduce the prominence of garages.

Reduction in Height

The existing R15 zone permits a maximum allowable height of a home of 9.2 m (30.2 ft.) to the midpoint of the roof. This height is measured from average grade of the lot to the mid-point of a sloped roof. As a result, the highest point of a roof can be significantly higher depending upon the pitch of the roof. For the infill housing areas in Clarkson-Lorne Park, Mineola and Streetsville, the maximum allowable height of a home is measured as the distance between the average grade of the lot and the highest ridge of a sloped roof. The maximum height in these areas has been reduced to 9.0 m (29.5 ft.) and 9.5 m (31.2 ft.) depending upon lot frontage. There is another zoning regulation that requires a maximum height to the underside of the roof eaves of 6.4 m (21 ft.). This regulation simply brings the edge of the roof closer to the ground, which significantly lessens the visual massing of a home.

See Appendix 8 for an illustration showing the two types of height measurements as noted above.

In June 2015, Council approved By-law 0171-2015 that reduced the allowable height of a flat roofed home to 7.5 m (24.6 ft.) in parts of Ward 1 that are not subject to infill housing regulations, including the Cranberry Cove neighbourhood. Currently, this amendment is under appeal and is subject to future proceedings at the Ontario Municipal Board.

Maximum Dwelling Length

The majority of lot depths within the study area are within the range of 40.0 m (131.23 ft.) and 60.0 m (196.85 ft.). The existing R15 zone permits a detached house to have continuous dwelling depth as long as it complies with the minimum front yard setback of 6.0 m (19.6 ft.) and the minimum rear yard setback of 7.5 m (24.6 ft.). The infill residential areas of Clarkson-Lorne Park, Mineola and Streetsville include a maximum house length standard of 20.0 m (65.5 ft.). This provision effectively regulates the overall size of homes and encourages attached garages to be incorporated into the design of the home.

WHAT DID THE COMMUNITY SAY?

On November 13, 2014, Ward 1 Councillor, Jim Tovey and Planning staff were invited to a Cranberry Cove Port Credit Ratepayers Association Annual General Meeting to participate in a panel discussion on "Our Changing Neighbourhood". At this meeting concerns were expressed about new and replacement housing and large additions being constructed in the area that are out of character with the neighbourhood.

As a result of this meeting, Ward 1 Councillor, Jim Tovey held a focus group meeting on April 22, 2015 with residents from the Cranberry Cove neighbourhood. The focus group consisted of approximately 20 residents from the neighbourhood. Several issues related to built form were identified including:

- Allowable height of homes;
- Overall size of homes;
- The need to restrict how far a garage can project in front of a house; and
- The need to restrict house length.

Following this meeting, a survey prepared by Planning staff was given to the Cranberry Cove Residents Association for the purposes of distribution amongst property owners within the neighbourhood. This survey requested property owners to indicate if they are interested in Zoning By-law changes and if so, what regulations should be added or further restricted. A total of 96 surveys were given out and staff received 57 surveys with responses, representing a 59% response rate. Of those that responded, 80% indicated that they would like to see changes to

the Zoning By-law. The following additional information was obtained from the surveys and represents a percentage of those that responded:

- 95% felt that the character of the area should be maintained;
- 92% felt that the overall size of the house should be further restricted;
- 97% felt that the front yard setback should be maintained;
- 91% felt that the lot coverage should be maintained;
- 91% felt that the side yard setbacks should be maintained;
- 84% felt that the maximum house length should be restricted;
- 88% felt that the allowable height should be further restricted;
- 63% felt that garages should be restricted so to not project past the front wall of the house;
- 85% felt that Site Plan Control should be implemented.

Although there was a positive response regarding the implementation of Site Plan Control through the results of the survey, early discussions with residents at the earlier ratepayer and focus group meetings suggested that Site Plan Control was not desired and that applying the same zoning regulations as approved for the standard lots in the Hiawatha neighbourhood would be preferred.

Additional comments received from the survey are also summarized below and will be taken into consideration when preparing the Recommendation Report:

- The need to implement “architectural control” in order to ensure that the character is maintained;
- Loss of privacy and impacts on the rear yards of existing properties are a direct result of new homes being constructed to the size and height maximums;
- New homes being constructed to the size and height maximums result in impacts to the existing tree canopy and ultimately a loss of mature trees.

Financial Impact

Not applicable.

Conclusion

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 the proposed amendments to the Zoning By-law for the Cranberry Cove neighbourhood.

Attachments

Appendix 1: Location of Study Area

Appendix 2: Excerpt of Port Credit Local Area Plan Land Use Map

Appendix 3: Excerpt of Existing Zoning Map

Appendix 4: Relevant Mississauga Official Plan Policies

Appendix 5: Existing R15 Zone Regulations

Appendix 6: Neighbourhood Survey

Appendix 7: Examples of Homes within the Cranberry Cove neighbourhood

Appendix 8: Illustration of Dwelling Height



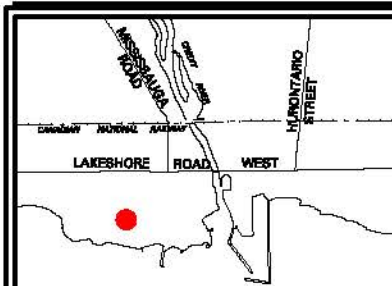
Edward R. Sajecki

Commissioner of Planning and Building

Prepared by: David Ferro, Development Planner

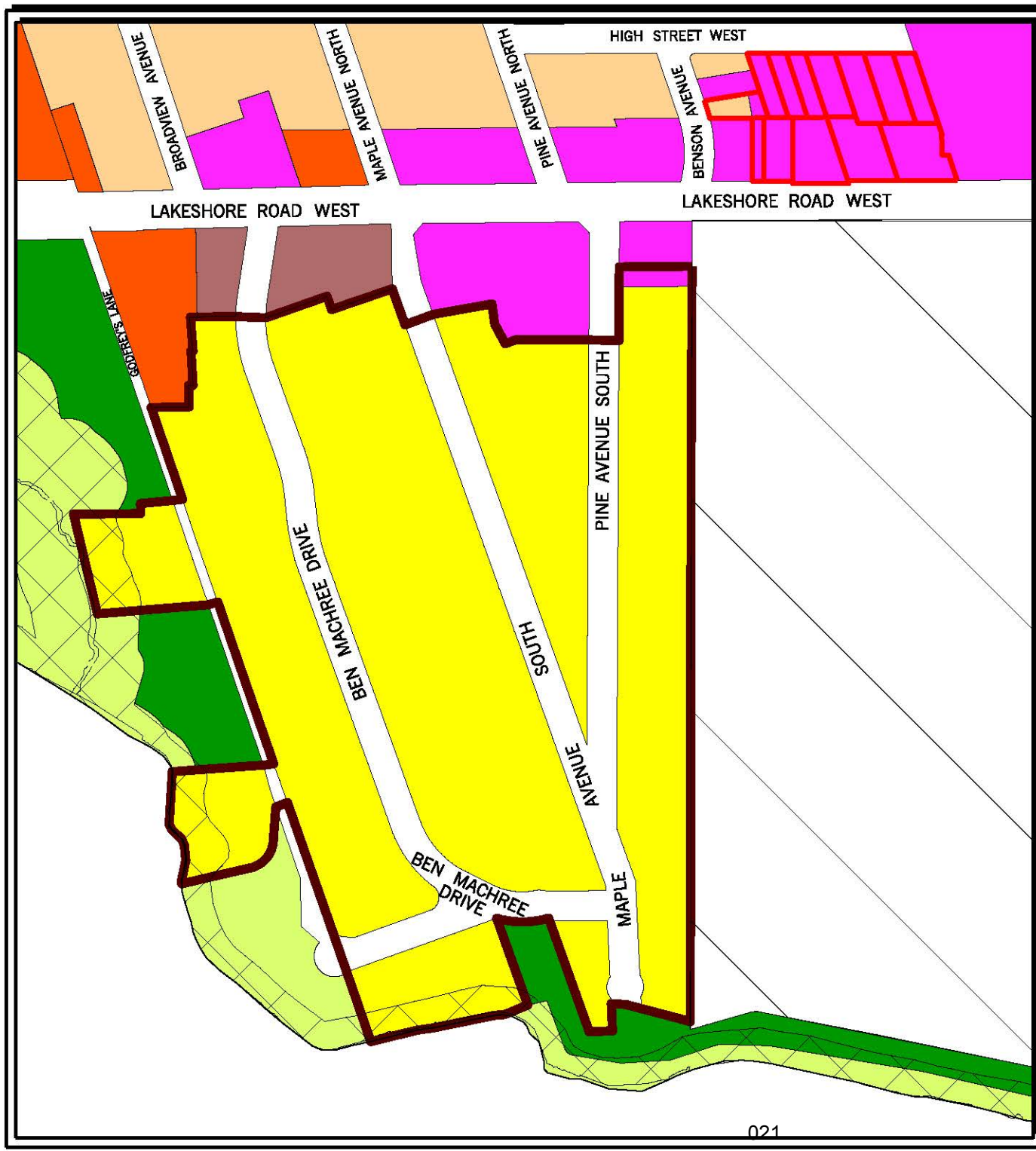
**LEGEND:****SUBJECT LANDS**

DATE OF AERIAL IMAGERY: SPRING 2015

**SUBJECT: CITY OF MISSISSAUGA**FILE NO:
CD.06.POR W1DWG. NO:
Cranberry Cove
-AerialSCALE:
1:4000DATE:
2015/12/22DRAWN BY:
A.SHAH

APPENDIX 1

**MISSISSAUGA**Produced by
T&W, Geomatics



**PART OF SCHEDULE 10 LAND USE DESIGNATIONS
OF MISSISSAUGA OFFICIAL PLAN**
LAND USE DESIGNATIONS

- | | |
|----------------------------|-----------------------|
| Residential Low Density I | Airport |
| Residential Low Density II | Institutional |
| Residential Medium Density | Public Open Space |
| Residential High Density | Private Open Space |
| Mixed Use | Greenlands |
| Convenience Commercial | Parkway Belt West |
| Motor Vehicle Commercial | Utility |
| Office | Special Waterfront |
| Business Employment | Partial Approval Area |
| Industrial | |

BASE MAP INFORMATION

- | | |
|---|------------------------------|
| Heritage Conservation District | Civic Centre (City Hall) |
| 1986 NEP/2000 NEF Composite Noise Contours | City Centre Transit Terminal |
| LBPIA Operating Area Boundary See Aircraft Noise Policies | GO Rail Transit Station |
| Area Exempt from LBPIA Operating Area | Public School |
| Natural Hazards | Catholic School |
| | Hospital |
| | Community Facilities |

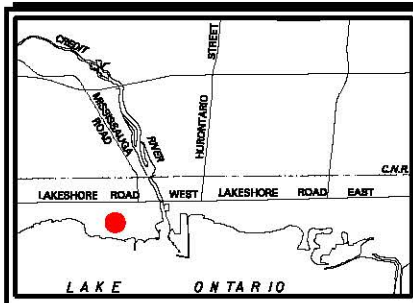
City Structure

- | | |
|----------------|---|
| Downtown | Corporate Centre |
| Major Node | Employment Area |
| Community Node | Special Purpose Area |
| Neighbourhood | MOPAs Appealed to the Ontario Municipal Board |

SUBJECT LANDS



SUBJECT: CITY OF MISSISSAUGA



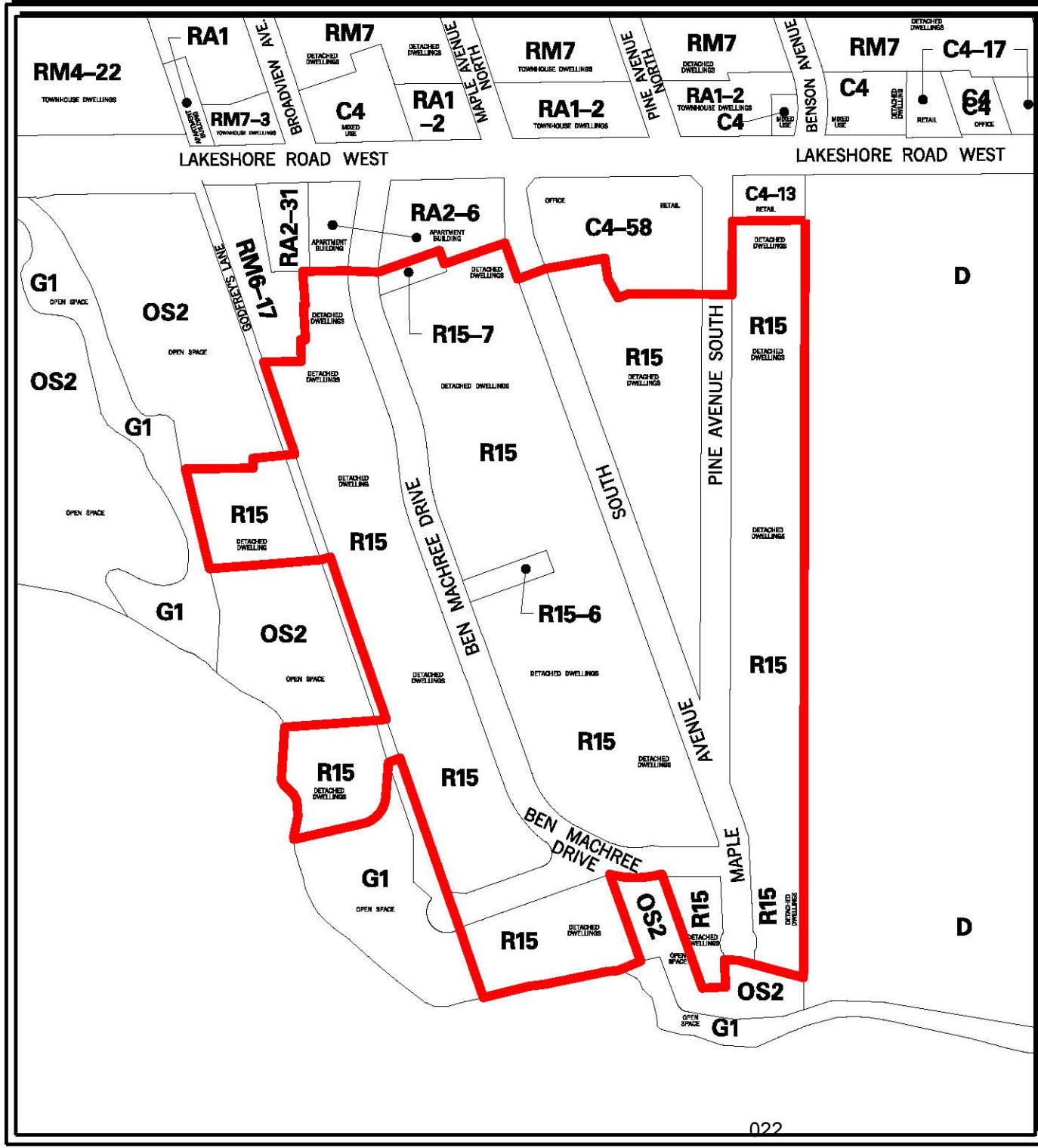
FILE NO:
CD.06.POR W1

DWG. NO:
Cranberry Cove_MOP Land use

SCALE:
1:4000

DATE:
2015/12/22

DRAWN BY:
A.SHAH



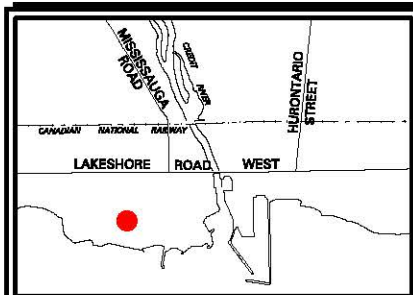
LEGEND:

 SUBJECT LANDS

THIS IS NOT A PLAN OF SURVEY.



SUBJECT: CITY OF MISSISSAUGA



FILE NO:
CD.06.POR W1
DWG. NO:
Cranberry Cove
-Zoning
SCALE:
1:4000
DATE:
2015/12/22
DRAWN BY:
A.SHAH

APPENDIX 3



Produced by
T&W, Geomatics

City of Mississauga

File: CD.06.POR

Relevant Mississauga Official Plan Policies**Relevant Mississauga Official Plan Policies**

	Specific Policies	General Intent
Port Credit Local Area Plan	Section 10.3 Section 10.3.5 Section 10.3.5.1 Section 10.3.5.2 Section 12.2.1	<p>10.3 The Neighbourhood Character Area represents stable residential areas where the existing character is to be preserved and will not be the focus for intensification. Where development occurs, it will generally be through modest infilling.</p> <p>Neighbourhood policies are intended to reflect a number of objectives, including among other things:</p> <ul style="list-style-type: none"> To ensure development is sensitive to the existing low rise context and to reinforce the planned character of the area; <p>10.3.5 South Residential Neighbourhoods (Cranberry Cove, Hiawatha) Precinct – this precinct includes the areas known as Cranberry Cove and Hiawatha, located on the west and east sides of the Community Node, between Lakeshore Road West and East and the waterfront. These predominantly stable residential areas will be maintained while allowing for infill which is compatible with and enhances the character of the area.</p> <p>10.3.5.1 The predominant characteristics of these areas will be preserved including:</p> <ol style="list-style-type: none"> Low rise building heights; The combination of relatively small building masses on small lots; The physical and visual access to Lake Ontario from parks and the terminus of streets; The well landscaped streetscapes; and Street grid pattern. <p>10.3.5.2 New development will have a maximum height generally equivalent to 2 storeys.</p> <p>12.2.1 Notwithstanding the Residential Low Density I policies of the Plan, the following uses will not be permitted:</p> <ol style="list-style-type: none"> Semi-detached dwelling; and Duplex dwelling

4.6.1 R15 Permitted Uses and Zone Regulations

All **buildings** and **structures** shall comply with the provisions contained in Parts 1 to 3 and Section 4.1 of this By-law, and the **uses** and zone regulations specified within the applicable zone column contained in Table 4.6.1 - R15 Permitted Uses and Zone Regulations.

Table 4.6.1 - R15 Permitted Uses and Zone Regulations

Column A		B
Line 1.0	ZONES	R15
PERMITTED USES		
2.0	RESIDENTIAL	
2.1	Detached Dwelling	✓ ⁽¹⁾
ZONE REGULATIONS		
3.0	MINIMUM LOT AREA	460 m ²
4.0	MINIMUM LOT FRONTAGE	12.0 m
5.0	MAXIMUM LOT COVERAGE	40%
6.0	MINIMUM FRONT YARD	6.0 m ⁽²⁾
7.0	MINIMUM EXTERIOR SIDE YARD	4.5 m ⁽²⁾
8.0	MINIMUM INTERIOR SIDE YARD	
8.1	Detached dwelling with an attached garage	1.2 m ⁽²⁾
8.2	Detached dwelling without an attached garage	3.0 m on one side of the lot and 1.2 m on the other side ⁽²⁾
9.0	MINIMUM REAR YARD	7.5 m ⁽²⁾
10.0	MAXIMUM HEIGHT	9.2 m
11.0	ATTACHED GARAGE , PARKING AND DRIVEWAY	
11.1	Attached garage	Permitted ⁽³⁾
11.2	Minimum parking spaces	✓ ^{(4) (5)}
11.3	Maximum driveway width	Lesser of 8.5 m or 50% of lot frontage ⁽⁴⁾
12.0	ACCESSORY BUILDINGS AND STRUCTURES	✓ ⁽⁶⁾

- NOTES:**
- (1) See Subsections 4.1.1, 4.1.16 and 4.1.17 of this By-law.
 - (2) See also Subsections 4.1.7 and 4.1.8 of this By-law.
 - (3) See also Subsection 4.1.12 of this By-law.
 - (4) See also Subsection 4.1.9 of this By-law.
 - (5) See also Part 3 of this By-law.
 - (6) See Subsection 4.1.2 of this By-law.

Port Credit Infill Housing Cranberry Cove Neighbourhood Survey

Appendix 6 Page 1

This survey is intended to assess the opinion of the neighbourhood as to whether changes are required to the R15 zoning by-law to limit the impact of new in-fill housing. This is an opportunity to express your opinion. All completed surveys will be kept confidential and only City planning staff will see your response. If there is a consensus to consider changes there will be further consultation with the community.

Do you want changes to the Zoning By-law in your neighbourhood?

Yes

No

Are these issues important to you?

Issue	Yes	No
Do you wish to see the present character of the neighbourhood maintained?		
Overall size of the dwelling?		
Should the minimum front yard setback of 6.0 m be maintained?		
Should the maximum lot coverage remain at 40 percent?		
Should the present setbacks (see attached table) be maintained?		
Should there be a limit to the maximum depth of a dwelling?		
Should the maximum dwelling height be measured to the highest point of the roof?		
Garages that project beyond the front wall of the dwelling?		
Would you like the City to consider implementing Site Plan Control in the Cranberry Cove neighbourhood?*		

* Site Plan Control (SPC) is an additional step required prior to applying for a Building Permit. Properties subject to SPC allows the Planning Department to review and further scrutinize new development regarding design, tree retention and drainage, among other matters. For more information on SPC, please visit the following link:

<http://www.mississauga.ca/portal/residents/siteplancontrol>

Additional Comments: _____

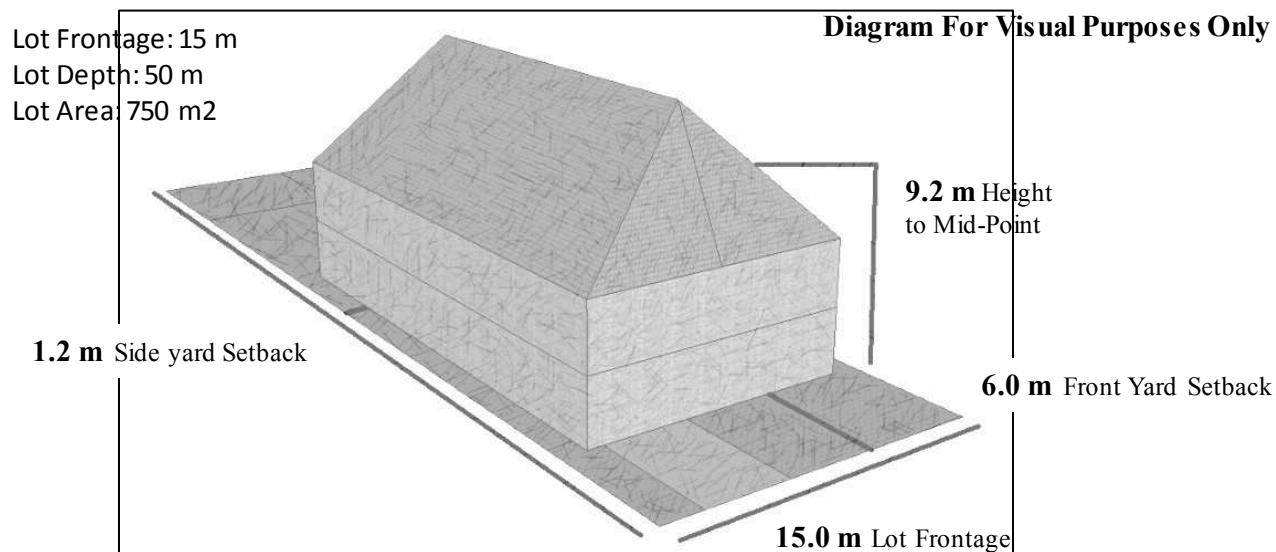
Name: _____
Address: _____
Phone/email: _____

Please submit survey only by mail/email to the City no later than June 15, 2015:

David Ferro
 Development Planner – Mississauga South
 Planning and Building Department
 Email: david.ferro@mississauga.ca
 Mississauga Civic Centre
 300 City Centre Drive, 6th Floor
 Mississauga Ontario, L5B 3C1

Current Zoning By-law Regulations for R15 – Single Detached Zone

The following is an example that depicts a potential dwelling constructed to the maximum of the current Zoning By-law permissions. The diagram is intended to help residents understand the Zoning By-law and does not represent an existing or proposed dwelling. The lot dimensions below are based upon the lots on the East side of Pine Ave South within the Cranberry Cove Neighbourhood:



Column A		B
Line 1.0	ZONES	R15
PERMITTED USES		
2.0	RESIDENTIAL	
2.1	Detached Dwelling	✓ ⁽¹⁾
ZONE REGULATIONS		
3.0	MINIMUM LOT AREA	460 m ²
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8.0	MINIMUM INTERIOR SIDE YARD	
8.1	Detached dwelling with an attached garage	1.2 m ⁽²⁾
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11.0	ATTACHED GARAGE, PARKING AND DRIVEWAY	
11.1	Attached garage	Permitted ⁽³⁾
11.2	Minimum parking spaces	✓ ^{(4) (5)}
11.3	Maximum driveway width	Lesser of 8.5 m or 50% of lot frontage ⁽⁴⁾
12.0	ACCESSORY BUILDINGS AND STRUCTURES	✓ ⁽⁶⁾

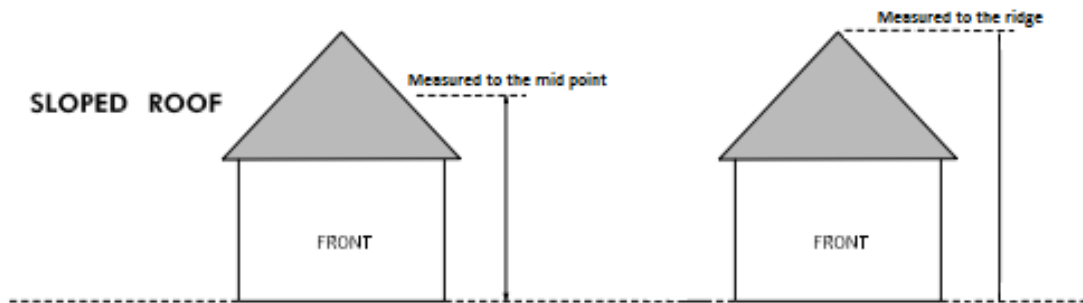
Examples of Homes Within the Cranberry Cove Neighbourhood





Illustration of Dwelling Height

The below illustration is for clarification regarding the height measured to the mid point of a roof and to the peak of a roof.



City of Mississauga Corporate Report



Date: December 22, 2015	Originator's file: CD.21.DEV
To: Chair and Members of Planning and Development Committee	
From: Edward R. Sajecki, Commissioner of Planning and Building	Meeting date: 2016/01/18

Subject

Delegation of Payment-in-Lieu (PIL) of Parking Program

Recommendation

1. That the report dated December 22, 2015, recommending delegation of responsibility for Payment-in-Lieu of Parking (PIL) Applications for 10 or fewer parking spaces to the Commissioner of Planning and Building be adopted;
2. That the Payment-in-Lieu of Parking Delegation By-law, attached as Appendix 3 to the report from the Commissioner of Planning and Building dated December 22, 2015, be enacted; and,
3. That the Corporate Policy and Procedure (Policy No. 07-09-01) for the Payment-in-Lieu (PIL) of Parking Program be amended to reflect the changes in the procedure as outlined in the report from the Commissioner of Planning and Building dated December 22, 2015.

Background

Section 40 of the *Planning Act*, as amended, provides that a municipality and an owner or occupant of a building may enter into an agreement exempting them from providing or maintaining parking facilities in accordance with the Zoning By-law, provided the agreement includes the payment of money, and the basis for the payment calculations. Based on this legislation, the City of Mississauga established the Corporate Policy and Procedure for the Payment-in-Lieu (PIL) of Parking Program (Policy No. 07-09-01) in October 25, 2000. It was revised on February 11, 2009. Minor administrative changes have been made to the Corporate Policy since that date, including most recently simplification of the Policy's name.

In 2012, a review of development application and building permit fees was completed. Based on full cost recovery, the fee for PIL would be \$8,200 per application which can be more than the actual PIL amount collected. To make the program more affordable, the fees are \$800. The current process has been reviewed with the objectives of simplifying the process and closing the gap on the cost recovery.

Existing PIL Process

The Planning and Building Department evaluates PIL applications in accordance with Mississauga Official Plan policies, including relevant Local Area Policies, and the evaluation criteria outlined in the Corporate Policy and Procedure. Once the number of parking spaces to be considered for PIL and the cost identified in accordance with the Processing Fees and Charges By-law, a report is prepared for Planning and Development Committee (PDC). If approved, a PIL Agreement is prepared and finalized within 90 days of Council's approval.

From January 2012 to November 2015, 6 PIL applications were approved, 3 were cancelled and 3 are currently in process. None were refused. Appendix 1 identifies the general location and number of parking spaces approved during this time-frame. Generally, the number of PIL parking spaces approved is less than 5 parking spaces.

Delegation of Authority

The process could be simplified and expedited by delegating the approval authority to the Commissioner of Planning and Building for applications requesting 10 or fewer parking spaces. The ability to delegate the authority to review and approve applications to the PIL Program is regulated in Section 23.1 of the *Municipal Act*. The relevant extracts from the *Municipal Act* are attached as Appendix 2. The key requirements are:

- a delegation from Council to staff may be made subject to conditions and limits as the Council of a municipality considers appropriate;
- the delegate must be governed by a By-law, follow procedures, and is accountable and transparent with regard to their actions and decisions;
- the power being delegated is considered to be minor in nature.

It is proposed that the PIL Delegation By-law limit the power of the Commissioner of Planning and Building to approve applications for 10 or fewer parking spaces. It is staff's opinion that the approval of 10 or fewer parking spaces is considered minor, as Council has historically approved these applications with minimal or no debate.

In accordance with the legislated requirements, the draft PIL Delegation By-law, attached as Appendix 3, contains these provisions. If the delegation by-law is passed by Council, the Corporate Policy and Procedure for the new Payment-in-Lieu (PIL) of Parking Program (Policy No. 07-09-01) will be amended to reflect the procedures.

Proposed PIL Process

If the by-law is passed, applications for 10 or fewer parking spaces will be approved by the Commissioner of Planning and Building. A report to PDC will not be required. Councillors will be notified by email of any new PIL applications to ensure they are made aware of applications in their Ward. The email will include details on the requested number of PIL parking spaces; the Planner responsible for processing the application; and any documents submitted with the application such as a Parking Utilization Study.

For applications requesting greater than 10 parking spaces, a report to PDC will be prepared outlining the details of the proposal and providing a recommendation for approval or refusal, similar to the current process.

PIL applications are reviewed based on prescribed evaluation criteria outlined in the Corporate Policy and Procedure. To ensure efficiency and transparency of the applications, it is suggested that the PIL Application Form be amended to allow the applicant to respond to and justify how the application meets the applicable criteria.

The minimum amount payable for a surface parking space ranges from \$1,776 to \$10,700. To ensure that the cost of the PIL application does not exceed the amount of a parking space, it is suggested that application fee of \$800 as set out in Schedule A of the *Planning Act* Processing Fees and Charges By-law remain unchanged.

The PIL payment can be made by either lump sum or installments in accordance with the Corporate Policy and Procedure. Monies accepted through the PIL program will be placed in the respective PIL reserve accounts, and will be used for the acquisition, establishment, and/or maintenance of municipal parking facilities in the area from which funds were collected. The Commissioner of Planning and Building will not have the authority to reduce the amount of money requested per space.

Benchmarking with Other Municipalities

Appendix 4 outlines a review of other municipalities in the Greater Toronto Area (GTA) approach to Payment-in-Lieu (PIL) of Parking including Brampton, Burlington, Caledon, Hamilton, Oakville, Markham, Toronto, and Vaughan. Although most of the municipalities benchmarked do not have formal PIL application processes, there are provisions in either their Official Plan or Zoning By-law for reduced parking rates or to implement PIL if the need arises. Most municipalities indicated that the PIL provisions are typically not applied. Toronto and Hamilton have PIL application processes, with application fees of \$300 and \$470, respectively, which are approved by Council or Committee of the Whole. It should be noted that the City of Ottawa, while not in the GTA, recently repealed their PIL By-law and are now using minor variance or Zoning By-law Amendments as a means for reducing parking. Given that most municipalities do not implement formal PIL Programs, if approved, Mississauga would be the

first municipality of those benchmarked to delegate the PIL Program to the Commissioner of Planning and Building for approval.

Financial Impact

It is anticipated that should delegation to the Commissioner be approved, there should be efficiencies gained in the process as a staff report and attendance at PDC will not be required.

Conclusion

The proposed delegation of the Payment-in-Lieu (PIL) of Parking Program for 10 or fewer spaces is considered appropriate and should be approved for the following reasons:

1. The delegation of PIL to the Commissioner will result in a simplified and expedited service for minor applications and will reduce staff time preparing PDC reports and attending meetings.
2. The review of the application will still be in accordance with the Corporate Policy and Procedure (Policy No. 07-09-01) which outlines evaluation criteria.

Attachments

Appendix 1: Approved Payment-in-Lieu of Parking Applications Summary

Appendix 2: Extracts from the *Municipal Act*

Appendix 3: Payment-in-Lieu of Parking Delegation By-law

Appendix 4: Payment-in-Lieu of Parking Municipal Benchmarking



Edward R. Sajecki
Commissioner of Planning and Building
Prepared by: Shaesta Mitha, Planner

Approved Payment-in-Lieu of Parking Applications Summary

Year	Planning District	Ward	# of parking spaces approved
2012	Port Credit	1	5
2012	Streetsville	11	3
2013	Port Credit	1	34*
2013	Streetsville	11	3
2014	Streetsville	11	4
2014	Downtown	4	2

*FA.13.31/001 for 31 Lakeshore Road East for a 3-Storey Office/Commercial Redevelopment of the former Port Credit Post Office site

Extracts from the *Municipal Act*

A by-law delegating any of the municipality's powers or duties is subject to the following rules as outlined in Section 23.1(2):

1. A delegation may be revoked at any time without notice unless the delegation by-law specifically limits the municipalities power to revoke the delegation.
2. A delegation shall not limit the right to revoke the delegation beyond the term of the Council which made the delegation.
3. A delegation may provide that only the delegate can exercise the delegated power or that both the municipality and the delegate can exercise the power.
4. A delegation or deemed delegation under paragraph 6 of a duty results in the duty being a joint duty of the municipality and the delegate.
5. A delegation may be made subject to such conditions and limits as the Council of a municipality considers appropriate.
6. Where a power is delegated, the power is deemed to be delegated subject to any limits on the power and to any procedural requirements, including conditions, approvals and appeals which apply to the power and any duties related to the power are deemed to be delegated with the power.

The conditions and limits referenced in paragraph 5 are outlined in Section 23.1(3):

1. A requirement that the delegate act by by-law, resolution or otherwise, despite subsection 5 (3).
2. Procedures that the delegate is required to follow.
3. The accountability of the delegate and the transparency of the delegate's actions and decisions.

Section 23.2 outlines various restrictions:

23.2 (1) Sections 9, 10 and 11 do not authorize a municipality to delegate legislative and quasi-judicial powers under any Act except those listed in subsection (2) and the legislative and quasi-judicial powers under the listed Acts may be delegated only to,

- (a) one or more members of its council or a council committee;
- (b) a body having at least two members of whom at least 50 per cent are,
 - (i) members of its council,
 - (ii) individuals appointed by its council,
 - (iii) a combination of individuals described in subclauses (i) and (ii); or
- (c) an individual who is an officer, employee or agent of the municipality. 2006, c. 32, Sched. A, s. 15.

- (2) For the purposes of subsection (1), the listed Acts are this Act, the *Planning Act*, a private Act relating to the municipality and such other Acts as may be prescribed. 2006, c. 32, Sched. A, s. 15.

- 23.2 (4) No delegation of a legislative power shall be made to an individual described in clause (1) (c) unless, in the opinion of the council of the municipality, the power being delegated is of a minor nature and, in determining whether or not a power is of a minor nature, the council, in addition to any other factors it wishes to consider, shall have regard to the number of people, the size of geographic area and the time period affected by an exercise of the power.

File: CD.21.DEV

THE CORPORATION OF THE CITY OF MISSISSAUGA

PAYMENT-IN-LIEU OF PARKING DELEGATION

BY-LAW NUMBER XXX-XX

WHEREAS Section 40 of the *Planning Act*, R.S.O., 1990, c.P.13, as amended provides that a municipality and an owner or occupant of a building may enter into an agreement exempting the owner or occupant from provided or maintaining parking facilities in accordance with the applicable Zoning By-law;

AND WHEREAS the *Municipal Act, 2001*, S.O. 2001, c.25 (hereinafter the “Municipal Act, 2001”) provides that a municipality may delegate its powers and duties under this or any other Act to a person or body subject to the restrictions set out in Section 23.1(1);

AND WHEREAS Section 23.1(2) (5) of the Municipal Act, 2001 provides that a delegation may be made subject to conditions and limits as the Council of a municipality considers appropriate;

AND WHEREAS Council desires to delegate to the Commissioner of Planning and Building the administration of approvals of the Payment-in-Lieu of Parking Program for 10 or fewer Parking Spaces, and in the opinion of Council such delegation is considered to be of a minor nature as per Section 23.1(4) of the Municipal Act, 2001;

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

1. This by-law shall be known and may be cited as the “Payment-in-Lieu of Parking Delegation By-law”.
2. In this by-law,
 - (a) **“Agreement”** means a contractual document having the same meaning and purpose as described in the Payment-in-Lieu of Parking Corporate Policy and Procedure being Policy No. 07-09-01.
 - (b) **“Applicant”** means the owner or occupant of a building who seeks an exemption from providing or maintaining parking facilities in accordance with the applicable Zoning By-law.
 - (c) **“Commissioner”** means the Commissioner of the Planning and Building Department.
 - (d) **“Council”** means the elected Council of The Corporation of the City of Mississauga.

- (e) **“Parking Space”** means the area dedicated to the parking of vehicles.
 - (f) **“Program”**: means the Payment-in-Lieu of Parking Program established pursuant to Section 40 of the Planning Act and administrated in accordance with the Corporate Policy and Procedure No. 07-09-01.
3. Subject to Section 8 of this By-law, Council delegates to the Commissioner all of Council’s powers to grant approvals for applications made to the Program subject to the evaluation criteria as well as the terms and conditions contained in the Payment-in-Lieu of Parking Program Corporate Policy and Procedure being Policy No. 07-09-01, as amended from time to time.
 4. An Applicant may apply to the Commissioner pursuant to the Program for approval of Payment-in-Lieu of Parking.
 5. The Commissioner shall prescribe all forms necessary to implement the Program and may amend such forms as the Commissioner deems necessary.
 6. No application regarding the Program will be processed unless and until the Applicant has paid the applicable application fee in the prescribed amount as set out in Schedule “A” of the Planning Act Processing Fees and Charges By-law.
 7. Where the Commissioner proposes to refuse an application, the Commissioner shall advise Council and in such circumstance Council shall retain all decision-making power in relation to such application regarding the Program.
 8. Notwithstanding Section 3 of this By-law, consideration of whether to approve any application for greater than 10 Parking Spaces pursuant to the Program is not delegated to the Commissioner and shall continue to be determined by Council.
 9. Regardless of any authority delegated to the Commissioner under this By-law, Council may by resolution determine to revoke the delegated authority in this By-law and upon providing notice to the Commissioner of Council’s determination, Council may then exercise any authority that it delegated to the Commissioner.
 10. The Commissioner and City Clerk are hereby authorized to affix their signature and corporate seal to any Agreement or other documents as may be required or pertains to the Program.
 11. In the event that the Commissioner is absent through illness or vacation or his/her office is vacant, the Commissioner’s delegate, as set out in By-law 215-94, shall act in the place

and stead of the Commissioner. While so acting, the Commissioner's delegate has all the rights, powers and authority of the Commissioner as delegated by this By-law.

12. The Commissioner is authorized to undertake all acts necessary to carry out the authority vested in him/her under this By-law.
13. If a court of competent jurisdiction declares any provision, or any part of a provision, of the By-law to be invalid, or to be of no force and effect, it is the intention of the Council in enacting this By-law, that each and every other provision of this By-law authorized by law, be applied and enforced in accordance with its terms to the extent possible according to law.

ENACTED AND PASSED this ____ day of _____, 2016.

Signed by:

Payment-in-Lieu of Parking (PIL) Municipal Benchmarking

Municipality	PIL Process (Y/N)	Application Process	Approval Authority	Notes
Brampton	No ¹	No formal PIL Program	-	¹ S.20.3.2.2 of Zoning By-law contains provisions for PIL as deemed appropriate by Council
Burlington	No ²	No formal PIL Program	-	² S.5.5.1.4(e) of Official Plan indicates that parking may be permitted at a reduced parking rate in combination with cash in lieu of parking for the downtown area
Caledon	No ³	No formal PIL Program	-	³ By-law 2002-151 applies to the Bolton Core with a rated scale per parking space: < 1 space = no fee 2 to 5 spaces = \$1,875 6 to 10 spaces = \$5,625 >10 spaces = \$7,500
Hamilton	Yes	Application Fee - \$470	Report to Committee of the Whole for Approval	
Oakville	No ⁴	No formal PIL Program	-	⁴ S.5.1.6 of the Town-wide Zoning By-law 2014-14 and S.5.1.4 of By-law 2009-189 for North Oakville contains provisions for PIL
Markham	No ⁵	No formal PIL Program	-	⁵ S.4.14.4 of the Markham Centre By-law 2004-196 contains PIL provisions
Toronto	Yes	Application Fee - \$300	Report to Community Council for Approval	
Vaughan	No ⁶	Do not have a PIL Program	-	⁶ Staff are reviewing the potential for a PIL strategy in the Vaughan Metropolitan Centre