



# MISSISSAUGA

## PLANNING ACT NOTICE OF THE PASSING OF AN OFFICIAL PLAN AMENDMENT AND A ZONING BY-LAW BY THE CORPORATION OF THE CITY OF MISSISSAUGA BILL 51

DATE OF NOTICE	December 1, 2016	
OPA NUMBER	OPA 37 (By-law 0246-2016)	
ZONING BY-LAW NUMBER	0247-2016	
DATE PASSED BY COUNCIL	November 23, 2016	
LAST DATE TO FILE APPEAL	December 20, 2016	
FILE NUMBER	CD.21.LAK	Ward 2
APPLICANT	The City of Mississauga	
PROPERTY LOCATION	Lands located on the south side of Lakeshore Road Wes, east of Lorne Park Road.	

**TAKE NOTICE** that the Council of the Corporation of the City of Mississauga passed the above noted Official Plan Amendment and Zoning By-law, under Sections 17 and 34 of the Planning Act, R.S.O., 1990, c.P.13, as amended.

An explanation of the Purpose and Effect of the Official Plan Amendment Zoning By-law, a description of the lands to which it applies, and/or a key map showing the location of the lands to which it applies, are attached.

To view the Official Plan Amendment and Zoning By-law in their entirety please visit: [www.mississauga.ca/portal/cityhall/publicnotices](http://www.mississauga.ca/portal/cityhall/publicnotices), or in person at the Office of the City Clerk, 300 City Centre Drive, 2<sup>nd</sup> Floor, Mississauga, Ontario.

The Zoning by law shall not come into force until Mississauga Plan (Official Plan) Amendment Number 37 is in full force and effect.

**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 \$300.00 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.

**When and How to File an Appeal:** Any appeal to the Ontario Municipal Board 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 20th of December, 2016.** An appeal form is available from the OMB website at [www.omb.gov.on.ca](http://www.omb.gov.on.ca).

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.

Diana Rusnov, Deputy Clerk  
Legislative Services,  
Corporate Services Department  
905-615-3200 X 5421



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER 0246-2016

A by-law to Adopt Mississauga Official Plan Amendment No. 37

WHEREAS in accordance with the provisions of sections 17 or 21 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, (the "*Planning Act*") Council may adopt an Official Plan or an amendment thereto;

AND WHEREAS, pursuant to subsection 17(10) of the *Planning Act*, the Ministry of Municipal Affairs and Housing ("MMAH") authorized the Regional Municipality of Peel (the "Region") an approval authority, to exempt from its approval any or all proposed Local Municipal Official Plan Amendments;

AND WHEREAS, Regional Council passed By-law Number 1-2000 which exempted all Local Municipal Official Plan Amendments adopted by local councils in the Region after March 1, 2000, provided that they conform with the Regional Official Plan and comply with conditions of exemption;

AND WHEREAS, the Commissioner of Public Works for the Region of Peel has advised that, with regard to Amendment No. 37, in his or her opinion the amendment conforms with the Regional Official Plan and is exempt;

AND WHEREAS, Council desires to adopt certain amendments to Mississauga Official Plan regarding a change of land use designation from Private Open Space and Greenlands to Residential Low Density I on the south side of Lakeshore Road West in Clarkson-Lorne Park;

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

1. The document attached hereto, constituting Amendment No. 37 to Mississauga Official Plan, is hereby adopted.

ENACTED and PASSED this 23 day of November, 2016.

APPROVED AS TO FORM City Solicitor MISSISSAUGA			
M J T			
Date	15	11	16

Bonnie Crombie  
MAYOR

Crystal Green  
CLERK

**Amendment No. 37**

**to**

**Mississauga Official Plan**

**Amendment No. 37**  
**to**  
**Mississauga Official Plan**

The following Maps "A", "B", "C", "D" and "E" attached constitute Amendment No. 37.

Also attached but not constituting part of the Amendment are Appendices I and II.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a copy of the Planning and Building Department report dated September 20, 2016, pertaining to this Amendment.

## **PURPOSE**

The purpose of this Amendment is to redesignate the subject lands from "Private Open Space" and "Greenlands" to "Residential Low Density I". This Amendment also changes the configuration of the Natural Hazards area.

## **LOCATION**

The lands affected by this Amendment are located in the Clarkson-Lorne Park Neighbourhood Character Area, on the south side of Lakeshore Road West, east of Lorne Park Road.

## **BASIS**

Mississauga Official Plan came into effect on November 14, 2012, save and except for those policies and land use designations which have been appealed to the Ontario Municipal Board.

The subject lands are designated Private Open Space and Greenlands. Private Open Space permits cemeteries, golf courses and accessory uses. Greenlands permits passive recreational activities, parkland and some utilities.

The proposed change to lands designated Private Open Space and Greenlands to Residential Low Density I, reinstates the residential permission which historically existed on the subject property.

The proposed Amendment is acceptable from a planning standpoint and should be approved to recognize that the lands are not part of the Lorne Park Estates private open space area and should be reverted back to a residential designation.

## **DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO**

1. Schedule 1, Urban System, of Mississauga Official Plan, is hereby amended by removing lands from the Green System, as shown on Map "A" of this Amendment.
2. Schedule 1a, Urban System - Green System, of Mississauga Official Plan, is hereby amended by removing lands from the Green System, as shown on Map "B" of this Amendment.
3. Schedule 3, Natural System, of Mississauga Official Plan, is hereby amended by adding and removing lands identified as Natural Hazards, as shown on Map "C" of this Amendment.
4. Schedule 4, Parks and Open Spaces, of Mississauga Official Plan, is hereby amended by removing lands from Public and Private Open Spaces, as shown on Map "D" of this Amendment.
5. Schedule 10, Land Use Designations, of Mississauga Official Plan, is hereby amended by changing the land use designation of the subject lands from Private Open Space and Greenlands to Residential Low Density I, as shown on Map "E" of this Amendment.

## **IMPLEMENTATION**

Upon the approval of this Amendment by the Council of the Corporation of the City of Mississauga, Mississauga Official Plan will be amended in accordance with this Amendment.

The lands will be rezoned to implement this Amendment.

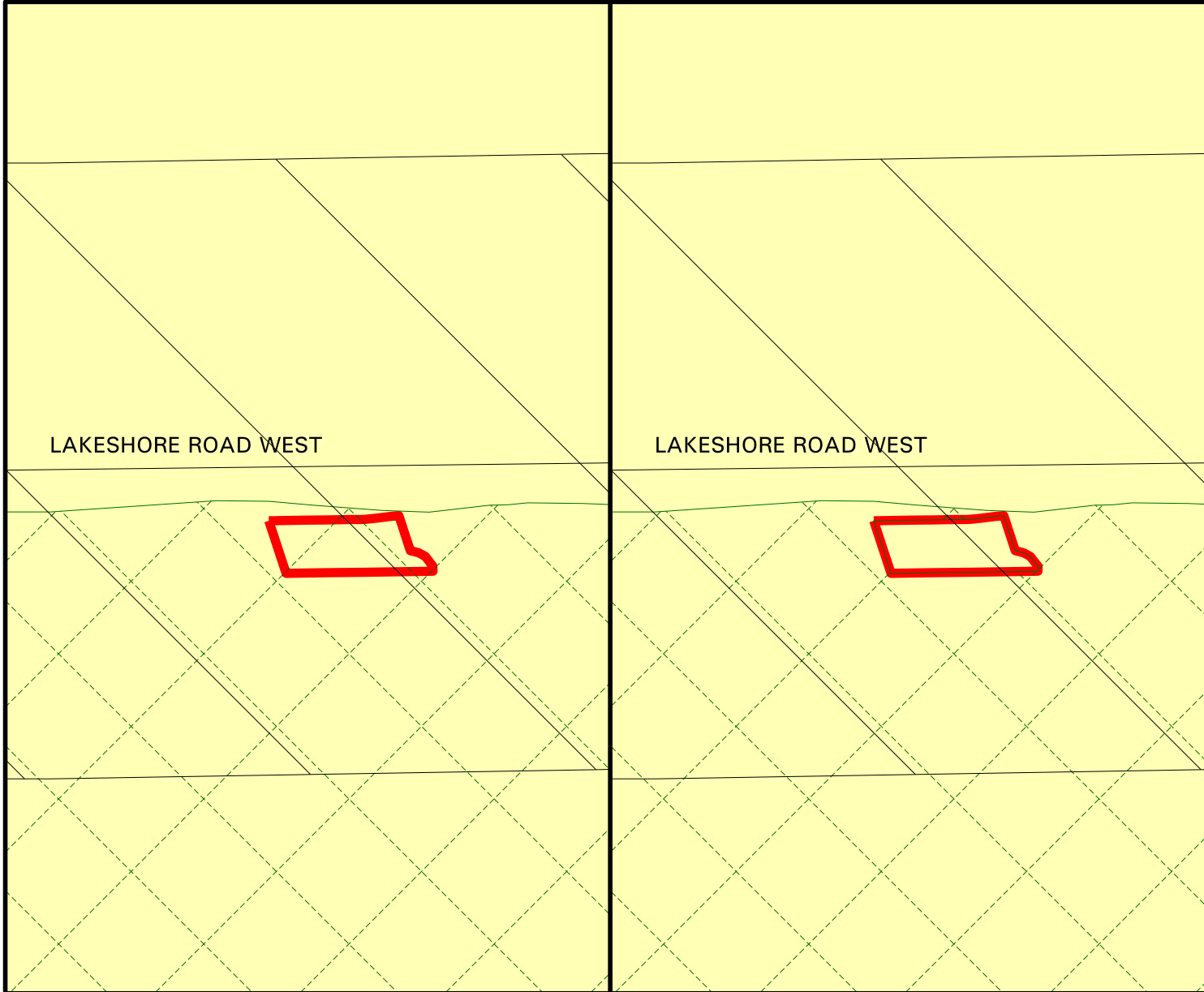
This Amendment has been prepared based on the Office Consolidation of Mississauga Official Plan July 13, 2016.

## **INTERPRETATION**

The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, will apply in regard to this Amendment.

This Amendment supplements the intent and policies of Mississauga Official Plan.

Maps "A", "B", "C", "D" and "E"



LAKESHORE ROAD WEST

LAKESHORE ROAD WEST

EXISTING

AMENDED

### LEGEND

#### GREEN SYSTEM

Green System

#### CITY STRUCTURE

Downtown

Major Node

Community Node

Neighbourhood

Corporate Centre

Employment Area

Special Purpose Area

#### CORRIDORS

Corridor

Intensification Corridor

AREA OF AMENDMENT

#### Note:

Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.



**MAP 'A'**  
 Part of  
 Schedule 1-Urban System  
 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	

### LAND USE LEGEND

Heritage Conservation District	Civic Centre (City Hall)
1996 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 Elements

Downtown	Corporate Centre
Major Node	Employment Area
Community Node	Special Purpose Area
Neighbourhood	

AREA OF AMENDMENT

FROM:

- PRIVATE OPEN SPACE
- GREENLANDS

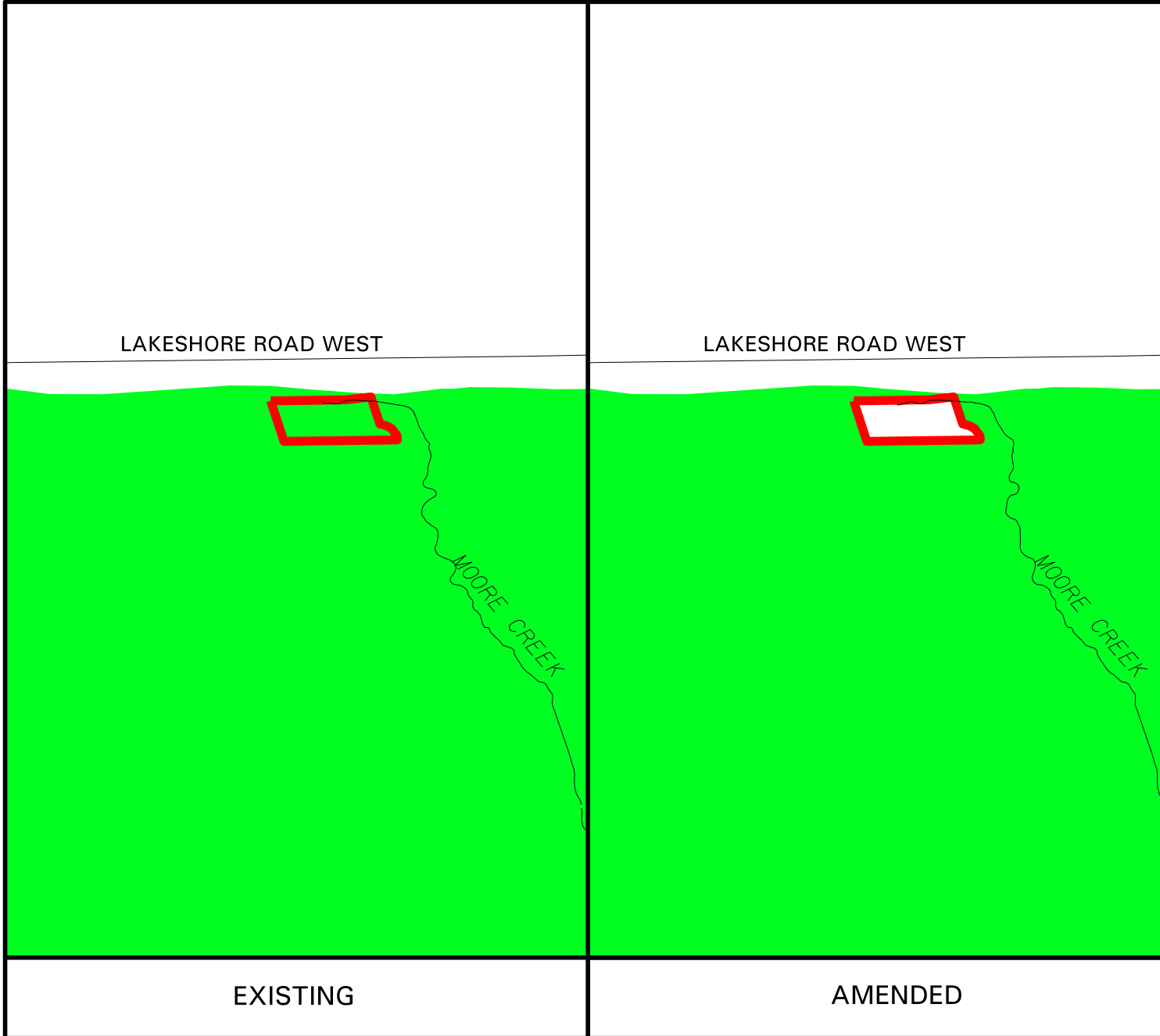
TO:

- RESIDENTIAL LOW DENSITY I


0 20 40 60 80 metres

**MAP 'E'**  
Part of Schedule 10  
Land Use Designations  
of Mississauga Official Plan

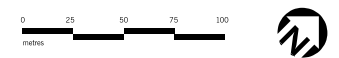
MISSISSAUGA



### LEGEND

 AREA OF AMENDMENT

Note:  
Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.



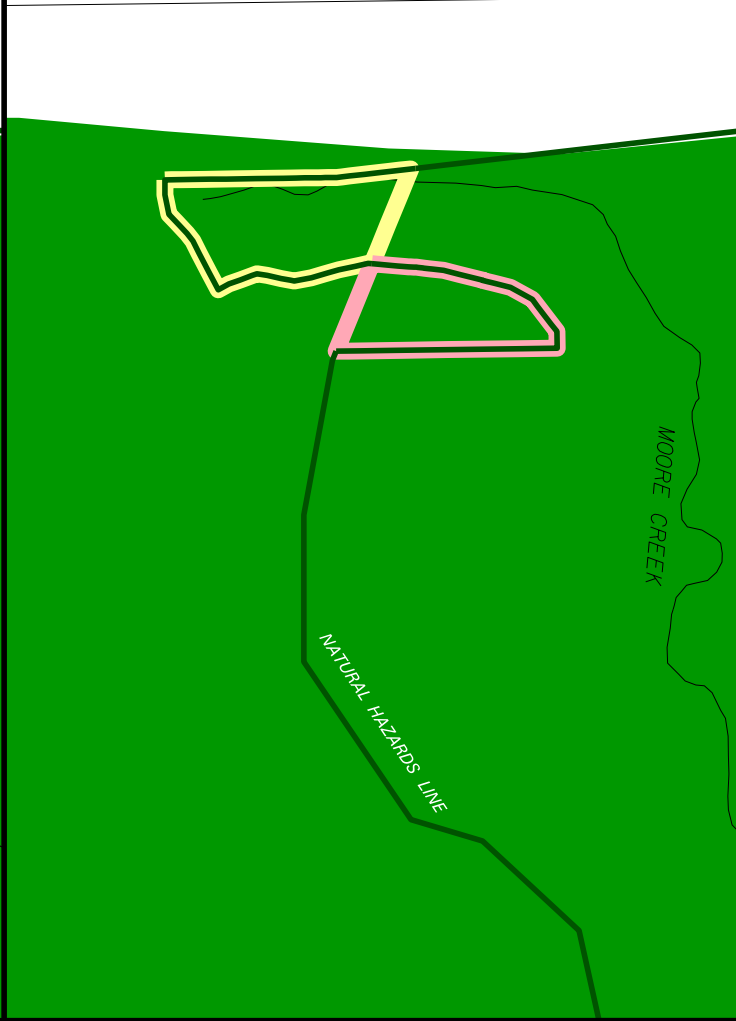
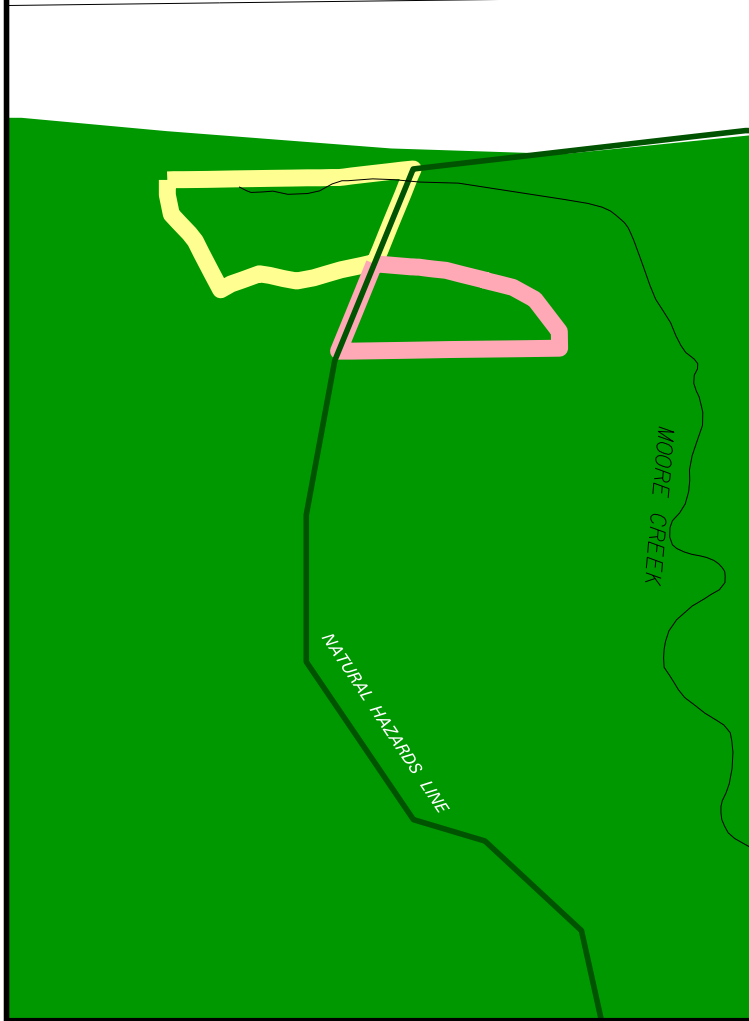
### MAP 'B'

Part of Schedule 1a  
Urban System - Green System  
of Mississauga Official Plan



LAKESHORE ROAD WEST

LAKESHORE ROAD WEST



### LEGEND

#### NATURAL AREAS SYSTEM:

- Natural Areas
- Special Management Areas
- Linkages
- Residential Woodlands
- Provincially Significant Wetlands
- Other Wetlands
- Areas of Natural and Scientific Interest Provincial Significance
- Areas of Natural and Scientific Interest Regional Significance

#### NATURAL HAZARDS

- Natural Hazards
- Two Zone Floodplain Regulations
- Special Policy Area Floodplain
- AREA OF AMENDMENT Addition to the Natural Hazards
- AREA OF AMENDMENT Removal from the Natural Hazards

#### Notes:

1. The entire Green System is shown on Schedule 1a.
2. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
3. The limits of the Natural Hazards shown on this Schedule are for illustrative purposes only. The appropriate Conservation Authority should be consulted to determine their actual location.



MAP 'C'

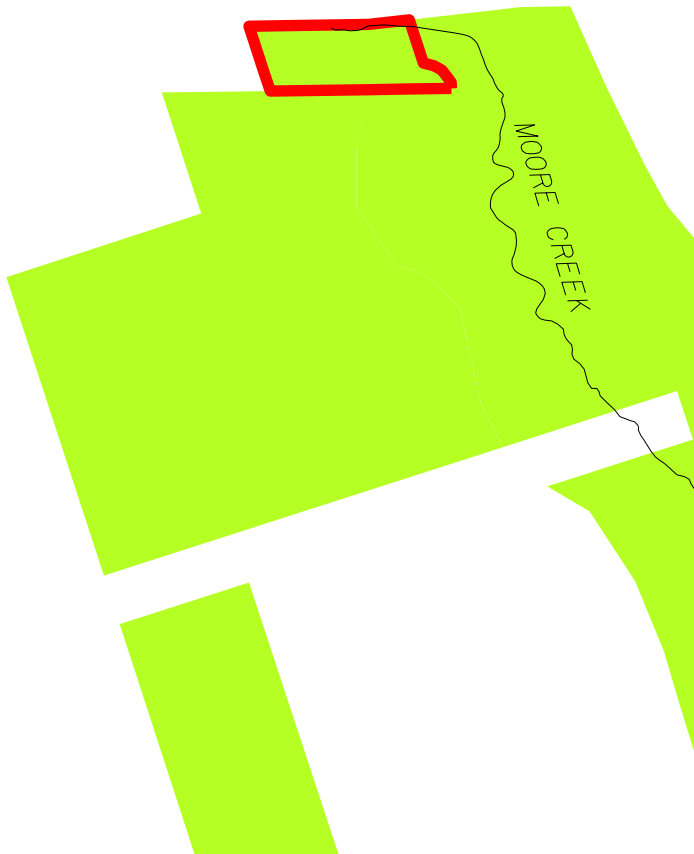
Part of Schedule 3  
Natural System  
of Mississauga Official Plan



EXISTING

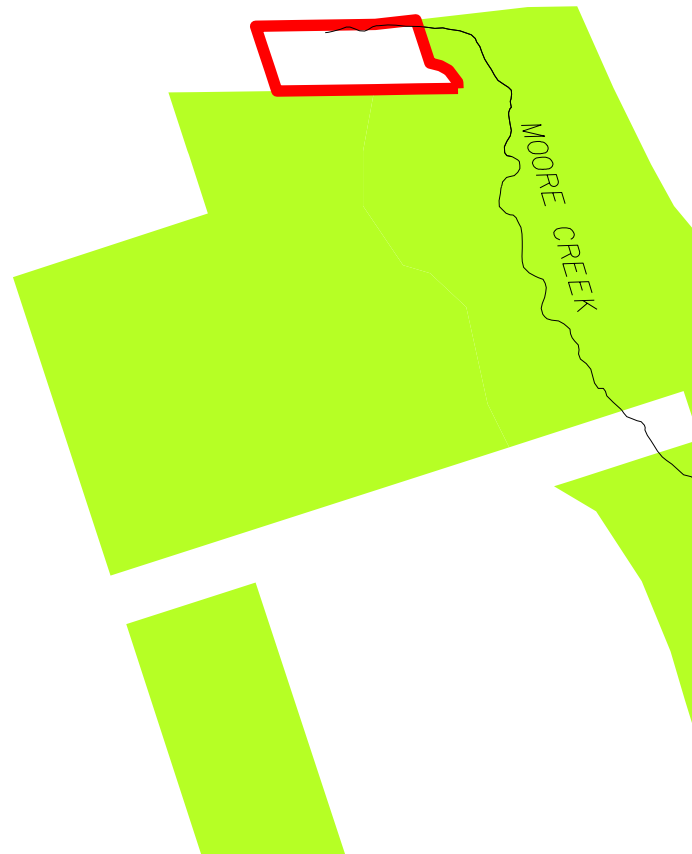
AMENDED

### LAKESHORE ROAD WEST



EXISTING

### LAKESHORE ROAD WEST



AMENDED

## LEGEND

-  Public and Private Open Spaces
-  Parkway Belt West
-  Educational Facilities
-  Utilities
-  AREA OF AMENDMENT

Notes:

1. The entire Green System is shown on Schedule 1a.
2. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
3. The Public and Private Open Spaces identified on this Schedule include lands designated Public Open Space, Private Open Space and Greenbelt as shown on Schedule 10.



MAP 'D'

Part of Schedule 4  
Parks and Open Spaces  
of Mississauga Official Plan



## **APPENDIX I**

### **PUBLIC MEETING**

All property owners within a radius of 120 m of the subject lands were invited to attend a Public Meeting of the Planning and Development Committee held on September 30, 2013 in connection with this proposed Amendment.

The issue related to erosion around Moore Creek was raised at the September 30, 2013 Public Meeting. In the Planning and Building Report dated September 20, 2016, attached to this Amendment as Appendix II, it is noted that the Transportation and Works Department will undertake an Environmental Assessment to address this issue.

# City of Mississauga Corporate Report



<p>Date: September 20, 2016</p> <p>To: Chair and Members of Planning and Development Committee</p>	<p>Originator's file: CD.21.LAK</p>
<p>From: Edward R. Sajecki, Commissioner of Planning and Building</p>	<p>Meeting date: 2016/10/11</p>

## Subject

### ADDENDUM RECOMMENDATION REPORT (WARD 2)

City-initiated Official Plan Amendment and Rezoning to permit detached homes on the westerly portion of the lands not constrained by hazard lands associated with Moore Creek

990-994 Lakeshore Road West

South side of Lakeshore Road West, east of Lorne Park Road

Owner: Roland Smitas, Sylvia Smitas and Simone Bradley

File: CD.21.LAK

## Recommendation

That the report dated September 20, 2016, from the Commissioner of Planning and Building recommending approval of the City-initiated amendments under File CD.21.LAK, Roland Smitas, Sylvia Smitas and Simone Bradley, 990-994 Lakeshore Road West, be adopted in accordance with the following:

1. That the City-initiated amendment to Mississauga Official Plan from **Private Open Space** and **Greenbelt** to **Residential Low Density I** and **Greenbelt** to permit detached homes on the westerly portion of the lands not constrained by hazard lands associated with Moore Creek, be approved.
2. That the City-initiated amendment to change the Zoning from **OS1-2** (Open Space) to **R2-5** (Detached Dwellings) and **G1** (Greenbelt) to permit detached homes with a minimum lot frontage of 30 m (98.4 ft.) outside of the identified hazard lands, be approved.

## Background

On September 8, 2014, a Supplementary Report was presented to Planning and Development Committee (PDC) recommending approval of City-initiated Official Plan Amendment and Rezoning to permit detached homes. These amendments were brought forward following on-going discussions with the property owners. The intent was to reinstate the same land use

designation and zoning which had historically existed on the property with the exception of the undevelopable hazard lands associated with Moore Creek.

PDC passed Recommendation PDC-0066-2014 which was adopted by Council on September 10, 2014. A condition of the recommendation was that the hazard lands be gratuitously dedicated to the City.

Since the Supplementary Report was presented to PDC, Ward 2 Councillor Karen Ras and City staff, including Legal Services, have had on-going negotiations with the property owners and their solicitor regarding the Council endorsed amendments. It has been agreed that the land use changes can proceed as previously considered; however, the dedication of the hazard lands will no longer be required as a condition of approval.

## Comments

See Appendix 1 – Supplementary Report prepared by the Planning and Building Department.

Following Council's endorsement of the City-initiated amendments, the property owners expressed some concerns over the historically created lots on their property, the on-going erosion associated with Moore Creek as well as any remediation efforts that can be put forward to mitigate the erosion. The owners would like to enclose a portion of the creek in order to make more land developable.

In order to address the erosion issues, a Municipal Class Environmental Assessment (EA) would have to take place. The EA would identify and evaluate alternatives and select the preferred solution to the problem. While enclosing the creek is one alternative that would be identified and evaluated, the EA could result in a different alternative being selected as the preferred solution, such as rehabilitating and/or reinforcing the creek bank/bed and leaving it as an open channel. If the EA determines that enclosing the creek is the preferred solution due to additional benefits such as allowing for more developable lands, the enclosure of the creek could go ahead subject to a cost sharing or cash contribution agreement with the property owners. The property owners have indicated that they would be willing to entertain the gratuitous dedication of the easterly hazard lands in this situation.

The Transportation and Works Department has capital funding in place to conduct the EA and are in the process of retaining a consultant to commence the works. The EA process which is anticipated to take a year to complete, does not affect the proposed land use changes. The property owners have executed an access agreement granting permission for the City to access the lands in order to conduct the EA. The City-initiated amendments can therefore move forward as previously described without the condition that the owners gratuitously dedicate the identified hazard lands.



## Financial Impact

Not applicable

## Conclusion

In accordance with subsection 34(17) of the *Planning Act*, Council is given authority to determine if further public notice is required. Since there are no revisions to the proposed land use change, it is recommended that no further public notice be required.

The proposed City-initiated Official Plan Amendment and Rezoning should be approved for the following reasons:

1. The proposed amendments will allow for detached homes on the westerly portion of the lands not constrained by the hazard lands associated with Moore Creek, consistent with the surrounding uses to the east and west.
2. The proposed G1 (Greenbelt) zone for the identified hazard lands associated with Moore Creek will ensure the easterly portion of the site is protected from development.

## Attachments

Appendix 1: PDC Supplementary Report – September 8, 2014



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Edward R. Sajecki  
Commissioner of Planning and Building

Prepared by: David Breveglieri, Development Planner





# Corporate Report

Clerk's Files

 Originator's  
Files CD.21.LAK

PDC SEP 08 2014

**DATE:** August 19, 2014

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: September 8, 2014

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** City-initiated Official Plan Amendment and Rezoning  
To permit detached dwellings on the westerly portion  
of the lands not constrained by hazard lands associated  
with Moore Creek  
990-994 Lakeshore Road West  
South side of Lakeshore Road West, east of Lorne Park Road  
Owner: Roland Smitas, Sylvia Smitas and Simone Bradley  
Applicant: City of Mississauga  
Bill 51

Supplementary Report Ward 2

**RECOMMENDATION:** That the Report dated August 19, 2014, from the Commissioner of Planning and Building recommending approval of the proposed City-initiated amendments under File CD.21.LAK, Roland Smitas, Sylvia Smitas and Simone Bradley, 990-994 Lakeshore Road West, be adopted in accordance with the following:

1. That the City-initiated amendment to Mississauga Official Plan from "Private Open Space" and "Greenbelt" to "Residential Low Density 1" and "Greenbelt" to permit detached dwellings on the westerly portion of the lands not constrained by hazard lands associated with Moore Creek, be approved.

2. That the City-initiated amendment to change the Zoning from "OS1-2" (Open Space) to "R2-5" (Detached Dwellings – Typical Lots) and "G1" (Greenbelt) to permit detached dwellings with a minimum lot frontage of 30 m (98.4 ft.) outside of the identified hazard lands, be approved in accordance with the proposed zoning standards described in the Information Report, subject to the following condition:
  - (a) That the owner agree to gratuitously dedicate the agreed upon hazard lands.

**REPORT  
HIGHLIGHTS:**

- At the Public Meeting held on September 30, 2013, comments were received regarding the impact any changes would have to Moore Creek and associated wildlife;
- Responses are provided to the comments received; and,
- The City-initiated amendments to the Official Plan and Zoning By-law are recommended for approval.

**BACKGROUND:**

A public meeting was held by the Planning and Development Committee on September 30, 2013, at which time a Planning and Building Department Information Report (Appendix S-1) was presented and received for information.

At the public meeting, the Planning and Development Committee passed Recommendation PDC-0063-2013 which was subsequently adopted by Council and is attached as Appendix S-2.

**COMMENTS:**

See Appendix S-1 - Information Report prepared by the Planning and Building Department.

**COMMUNITY ISSUES**

A few issues were raised by area residents at the September 30, 2013 public meeting. These issues are listed below along with the responses.

**Comment**

The proposed amendments should be deferred until Credit Valley Conservation (CVC) has completed the Fluvial Geomorphology study of the Moore Creek Corridor and the results of this study are available.

**Response**

CVC staff has undertaken a geomorphic analysis of portions of Moore Creek downstream from the subject property as part of the Lake Ontario Integrated Shoreline Strategy program; however the study did not include the subject properties.

Although the assessment undertaken downstream may be helpful in understanding the downstream hazards and perhaps some downstream remediation/enhancement opportunities, the Geotechnical Analysis prepared for the subject property as part of the land owner's proposal provides the constraints and opportunities for remediation/enhancements for the site. CVC has reviewed the Geotechnical Analysis and were involved in the delineation of the hazard lands.

**Comment**

Concerns were raised regarding the affects any changes made to the subject site will have to the erosion of Moore Creek as well as impacts to the wildlife.

**Response**

The City-initiated amendments do not propose any changes to the hazard lands associated with Moore Creek or the creek itself. Should the property owners wish to pursue any development of the land, including reassessment of the hazard lands, they would be required to submit their own application which would be evaluated on its own merits.

## UPDATED AGENCY AND CITY DEPARTMENT COMMENTS

### Official Plan

A City-initiated amendment is required to the Mississauga Official Plan Policies for the Clarkson-Lorne Park Neighbourhood Character Area. As outlined in the Information Report, Section 19.5.1 of Mississauga Official Plan provides criteria for evaluating site specific Official Plan Amendments. Each criterion is summarized below, along with a discussion of how the proposed amendments address the criteria.

*Will the proposal adversely impact or destabilize the overall intent, goals and objectives of the Official Plan; and the development or functioning of the remaining lands which have the same designation, or neighbouring lands?*

The City-initiated amendment seeks to reinstate the same land use designation and zoning which had historically existed on the property with the exception of the undevelopable hazards lands associated with Moore Creek. The subject property was inadvertently redesignated to coincide with the "Private Open Space" designation on the abutting lands owned by the Lorne Park Estates Association, notwithstanding that this property has remained in separate private ownership. The "Private Open Space" designation was then perpetuated by the adoption of the current Zoning By-law. The City-initiated amendment will afford the property owners the same residential permissions as were in place prior to passing of Zoning By-law 0225-2007.

The open culvert component of Moore Creek which runs parallel to Lakeshore Road West will have a "Greenbelt Overlay" which will prevent development until the owners have provided adequate justification through technical studies and completed any necessary engineering works to support the culvert extension to allow the land to be used for residential purposes.

*Are the lands suitable for the proposed uses, and are the proposed land uses compatible with existing and future uses of the surrounding lands?*

The subject property is situated along Lakeshore Road West and abuts detached dwellings to both the east and west. The owners have agreed to dedicate the hazard lands associated with Moore Creek located on the easterly portion of the property to the City. This portion of the lands will be designated and zoned to prohibit development.

*Are there adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed amendment?*

No development is proposed in association with the City-initiated amendments. The change in land use will give permission for one detached dwelling, however, should the owners wish to construct a dwelling, they will be required to obtain Site Plan approval, which will address matters such as zoning conformity, tree preservation, grading and landscaping.

### **Zoning**

The proposed "R2-5" (Detached Dwellings – Typical Lots) zone reflects the zoning which has historically existed on the property prior to the passing of the current Zoning By-law and is the same zoning that applies to the residential properties surrounding the site. This zone permits detached dwellings with a minimum lot frontage of 30 m (98.4 ft.). The proposed "G1" (Greenbelt) zone protects the natural area associated with Moore Creek.

**FINANCIAL IMPACT:** Not applicable

**CONCLUSION:** The proposed City-initiated Official Plan Amendment and Rezoning should be approved for the following reasons:

1. The proposal amendments will allow for detached dwellings on the westerly portion of the lands not constrained by hazard

lands associated with Moore Creek, consistent with surrounding uses to the east and west.

2. The proposed "G1" (Greenbelt) zone for the identified hazard lands associated with Moore Creek will ensure the easterly portion of the site is protected from development and will be gratuitously dedicated to the City.

ATTACHMENTS:

Appendix S-1: Information Report

Appendix S-2: Recommendation PDC-0063-2013

  
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Edward R. Sajecki

Commissioner of Planning and Building

*Prepared By: David Breveglieri, Development Planner*



# Corporate Report

**PDC** SEP 30 2013

Clerk's Files

Originator's  
Files CD.21 LAK

**DATE:** September 10, 2013

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: September 30, 2013

**FROM:** Edward R. Sajecki  
Commissioner of Planning and Building

**SUBJECT:** **Information Report**  
**City-initiated Official Plan Amendment and Rezoning**  
**To permit detached dwellings on the westerly portion of the**  
**lands not constrained by hazard lands associated with**  
**Moore Creek**  
**990-994 Lakeshore Road West**  
**South side of Lakeshore Road West, east of Lorne Park Road**  
**Owner: Roland Smitas, Sylvia Smitas and Simone Bradley**  
**Applicant: City of Mississauga**  
**Bill 51**

**Public Meeting** **Ward 2**

**RECOMMENDATION:** That the Report dated September 10, 2013, from the Commissioner of Planning and Building regarding the City-initiated amendment to the Official Plan from "Private Open Space" and "Greenbelt" to "Residential Low Density I" and "Greenbelt" and to change the Zoning from "OS1-2" (Open Space) to "R2-5" (Detached Dwellings – Typical Lots) to permit detached dwellings with a minimum lot frontage of 30 m (98.4 ft.) on the westerly portion of the lands not constrained by hazard lands associated with Moore Creek under file CD.21 LAK, Roland Smitas, Sylvia Smitas and Simone Bradley, 990 – 994 Lakeshore Road West, be received for information.



**REPORT****HIGHLIGHTS:**

- The proposed City-initiated amendments are being undertaken by the Planning and Building Department in order to revert the zoning on the property so to allow detached dwellings with the same standards as previously permitted prior to the implementation of Zoning By-law 0225-2007. The change in zoning necessitates an Official Plan Amendment;
- The hazard lands which may become developable with the extension of the Moore Creek culvert and additional creek works will have a Greenbelt Overlay which will require the owners to satisfy all engineering requirements prior to any development.

**BACKGROUND:**

The adoption of Zoning By-law 0225-2007 in June 2007 changed the zoning of the subject property from "R2-2065" (Detached Residential) which permitted detached dwellings on lots with a minimum lot frontage of 30 m (98.4 ft.) to "OS1-2" (Open Space) which permits only private open space. The intent of the change was to bring the zoning into conformity with the applicable "Private Open Space" and "Greenbelt" official plan designations.

In conjunction with passing Zoning By-law 0225-2007, Council also passed Resolution 0136-2007 allowing any land owner to request Council to authorize an exception zone recognizing a prior approval as long as the request was received within one year of passing of Zoning By-law 0225-2007. The subject property owners approached the City within that timeframe requesting that the zoning of the lands be reverted such that they regain the zoning afforded to them by the previous residential zoning under former Zoning By-law 5500.

In reviewing the applicant's request, it was identified that while the property had historically been designated "Residential", the adoption of the Official (Primary) Plan in 1981 and the Lorne Park Secondary Plan in 1986, changed the designation to "Open Space" and "Greenbelt". City Plan which came into effect in July 1997 further changed the designation of the property to "Private Open Space" and "Greenbelt". These designations have continued to date through the different iterations of the City's Official Plan.



While the "Greenbelt" designation reflects the natural hazard lands associated with Moore Creek, it has been determined that the lands were inadvertently designated "Open Space" and further designated "Private Open Space", as the property was not part of the adjoining private open space lands to the south owned by Lorne Park Estates Association.

The applicant's request to revert the zoning to allow detached dwellings with the same standards as previously permitted necessitates an Official Plan Amendment, however, it has been indicated to the applicant that the hazard lands associated with Moore Creek must remain within a "Greenbelt" designation with an associated "G1" (Greenbelt) zone.

In order to afford the property owners the same residential permissions as were in place prior to the implementation of By-law 0225-2007, the Planning and Building Department has brought forward a City-initiated Official Plan Amendment and Rezoning as requested through Ward 2 Councillor, Pat Mullin.

The above-noted amendments have been circulated for technical comments. The purpose of this report is to provide preliminary information on the amendments and to seek comments from the community.

#### COMMENTS:

##### Neighbourhood Context

The subject property is located in the Clarkson Lorne-Park Neighbourhood Character Area which is characterized as a stable residential area with generously sized lots. The subject site contains a variety of vegetation including some mature trees. Moore Creek traverses the site with the westerly portion of the creek being piped and out letting into an open culvert which flows southward into the private park owned by Lorne Park Estates Association. Information regarding the history of the site is found in Appendix I-1.

Additional information is provided in Appendices I-2 to I-6.

The surrounding land uses are described as follows:

North: Detached dwellings across Lakeshore Road West  
East: Detached dwellings  
South: Private Park within Lorne Park Estates  
West: Detached dwellings

#### **Official Plan**

Mississauga Official Plan (2012) was adopted by City Council on September 29, 2010 and partially approved by the Region of Peel on September 29, 2011. The Plan was appealed in its entirety; however, on November 14, 2012 the Ontario Municipal Board issued a Notice of Decision approving Mississauga Official Plan, as modified, save and except for certain appeals which have no effect on the subject applications.

#### **Current Mississauga Official Plan Designation and Policies for the Clarkson-Lorne Park Neighbourhood Character Area**

"Private Open Space" which permits conservation uses cemeteries, golf courses and accessory uses.

"Greenbelt" which permits uses generally associated with natural hazards or significant natural areas where development is restricted to protect people and property from damage and to provide for the protection, enhancement and restoration of the Natural Area System. These lands are identified as Natural Hazard Lands on Schedule 10 of Mississauga Official Plan.

The amendments are not in conformity with the land use designations.

#### **Criteria for Site Specific Official Plan Amendments**

Section 19.5.1 of Mississauga Official Plan contains criteria which require an applicant to submit satisfactory planning reports to demonstrate the rationale for the proposed amendment as follows:

- the proposal would not adversely impact or destabilize the following: the overall intent, goals and objectives of the Official Plan; and the development and functioning of the remaining lands which have the same designation, or neighbouring lands;
- the lands are suitable for the proposed uses, and compatible with existing and future uses of surrounding lands;
- there are adequate engineering services, community infrastructure and multi-modal transportation systems to support the proposed application;
- a planning rationale with reference to Mississauga Official Plan policies, other relevant policies, good planning principles and the merits of the proposed amendment in comparison with the existing designation has been provided by the applicant.

#### **Proposed Official Plan Designation and Policies**

"Residential Low Density I" which permits only detached dwellings.

"Greenbelt" which permits uses as described above. These lands will continue to be identified as Natural Hazard Lands on Schedule 10 of Mississauga Official Plan.

#### **Existing Zoning**

"OS1-2" (Open Space), which permits only private open space. A portion of the site contains a Greenbelt Overlay to coincide with the existing "Greenbelt" designation.

#### **Proposed Zoning By-law Amendment**

"R2-5" (Detached Dwellings), to permit detached dwellings with a minimum lot frontage of 30 m (98.4 ft.). This zoning is applicable to the residential properties to both the west and the east

and is equivalent to the zoning standards which were in effect prior to the implementation of Zoning By-law 0225-2007.

"G1" (Greenbelt), to permit lands for flood control, stormwater management, erosion management, and natural heritage features and areas of conservation.

A Greenbelt Overlay is proposed to be placed over the entirety of the "G1" (Greenbelt) lands and also over the portion of "R2-5" (Detached Dwellings) lands where it may be possible to extend the Moore Creek culvert enclosure and remove those natural hazards, as illustrated in Appendix I-4. This will ensure that this portion of land will not be developed until such time that the appropriate culvert extension and creek works take place and that the limits of the modified natural hazards and setbacks be confirmed.

#### COMMUNITY ISSUES

No community meetings have been held and no written comments have been received by the Planning and Building Department.

#### DEVELOPMENT ISSUES

Agency comments are summarized in Appendix I-5. Based on the comments received and the applicable Mississauga Plan policies, the following matters will have to be addressed:

##### Hazard Lands

The property owners have submitted a technical submission, including a Slope Stability and Erosion Analysis prepared by Terraprobe dated May 4, 2010 as well as a Bank Restoration drawing prepared by Geomorphic Solutions dated October 20, 2010. This information has generally delineated the hazard lands contained within the site and has also indicated that it may be feasible to enclose the portion of the Moore Creek culvert which runs along Lakeshore Road West. The implementation of this culvert extension and creek work proposal will require significant

infrastructure works and creek modifications on the subject property and onto adjacent lands owned by Lorne Park Estates. These works may facilitate the removal of some of the hazard lands thereby allowing more developable land along the Lakeshore Road West frontage. While the property owners have indicated that this may be pursued in the future, it does not constitute part of the subject amendments.

As mentioned in the above section, a Greenbelt Overlay will remain on this portion of the lands to ensure that no development takes place until all approval bodies are satisfied.

Based on the technical information provided, the easterly portion of the site will be required to remain designated "Greenbelt" with a proposed "G1" (Greenbelt) zone due to the natural hazard associated with Moore Creek. The property owners have indicated that they are willing to gratuitously dedicate these lands to the City. They will also be required to enter into appropriate agreements with the City in order to facilitate the dedication of this land.

**FINANCIAL IMPACT:** Not applicable

**CONCLUSION:** Most agency and City department comments have been received and after the public meeting has been held and all issues are resolved, the Planning and Building Department will be in a position to make a recommendation regarding these amendments.

**ATTACHMENTS:**

- Appendix I-1: Site History
- Appendix I-2: Aerial Photograph
- Appendix I-3: Excerpt of Clarkson-Lorne Park Character Area Land Use Map
- Appendix I-4: Excerpt of Existing Land Use Map

Appendix I-5: Agency Comments


Appendix I-6: General Context Map



Edward R. Sajecki

Commissioner of Planning and Building

*Prepared By: David Breveglieri, Development Planner*



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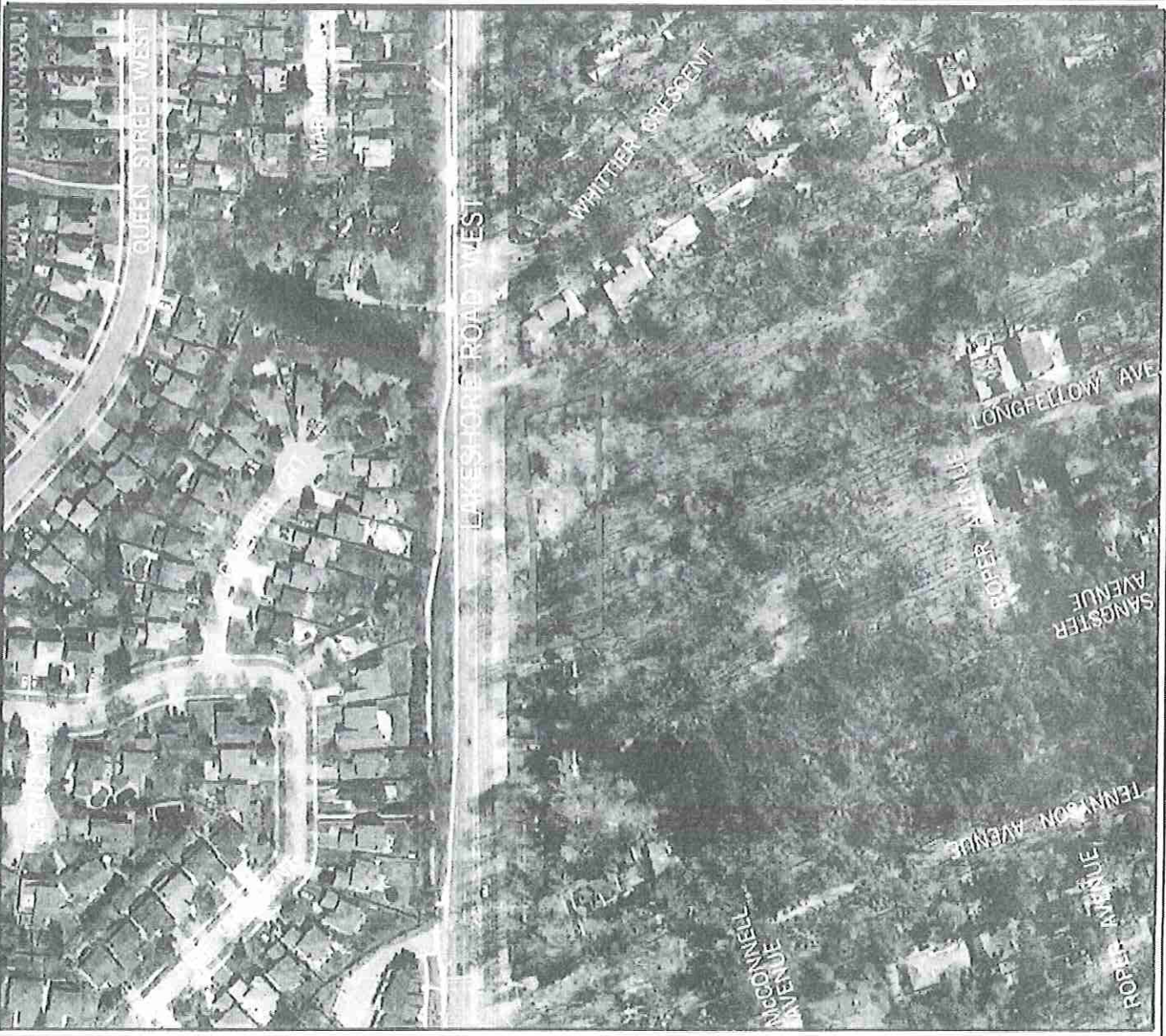


Roland Smitas, Sylvia Smitas and Simone Bradley

File: CD.21 LAK

### Site History

- June 20, 2007 – Zoning By-law 0225-2007 came into force except for those sites which have been appealed. As no appeals have been filed the provisions of the new By-law apply. The subject lands are zoned "OS1-2" (Open Space).
- November 12, 2012 – Mississauga Official Plan came into force except for those site/policies which have been appealed. As no appeals have been filed the policies of the new Mississauga Official Plan apply. The subject lands are designated "Private Open Space" and "Greenbelt" in the Clarkson-Lorne Park Character Area.



LEGEND:



SUBJECT LANDS

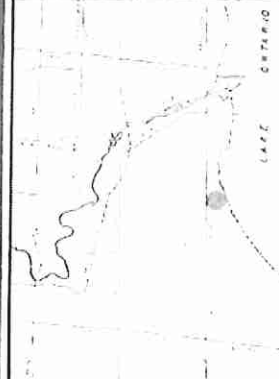
DATE OF IMAGERY: SPRING 2013



SUBJECT: CITY OF MISSISSAUGA  
 ROLAND SMITAS, SYLVIA SMITAS AND SIMONE BRADLEY

FILE NO:  
 CD-21 LAK  
 DWG. NO:  
 CD21A  
 SCALE:  
 1:2500

APPENDIX 1-1



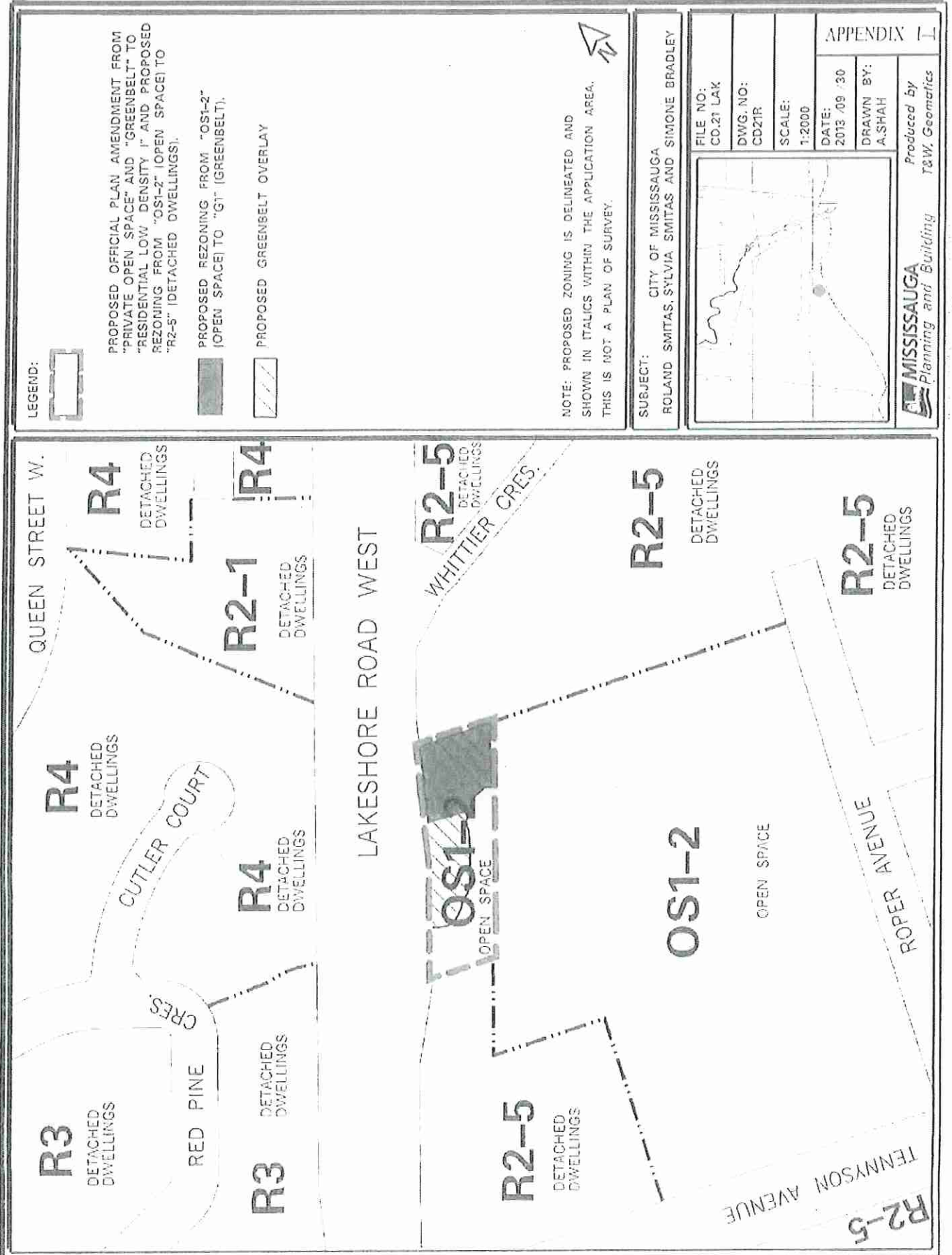
DATE:  
 2013 /09 /30  
 DRAWN BY:  
 A.SHAH

Produced by  
 T&W, Geomatics

MISSISSAUGA  
 Planning and Building







LEGEND:



PROPOSED OFFICIAL PLAN AMENDMENT FROM "PRIVATE OPEN SPACE" AND "GREENBELT" TO "RESIDENTIAL LOW DENSITY 1" AND PROPOSED REZONING FROM "OS1-2" (OPEN SPACE) TO "R2-5" (DETACHED DWELLINGS).



PROPOSED REZONING FROM "OS1-2" (OPEN SPACE) TO "G1" (GREENBELT).



PROPOSED GREENBELT OVERLAY

NOTE: PROPOSED ZONING IS DELINEATED AND SHOWN IN ITALICS WITHIN THE APPLICATION AREA. THIS IS NOT A PLAN OF SURVEY.



SUBJECT: CITY OF MISSISSAUGA  
ROLAND SMITAS, SYLVIA SMITAS AND SIMONE BRADLEY

FILE NO: CD.21 LAK		APPENDIX I	
DWG. NO: CD21R		DATE: 2013 /09 /30	DRAWN BY: A.SHAH
SCALE: 1:2000		Produced by T&W Geomatics	

MISSISSAUGA  
Planning and Building

Roland Smitas, Sylvia Smitas and Simone Bradley

File No.: CD.21 LAK

## Agency Comments

The following is a summary of comments from agencies and departments regarding the proposed amendments.

Agency / Comment Date	Comment
Region of Peel (August 8, 2013)	The Region will provide waste collection servicing to residential developments provided the requirements outlined in the Waste Collection Design Standards Manual are satisfied.
Credit Valley Conservation (CVC) (September 6, 2013)	<p>CVC has reviewed the proposed Official Plan and Zoning By-law Amendment mapping and has no objection to the proposed limit of the Greenbelt designation in the Official Plan, and the limit of the "G1" zone (as noted on Appendix I-4), provided a Greenbelt Overlay is put in place to reflect the existing natural hazards on the remainder of the site. Following the completion of the proposed culvert and creek works, the limits of the natural hazards and setbacks will be confirmed, and the limit of the Greenbelt designation and "G1" zone can be further refined. It is anticipated that the Greenbelt overlay will be removed at this time.</p> <p>A CVC Permit is required to authorize the required culvert extension and creek works. This must be issued and the works completed and certified to the satisfaction of the City and CVC prior to any further land use approvals.</p> <p>Further, in keeping with CVC policy, staff recommends that all hazard lands and associated setbacks should be dedicated to the City of Mississauga for natural hazards management purposes.</p>
City Community Services Department – Parks and Forestry Division/Park Planning Section (September 10, 2013)	<p>As the subject lands are located within the City's CL17 Natural Heritage Area, this Department is desirous of a gratuitous dedication of all lands within the applicant property to be zoned "G1" – Greenbelt. There are two options available for administering the land dedication:</p> <ol style="list-style-type: none"> <li>1. If the landowner gratuitously dedicate lands to be zoned "G1" – Greenbelt through the City-initiated Official Plan Amendment and Rezoning, the City is willing to be responsible for all surveying and transaction costs.</li> </ol>



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Agency / Comment Date	Comment
	<p>2. If the City pursues the same land dedication through a future development application, the landowner will be responsible for all surveying and transaction costs.</p> <p>As this is a City-initiated Official Plan Amendment and Rezoning, it is requested that the Planning and Building Department present these two options to the affected landowner and advise us of the landowner's preference.</p>
<p>City Transportation and Works Department (August 15, 2013)</p>	<p>The proposed residential portion which contains hazard lands is to have a Greenbelt Overlay until an alternate proposal is implemented.</p> <p>Based on the review of the materials provided to date and understanding that no new lots or buildings are proposed, and that the subject site will remain as one lot, we have no objection in principle to the City-initiated Official Plan and Zoning amendments as proposed.</p> <p>In the event the owner pursues the development of additional "tableland" or increase the number of lots, this Department will require the following:</p> <ul style="list-style-type: none"> <li>• An updated Functional Servicing Report;</li> <li>• Topographic Plan and Grading Plan;</li> <li>• Development Agreement;</li> <li>• Servicing Agreement for Municipal Works for the culvert extension and enclosure of Moore Creek;</li> <li>• Financial arrangement to secure the creek works. The City has agreed to provide some financial contribution to these works as it relates to stability of the municipal right-of-way for Lakeshore Road West;</li> <li>• Easement in favour of the City for proposed municipal storm sewer;</li> <li>• Dedication of remaining Hazard Lands;</li> <li>• Storm Drainage specific comments would be provided with a future development application;</li> <li>• CVC approval for Moore Creek infrastructure and modification works;</li> <li>• A completed Environmental Site Screening Questionnaire and Declaration (ESSQD) form E2116 (Rev. 06/05), signed by a commissioner of oaths and the owner;</li> </ul>

Roland Smitas, Sylvia Smitas and Simone Bradley

File No.: CD.21 LAK

Agency / Comment Date	Comment
	<ul style="list-style-type: none"> <li>• Phase 1 Environmental Site Assessment (ESA);</li> <li>• Written confirmation that the long-term stable top of bank, hazard line and any required development setbacks have been established to the satisfaction of the CVC;</li> <li>• Access should be consolidated to minimize points of access onto Lakeshore Road West, and;</li> <li>• Satisfactory arrangements are to be made with Enbridge Inc. to address the stabilization or decommissioning of existing gas services within the property.</li> </ul>
	<p>The following City Departments and external agencies were circulated the applications but provided no comments:</p> <ul style="list-style-type: none"> <li>- Community Services – Heritage Planning</li> <li>- Community Services – Urban Forestry</li> <li>- Enersource Hydro Mississauga</li> <li>- GO Transit (Metrolinx)</li> <li>- Enbridge Gas Distribution Inc.</li> <li>- Enbridge Pipelines Inc.</li> <li>- CN Rail</li> </ul>



Roland Smitas, Sylvia Smitas and Simone Bradley

File: CD.21 LAK

**Recommendation PDC-0063-2013**

"That the Report dated September 10, 2013, from the Commissioner of Planning and Building regarding the City-initiated amendment to the Official Plan from 'Private Open Space' and 'Greenbelt' to 'Residential Low Density I' and 'Greenbelt' and to change the Zoning from 'OS1-2' (Open Space) to 'R2-5' (Detached Dwellings – Typical Lots) to permit detached dwellings with a minimum lot frontage of 30 m (98.4 ft.) on the westerly portion of the lands not constrained by hazard lands associated with Moore Creek under file CD.21 LAK, Roland Smitas, Sylvia Smitas and Simone Bradley, 990 – 994 Lakeshore Road West, be received for information. (b) That the following correspondence be received: 1. Letter dated September 30, 2013, from Scott Zies, President, Lorne Park Estates Association CD.21 LAK"