



Corporate Report

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DATE: March 27, 2007

TO: Planning and Development Committee
Meeting Date: April 16, 2007

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

SUBJECT: **Vehicle Pound Facilities**
Proposed General Zoning By-law Amendments

ADDENDUM REPORT

RECOMMENDATION: That the Report dated March 27, 2007, from the Commissioner of Planning and Building recommending amendments to Zoning By-law 5500, as amended, be adopted in accordance with the following:

1. That notwithstanding that subsequent to the public meeting, a change to the by-law has been proposed, Council considers that the change does not require further notice and, therefore, pursuant to the provisions of subsection 34(17) of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, any further notice regarding the proposed amendment is hereby waived.
2. That Section 2, Definitions, be amended by adding the following:

"VEHICLE POUND FACILITY" means land, building or structures or part thereof, used for the temporary storage of impounded vehicles within a secure area which is fenced and gated or inside a building and shall include an office within a permanent building with a minimum gross floor

area of 30 m² (323 sq. ft.), and may include property held under police or other government authority.

For the purposes of a "Vehicle Pound Facility", vehicle means a motor vehicle, motor assisted bicycle, trailer, farm tractor or any vehicle drawn, propelled or driven by any kind of power including muscular power.

3. That Schedule "A" to Section 22C be amended by adding a requirement for parking to be provided at the rate of 3.2 spaces per 100 m² (1 076 sq. ft.) of gross floor area for the office component of a "Vehicle Pound Facility", with a minimum of four (4) parking spaces required.

4. That Section 111 be amended by adding the following:

In an "M2" zone, any person may use land or erect a building or structure for the purpose of a vehicle pound facility subject to the following:

- (a) the outdoor storage of vehicles or materials secured within the vehicle pound facility shall not be situated any closer to any street line than any portion of a building or structure;
 - (b) a fence with a minimum height of 1.8 m (6 ft.) shall be provided around the perimeter of the storage area to contain the outdoor storage area, but in no event shall the fence be situated closer to any street line than any portion of the main building or structure;
 - (c) a minimum 4.5 m (14.8 ft.) wide landscaped area shall be provided from any lot line abutting a public right-of-way.
5. That the zoning for Abrams Towing (1150 Eglinton Avenue) and Lyons Autobody (1020 Burnhamthorpe Road West) be

amended to add a special section permitting a vehicle pound facility.

6. That within 45 days of Council's adoption of this recommendation, the owners of existing operations zoned M2 within Zoning By-law 5500, or E3 within the New Zoning By-law, may submit information to the Planning and Building Department regarding those provisions to which they do not comply, and that staff may consider the merits of a site specific zoning by-law amendment for the existing operation.
7. In the event that the New Zoning By-law is passed by City Council and comes into force and effect, the New Zoning By-law be amended to include the definition and the parking requirement as outlined in recommendations 2 and 3 above, and that vehicle pound facilities be permitted within the "E3" (Employment) zone, subject to the "E3" zone requirements.
8. That the Site Plan Control By-law be amended to require that all vehicle pound facilities be subject to site plan control.

ORIGIN:

Regional Municipality of Peel Police Services Board

BACKGROUND:

A second public meeting was held on October 2, 2006 at which time staff presented proposed zoning standards for vehicle pound facilities. Planning and Development Committee received the Supplementary Report dated September 12, 2006 (see Appendix A-1) along with the Planning and Building Departments recommendation that staff report back to Planning and Development Committee with final recommendations following consideration of a report on the associated Licensing By-law from the Commissioner of Transportation and Works (PDC-0086-2006, see Appendix A-2).

Planning and Building staff have met with the Enforcement Division of the Transportation and Works Department regarding

the associated Licensing By-law, and have scheduled the respective reports to the same meeting of Planning and Development Committee.

COMMENTS:

At the Planning and Development Committee meeting on October 2, 2006, the following issues were raised.

Site Plan Control

Vehicle pound facilities are proposed to be added as a permitted use within the M2 (Industrial) zone of Zoning By-law 5500, or the E3 (Employment/Industrial) zone of the New Zoning By-law. The current Site Plan Control By-law (By-law No. 0293-2006) requires that all development or redevelopment on lands zoned for industrial purposes which abut major roads (as identified on Schedules “1” and “2” of the By-law) be subject to site plan control. All lands zoned industrial located within 60 metres (196.8 ft.) of lands zoned residential, or which abut lands zoned greenbelt, open space and parkway belt are also subject to site plan control. In addition, there are certain areas of the City identified on maps attached as schedules of the Site Plan Control By-law which are subject to site plan control.

In order to ensure the review and approval of the detailed design and site layout of vehicle pound facilities, staff have added a recommendation that the Site Plan Control By-law be amended to require that all vehicle pound facilities be subject to site plan control.

Proposed Definition

Comments were received requesting that there be a requirement for a permanent building. The proposed definition always contemplated a permanent building to properly receive the public and carry out the business operations associated with the vehicle pound facility, and would not allow for temporary buildings or trailers. However, staff has added the word “permanent” before “building” within the definition to provide further emphasis and clarity on this matter.

There was also concern that the proposed definition did not allow for the storage of motorcycles. The definition of vehicle provided includes motor vehicle, motor assisted bicycle, and any vehicle drawn, propelled or driven by any kind of power. Therefore, while not specifically listed, motorcycles are covered within the definition. Staff could not specifically list every single type of vehicle, or risk missing a certain type, thus the definition was specifically structured to be inclusive. In addition, any property held under police or other government authority is also permitted to be stored at a vehicle pound facility.

The revised proposed definition is included within the recommendation section of this report. Since the change to the definition is minor in nature, it is not deemed necessary to provide further public notice.

Public Parking and Storage Area

Comments were received requesting that the parking area for members of the public be located separately from the pound storage area. Staff advise that public parking must be provided separately from the pound storage area and be accessible to the public. The pound storage area is not a parking lot, but rather a storage area, and must be secured by a fence and gate. This storage area is not accessible to the public.

Further concern was raised as to the layout of the storage area and aisle widths. The storage area is not a parking lot, therefore, zoning provisions regarding aisle widths and size of parking spaces do not apply. Similar to outdoor storage within other industrial zones, owners may structure their storage yards according to their own requirements, provided they do not exceed heights or setbacks required by the zoning by-law. There is no painting of lines required within the storage area, as the type of objects being stored will vary (i.e. carts, trucks, cars, motorcycles, boats, etc.). It is the responsibility of the individual operations to ensure they can access and store all items under their care. However, all site plan applications will be reviewed by staff to ensure that an appropriate storage area is provided.

Minimum Lot Frontage

Concern was raised that the minimum lot frontage should be increased for vehicle pound facilities.

All industrial uses are subject to the same minimum lot frontage requirement of 30 m (98 ft.). This minimum provision applies to a wide array of land uses from manufacturing and fabrication facilities and warehouses to exhibition and conference centres. Many of these industrial uses accommodate high volumes of large vehicle traffic (trucks and trailers), and may have larger lot frontages to meet their needs, however, the zoning by-law only establishes a minimum requirement for all industrial uses.

There are other provisions within the zoning by-law that will have an impact upon the layout and size of a vehicle pound facility, such as setbacks, building size and location, parking and access. Staff have undertaken research and analysis of the layout of a vehicle pound facility incorporating minimum setbacks and space requirements as contemplated by the proposed zoning requirements and find the requirements to be sufficient for minimum operational space needs. As vehicle pound facilities are recommended to be subject to site plan control, such issues regarding layout and space

requirements may be further reviewed during the site plan approval process.

In view of the preceding, it is recommended that no alternative minimum lot frontage provision be provided for vehicle pound facilities.

Process

Recommendation number 6 of this report would allow a period of 45 days following Council's approval of these recommendations in which the owners of existing vehicle pound facilities zoned M2 within Zoning By-law 5500, or E3 within the New Zoning By-law, that would like to have their properties recognized in the by-law but do not comply with the proposed zoning provisions, to submit information to the Planning and Building Department. Planning and Building staff will determine whether a site specific zoning exception is warranted prior to enactment of the by-law. The information to be submitted shall include a site survey/plan detailing the existing conditions of the site, including such information as necessary to determine zoning compliance (i.e. lot dimensions, building size, office area, setbacks, landscaped area, parking, storage area, fencing height and location, etc.). All other sites that do not comply with the zoning provisions will require approval of a zoning by-law amendment or minor variance.

Upon enactment of the zoning by-law amendment, all existing and proposed facilities will require a zoning certificate to document their compliance with the requirements of the by-law. A copy of the zoning certificate will be required by the Enforcement Division prior to the issuance of a licence to operate as a vehicle pound facility.

CONCLUSION:

The recommendations outlined at the beginning of this report would provide appropriate land use and site development controls to ensure sufficient regulation of vehicle pound facilities through the Zoning By-law. Details regarding site operations will be

further regulated through the Licensing By-law for a "vehicle pound facility", which will be prepared by the Enforcement Division of the Transportation and Works Department.

ATTACHMENTS:

Appendix A-1 – Supplementary Report (dated September 12, 2006)

Appendix A-2 – Recommendation PDC-0086-2006

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Jonathan Famme, Planner - Development and Design



Corporate Report

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PDC OCT 2 2006

DATE: September 12, 2006

TO: Planning and Development Committee
Meeting Date: October 2, 2006

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

SUBJECT: **Vehicle Pound Facilities**
Proposed General Zoning By-law Amendments

SUPPLEMENTARY REPORT

RECOMMENDATION: That the Report dated September 12, 2006, from the Commissioner of Planning and Building recommending amendments to Zoning By-law 5500, as amended, be received and that the Commissioner of Planning and Building report back to Planning and Development Committee with final recommendations following consideration of a report on the associated Licensing By-law from the Commissioner of Transportation and Works.

ORIGIN: Regional Municipality of Peel Police Services Board

BACKGROUND: A public meeting was held by the Planning and Development Committee on October 1, 2001, at which time a Planning and Building Department report (Appendix S-1) was received and referred back to staff for consultation with the owners/operators of Vehicle Towing and Impound Facilities (Pounds).

Following the Planning and Development Committee meeting, staff met with representatives from the City's towing industry, impound facilities, and the Regional Municipality of Peel

Police Services Board on November 1, 2001. Members of the industry expressed similar concerns as identified at the Public Meeting, namely that the proposed definition of a vehicle impound facility is not inclusive of all components of the industry, that the proposed minimum building area, and that the number of parking spaces are inadequate. The project went into a period of dormancy as a result of staffing changes, increased workload, and shifting priorities.

The project was reactivated in late 2003, with a survey sent to all businesses that possessed a 'Class B' automobile service station license. Responses were received in early 2004 from 152 businesses. The survey sought to gain information relating to the site operations in order to assess criteria that might indicate if the facility could be considered a pound. Planning and Building Department staff prepared a list of 37 sites for closer assessment based upon analysis of survey responses and site visits conducted to assess site layout and operations (see Appendices S-3, S-4, and S-5). The survey responses were sorted, and sites were selected that included positive responses to the following questions: "Does your business include storage facilities for a vehicle being towed due to a criminal code charge, Highway Traffic Act Infraction or By-law Infraction?"; and "Does your business charge a fee for the storage of vehicles?".

A second meeting was held on May 10, 2006 with notice sent to those who attended the previous meeting, those who requested notification, and all 37 sites identified by staff through the results of the survey. The meeting was attended by approximately 20 people. The purpose of this meeting was to provide a brief history and update of the project, and present the proposed definition of a vehicle pound facility and requirements based upon input received from the meetings held in 2001, site visits, and additional information that was gathered.

COMMENTS:

At the Planning and Development Committee meeting on October 1, 2001, the following issues were raised by members of the Committee and the towing industry.

Proposed Definition

The proposed by-law amendments were initiated by the Planning and Building Department, at the request of the Regional Municipality of Peel Police Services Board, to address the omission of pound facilities as a permitted use in the City's Zoning By-laws. However, the towing industry indicated concerns that the definition in the proposed 2001 by-law amendment referred only to the towing and storage of impounded vehicles, and did not address items such as trailers, construction equipment, shopping carts, and cars stored for leasing companies. Furthermore, it was stated that the definition of a vehicle required further clarification.

Staff attended tours of two impound operations (Abrams Towing and Lyons Autobody) shown on Appendices S-3 to S-5 as sites 1 and 35 respectively, to view the facilities and see the different aspects involved in the day-to-day operations. In addition to the storage of impounded vehicles, staff recognize that there is a need to provide provisions for secure locations for vehicles and other property which have been seized as evidence or otherwise held at the direction of police or a public authority. The list of material held under such circumstances is long, but would commonly consist of car parts from stolen vehicles, construction equipment, shopping carts, etc. Property held under such circumstances should be permitted within pound facilities.

Therefore, a vehicle pound facility would include vehicles and other stored property as described above. It should be noted that a salvage yard should not be included within the definition of a pound, as there are specific zoning classifications which address salvage yards.

The proposed definition is included within the recommendation section of this report.

Minimum Building Area

Staff have been requested to explain the rationale for requiring a building having a minimum area of 10 m² (107 sq. ft.) in association with a vehicle pound facility. The premise for requiring a building is to ensure that there is a permanent structure to accommodate an office for the staff working at the vehicle pound facility, and a place to receive customers seeking to retrieve their vehicles or seized property. Previously, staff recommended a minimum building floor area of 10 m² (107 sq. ft.) based on the Ontario Building Code requirement that a building permit be issued for all buildings having a minimum floor area of 10 m² (107 sq. ft.). The intention of the above requirement was to ensure that an application for a vehicle pound facility would be subject to a building permit application. A review of the applicable zoning requirements would be undertaken during the building permit review process, including a determination as to whether the site would be subject to site plan approval. As a result, a mechanism would be provided for staff to review each proposal and ensure that a building of an appropriate size is provided on-site.

Concerns were raised by certain members of the towing industry that 10 m² (107 sq. ft.) is not a sufficient size to accommodate the facilities required to operate a pound. At the May 10, 2006 meeting, staff suggested an office with a minimum floor area of 32 m² (344 sq. ft.). Comments were provided that the area was not large enough, while another indicated they had an office that was smaller than 32 m² (344 sq. ft.) that was sufficient for their business. As a result, staff have researched and assessed what is an appropriate "minimum" building size. Staff considered the minimum areas required for functionality, such as an office area for an estimated 2 workers; a public waiting area for 4 to 5 people; and an accessible washroom. In addition, staff researched

building sizes of comparable operations, such as car rental kiosks, in order to provide examples and estimates of space requirements.

Based upon the foregoing, it is recommended that a building on-site in association with a vehicle pound facility shall have a minimum floor area of 30 m² (323 sq. ft.), for the purposes of accommodating the administrative office use, a public waiting area, and an accessible washroom.

Minimum Parking Requirement

The proposed parking standard of 3.2 spaces per 100 m² (1 076 sq. ft.) of gross floor area was recommended to apply to the office component of a vehicle pound facility, being a standard commonly applied in the City's Zoning By-laws for office uses. By further specifying that a minimum of 4 parking spaces be required, an additional measure was recommended to ensure that even the smallest of operations would have parking available for customers and office staff. Larger operations having expansive storage facilities and multiple staff, will also include a larger building which will generate a higher requirement for parking. Furthermore, it should be noted that stored vehicles and other property do not generate a requirement for parking spaces, but instead occupy storage space.

For purposes of comparison, the City of Brampton's Zoning By-law includes a provision for a minimum of 5 parking spaces on-site, with no additional provision requiring that the number of parking spaces increase with an increase in building size.

In view of the preceding, no further changes are recommended to the proposed parking standard.

Minimum Lot Area

Concern was raised that a minimum lot area is not included in the proposed Zoning By-law amendments.

Subsequent to the public meeting, staff have been advised that the contracts awarded by the Peel Regional Police in the City of Mississauga require a minimum site area of 1 500 m² (16 146 sq. ft.). As a matter of practicality, vehicle pound facilities are space extensive uses, and as such, prospective vehicle pound operators will select sites which are large enough to accommodate an economically viable operation. Smaller sites may not warrant the monetary investment required and effort to obtain the necessary municipal approvals and award of contract.

Section 114 of Zoning By-law 5500, as amended, contains the standards for development for all uses within an "M1" or "M2" Industrial zone (see Appendix S-2). The standard provisions outlined under Section 114 have been deemed appropriate for most industrial uses, and would apply to vehicle pound facilities in conjunction with the proposed amendments, if approved. It should be noted that a minimum lot area provision is not a standard requirement for an "M1" or "M2" zone; but rather, lot sizes for industrial uses are regulated by way of specifying a minimum lot frontage requirement of 30 m (98 ft.).

In view of the preceding, it is recommended that the Zoning By-law be maintained and that the standard "M1" and "M2" Industrial Zone provisions apply, as for all uses permitted within the "M2" zone, and that no specific minimum lot area provision be provided for vehicle pound facilities.

Proximity of Potential Vehicle Pound Facility Sites to Residential Uses on Millcreek Drive

Concern was raised that a potential site for a vehicle pound facility was identified on Millcreek Drive (in the area of

Millcreek Drive and Erin Mills Parkway), which is adjacent to residential uses.

The lands located on the east side of Millcreek Drive are zoned "M2" (Industrial) zone and are not adjacent to residential land uses. Residential land uses are located to the west of the subject "M2" (Industrial) zone lands, but are separated by lands zoned "M1" (Industrial) zone which are located on the west side of Millcreek Drive, and do not permit a pound.

Assessment of Sites

Following the results of the survey, staff attended the sites of all known or potential vehicle pound facilities in the City and prepared a list of 37 sites for assessment. These 37 sites were assessed from a land use perspective using (a) the Official Plan (Appendix S-3); (b) Zoning By-law 5500 (Appendix S-4); and (c) the proposed new City-wide Zoning By-law (Appendix S-5). Appendices S-3 to S-5 show the 37 sites and classify them under the current Official Plan designation, current zone within Zoning By-law 5500, and the proposed zone within the new City-wide Zoning By-law as either "permissive" (green), or "non-permissive" (red), of a vehicle pound facility use, as proposed under the general zoning by-law amendment.

Recommended Zone Category

It is recommended that a "vehicle pound facility" be a permitted use within the "M2" (Industrial) zone of Mississauga Zoning By-law 5500 in order to ensure land use compatibility and appropriate zone standards are applied, as this zone permits outdoor storage and is typically separated from residential land uses. The proposed Zoning By-law Amendments are contained within Appendix S-7 (Summary of Recommendations). Within the proposed new City-wide Zoning By-law, staff recommend this use be permitted within the "E3" (Employment) zone, subject to the E3 zone

requirements. A comparison table is provided within Appendix S-6, summarizing the zoning requirements for the "M2" (Industrial) zone of Zoning By-law 5500, and the "E3" (Employment) zone of the proposed new City-wide Zoning By-law.

Existing Operations

Some of the existing vehicle pound facilities are not located within an "M2" (Industrial) zone, specifically Sites 1 (Abram's – 1150 Eglinton Ave.), and 35 (Lyon's – 1020 Burnhamthorpe Road W.) shown on Appendix S-4. These known facilities have evolved over time, and are operated in conjunction with automobile repair garages and body shops. Therefore, since these existing vehicle pound facilities have conducted their business without any known land use conflicts being identified, staff recommend that these sites be given site specific zoning to permit a "vehicle pound facility", thus allowing them to continue their operations.

Another known existing operation, Seneca Autobody, located at 1109 Seneca Avenue (Site 8 on Appendices S-3 to S-5) has operated as a pound for many years and is currently permitted to continue temporarily until April 30, 2008, under a minor variance approval by the Committee of Adjustment. Seneca Autobody has submitted an Official Plan and Zoning By-law Amendment application in order to legalize a vehicle pound facility as a permitted use upon the site.

In addition, there may be other operations which are existing that do not comply with all of the recommended development standards. In order to provide for appropriate consideration of existing operations, it is recommended that prior to By-law enactment, the owners of existing operations that are zoned "M2" within Zoning By-law 5500, be allowed to submit information to the Planning and Building Department regarding those provisions to which they do not comply, so that staff may consider the merits of a site specific zoning by-law amendment for the existing operation.

CONCLUSION:

The recommendations outlined within Appendix S-7 of this report would provide for an amendment of the City's Zoning By-law to address the issues and comments discussed in this Report, and ensure the sufficient regulation of vehicle pound facilities through the Zoning By-law. Details regarding site operation will be further regulated through the Licensing By-law for a "vehicle pound facility", which will be prepared by the Enforcement Division of the Transportation and Works Department. Final recommendations will be brought forward to a subsequent meeting of the Planning and Development Committee.

ATTACHMENTS:

Appendix S-1 – Information Report
Appendix S-2 – "M1" and "M2" zones – Standards for Development
Appendix S-3 – Assessed Sites - Official Plan
Appendix S-4 – Assessed Sites - Zoning By-law 5500
Appendix S-5 – Assessed Sites – New Proposed City-wide Zoning By-law
Appendix S-6 – Comparison Table- Zoning By-law 5500 ("M2" zone) vs. Proposed New City-wide Zoning By-law ("E3" zone)
Appendix S-7 – Summary of Recommendations

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Jonathan Famme, Planner - Development and Design



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OCT 1 2001

DATE: September 11, 2001

TO: Chairman and Members of the Planning and Development Committee

FROM: Thomas S. Mokrzycki, Commissioner of Planning and Building

SUBJECT: Vehicle Impound Facilities (Pounds)
Proposed General Zoning By-law Amendments

PUBLIC MEETING - October 1, 2001

ORIGIN: Planning and Building Department

BACKGROUND: On June 11, 2001, the Planning and Development Committee considered a report (see Exhibit S-1) regarding proposed amendments to Mississauga Zoning By-law 5500, as amended, which would accommodate vehicle impound facilities (pounds), subject to certain development criteria, and made the following recommendation which was adopted by City Council on June 13, 2001:

PDC-0071-2001

1. "That a Public Meeting be held by the Planning and Development Committee to consider the proposed amendments to Mississauga Zoning By-law 5500, as recommended in the Report dated May 22, 2001, from the Commissioner of Planning and Building.
2. That the Enforcement Division of the Corporate Services Department prepare a new schedule to the Business

Licensing By-law 0001-2001 for vehicle impound facilities for presentation to Council at a future meeting."

COMMENTS:

At the Planning and Development Committee meeting on June 11, 2001, certain issues were raised by members of the Committee for which staff provide the following responses:

Comment

What is the rationale for requiring a building having a minimum area of 10 m² (107 sq. ft.)?

Response

It is recommended that a building be required in association with all vehicle impound facilities, to accommodate an office for the purposes of administration. According to the Ontario Building Code, a building permit is required for all structures having a minimum floor area of 10 m² (107 sq. ft.) or greater.

Comment

There should be a separation distance between vehicle impound facilities and residential lands.

Response

As indicated in the report titled "Vehicle Impound Facilities (Pounds) - General Zoning By-law Amendments" dated May 22, 2001 from the Commissioner of Planning and Building (see Exhibit S-1), it is recommended that Port Credit Zoning By-law 1227 and Streetsville Zoning By-law 65-30 not be amended to permit vehicle impound facilities on the basis that these By-laws govern established residential areas of the City, and therefore there is a potential of creating land use conflicts. With regard to the proposed amendments to Zoning By-law 5500, the "M2" and "M2-Special Section" zones indicated on Exhibit 1 attached to Exhibit S-1 are the appropriate zone categories to accommodate vehicle impound facilities given

that these zones permit outdoor storage and are typically separated from residential land uses.

Comment

Vehicle impound facilities should be located in proximity to public transit so as to serve their customers.

Response

Staff have determined that the known vehicle impound facilities shown on Exhibit 1 attached to Exhibit S-1 are all served by bus transit.

CONCLUSION:

The following recommendation indicates the specific amendments to Zoning By-law 5500 required in order to implement the amendments as discussed in the report titled "Vehicle Impound Facilities (Pounds) - Proposed General Zoning By-law Amendments" dated May 22, 2001 from the Commissioner of Planning and Building (see Exhibit S-1).

RECOMMENDATION:

That the Report dated September 11, 2001 from the Commissioner of Planning and Building recommending amendments to Zoning By-law 5500, as amended, be adopted as follows:

1. That section 2, Definitions, be amended by adding the following subsection:

"(112) "VEHICLE IMPOUND FACILITY" means land where impounded motor vehicles are stored, and shall be inclusive of a building or structure with a minimum gross floor area - non residential of 10 m² (107 sq. ft.), but shall not include a salvage yard;"

2. That Schedule "A" to Section 22C be amended by adding a requirement for parking to be provided at the rate of 3.2 spaces per 100 m² (1,076 sq. ft.) for the office component of a vehicle impound facility, with a minimum of four (4) parking spaces required;

3. That section 111 be amended by adding the following subsection:

"In an M2 zone, any person may use land for the purpose of a vehicle impound facility subject to the following:

- (a) the outdoor storage of motor vehicles shall not be situated closer to any street line than any portion of the main building or structure;
- (b) where such storage area faces onto a street, a fence at least 1.8 m (6 ft.) in height shall contain and effectively screen the motor vehicle outdoor storage area, but in no event shall the fence be situated closer to any street line than any portion of the main building or structure;
- (c) a minimum 4.5 m (14.8 ft.) wide landscaped area shall be provided between any street line and a fence, as required under clause (b) of this subsection."



Thomas S. Mokrzycki
Commissioner of Planning and Building



Corporate Report

EXHIBIT 9-1

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JUN 11 2001

BL09.ZON

DATE: May 22, 2001

TO: Chairman and Members of the Planning and Development Committee

FROM: Thomas S. Mokrzycki, Commissioner of Planning and Building

SUBJECT: Vehicle Impound Facilities (Pounds)
Proposed General Zoning By-law Amendments

MEETING DATE - June 11, 2001

ORIGIN: Planning and Building Department

BACKGROUND: In the past, Council has approved various amendments to Mississauga Zoning By-law 5500, Port Credit Zoning By-law 1227 and Streetsville Zoning By-law 65-30 which were considered to be "quick fixes" and of a "house keeping" nature. Further to these amendments, and as result of correspondence received from the Region of Peel Police Services Board regarding the omission of vehicle impound yards as a permitted use in the City's Zoning By-laws, the Planning and Building Department has been requested to consider appropriate zoning amendments to accommodate this use.

COMMENTS: Provision for Vehicle Impound Facilities (Pounds)

Vehicle impound facilities are secure storage facilities to which vehicles are taken at the direction of authorized persons and held pending payment of fees or charges or other release as required.

These facilities have become necessary as a result of the seizing and/or towing of vehicles to a secure location for a number of reasons. In consultation with staff from the Enforcement Division of Corporate Services, it has been determined that approximately nine such facilities exist in Mississauga (see Exhibit 1). Since a vehicle impound facility is not permitted in the City's Zoning By-laws, nor has the Committee of Adjustment approved minor variance applications to permit the use for any of the existing operations, such operations do not enjoy protection as a permitted use.

Vehicle impound facilities are permitted by a number of municipalities in industrial and automotive commercial zones, and are often interpreted as a public garage. In some instances, a municipality will permit a vehicle impound facility in association with an automotive repair establishment. Other municipalities permit this use as-of-right in industrial zones.

Given that Port Credit Zoning By-law 1227 and Streetsville Zoning By-law 65-30 govern established, primarily residential areas of the City, it is not appropriate to permit vehicle impound facilities as-of-right in these areas since there is a potential of creating land use conflicts. Additionally, it is not appropriate to permit vehicle impound facilities as-of-right in all Commercial and Industrial zones in By-law 5500 since some of these zones are within proximity of existing residential areas, or are located adjacent to existing prestige industrial operations. The "M2" zone and certain other "M2-Special Section" zones contained within By-law 5500, and shown on Exhibit 1, currently permit general industrial uses including outdoor storage, and are considered appropriate to accommodate vehicle impound facilities, subject to specific provisions in order to ensure appropriate security, screening and parking. For all other zones, vehicle impound facilities should be considered by way of a rezoning application to City Council, or on a site specific basis by the Committee of Adjustment. It is suggested that Section 111 of By-law 5500, be amended to permit vehicle impound facilities as-of-right in all "M2" Industrial zones, and by extension certain "M2-Special Section" zones, subject to the following:

-
- a) the outdoor storage of motor vehicles shall not be situated closer to any street line than any portion of the main building or structure;
 - b) a fence having a minimum height of 1.8 m (6 ft.) shall contain and screen the motor vehicle outdoor storage area from view from a public street;
 - c) a minimum depth of 4.5 m (14.7 ft.) landscaped area be provided along the street line; and,
 - d) a building, having a minimum area of 10 m² (107 sq. ft.), shall be required on site.

In addition, Section 22(c) of By-law 5500 should be amended to require parking at the rate of 3.2 spaces per 100 m² (1,076 sq. ft.) gross floor area for an office component, with a minimum of four (4) parking spaces on site.

Further, that Section 2 of By-law 5500 be amended to add the following definition of a vehicle impound facility: "Vehicle impound facility means land where impounded motor vehicles are stored, and shall be inclusive of a building or structure with a minimum gross floor area - non residential of 10 m² (107 sq. ft.), but shall not include a salvage yard."

As shown on Exhibit 1, seven of the nine existing operations are zoned "M2", therefore, if the Zoning By-law is amended as suggested, the owner of each of the seven existing sites can apply for a Zoning Certificate with the required application and plans to determine if each operation complies with the proposed zoning provisions. If the operation does comply then a Zoning Certificate will be issued and if it does not comply then the property would have to be brought into conformity or failing this a variance application should be submitted to the Committee of Adjustment. For the other two sites which are not zoned M2 the owners should submit a rezoning application or an application to the Committee of Adjustment at which time each application will be evaluated on the basis of the new zoning provisions if approved.

Finally, in consultation with staff of the Enforcement Division of Corporate Services, it is recommended that certain operational requirements for vehicle impound facilities which are not land use matters, such as site security and storage fees, should be put in place by way of a licensing by-law.

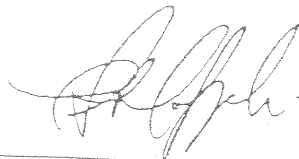
CONCLUSION:

The amendments proposed in this report will address a public need to provide secure storage facilities for motor vehicles which are taken at the direction of authorized persons and held pending payment of fees or charges or other release as required. Until a comprehensive review of the Zoning By-law is undertaken, staff will continue to monitor and bring forward periodic reports of this nature.

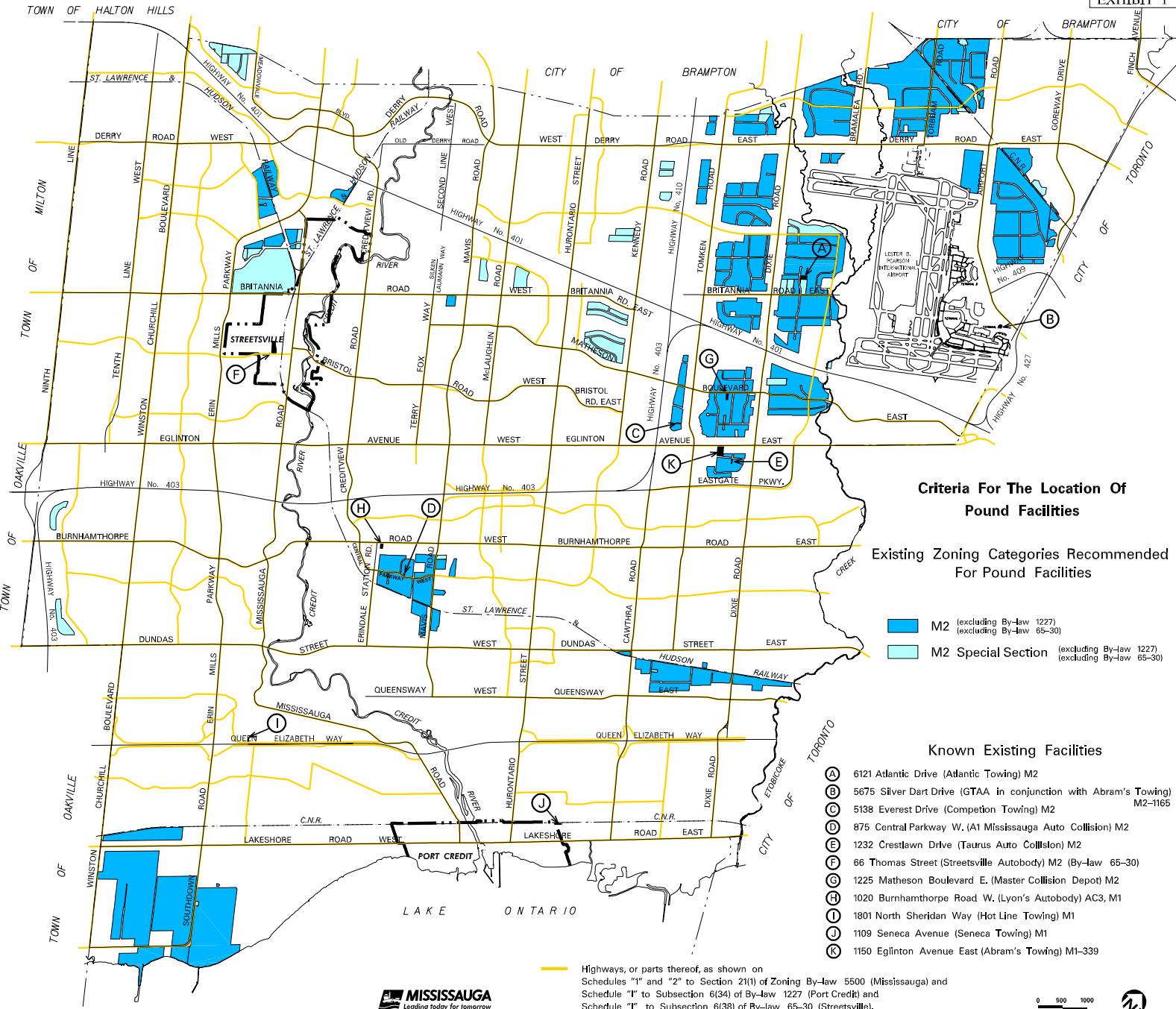
A public meeting is required to consider the proposed amendments outlined in this report.

RECOMMENDATION:

1. That a Public Meeting be held by the Planning and Development Committee to consider the proposed amendments to Mississauga Zoning By-law 5500, as recommended in the Report dated May 22, 2001, from the Commissioner of Planning and Building.
2. That the Enforcement Division of Corporate Services Department prepare a new schedule to the Business Licensing By-law 0001-2001 for vehicle impound facilities for presentation to Council at a future meeting.



Thomas S. Mokrzycki
Commissioner of Planning and Building

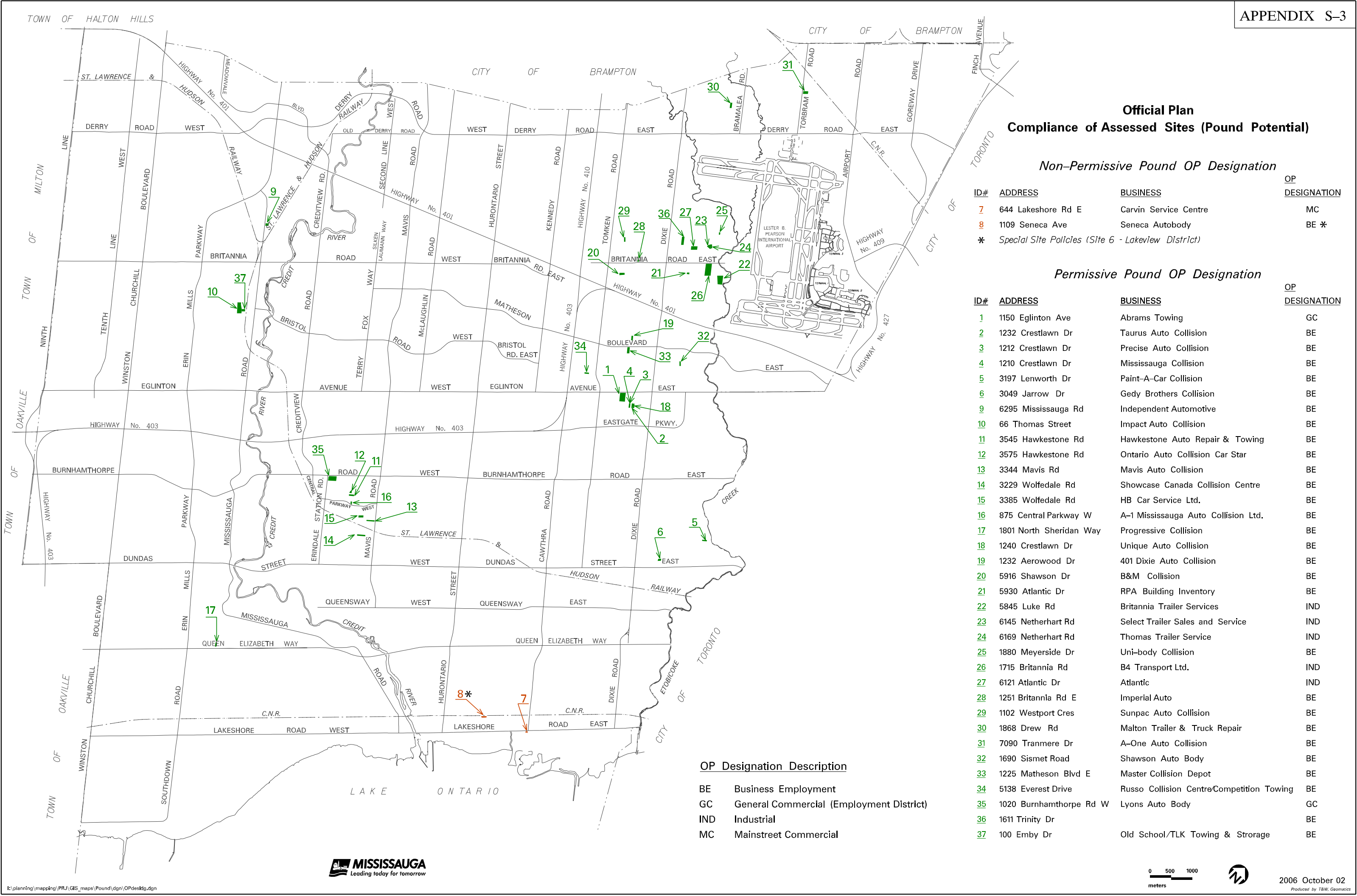


"M1" and "M2" Zones -
Standards for Development
(Excerpt from Section 114, Zoning By-law 5500, as amended)

114. Where a lot in an Industrial zone is used for a purpose permitted by section 109, 110, or 111:
- (a) the minimum depth of the front yard is 6 m (19.7 ft.);
 - (b) notwithstanding paragraph (a) where the opposite side of the street on which the lot fronts is in a Residential zone, the minimum depth of the front yard is 30 m (98 ft.);
 - (c) the minimum width of each side yard in a lot that has a width of 75 m (246 ft.) or less is 10% of the width of the lot or 4.5 m (14.7 ft.), whichever is greater;
 - (d) the minimum width of each side yard in a lot that has a width exceeding 75 m (246 ft.) is 7.5 m (24.6 ft.);
 - (e) notwithstanding paragraph (c) or (d) where a side lot line is part of the boundary between the Industrial zone and a Residential zone, the minimum distance from the side lot line to the nearest part of a building on the lot is 15 m (49 ft.);
 - (f) the minimum depth of the rear yard is 7.5 m (24.6 ft.);
 - (g) notwithstanding paragraph (f) where the rear lot line is part of the boundary between the Industrial zone and a Residential zone the minimum depth of the rear yard is 15 m (49 ft.); and,
 - (h) notwithstanding paragraph (f) where a rear lot line adjoins a railway right-of-way no rear yard is required;
 - (i) the provisions contained in subsection (b), (e), and (g) of section 114 shall not apply to any developed industrial lands where abutting undeveloped industrial lands are rezoned to a residential category;
 - (j) a lot in any Industrial zone shall have a minimum frontage of 30 m (98 ft.).

**"M1" and "M2" Zones - Standards for Development
(Section 114, Zoning By-law 5500, as amended)**

- 114.** Where a lot in an Industrial zone is used for a purpose permitted by section 109, 110, or 111:
- (a) the minimum depth of the front yard is 6 m (19.7 ft.);
 - (b) notwithstanding paragraph (a) where the opposite side of the street on which the lot fronts is in a Residential zone, the minimum depth of the front yard is 30 m (98 ft.);
 - (c) the minimum width of each side yard in a lot that has a width of 75 m (246 ft.) or less is 10% of the width of the lot or 4.5 m (14.7 ft.), whichever is greater;
 - (d) the minimum width of each side yard in a lot that has a width exceeding 75 m (246 ft.) is 7.5 m (24.6 ft.);
 - (e) notwithstanding paragraph (c) or (d) where a side lot line is part of the boundary between the Industrial zone and a Residential zone, the minimum distance from the side lot line to the nearest part of a building on the lot is 15 m (49 ft.);
 - (f) the minimum depth of the rear yard is 7.5 m (24.6 ft.);
 - (g) notwithstanding paragraph (f) where the rear lot line is part of the boundary between the Industrial zone and a Residential zone the minimum depth of the rear yard is 15 m (49 ft.); and,
 - (h) notwithstanding paragraph (f) where a rear lot line adjoins a railway right-of-way no rear yard is required;
 - (i) the provisions contained in subsection (b), (e), and (g) of section 114 shall not apply to any developed industrial lands where abutting undeveloped industrial lands are rezoned to a residential category;
 - (j) a lot in any Industrial zone shall have a minimum frontage of 30 m (98 ft.).



**Official Plan
Compliance of Assessed Sites (Pound Potential)**

Non-Permissive Pound OP Designation

ID#	ADDRESS	BUSINESS	OP DESIGNATION
7	644 Lakeshore Rd E	Carvin Service Centre	MC
8	1109 Seneca Ave	Seneca Autobody	BE *
*	Special Site Policies (Site 6 - Lakeview District)		

Permissive Pound OP Designation

ID#	ADDRESS	BUSINESS	OP DESIGNATION
1	1150 Eglinton Ave	Abrams Towing	GC
2	1232 Crestlawn Dr	Taurus Auto Collision	BE
3	1212 Crestlawn Dr	Precise Auto Collision	BE
4	1210 Crestlawn Dr	Mississauga Collision	BE
5	3197 Lenworth Dr	Paint-A-Car Collision	BE
6	3049 Jarrow Dr	Gedy Brothers Collision	BE
9	6295 Mississauga Rd	Independent Automotive	BE
10	66 Thomas Street	Impact Auto Collision	BE
11	3545 Hawkestone Rd	Hawkestone Auto Repair & Towing	BE
12	3575 Hawkestone Rd	Ontario Auto Collision Car Star	BE
13	3344 Mavis Rd	Mavis Auto Collision	BE
14	3229 Wolfedale Rd	Showcase Canada Collision Centre	BE
15	3385 Wolfedale Rd	HB Car Service Ltd.	BE
16	875 Central Parkway W	A-1 Mississauga Auto Collision Ltd.	BE
17	1801 North Sheridan Way	Progressive Collision	BE
18	1240 Crestlawn Dr	Unique Auto Collision	BE
19	1232 Aerowood Dr	401 Dixie Auto Collision	BE
20	5916 Shawson Dr	B&M Collision	BE
21	5930 Atlantic Dr	RPA Building Inventory	BE
22	5845 Luke Rd	Britannia Trailer Services	IND
23	6145 Netherhart Rd	Select Trailer Sales and Service	IND
24	6169 Netherhart Rd	Thomas Trailer Service	IND
25	1880 Meyerside Dr	Uni-body Collision	BE
26	1715 Britannia Rd	B4 Transport Ltd.	IND
27	6121 Atlantic Dr	Atlantic	IND
28	1251 Britannia Rd E	Imperial Auto	BE
29	1102 Westport Cres	Sunpac Auto Collision	BE
30	1868 Drew Rd	Malton Trailer & Truck Repair	BE
31	7090 Tranmere Dr	A-One Auto Collision	BE
32	1690 Sismet Road	Shawson Auto Body	BE
33	1225 Matheson Blvd E	Master Collision Depot	BE
34	5138 Everest Drive	Russo Collision Centre/Competition Towing	BE
35	1020 Burnhamthorpe Rd W	Lyons Auto Body	GC
36	1611 Trinity Dr		BE
37	100 Emby Dr	Old School/TLK Towing & Storage	BE

OP Designation Description

- BE Business Employment
- GC General Commercial (Employment District)
- IND Industrial
- MC Mainstreet Commercial

Zoning By-law 5500
Compliance of Assessed Sites (Pound Potential)

Non-Permissive Pound Zoning

ID#	ADDRESS	BUSINESS	ZONING
1	1150 Eglinton Ave	Abrams Towing	M1-339
5	3197 Lenworth Dr	Paint-A-Car Collision	M1
6	3049 Jarrow Dr	Gedy Brothers Collision	M1
7	644 Lakeshore Rd E	Carvin Service Centre	AC
8	1109 Seneca Ave	Seneca Autobody	M1
9	6295 Mississauga Rd	Independent Automotive	M1
10	66 Thomas Street	Impact Auto Collision	M2 *
17	1801 North Sheridan Way	Progressive Collision	M1
28	1251 Britannia Rd E	Imperial Auto	M1-254
35	1020 Burnhamthorpe Rd W	Lyons Auto Body	AC3, M1
37	100 Emby Dr	Old School/TLK Towing & Storage	M2, F *
* Streetsville Zoning By-law			

Permissive Pound Zoning

ID#	ADDRESS	BUSINESS	ZONING
2	1232 Crestlawn Dr	Taurus Auto Collision	M2
3	1212 Crestlawn Dr	Precise Auto Collision	M2
4	1210 Crestlawn Dr	Mississauga Collision	M2
11	3545 Hawkestone Rd	Hawkestone Auto Repair & Towing	M2
12	3575 Hawkestone Rd	Ontario Auto Collision Car Star	M2
13	3344 Mavis Rd	Mavis Auto Collision	M2
14	3229 Wolefdale Rd	Showcase Canada Collision Centre	M2
15	3385 Wolefdale Rd	HB Car Service Ltd.	M2
16	875 Central Parkway W	A-1 Mississauga Auto Collision Ltd.	M2
18	1240 Crestlawn Dr	Unique Auto Collision	M2
19	1232 Aerowood Dr	401 Dixie Auto Collision	M2
20	5916 Shawson Dr	B&M Collision	M2
21	5930 Atlantic Dr	RPA Building Inventory	M2
22	5845 Luke Rd	Britannia Trailer Services	M2, G
23	6145 Netherhart Rd	Select Trailer Sales and Service	M2
24	6169 Netherhart Rd	Thomas Trailer Service	M2
25	1880 Meyerside Dr	Uni-body Collision	M2
26	1715 Britannia Rd	B4 Transport Ltd.	M2-425
27	6121 Atlantic Dr	Atlantic	M2
29	1102 Westport Cres	Sunpac Auto Collision	M2
30	1868 Drew Rd	Malton Trailer & Truck Repair	M2
31	7090 Tranmere Dr	A-One Auto Collision	M2
32	1690 Sismet Road	Shawson Auto Body	M2
33	1225 Matheson Blvd E	Master Collision Depot	M2
34	5138 Everest Drive	Russo Collision Centre/Competition Towing	M2
36	1611 Trinity Dr		M2

Proposed New City-wide Zoning By-law
Compliance of Assessed Sites (Pound Potential)

Non-Permissive Pound Zoning (New)

ID#	ADDRESS	BUSINESS	NEW ZONING
1	1150 Eglinton Ave	Abrams Towing	C3-1, E2
5	3197 Lenworth Dr	Paint-A-Car Collision	E2-1
6	3049 Jarrow Dr	Gedy Brothers Collision	E2-1
7	644 Lakeshore Rd E	Carvin Service Centre	C4-12
8	1109 Seneca Ave	Seneca Autobody	E2-57
9	6295 Mississauga Rd	Independent Automotive	E2-1
10	66 Thomas Street	Impact Auto Collision	E2-35, G1
11	3545 Hawkestone Rd	Hawkestone Auto Repair & Towing	E2-16
12	3575 Hawkestone Rd	Ontario Auto Collision Car Star	E2-16
16	875 Central Parkway W	A-1 Mississauga Auto Collision Ltd.	E2-16
17	1801 North Sheridan Way	Progressive Collision	H-E2-14
28	1251 Britannia Rd E	Imperial Auto	E2-42
35	1020 Burnhamthorpe Rd W	Lyons Auto Body	C3-15
37	100 Emby Dr	Old School/TLK Towing & Storage	E2-35, G1

Permissive Pound Zoning (New)

ID#	ADDRESS	BUSINESS	NEW ZONING
2	1232 Crestlawn Dr	Taurus Auto Collision	E3
3	1212 Crestlawn Dr	Precise Auto Collision	E3
4	1210 Crestlawn Dr	Mississauga Collision	E3
13	3344 Mavis Rd	Mavis Auto Collision	E2-19
14	3229 Wolfedale Rd	Showcase Canada Collision Centre	E2-19
15	3385 Wolfedale Rd	HB Car Service Ltd.	E2-19
18	1240 Crestlawn Dr	Unique Auto Collision	E3
19	1232 Aerowood Dr	401 Dixie Auto Collision	E3
20	5916 Shawson Dr	B&M Collision	E3
21	5930 Atlantic Dr	RPA Building Inventory	E3
22	5845 Luke Rd	Britannia Trailer Services	E3
23	6145 Netherhart Rd	Select Trailer Sales and Service	E3
24	6169 Netherhart Rd	Thomas Trailer Service	E3
25	1880 Meyerside Dr	Uni-body Collision	E3
26	1715 Britannia Rd	B4 Transport Ltd.	E3
27	6121 Atlantic Dr	Atlantic	E3
29	1102 Westport Cres	Sunpac Auto Collision	E3
30	1868 Drew Rd	Malton Trailer & Truck Repair	E3
31	7090 Tranmere Dr	A-One Auto Collision	E3
32	1690 Sismet Road	Shawson Auto Body	E3
33	1225 Matheson Blvd E	Master Collision Depot	E3
34	5138 Everest Drive	Russo Collision Centre/Competition Towing	E3
36	1611 Trinity Dr		E3

**Comparison of Proposed Zoning By-law Requirements for 'Vehicle Pound Facility'
Zoning By-law 5500 (M2 Zone) vs. Proposed New City-wide Zoning By-law (E3 Zone)**

	Zoning By-law 5500	Proposed New City-wide Zoning By-law
Standard	M2 Zone	E3 Zone
Minimum Building Area	30 m ² *	30 m ² *
Parking Requirement	3.2 spaces per 100 m ² gross floor area, with a minimum of 4 parking spaces required*	3.2 spaces per 100 m ² gross floor area, with a minimum of 4 parking spaces required*
Location of Outside Storage	Not to be situated closer to any street line than any portion of a building or structure, and not to be located within the front yard or exterior side yard.*	Not to be situated closer to any street line than any portion of a building or structure, and not to be located within the front yard or exterior side yard.
Fencing Requirement	Minimum of 1.8 m in height around the perimeter of the storage area.*	Minimum of 2.4 m in height around the perimeter of the storage area.
Minimum Lot Frontage	30 m	30 m
Minimum Front Yard	6 m, unless the opposite side of the street is a Residential Zone, then the minimum front yard depth shall be 30 m.	7.5 m, unless the opposite side of the street is a Residential Zone, then the minimum front yard depth shall be 30 m.
Minimum Exterior Side Yard	7.5 m if the width of the lot exceeds 75 m. 4.5 m or 10% of the width of the lot (whichever is greater) if the width of the lot is less than 75 m. 15 m if the lot line abuts a Residential Zone.	7.5 m
Minimum Interior Side Yard	7.5 m if the width of the lot exceeds 75 m. 4.5 m or 10% of the width of the lot (whichever is greater) if the width of the lot is less than 75 m. 15 m if the lot line abuts a Residential Zone.	7.5 m if the width of the lot exceeds 75 m. 4.5 m or 10% of the width of the lot (whichever is greater) if the width of the lot is less than 75 m. 15 m if the lot line abuts a Residential Zone.
Minimum Rear Yard	15 m abutting a Residential Zone. 7.5 m abutting any other zone. 0.0 m abutting a railway.	15 m abutting a Residential Zone. 7.5 m abutting any other zone. 0.0 m abutting a railway.
Minimum Landscaped Buffer	4.5 m to be provided from any street line*	7.0 m from lot line abutting a Residential Zone. 4.5 m from any lot line that is a street line. 3.0 m from any lot line abutting an Institutional, Office, Commercial, City Centre, or Buffer Zone. 0.0 m from any lot line that abuts an Employment or Utility Zone. 4.5 m from any other lot line.

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*special policy added to zoning, not part of standard zone

SUMMARY OF RECOMMENDATIONS:

1. That Section 2, Definitions, be amended by adding the following:

"VEHICLE POUND FACILITY" means land, building or structures or part thereof, used for the temporary storage of impounded vehicles within a secure area which is fenced and gated or inside a building and shall include an office with a minimum gross floor area of 30 m² (323 sq. ft.), and may include property held under police or other government authority.

For the purposes of a "Vehicle Pound Facility", vehicle means a motor vehicle, motor assisted bicycle, trailer, farm tractor or any vehicle drawn, propelled or driven by any kind of power including muscular power.

2. That Schedule "A" to Section 22C be amended by adding a requirement for parking to be provided at the rate of 3.2 spaces per 100 m² (1 076 sq. ft.) of gross floor area for the office component of a "Vehicle Pound Facility", with a minimum of four (4) parking spaces required.

3. That Section 111 be amended by adding the following:

In an "M2" zone, any person may use land or erect a building or structure for the purpose of a vehicle pound facility subject to the following:

- (a) the outdoor storage of vehicles or materials secured within the vehicle pound facility shall not be situated any closer to any street line than any portion of a building or structure;

- (b) a fence with a minimum height of 1.8 m (6 ft.) shall be provided around the perimeter of the storage area to contain the outdoor storage area, but in no event shall the fence be situated closer to any street line than any portion of the main building or structure;
 - (c) a minimum 4.5 m (14.8 ft.) wide landscaped area shall be provided from any lot line abutting a public right-of-way.
- 4. That the zoning for Abrams Towing (1150 Eglinton Avenue) and Lyons Autobody (1020 Burnhamthorpe Road West) be amended to add a special section permitting a vehicle pound facility.
- 5. That prior to By-law enactment, the owners of existing operations zoned M2 within Zoning By-law 5500 may submit information to the Planning and Building Department regarding those provisions to which they do not comply, and that staff may consider the merits of a site specific zoning by-law amendment for the existing operation.
- 6. In the event that the New Zoning By-law is passed by City Council and comes into force and effect, the New Zoning By-law be amended to include the definition and the parking requirement as outlined in recommendations 1 and 2 above, and that vehicle pound facilities be permitted within the "E3" (Employment) zone, subject to the "E3" zone requirements.

Appendix A-2

Recommendation PDC-0086-2006

PDC-0086-2006 That the Report dated September 12, 2006, from the Commissioner of Planning and Building recommending amendments to Zoning By-law 5500, as amended, be received and that the Commissioner of Planning and Building report back to Planning and Development Committee with final recommendations following consideration of a report on the associated Licensing By-law from the Commissioner of Transportation and Works.

BL.09.Zoning