

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: March 11, 2016

CASE NO(S): PL140799

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Lisgar Development Ltd.
Appellant:	Steve & Dina Makridis
Appellant:	RioCan (Clarkson) Inc.
Appellant:	Gary Uhlman; and others
Subject:	Proposed Official Plan Amendment No. 9
Municipality:	City of Mississauga
OMB Case No.:	PL140799
OMB File No.:	PL140799
OMB Case Name:	Makridis v. Mississauga (City)

PROCEEDING COMMENCED UNDER subsection 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	Lisgar Development Ltd.
Appellant:	Steve & Dina Makridis
Appellant:	RioCan (Clarkson) Inc.
Appellant:	Gary Uhlman; and others
Subject:	By-law No. 0194-2014
Municipality:	City of Mississauga
OMB Case No.:	PL140799
OMB File No.:	PL140800

Heard: November 23 and 24, 2015 in Mississauga, Ontario

APPEARANCES:

Parties

RioCan (Clarkson) Inc.

Counsel*/Representative

J. Farber*

607074 Ontario Limited	C. Tzekas*
City of Mississauga	M. Kemerer*
Lisgar Development Ltd., Gary Uhlman, Steve and Dina Makridis, Steve Zorbas	S. Zorbas

DECISION DELIVERED BY H. JACKSON AND ORDER OF THE BOARD

[1] The City of Mississauga (the “City”) Council on July 2, 2014, adopted Official Plan Amendment No. 9 (“OPA 9”) and implementing Zoning By-law Amendment No. 0194-2014 (“ZBLA”) for the Clarkson Village area. OPA 9 was the outcome of the Clarkson Village Study undertaken for the area. Pursuant to the *Planning Act*, appeals were filed by RioCan (Clarkson) Inc. (“RioCan”); Lisgar Development Ltd., Gary Uhlman, Steve and Dina Makridis, and Steve Zorbas (the “Appellants”); due primarily to the height restrictions imposed by OPA 9.

[2] 607074 Ontario Limited (the “Satellite Restaurant”) was added as a party to this matter at a previous prehearing conference (“PHC”) to resolve an omission that was made when OPA 9 was approved.

[3] Three matters were before the Board at this hearing; the RioCan appeal for its property located at 1865 Lakeshore Road West, the Satellite Restaurant housekeeping matter, and the appeals by the parties represented by Mr. Zorbas. These Appellants own various properties on the south side of Lakeshore Road West between 1672 and 1728 Lakeshore Road West. There were many participants who attended the previous two PHCs and this hearing.

[4] The Board was advised that RioCan had resolved its issues with the City, and that RioCan would lead land use planning opinion evidence provided by Glenn Broll to support resolution of the matter. The Appellants represented by Mr. Zorbas remain

opposed to the height restriction for their properties and summoned John Hardcastle to provide land use planning opinion evidence to support their appeals. Mr. Hardcastle was the City planner responsible for the Clarkson Village Study that recommended a height restriction of 4 to 6 storeys for the area of the Village where their lands are located. Council did not accept that recommendation and approved a height restriction of 2 to 4 storeys for the subject area. Franco Romano was retained by the City to provide land use planning opinion evidence in support of Council's decision. Mr. Romano also provided evidence in regards to the Satellite Restaurant matter.

CLARKSON VILLAGE STUDY AND OPA 9

[5] This study was initiated in 2005 at the local councillor's request for an updated planning vision for Clarkson Village. The purpose of the Clarkson Village Study was:

to establish a community based vision for the Village and create a planning framework from which the main street along Lakeshore Road West in Clarkson Village can become the 'heart' of the community by creating a desirable, functional, attractive and identifiable 'place'.

The vision articulated at the outset by the stakeholder group stated:

Clarkson Village will transition into a pedestrian friendly and transit supportive community full of activity places and gathering places, with a mainstreet atmosphere found amidst new, contemporary, mixed-use development paying tribute to the Village's heritage and character.

[6] The study was lengthy. Phase 1, from 2006 to 2009, the Background and Public Engagement component, identified Port Credit, Streetsville, Oakville, and Bloor West Village as case studies of locations with vibrant main streets. The Phase 1 study used these case studies to describe desirable building height and built form conditions for the Village.

[7] The Canadian Urban Institute ("CUI") undertook an external review of the Phase 1 study, dated November 2, 2007, and provided in evidence at Exhibit 2, Tab 18. This study had as one of its conclusions:

In most cases in Clarkson, the costs of acquiring land and clearing it to make it ready for development will be significant enough that allowing density will be the only way to make a positive impact on the built form of Clarkson Village. It is this incentive that makes allowing mid-rise the clear best choice for making the area attractive to developers.

[8] Subsequently, N. Barry Lyon Consultants Limited undertook a Market & Financial Feasibility Analysis Reporting Letter, dated May 21, 2009, provided in evidence at Exhibit 2, Tab 19. The analysis examined four development scenarios and concluded that for the analysis of a 3 storey building with retail at grade:

Our analysis illustrates that a building of three storeys in height with at-grade retail and surface parking would be viable given the strong potential for higher than average revenues from the surrounding affluent market.

[9] In August 2010, Phase 2 of the study delineated four Character Areas within the Clarkson Village Community Node. From west to east these are:

- West Village Gateway
- Outer Village Core
- Village Core
- East Village Gateway

[10] The Clarkson Village Study OPA 9 figure provided as Exhibit 4 in this hearing provides the outline of the Clarkson Village Community Node Area and the Character Areas, based on either distinct built form characteristics or locational characteristics. The approved height in storeys for these lands is also shown.

[11] The West Village Gateway is near the GO Station and is delineated from the Outer Village Core by a rail spur line. The Satellite Restaurant site is within the West Village Gateway. The RioCan property is at the western extent of the outer Village Core. The properties owned by the Appellants represented by Mr. Zorbas are also shown on this figure. These are on the south side of Lakeshore Road West within the Village Core. The Outer Village Core and the Village Core generally coincide with the mainstreet commercial area. These areas contain more of the traditional low-rise

mainstreet built form of 2 storey mixed use development consisting of ground floor retail commercial and upper floor residential and/or offices.

[12] The summary from the Phase 2 study included:

Moderate intensity sites are generally those in the Village Core and Outer Village Core areas. These are large parcels of land which can accommodate more intensity of development. The maximum building height in these areas shall be 6 storeys. Where building heights exceed 3 storeys, step backs from the street will be required to maintain sun exposure and minimize any microclimatic impacts. The maximum FSI of the residential component for buildings in these areas shall be 2.0. At grade buildings are to include small scale retail and office uses consistent with the existing "Mainstreet Retail Commercial" permissions. Office uses are encouraged within the second and third levels and residential on all higher levels.

[13] The Planning and Building Staff report of June 4, 2013, went to Council's Planning and Development Committee meeting of June 24, 2013. This report recommended approval of the OPA and ZBLA and for the Lakeshore Road West – Clarkson Village Study area. This report stated:

It was generally concluded that additional height and density were necessary to encourage redevelopment. Without additional as-of-right permission, changes to the economic conditions in the area would be necessary before redevelopment would occur. Without policy change, there would be no incentive to redevelop existing strip plazas in the Village that are currently dominated with parking areas located between the buildings and the street line.

[14] Ultimately, staff recommendations were adopted with the exception that the maximum building heights within the Outer Village Core and the south side of the Village Core be reduced from 6 storeys to 4 storeys, and that the maximum building heights on the north side of the Village Core be reduced from 4 storeys to 3 storeys. These changes were made as a result of a motion put forward by the local Councillor. OPA 9 and the implementing ZBLA that include these changes were adopted by Council on July 2, 2014, and were provided in evidence as Exhibit 1, Tabs 5 and 6 respectively.

[15] OPA 9 has since been modified, and the version being sought for approval at this hearing was provided at Exhibit 1, Tab 8, provided as Attachment 1 to this decision.

This version includes the changes made to incorporate the Satellite Restaurant site and the changes to incorporate the settlement in regards to the RioCan property. Other changes that were made as a result of housekeeping matters and minor corrections are also included.

[16] The implementing ZBLA has also been modified to include the RioCan settlement, and to correct stylistic changes. The ZBLA was included in evidence as Exhibit 1, Tab 9 and is provided as Attachment 2 to this Decision.

SATELLITE RESTAURANT PROPERTY

[17] Mr. Romano described the situation regarding the Satellite Restaurant property located in the West Village Gateway area. The development proposed for the Satellite Restaurant site was approved by the Board in its final Order of November 8, 2013. The resulting OPA 121 for these lands was included in the Mississauga Official Plan (the "MOP") by Board Decision of September 26, 2013. However, OPA 121 was inadvertently not imported into OPA 9 when it was adopted by City Council on July 2, 2014. OPA 121 permits a height of 15 storeys; however a maximum height of 4 storeys is permitted on the lands under OPA 9, as shown on Exhibit 4.

[18] The West Village Gateway area has a number of properties with permission for greater intensity than the Village Core area. For example, the Satellite Restaurant property is adjacent to a site with 15 storey approval, and opposite the road on the south side is approval for 17 storeys. Mr. Romano testified that in his opinion the inclusion of the Satellite Restaurant lands in the revised OPA 9 as Special Site 5 for 15 storeys, as provided in Exhibit 1, Tab 8 (provided as Attachment 1 to this decision), is appropriate and reasonable as it incorporates a previous Board approval.

[19] The Board accepts Mr. Romano's planning opinion and finds that it is appropriate and good planning to include Satellite Restaurant property as Special Site 5 lands in the revised OPA 9 provided in Exhibit 1, Tab 8 (provided as Attachment 1 to this decision).

RIOCAN PROPERTY

[20] Mr. Broll provided background to the RioCan site. He said this property has the opportunity for redevelopment due to its large size of about 4.65 acres. The site has about 500 feet frontage on Lakeshore Road West and is about 400 feet deep. It is currently occupied by an “L” shaped commercial plaza with parking in front adjacent to a McDonald’s drive-through restaurant to the east. The lands are designated Mixed Use. Commercial and office uses are encouraged on the ground floor and residential uses are encouraged on the upper floors. The lands are zoned C4 Main Street Commercial Zone which promotes buildings at the street edge.

[21] Mr. Broll was retained in 2006 by RioCan for a development application that was to consist of an 8 storey senior housing facility with a 1 storey retail component. The development was in partnership with the adjacent McDonald’s which was to be moved to the front of the lands to provide for more of a main street character. The plan also incorporated a privately owned public square at the southeast portion of the site. Ultimately, the application was abandoned because the senior’s housing partner withdrew. Interim permissions had been granted by the Board for the proposed development that have since expired.

[22] Mr. Broll explained that when Council approved OPA 9 in July 2014, the floor space index (“FSI”) range permitted for this location was 0.5 to 2.0 and the height permission was reduced to 4 storeys. Mr. Broll said that the City and RioCan have now agreed upon changes for this site that include a change to the FSI range to be 0.5 to 2.5 and an increase to the maximum building height to be 2 to 8 storeys, as provided in Map 14-2.1 in the revised OPA 9 provided in Attachment 1.

[23] Mr. Broll described the C4-67 Exception in the ZBLA for the RioCan site as provided in Attachment 2. The changes highlighted by Mr. Broll are Regulation 6.2.5.67.3 that allows the one permitted large store to remain, the residential FSI of 2.5, the maximum height of 8 storeys, the requirement for 60% glazing, and a reduced

parking requirement. He said the s. 37 Public Benefits Contributions are included in the proposed ZBLA and include lay-by parking along Lakeshore Road West, a public urban square, and a public easement for access to the MacDonald's.

[24] Mr. Broll's opinion is that the site specific policies for this site are reasonable as this allows for some recognition for approval that occurred for the site in the past. He said that 8 storeys is an appropriate height as there is a cascading of building heights from the west to the lower heights in the east. An FSI of 2.5 is within the scope of a main street commercial development, and allows for a bit more development within a reasonable range. Mr. Broll said that this development helps with the intensification targets provided in the Growth Plan of the Greater Golden Horseshoe (the "Growth Plan"), and assists with the official plan policies for the effective use of lands and the provision of alternative housing forms.

[25] Mr. Broll said additional height and density are appropriate in this instance, and provided support for this opinion based upon policies within the MOP. For example, the Clarkson Village Community Node is an intensification area as provided in s. 5.3.3.3 of the MOP. It is also defined as a Corridor due to Lakeshore Road West, as provided by s. 5.4 of the MOP. Corridors are subject to a minimum height of 2 storeys unless a character area study has been done, where the height can be altered, such as in this case.

[26] Section 5.5 of the MOP states that:

Intensification Areas will be attractive mixed use areas, developed at densities that are sufficiently high to support frequent transit service and a variety of services and amenities. It is expected that more efficient use of land within Intensification Areas will occur as single storey buildings and surface parking lots are replaced with multi-storey developments and structured parking facilities.

Mr. Broll states that this is a logical policy when considering redevelopment on the subject lands.

[27] Two residents spoke in opposition to the development on the basis that Council approved a maximum of 4 storeys in this area, and that therefore the 4 storey restriction should be maintained.

[28] Based on the uncontroverted opinion evidence of Mr. Broll and the agreement with the City, the Board is satisfied that the proposed development of the RioCan lands (Site 6), as outlined in OPA 9 in Exhibit 1, Tab 8 and the ZBLA in Exhibit 1 Tab 9, provide appropriate site specific standards that maintain and conform to the MOP. The Board finds that the approval of these instruments with respect to the RioCan lands represents good planning.

APPELLANTS REPRESENTED BY MR. ZORBAS

[29] The Appellants represented by Mr. Zorbas oppose the height restriction of 4 storeys on their lands. They submit that the recommendations put forward by the planning staff in the Phase 2 study were based on detailed work over a number of years and were supported by the findings of the Final Clarkson Village Study, and conform to the Growth Plan, Mississauga's Strategic Plan, Mississauga's Official Plan and Growth Management Strategy, and the study was supported by a professional peer review completed by CUI.

[30] The Appellants submit that the motion put forward at the Council meeting to restrict the maximum height to "4 storeys from 6 storeys" was conducted without any planning rationale, and after 10 years of consultation, this is "unacceptable and concerning". To support their position, the Appellants summoned Mr. Hardcastle to provide his planning opinion with regard to the Clarkson Village Study and the resulting recommended building heights.

[31] Mr. Hardcastle provided evidence to support the final conclusions of the study and his recommendations with respect to the building heights for the Village Core. He said that Clarkson Village is identified as an intensification area and that there is significant opportunity to achieve increased density along Lakeshore Road West. He

said the location is well served by transit, including the bus along Lakeshore Road West and the GO station beyond the westerly extent of the area. He said that MOP Figure 5-5 shows that community nodes are capped at 4 storeys, but local studies can direct how a community node will develop.

[32] Mr. Hardcastle testified that in this study, staff looked at tangible performance criteria. He described the work that was undertaken to determine that 6 storeys could provide sufficient sunlight and a comfortable pedestrian realm. He said that within the Village Core, if the upper floors of the buildings are setback, then the objective of maintaining sky view and the main street feel can be achieved. This also supports walkability in a transit area, and provides for appropriate transition to the higher heights in the West Village Gateway character area. The 6 storey height would allow for some intensification while still balancing other interests; and, this height meets the policy framework of the MOP, the Growth Plan and the Provincial Policy Statement 2014 (“PPS”).

[33] Mr. Hardcastle testified that he was confident that the conclusions and recommendations represented good planning in regards to the report that went to the June 23, 2014 meeting. He said that specifically in regards to the properties under appeal, that at 6 storeys, these lots would result in development compatible with the area. He said the variable lotting pattern and variability in height would be compatible with the area, as it not necessary to be “the same as” to be compatible, as each of these lots at 6 storeys would be sympathetic in this eclectic area.

[34] Under cross-examination, Mr. Hardcastle acknowledged that the local Councillor did not support a 6 storey height, and supported the desire of the stakeholders who wanted a 2 to 3 storey limit to reflect the human scale and encourage a main street feel. His view is that additional height and density could be accommodated without offending the main street feel; by stepping back the upper storeys and having good design. He said the additional height helps to meet the policies for intensification, and the additional

population density helps to create the commercial demand and vibrancy. He said the extra height and density are achieved without impact.

[35] Mr. Romano's opinion is in contrast to that of Mr. Hardcastle. He said the heart of the village has a modest built form character, and currently in this part of the village, no buildings are above 2 storeys in height. The MOP policy framework provides for context sensitivity, and to respect and reinforce the existing low rise character in the community nodes. The MOP explicitly states a maximum of 4 storeys are permitted in a community node, and if there is deviation, a study is required. Mr. Romano said the community node policy in the MOP and in OPA 9 is intended to ensure that the form and intensity of development complements the existing character that allows a mix of land uses and provides for a modest intensification opportunity. He said that Council made the decision to provide for low rise built form with modest intensification in the Core lands. This is important for the character of the village and the interface with the low density residential uses that abut the lands to the south and north. He also said the Village Core is well beyond 500 metres from the GO station and therefore is not within the transit core.

[36] When considering the case studies, Mr. Romano said each of these provides for vibrant active places that have a main street with buildings at 2 to 3 storeys in height. Mr. Romano testified that the lower rise built form that reinforces the low rise built character of the area is important to the residents of the study area and stakeholders.

[37] His view is that the CUI espoused a midrise form of development, in the order of 6 storeys, based on a perceived economic consideration to attract development. However, the Lyon report said that a 3 storey height was supported economically. Nevertheless, his view is that the economic incentive for redevelopment should not outweigh good planning principles for development within the Clarkson Village Core.

RESIDENTS' CONCERNS

[38] A number of residents provided evidence at the hearing in opposition to the 6 storey request for the Appellants' lands. These residents expressed the great desire to achieve a vibrant, friendly main street, and one that is complimentary to the human scale; saying that it should be no higher than 4 storeys. These residents spoke to the process that resulted in the adoption by Council of the 4 storey limitation, and expressed that this is the outcome that the residents were happy with. Only one resident spoke in support of the Appellants request for 6 storeys, noting that the economic incentive to redevelop to 4 storeys may not be sufficient to provide for any redevelopment.

ANALYSIS AND FINDINGS

[39] In this matter, the Board prefers the evidence and opinion of Mr. Romano. The decision made by Council to restrict the height on the south side of Lakeshore Road West in the Village Core to 4 storeys rather than the 6 storeys recommended by staff was not unreasonable. Mr. Hardcastle acknowledged that the local Councillor did not support the 6 storey height for this portion of the Community Node during the community consultation.

[40] The Board finds that the permissions in the ZBLA and OPA that would allow 2 to 4 storeys on the south side of Lakeshore Road West in the Village Core provides for modest intensification that is consistent with the PPS, conforms to the Growth Plan and implements the MOP policies that encourage context sensitivity. As testified by Mr. Romano, considerable density is allocated to the West Village Gateway character area, and this density will assist in meeting the intensification goals of these policy documents.

[41] Mr. Hardcastle's evidence was that permission for a 6 storey height was required in order to provide sufficient economic incentive for redevelopment to occur. However, on this issue, the Board agrees with Mr. Romano's opinion that the economic

incentive for redevelopment should not outweigh good planning principles. In this situation, the Board finds that the policies of the MOP that encourage context sensitivity requires that new development respect and reinforce the existing historical community node character that is low rise in scale along this portion of the Community Node.

[42] The restriction to 4 storeys meets the objective of the stakeholders which is to create a vibrant main street. The change should build upon the existing context, and in a manner similar to the case studies that relied upon main streets with buildings at 2 storeys. The Board finds that OPA 9 and ZBLA 194-2014 accommodate intensification appropriate to the Village Core character and low density residential character interface, particularly to the residential area to the south.

[43] The existing Core has a low rise built form of 1 to 2 storeys. The Appellants' request for 6 storeys is inconsistent with the existing and planned physical context for the Village Core. To allow 6 storeys for the individual properties would be inconsistent with the comprehensive framework adopted by Council to achieve a cohesive street scape for the south side of Lakeshore Road West within the Village Core. It would be an undesirable streetscape to have a cap at 3 storeys on the north side of Lakeshore Road West and scattered individual properties at 6 storeys on the south side.

[44] The Board finds that the proposed OPA 9 and implementing ZBLA, as provided in Attachments 1 and 2 respectively, conform to the MOP community nodes policies, the intensification policies and the urban structure. These instruments accommodate appropriate intensification opportunity for the Appellants' lands in a manner best suited for their location. The requested relief by the Applicants for 6 storeys, as testified by Mr. Romano, would provide for a disjointed unharmonious streetscape, particularly given that the north side of the street has a height restriction of 3 storeys. The Board finds the requested relief by the Appellants should not be approved.

ORDER

[45] The Board allows in part the appeal by RioCan and approves the settlement reached with the Satellite Restaurant property and the City. OPA 9, as provided in Attachment 1, and the implementing ZBLA, as provided in Attachment 2, are approved. These instruments incorporate the settlements reached regarding the Satellite Restaurant property and the RioCan property.

[46] The appeals by Lisgar Development Ltd., Gary Uhlman, Steve and Dina Makridis, and Steve Zorbas are dismissed.

"H. Jackson"

H. JACKSON
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

A constituent tribunal of Environment and Land Tribunals Ontario
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

ATTACHMENT 1

PL140799

Amendment No. 9
to
Mississauga Official Plan
for the
City of Mississauga Planning Area

PURPOSE

The purpose of this Amendment is to change the boundary of the Clarkson Village Community Node and the Clarkson-Lorne Park Neighbourhood Character Areas, add Precinct policies, transportation policies, amend land use designation policies and to delete, amend and add Special Site policies.

LOCATION

The lands affected by this Amendment are located on the north and south sides of Lakeshore Road West between Southdown Road and Birchwood Park.

BASIS

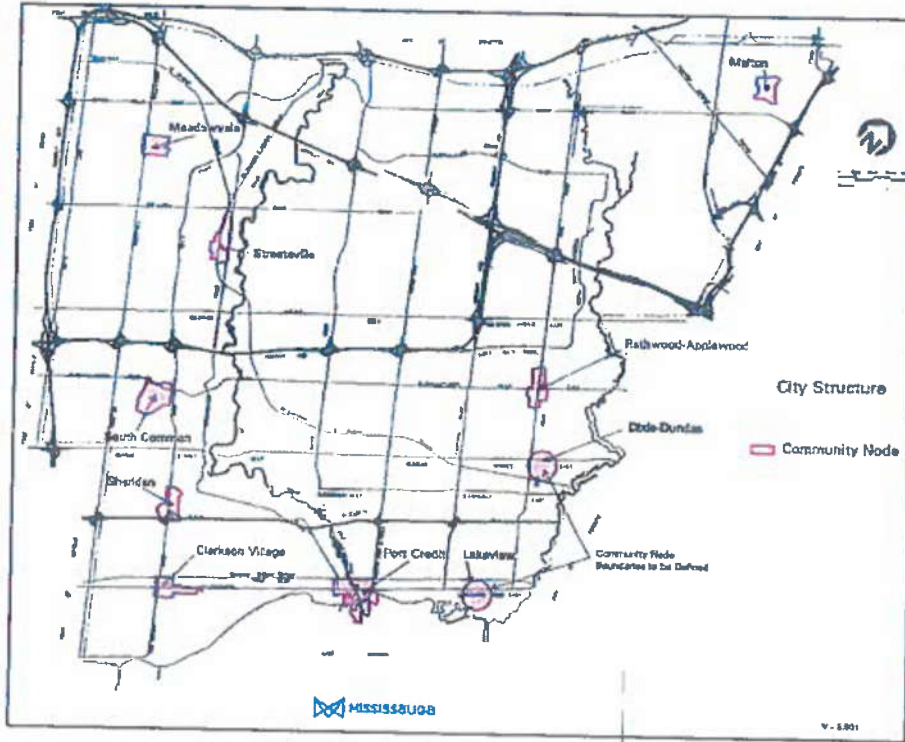
The subject lands are located in the Clarkson Village Community Node and Clarkson-Lorne Park Neighbourhood Character Areas, and form part of Mississauga Official Plan, which came into effect on November 14, 2012, save and except for those policies and land use designations which have been appealed to the Ontario Municipal Board.

The proposed Amendment is acceptable from a planning standpoint and should be approved for the following reasons:

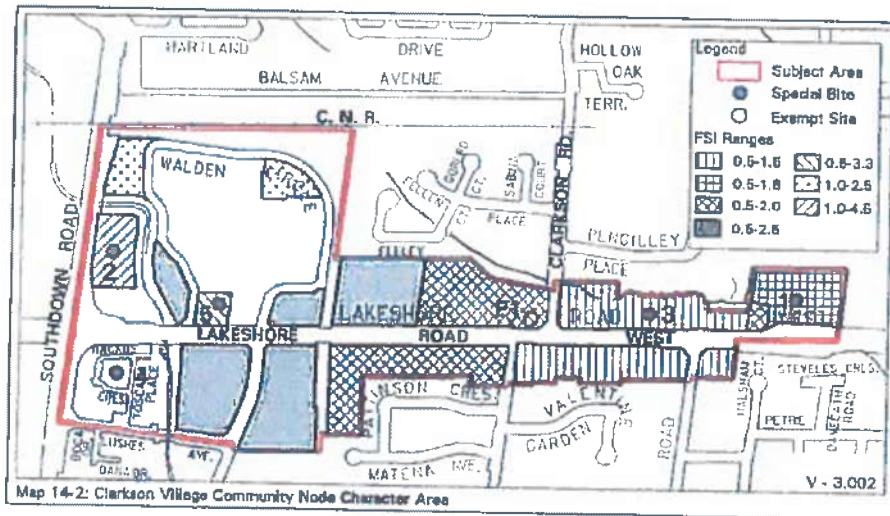
1. The proposed amendments to Mississauga Official Plan - Clarkson Village Community Node and Clarkson-Lorne Park Neighbourhood Character Areas meet the overall intent, goals, objectives and policies of Mississauga Official Plan and will help direct the form of future development for the Clarkson Village Community Node.
2. The proposed amendments establish a land use vision for the Clarkson Village Community Node Character Area and address compatibility concerns from development in the Village onto adjacent residential lands and the public realm.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

- Section 14.1 Community Nodes is hereby amended by deleting Map 14-1: City Structure - Community Nodes and replacing it with the following:



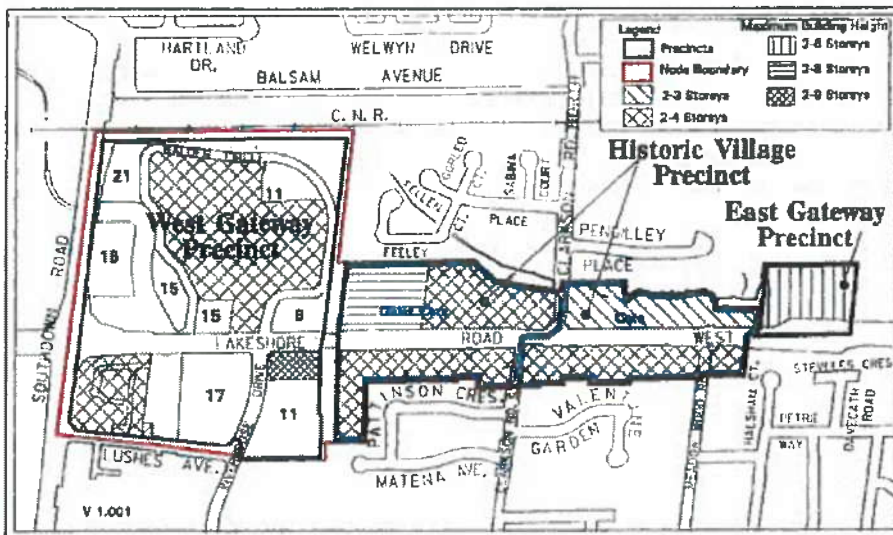
- Map 14-2: Clarkson Village Community Node Character Area is hereby deleted and replaced with the following:



3. Section 14.2.1 Urban Design Policies, Section 14.2.2 Transportation, and Section 14.2.3 Special Site Policies are hereby deleted and replaced with the following:

14.2.1 Urban Design Policies

Shared Community Vision and Focus



Map 14-2.1: Precinct Areas - Clarkson Village Community Node

14.2.1.1 Clarkson Village Community Node is to transition into a pedestrian friendly and transit supportive community full of activity places and gathering spaces, with a mainstreet atmosphere found amidst new, contemporary, mixed use, development paying tribute to the Village's heritage and character.

14.2.1.2 The Clarkson Village Community Node will be the focus of activity for the surrounding Clarkson-Lorne Park Neighbourhood, combining residential uses, cultural activities, shopping, dining, commerce and recreation.

14.2.1.3 Precincts have been identified as shown on Map 14-2.1: Precinct Areas - Clarkson Village Community Node, to reflect the character of different areas and permitted heights within the Community Node.

14.2.1.4 Development will be compatible with and enhance the Village character as a distinct established community by integrating with and transitioning to the adjacent Clarkson-Lorne Park Neighbourhood.

14.2.1.5 Development will incorporate a high level of urban design, pedestrian amenity, landscaping and will be of a compact form to ensure a strong sense of place, a high quality streetscape and reinforce the Clarkson Village Community Node as the centre of activity for the area.

14.2.1.6 Development will be in accordance with minimum and maximum height limits as shown on Map 14-2.1: Precinct Areas - Clarkson Village Community Node.

14.2.1.7 Built form will be located close to the street, with a two to three storey streetwall. Where additional height is permitted, it will be stepped back from the streetwall to minimize shadowing, maximize skyviews, maintain a desirable streetscape and ensure new development is consistent and compatible with the existing building fabric.

14.2.1.8 Where mixed use buildings are proposed, non-residential floor space will be excluded from the calculation of *floor space index (FSI)*.

14.2.1.9 New development along Lakeshore Road West will be located close to the street and promote a continuous streetwall.

14.2.1.10 On-site parking will not be permitted between the streetwall and the street.

14.2.1.11 Mississauga will encourage on-street lay-by parking and the provision of well lit, on-site parking located at the rear of buildings with clear visibility and sight lines through to Lakeshore Road West.

Historic Village Precinct

14.2.1.12 New development will encourage a pedestrian oriented streetscape and a walkable community, preserve elements along the edge of Turtle Creek to connect to the parking areas and the shopping street and to encourage the visual enjoyment and surveillance of this natural creek feature.

14.2.1.13 Residential uses will not be permitted on the ground floor adjacent to Lakeshore Road West.

14.2.1.14 Large format retail development will be discouraged.

14.2.1.15 Lands located at the northwest corner of Lakeshore Road West and Clarkson Road North are encouraged to redevelop as a focal point of the Clarkson Village Community Node.

14.2.1.16 Within the Core area, as shown on Map 14-2: Clarkson Village Community Node Character Area, required parking for new development with a *floor space index (FSI)* greater than 1.0 will be within an underground structure.

14.2.1.17 Within the Outer Core area, as shown on Map 14-2: Clarkson Village Community Node Character Area, required parking for new development with a *floor space index (FSI)* greater than 1.0 will be within a parking structure located either above or below grade. Where an above grade structure is provided, it will be located to the rear of an active building facade, will be no more than two storeys in height and will not be visible from public roads. Where above grade parking structures are visible from adjacent lands, they will utilize appropriate finish materials and be of a high architectural quality.

West Gateway Precinct

14.2.1.18 New development will maintain the existing height transition with the highest built form at the west end, closest to the Clarkson GO Transit Station, and lowest building heights at the east end, adjacent to the CN Rail overpass and the Historic Village Precinct.

14.2.1.19 Mixed use buildings will be located close to the street to ensure a pedestrian oriented environment.

14.2.1.20 Mississauga will encourage a symbolic gateway feature on Lakeshore Road West, east of Southdown Road to define the entry and exit from Clarkson Village Community Node.

East Gateway Precinct

14.2.1.21 Mississauga will encourage a symbolic gateway feature on Lakeshore Road West, west of Johnson's Lane to define the entry and exit from the Clarkson Village Community Node.

14.2.1.22 At grade, street related retail, commercial, restaurants and office uses are encouraged. Mixed use buildings will be located close to the street to ensure a pedestrian oriented environment.

14.2.2 Land Use

14.2.2.1 Notwithstanding the policies of this Plan, drive-through facilities will not be permitted.

14.2.3 Transportation, Access and Parking

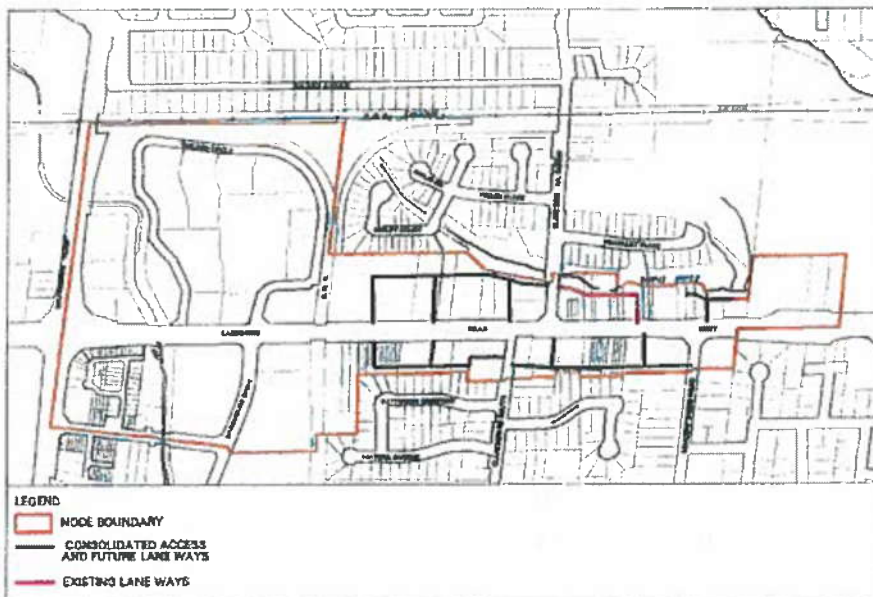
14.2.3.1 No major changes to Clarkson Road will be undertaken except minor channelization, reconstruction, bus-bay construction, and improvements of a similar nature.

14.2.3.2 Notwithstanding the classification of Clarkson Road, this road will be limited to no more than two through lanes.

14.2.3.3 Mississauga will encourage and promote better utilization of the existing parking inventory within the Clarkson Village Community Node through discussions with the members of the Clarkson Village Business Improvement Area.

14.2.3.4 Development within the Clarkson Village Community Node will implement the general intent of Map 14-2.2: Access Management Plan - Clarkson Village Community Node Character Area and will:

- a. eliminate and/or consolidate vehicular access connections to and from Lakeshore Road West to reduce vehicle turning movements onto and direct traffic towards signalized intersections;
- b. facilitate the creation of a publicly accessible laneway system by granting public use easements over internal driveways to facilitate access to and from abutting lands to the east and west and to consolidate vehicular access connections to Lakeshore Road West;
- c. contribute a proportionate share towards the construction of a continuous centre median along Lakeshore Road West; and
- d. where the ultimate condition cannot be accommodated, interim solutions will be accommodated to ensure that vehicular access rights are maintained and appropriate interim agreements will be executed to ensure the ultimate condition will be achieved.



Map 14-2.2 : Access Management Plan-Clarkson Village Community Node Character Area

14.2.3.5 Where surface parking is being provided at the rear of buildings, communal parking spaces accessed from the public laneway system will be encouraged.

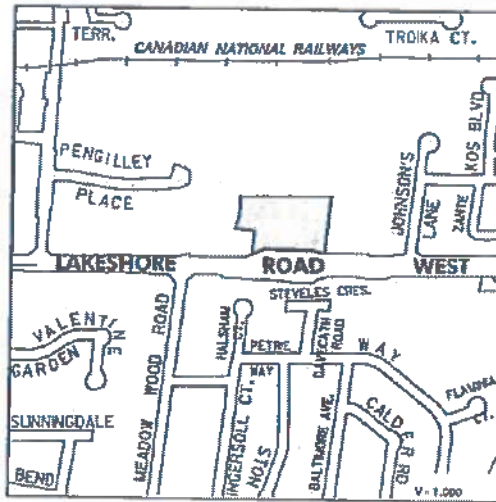
14.2.3.6 Through the development review and approval process, developers will be responsible for the construction of on-street lay-by parking in accordance with the Clarkson Village Transportation/Urban Design Study - Final Report.

14.2.3.7 A dedicated cycling route will be provided along Lakeshore Road West.

14.2.4 Special Site Policies

There are sites within the Character Area that merit special attention and are subject to the following policies.

14.2.4.1 Site 1

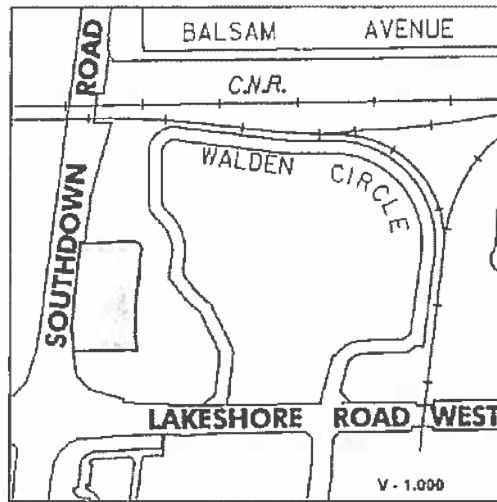


14.2.4.1.1 The lands identified as Special Site 1 are located on the north side of Lakeshore Road West, east of Clarkson Road.

14.2.4.1.2 Notwithstanding the provisions of the Residential High Density designation, the following additional policies will apply:

- a. the maximum *floor space Index (FSI)* will be 1.8;
- b. office and commercial uses will be permitted.

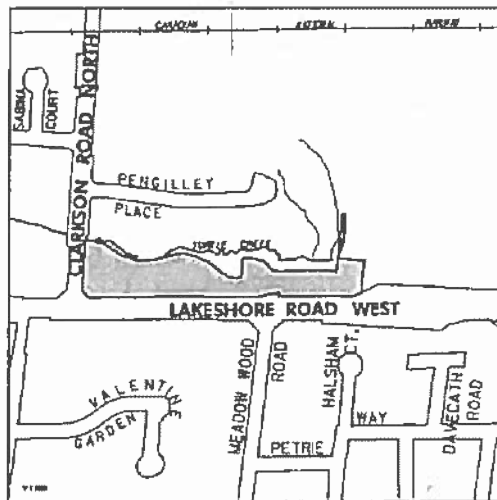
14.2.4.2 Site 2



14.2.4.2.1 The lands identified as Special Site 2 are located on the east side of Southdown Road, north of Lakeshore Road West.

14.2.4.2.2 Notwithstanding the policies of this Plan, the maximum permitted number of apartment dwelling units will be 424.

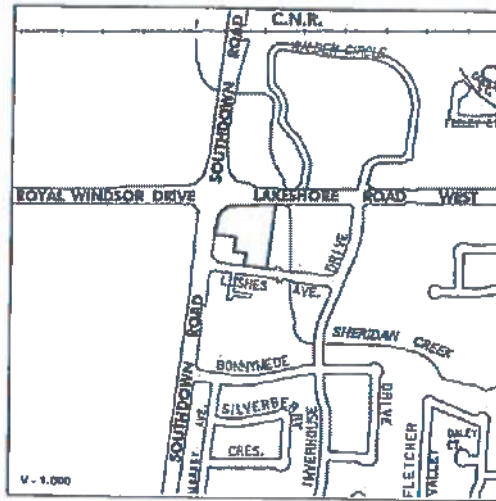
14.2.4.3 Site 3



14.2.4.3.1 The lands identified as Special Site 3 are located on the north side of Lakeshore Road West between Birchwood Park and Clarkson Road North.

14.2.4.3.2 The lands are encumbered by slope stability issues associated with Turtle Creek. Satisfactory technical reports addressing these issues are required prior to any development of these lands.

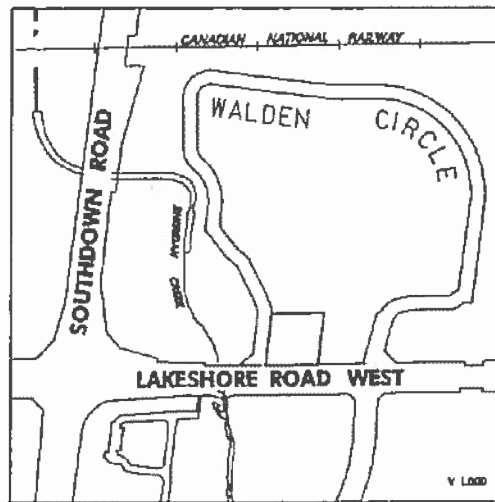
14.2.4.4 Site 4



14.2.4.4.1 The lands identified as Special Site 4 are located on the southeast corner of Lakeshore Road West and Southdown Road.

14.2.4.4.2 Notwithstanding the policies of this Plan, a maximum of two detached dwellings will be permitted.

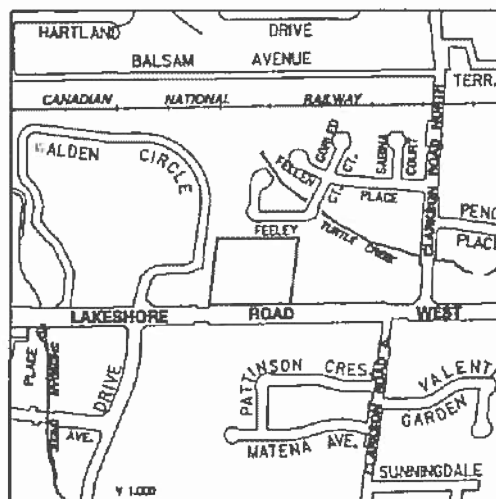
14.2.4.5 Site 5



14.2.4.5.1 The lands identified as Special Site 5 are located on the northeast corner of Lakeshore Road West and Walden Circle.

14.2.4.5.2 Notwithstanding the policies of this Plan, a 15 storey apartment building with a maximum *floor space Index (FSI)* of 3.3 will be permitted.

14.2.4.6 Site 6



14.2.4.6.1 The lands identified as Special Site 6 are located on the north side of Lakeshore Road West, west of Clarkson Road North and east of the railway tracks, and are municipally known as 1865 Lakeshore Road West.

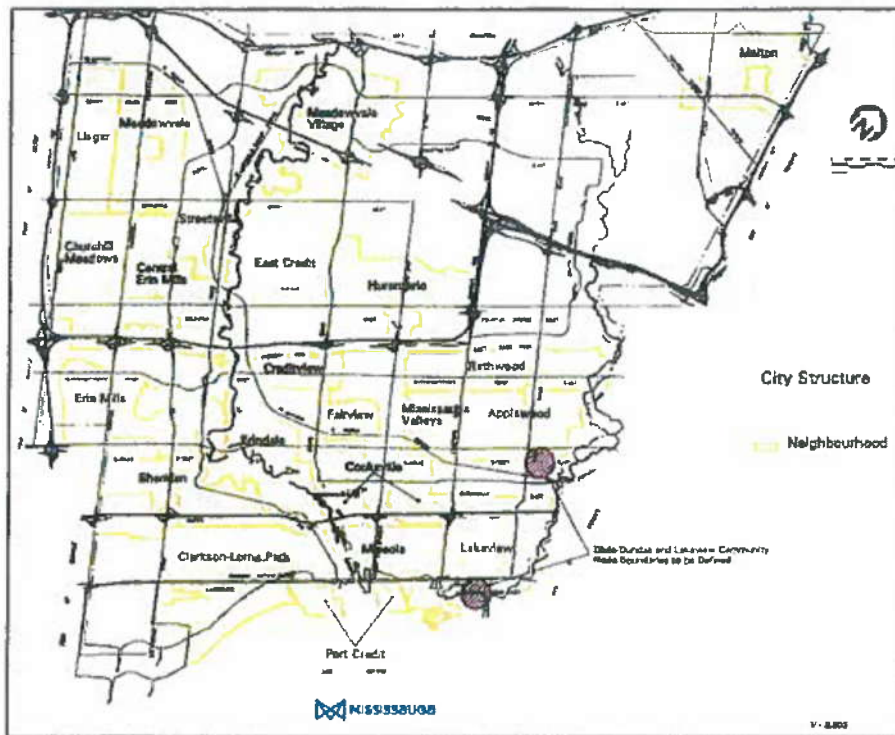
14.2.4.6.2 Notwithstanding the policies of this Plan, existing uses will be permitted as they existed on the day these policies come into effect in their current location. Alterations and minor expansions to existing uses in their current location/configuration will be permitted.

14.2.4.6.3 In accordance to Map 14-2.2: Access Management Plan - Clarkson Village Community Node Character Area within the policies of this Plan, a publicly accessible driveway easement will be provided to facilitate laneway access between 1865 Lakeshore Road West and the lands municipally known as 1829 Lakeshore Road West.

14.2.4.6.4 Notwithstanding the policies in this Plan, the following additional policies will apply to development:

- a. the maximum residential *floor space index (FSI)* will be 2.5; and
- b. the maximum height will be eight storeys

4. Section 16.1 Neighbourhoods is hereby amended by deleting Map 16-1: City Structure - Neighbourhoods and replacing it with the following:



5. Section 16.5 Clarkson-Lorne Park is hereby amended by revising the special site numbers on Map 16-5: Clarkson-Lorne Park Neighbourhood Character Area in accordance with the changes to the Special Site Policies.
6. Section 16.5.5.6 Site 6 is hereby deleted.
7. Section 16.5.5.10 Site 10 is hereby deleted.
8. Schedule 1 - Urban System of Mississauga Official Plan is hereby amended as follows:
- by changing the boundaries of the Clarkson Village Community Node and Clarkson-Lorne Park Neighbourhood Character Areas as shown on Map "A" of this Amendment; and
 - by removing a portion of the Green System as shown on Map "A".
9. Schedule 1b - Urban System - City Structure of Mississauga Official Plan is hereby amended by changing the boundaries of the Clarkson Village Community Node and Clarkson-Lorne Park Neighbourhood Character Areas as shown on Map "B" of this Amendment.

10. Schedule 2 - Intensification Areas of Mississauga Official Plan is hereby amended by changing the boundaries of the Clarkson Village Community Node Character Area as shown on Map "C" of this Amendment.
11. Schedule 9 - Character Areas of Mississauga Official Plan is hereby amended by changing the boundaries of the Clarkson Village Community Node and Clarkson-Lorne Park Neighbourhood Character Areas as shown on Map "D" of this Amendment.

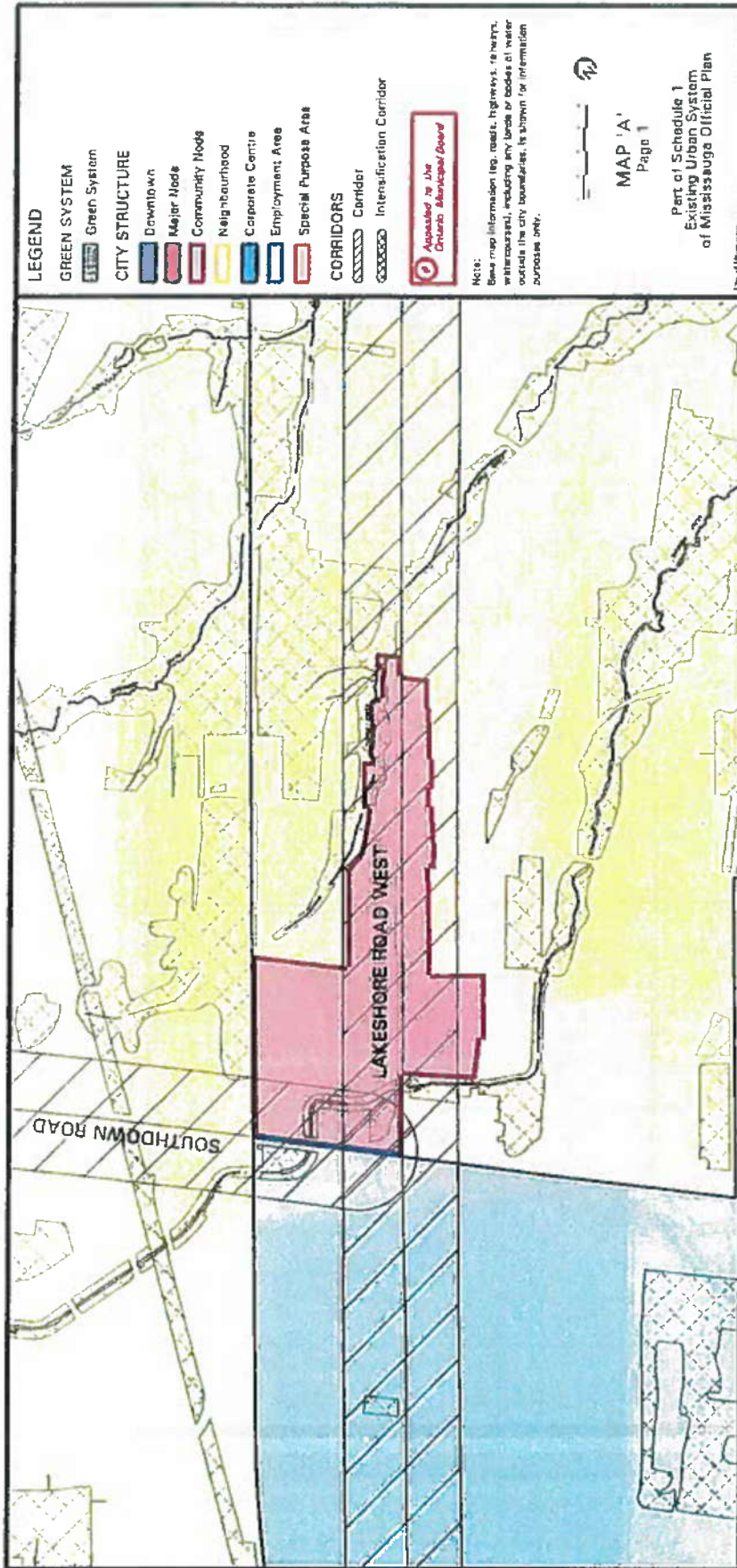
IMPLEMENTATION

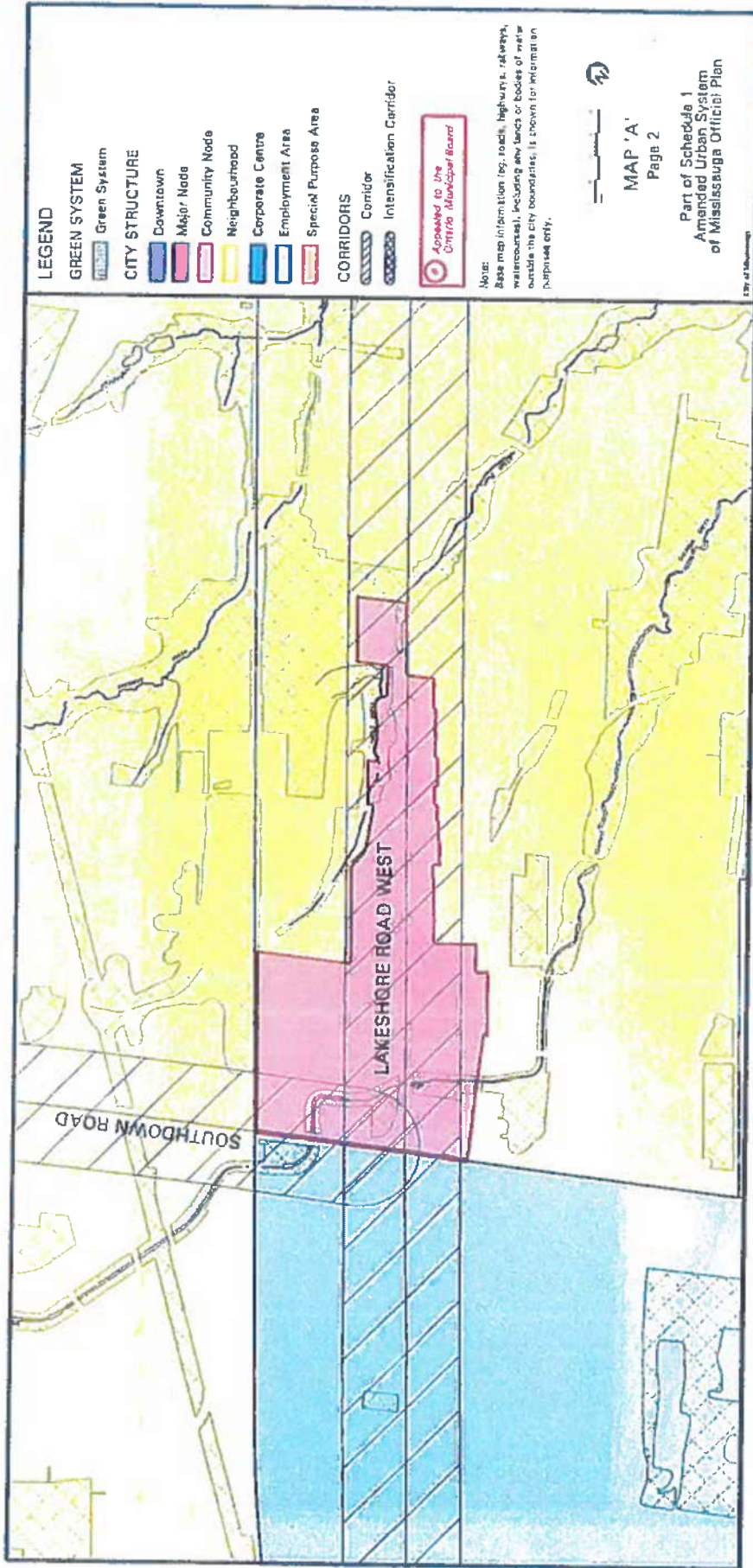
Upon receipt of the Ontario Municipal Board's Final Order, Mississauga Official Plan will be amended in accordance with the Order, which will then form part of Mississauga Official Plan. The lands will be rezoned as part of the same Board Order.

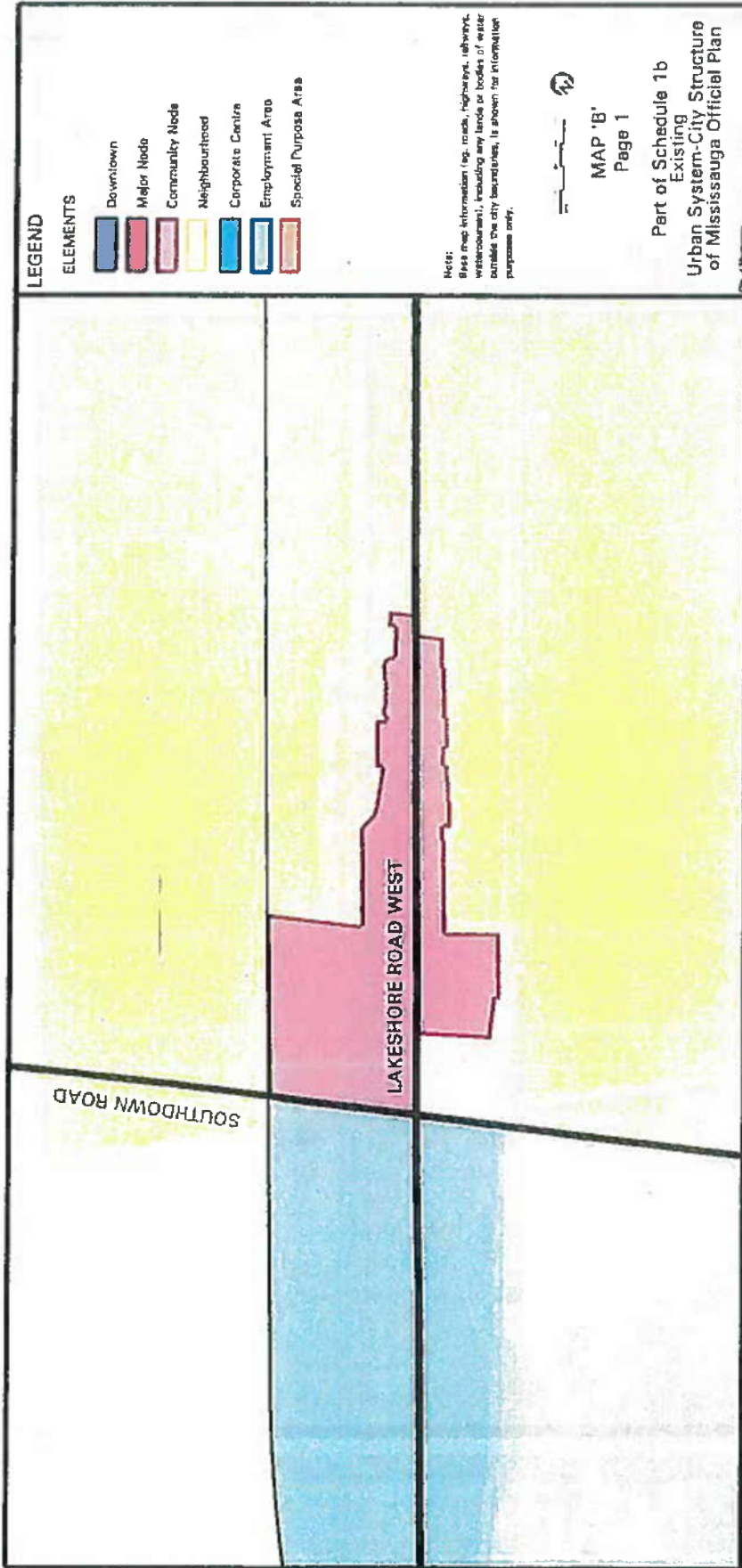
INTERPRETATION

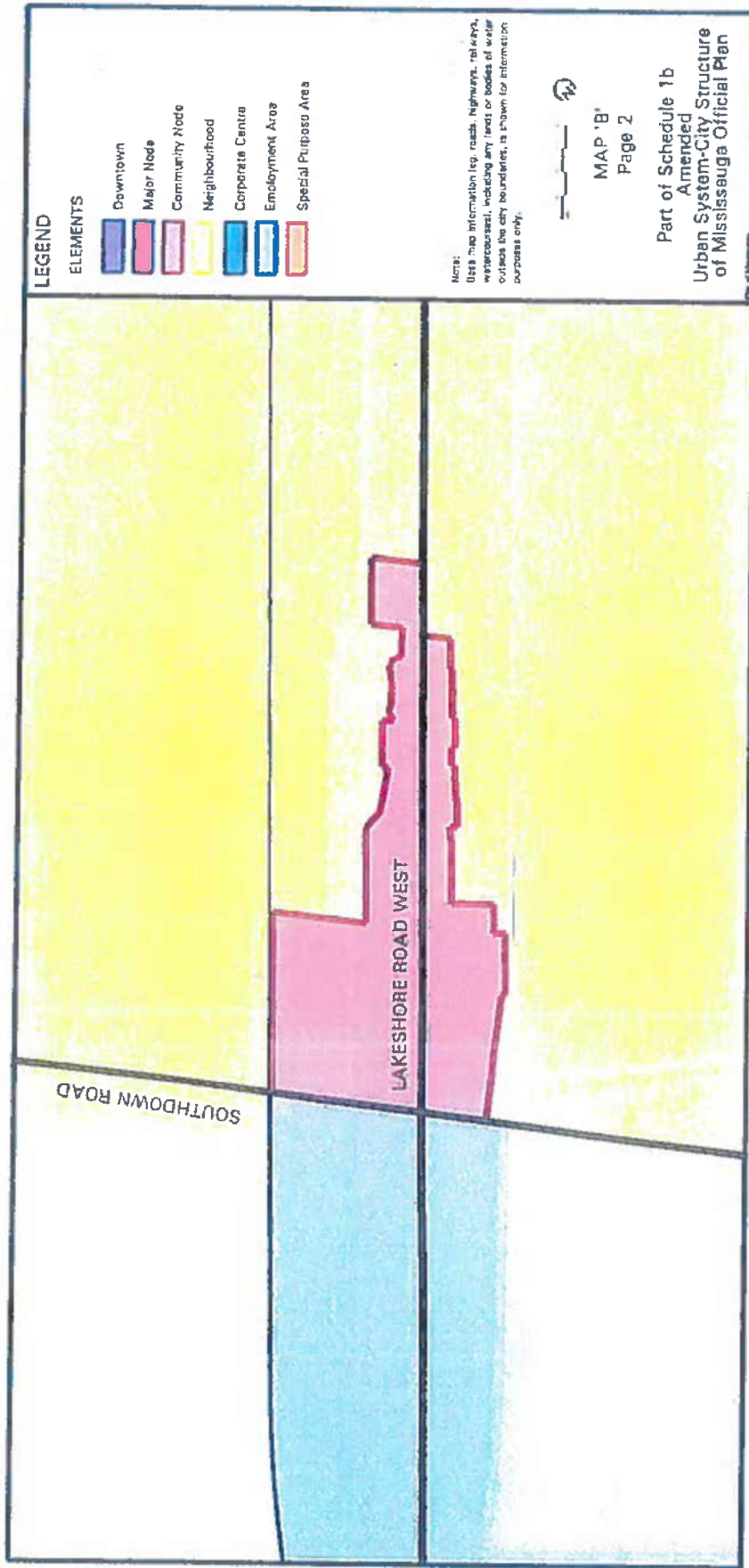
The provisions of Mississauga Official Plan, as amended from time to time regarding the interpretation of that Plan, shall apply in regard to this Amendment.

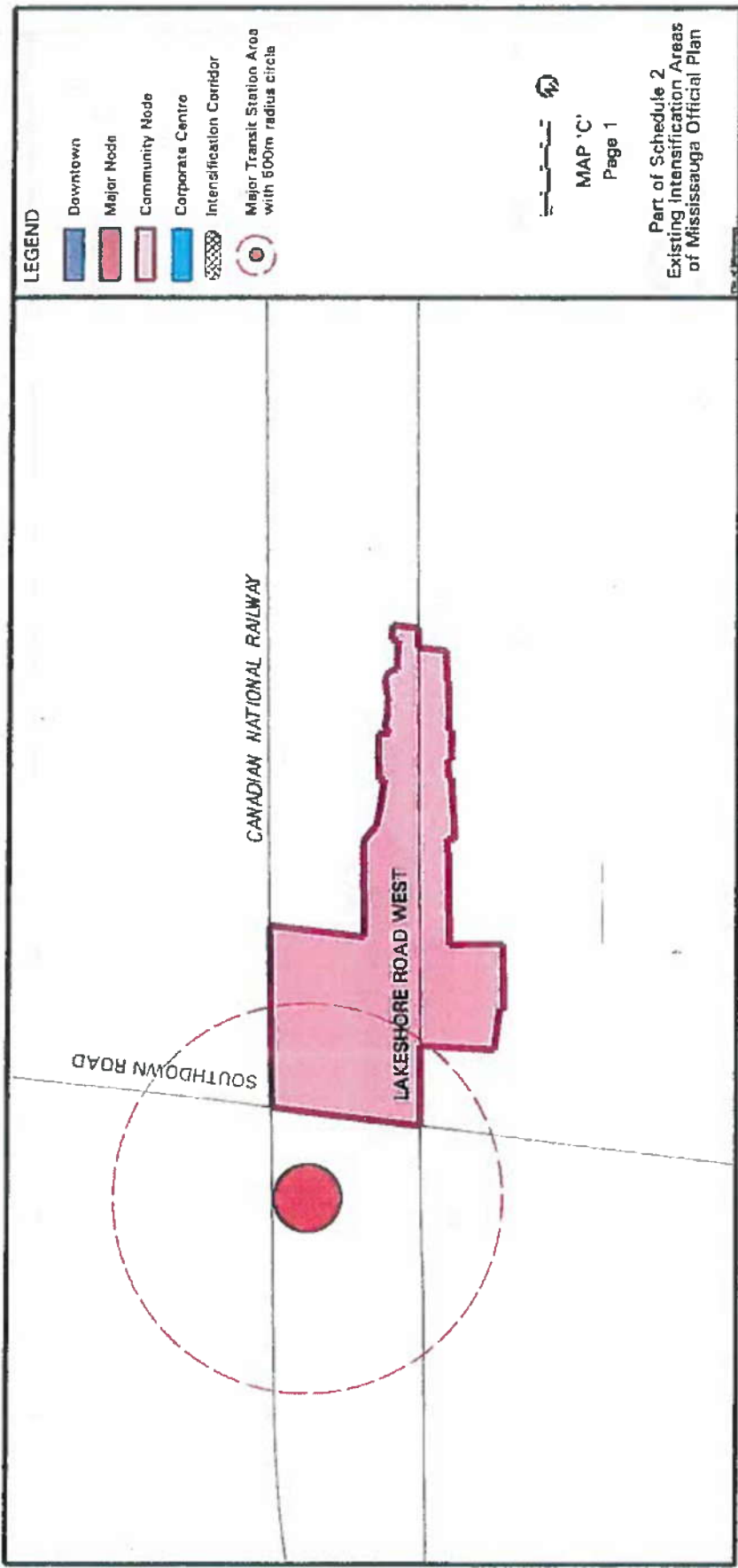
This Amendment supplements the intent and policies of Mississauga Official Plan.

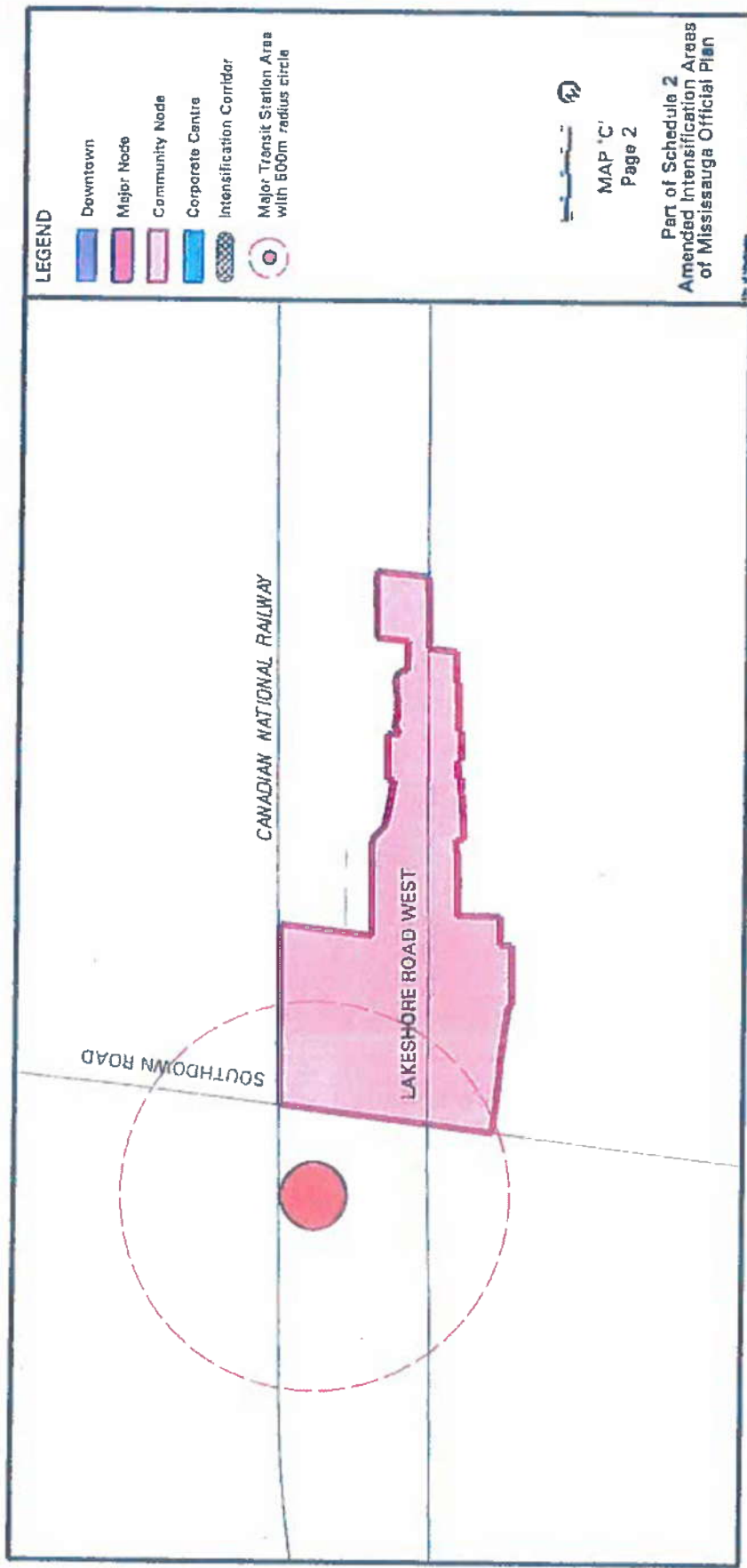


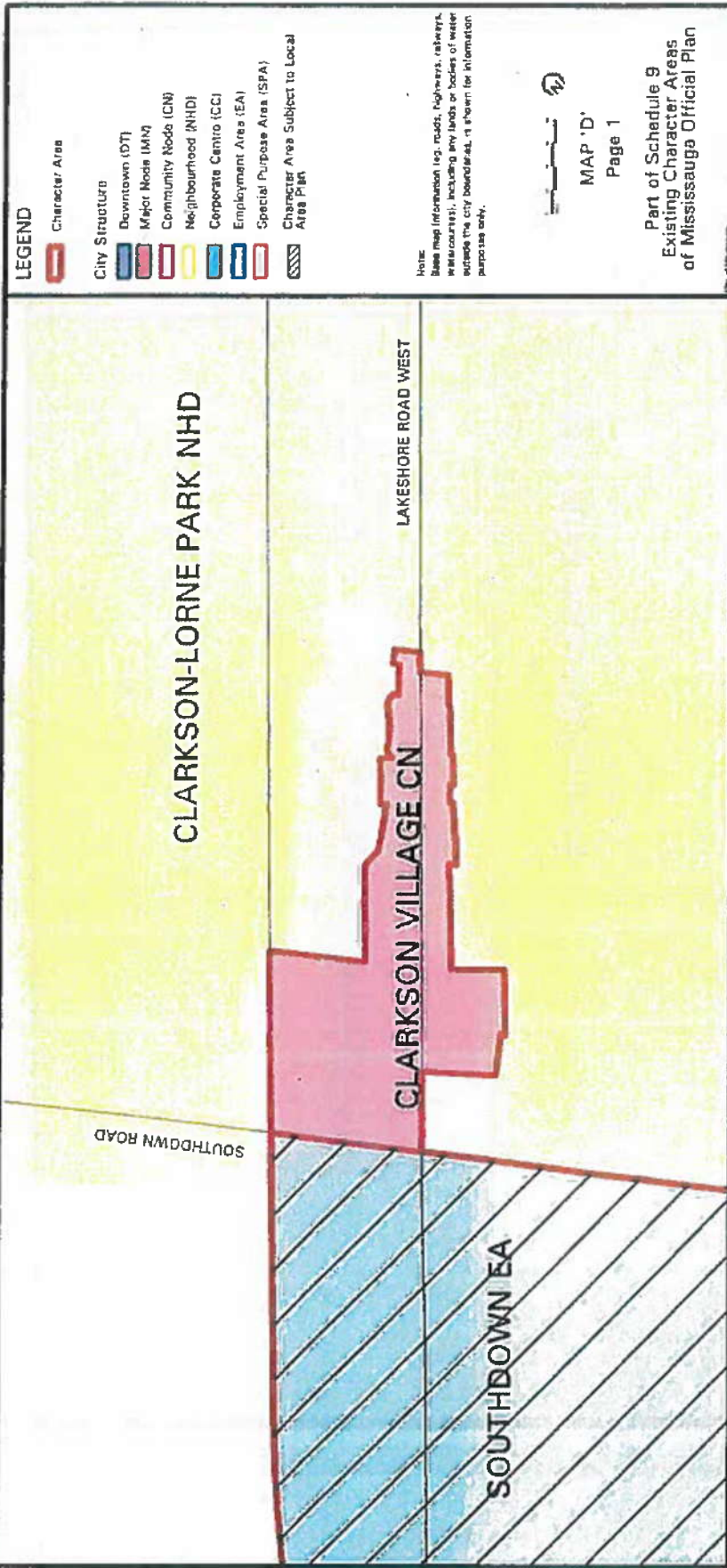


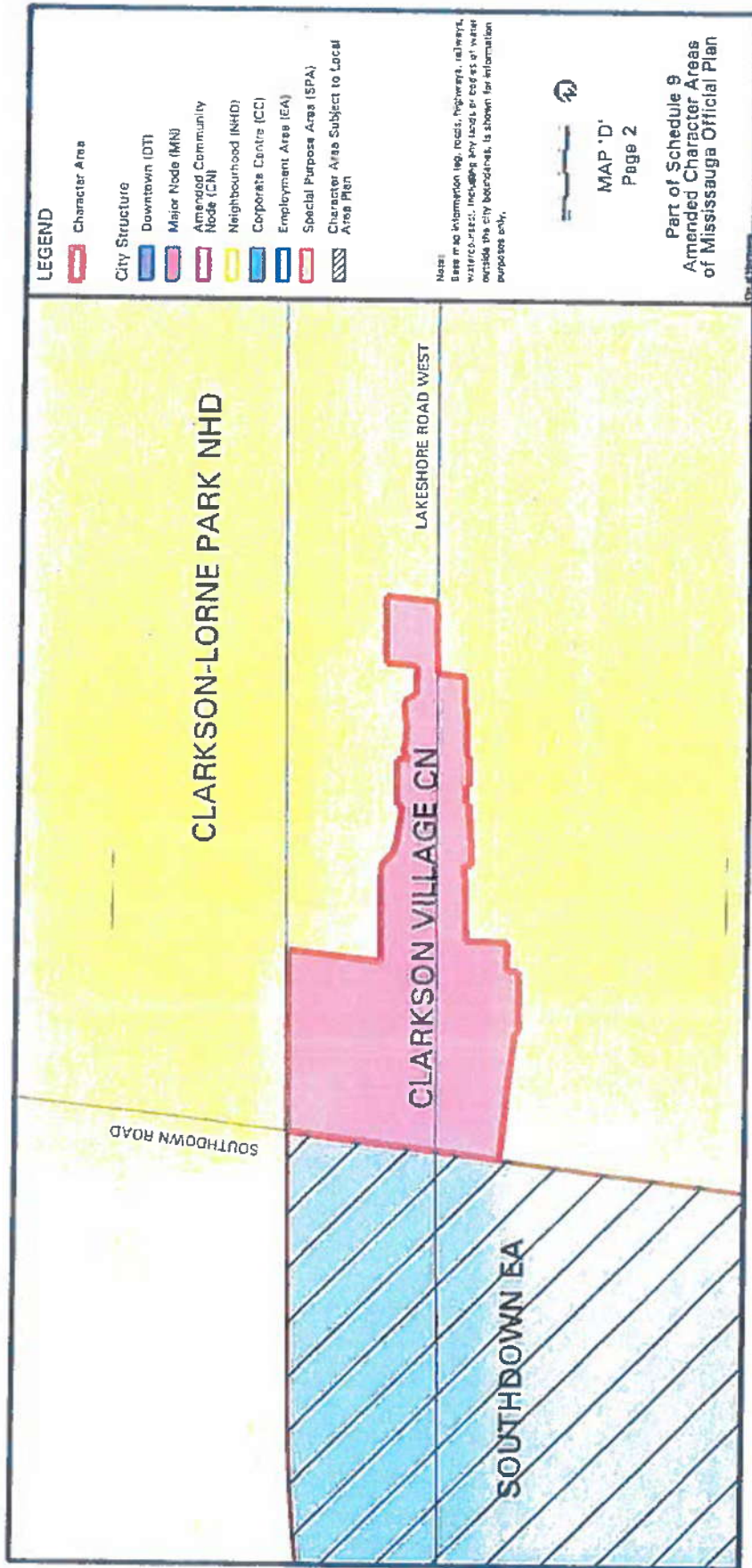












ATTACHMENT 2

PL140799

SCHEDULE "A" TO
 ONTARIO MUNICIPAL BOARD
 ORDER DATED _____

OMB File No. PL140800
 OMB Case No. PL140799
 (RioCan (Clarkson) Inc.)

1. By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by deleting Exception Table 6.2.5.11 and substituting the following therefor:

6.2.5.11	Exception: C4-11	Map # 10	By-law:
In a C4-11 zone the permitted uses and applicable regulations shall be as specified for a C4 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
6.2.5.11.1	(1) Horizontal Multiple Dwelling (2) Motor vehicle service station and motor vehicle wash facility - restricted legally existing on the date of passing of this By-law		
Uses Not Permitted			
6.2.5.11.2	(1) Retail store greater than 600 m² gross floor area - non-residential (2) Parking Lot		
Regulations			
6.2.5.11.3	Maximum floor space index - residential		2.0
6.2.5.11.4	Minimum front yard		0.6 m
6.2.5.11.5	Minimum exterior side yard		0.6 m
6.2.5.11.6	Minimum interior side yard abutting lands zoned Residential or Greenbelt		7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m

6.2.5.11	Exception: C4-11	Map # 10	By-law:
6.2.5.11.7	Minimum rear yard abutting lands zoned Residential or Greenbelt		7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m
6.2.5.11.8	A minimum of 75% of the first storey of any building or structure shall contain commercial uses where it has a streetwall facing Lakeshore Road West		
6.2.5.11.9	Maximum height		4 storeys
6.2.5.11.10	Minimum first storey height measured from the finished floor of the first storey to the underside of the finished ceiling		4.5 m
6.2.5.11.11	Minimum setback from the front exterior face of the third storey to the front exterior face of the fourth storey of a building or structure		6.0 m
6.2.5.11.12	Minimum length of a streetwall along Lakeshore Road West where there is driveway access to a street		70% of lot frontage
6.2.5.11.13	Minimum length of a streetwall along Lakeshore Road West where there is no driveway access to a street or the driveway access to a street is shared with an abutting property		90% of lot frontage
6.2.5.11.14	Non-residential uses located on the first storey shall have the main front entrance facing Lakeshore Road West		
6.2.5.11.15	Minimum percentage of glazing of the first storey of a streetwall		60%
6.2.5.11.16	Minimum number of parking spaces per 100 m ² gross floor area - non-residential for a retail store, animal care establishment, personal service establishment, repair establishment or office, provided that the gross floor area - non-residential is less than or equal to 300 m ²		3.0
6.2.5.11.17	Where the floor space index - residential is greater than 1.0, required parking shall be provided within a parking structure located either above or below grade		
6.2.5.11.18	Maximum height of an above grade parking structure		2 storeys

6.2.5.11	Exception: C4-11	Map # 10	By-law:
6.2.5.11.19	Above grade parking structures adjacent to a street shall have residential and/or non-residential uses with a minimum depth of 10.0 m along a streetwall of both the first and second storey		
6.2.5.11.20	"Floor Space Index - Residential" means the ratio of the gross floor area of all buildings and structures, exclusive of gross floor area - non-residential, to the lot area		

2. By-law Number 0225-2007, as amended, is further amended by adding the following Exception Table:

6.2.5.63	Exception: C4-63	Map # 03, 10	By-law:
In a C4-63 zone the permitted uses and applicable regulations shall be as specified for a C4 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
6.2.5.63.1	(1)	Horizontal Multiple Dwelling	
Uses Not Permitted			
6.2.5.63.2	(1)	Retail store greater than 600 m² gross floor area - non-residential	
	(2)	Parking Lot	
Regulations			
6.2.5.63.3	Maximum floor space index - residential		2.0
6.2.5.63.4	Minimum front yard		0.6 m
6.2.5.63.5	Minimum exterior side yard		0.6 m
6.2.5.63.6	Minimum interior side yard abutting lands zoned Residential or Greenbelt		7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m

6.2.5.63	Exception: C4-63	Map # 03, 10	By-law:
6.2.5.63.7	Minimum rear yard abutting lands zoned Residential or Greenbelt		7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m
6.2.5.63.8	A minimum of 75% of the first storey of a building or structure shall contain commercial uses where it has a streetwall facing Lakeshore Road West		
6.2.5.63.9	Maximum height	4 storeys	
6.2.5.63.10	Minimum first storey height measured from the finished floor of the first storey to the underside of the finished ceiling		4.5 m
6.2.5.63.11	Minimum setback from the front exterior face of the third storey to the front exterior face of the fourth storey of a building or structure		6.0 m
6.2.5.63.12	Minimum length of a streetwall along Lakeshore Road West where there is driveway access to a street		70% of lot frontage
6.2.5.63.13	Minimum length of a streetwall along Lakeshore Road West where there is no driveway access to a street or the driveway access to a street is shared with an abutting property		90% of lot frontage
6.2.5.63.14	Non-residential uses located on the first storey shall have the main front entrance facing Lakeshore Road West		
6.2.5.63.15	Minimum percentage of glazing of the first storey of a streetwall		60%
6.2.5.63.16	Minimum number of parking spaces per 100 m ² gross floor area - non-residential for a retail store, animal care establishment, personal service establishment, repair establishment or office, provided that the gross floor area - non-residential is less than or equal to 300 m ²		3.0
6.2.5.63.17	Where the floor space index - residential is greater than 1.0, required parking shall be provided within a parking structure located either above or below grade		
6.2.5.63.18	Maximum height of an above grade parking structure		2 storeys

6.2.5.63	Exception: C4-63	Map # 03, 10	By-law:
6.2.5.63.19	Above grade parking structures adjacent to a street shall have residential and/or non-residential uses with a minimum depth of 10.0 m along a streetwall of both the first and second storey		
6.2.5.63.20	"Floor Space Index - Residential" means the ratio of the gross floor area of all buildings and structures, exclusive of gross floor area - non-residential, to the lot area		

3. By-law Number 0225-2007, as amended, is further amended by adding the following Exception Table:

6.2.5.64	Exception: C4-64	Map # 10	By-law:
In a C4-64 zone the permitted uses and applicable regulations shall be as specified for a C4 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
6.2.5.64.1	(1)	Horizontal Multiple Dwelling	
Uses Not Permitted			
6.2.5.64.2	(1)	Retail store greater than 600 m² gross floor area - non-residential	
	(2)	Parking Lot	
Regulations			
6.2.5.64.3	Maximum floor space index - residential		1.5
6.2.5.64.4	Minimum front yard		0.6 m
6.2.5.64.5	Minimum exterior side yard		0.6 m
6.2.5.64.6	Minimum interior side yard abutting lands zoned Residential or Greenbelt		7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m

6.2.5.64	Exception: C4-64	Map # 10	By-law:
6.2.5.64.7	Minimum rear yard abutting lands zoned Residential or Greenbelt	7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m	
6.2.5.64.8	A minimum of 75% of the first storey of any building or structure shall contain commercial uses where it has a streetwall facing Lakeshore Road West		
6.2.5.64.9	Maximum height	3 storeys	
6.2.5.64.10	Minimum first storey height measured from the finished floor of the first storey to the underside of the finished ceiling	4.5 m	
6.2.5.64.11	Minimum length of a streetwall along Lakeshore Road West where there is driveway access to a street	70% of lot frontage	
6.2.5.64.12	Minimum length of a streetwall along Lakeshore Road West where there is no driveway access to a street or the driveway access to a street is shared with an abutting property	90% of lot frontage	
6.2.5.64.13	Non-residential uses located on the first storey shall have the main front entrance facing Lakeshore Road West		
6.2.5.64.14	Minimum percentage of glazing of the first storey of a streetwall	60%	
6.2.5.64.15	Minimum number of parking spaces per 100 m ² gross floor area - non-residential for a retail store, animal care establishment, personal service establishment, repair establishment or office, provided that the gross floor area - non-residential is less than or equal to 300 m ²	3.0	
6.2.5.64.16	Where the floor space index - residential is greater than 1.0, required parking shall be provided within a parking structure located below grade		
6.2.5.64.17	"Floor Space Index - Residential" means the ratio of the gross floor area of all buildings and structures, exclusive of gross floor area - non-residential, to the lot area		

4. By-law Number 0225-2007, as amended, is further amended by adding the following Exception Table:

6.2.5.65	Exception: C4-65	Map # 03	By-law:
In a C4-65 zone the permitted uses and applicable regulations shall be as specified for a C4 zone except that the following uses/regulations shall apply:			
Additional Permitted Use			
6.2.5.65.1	(1)	Horizontal Multiple Dwelling	
Uses Not Permitted			
6.2.5.65.2	(1)	Retail store greater than 600 m² gross floor area - non-residential	
	(2)	Parking Lot	
Regulations			
6.2.5.65.3	Maximum floor space index - residential		1.5
6.2.5.65.4	Minimum front yard		0.6 m
6.2.5.65.5	Minimum exterior side yard		0.6 m
6.2.5.65.6	Minimum interior side yard abutting lands zoned Residential or Greenbelt		7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m
6.2.5.65.7	Minimum rear yard abutting lands zoned Residential or Greenbelt		7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m
6.2.5.65.8	A minimum of 75% of the first storey of any building or structure shall contain commercial uses where it has a streetwall facing Lakeshore Road West		
6.2.5.65.9	Maximum height		4 storeys
6.2.5.65.10	Minimum first storey height measured from the finished floor of the first storey to the underside of the finished ceiling		4.5 m
6.2.5.65.11	Minimum setback from the front exterior face of the third storey to the front exterior face of the fourth storey of a building or structure		6.0 m

6.2.5.65	Exception: C4-65	Map # 03	By-law:
6.2.5.65.12	Minimum length of a streetwall along Lakeshore Road West where there is driveway access to a street		70% of lot frontage
6.2.5.65.13	Minimum length of a streetwall along Lakeshore Road West where there is no driveway access to a street or the driveway access to a street is shared with an abutting property		90% of lot frontage
6.2.5.65.14	Non-residential uses located on the first storey shall have the main front entrance facing Lakeshore Road West		
6.2.5.65.15	Minimum percentage of glazing of the first storey of a streetwall		60%
6.2.5.65.16	Minimum number of parking spaces per 100 m ² gross floor area - non-residential for a retail store , animal care establishment, personal service establishment, repair establishment or office, provided that the gross floor area - non-residential is less than or equal to 300 m ²		3.0
6.2.5.65.17	Where the floor space index - residential is greater than 1.0, required parking shall be provided within a parking structure located below grade		
6.2.5.65.18	"Floor Space Index - Residential" means the ratio of the gross floor area of all buildings and structures , exclusive of gross floor area - non-residential , to the lot area		

5. By-law Number 0225-2007, as amended, is further amended by adding the following Exception Table:

6.2.5.67	Exception: C4-67	Map # 10	By-law:
In a C4-67 zone the permitted uses and applicable regulations shall be as specified for a C4 zone except that the following uses/regulations shall apply:			
Additional Permitted Uses			
6.2.5.67.1	(1) Horizontal Multiple Dwelling (2) Commercial building legally existing on the date of passing of this By-law		
Use Not Permitted			
6.2.5.67.2	(1) Parking Lot		
Regulations			
✓ 6.2.5.67.3	The maximum number of retail stores greater than 600 m ² gross floor area - non-residential but less than or equal to 2 750 m ² gross floor area - non-residential		1
6.2.5.67.4	Expansion or alteration to the building legally existing on the date of passing of this By-law shall be permitted and shall not be subject to the regulation of Sentence 6.2.5.67.3 of this Exception		
✓ 6.2.5.67.5	Maximum floor space index - residential		2.5
6.2.5.67.6	Minimum front yard		0.6 m
6.2.5.67.7	Minimum exterior side yard		0.6 m
✓ 6.2.5.67.8	Minimum interior side yard abutting lands zoned Residential or Greenbelt		7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m
6.2.5.67.9	Minimum rear yard abutting lands zoned Residential or Greenbelt		7.5 m plus 1.0 m for each additional 1.0 m of building height or portion thereof, exceeding 10.0 m
6.2.5.67.10	A minimum of 75% of the first storey of a building or structure shall contain commercial uses where it has a streetwall facing Lakeshore Road West		

not being changed.

6.2.5.67	Exception: C4-67	Map # 10	By-law:
✓ 6.2.5.67.11	Maximum height		8 storeys
6.2.5.67.12	Minimum first storey height measured from the finished floor of the first storey to the underside of the finished ceiling		4.5 m
6.2.5.67.13	Minimum setback from the front exterior face of the third storey to the front exterior face of the fourth storey of a building or structure		6.0 m
6.2.5.67.14	Minimum length of a streetwall along Lakeshore Road West where there is driveway access to a street		70% of lot frontage
6.2.5.67.15	Minimum length of a streetwall along Lakeshore Road West where there is no driveway access to a street or the driveway access to a street is shared with an abutting property		90% of lot frontage
6.2.5.67.16	Non-residential uses located on the first storey and within 20.0 m of Lakeshore Road West shall have the main front entrance facing Lakeshore Road West		
✓ 6.2.5.67.17	Minimum percentage of glazing of the first storey of a streetwall		50%
6.2.5.67.18	Minimum number of parking spaces per 100 m ² gross floor area - non-residential for a retail store, animal care establishment, personal service establishment, repair establishment or office, provided that the gross floor area - non-residential is less than or equal to 300 m ²		3.0
✓ 6.2.5.67.19	Minimum number of parking spaces per 100 m ² gross floor area - non-residential for retail store, animal care establishment or office, provided that the gross floor area - non-residential is between 300 m ² and 2 750 m ²		4.0
6.2.5.67.20	Where the floor space index - residential is greater than 1.0, required parking shall be provided within a parking structure located either above or below grade		
6.2.5.67.21	Maximum height of an above grade parking structure		2 storeys
6.2.5.67.22	Above grade parking structures adjacent to a street shall have residential and/or non-residential uses with a minimum depth of 10.0 m along a streetwall of both the first and second storey		

6.2.5.67	Exception: C4-67	Map # 10	By-law:
6.2.5.67.23	"Floor Space Index - Residential" means the ratio of the gross floor area of all buildings and structures, exclusive of gross floor area - non-residential, to the lot area		
6.2.5.67.24	"Urban Square" means an outdoor area on a lot, located at grade, for passive recreational uses, such as seating areas by the general public. An urban square may include hard and soft landscape elements such as grass, flowers, shrubs, trees, as well as walkways and berms, but shall not include driveways, ramps, aisles, internal roads, parking areas or any exterior garbage or handling areas		
Section 37 Public Benefits Contribution			
Pursuant to Section 37 of the <i>Planning Act</i> , R.S.O. 1990, c.P13, as amended, the height and density of development provided by this Exception shall be permitted subject to:			
<ul style="list-style-type: none"> ✓ (1) the owner of the lands zoned C4-67 entering into an agreement with the Corporation of the City of Mississauga (the City) for the provision of certain facilities, services or matters in return for the increase in height and density of the development granted by this Exception as provided by Section 37(3) of the <i>Planning Act</i>, R.S.O. 1990, c.P13; ✓ (2) the registration of the agreement on title to the lands zoned C4-67; and, ✓ (3) the owner undertaking to complete or providing full compensation for the completion of: <ul style="list-style-type: none"> (3.1) lay-by parking and streetscape improvements along the entire Lakeshore Road West frontage of the subject lands; (3.2) the provision of an urban square, to the satisfaction of the City, on site for the use of the public; and, (3.3) the granting of a public use easement in accordance with the Access Management Plan contained in Mississauga Official Plan and compliance with all other terms referred to in paragraphs (1) and (2) above. 			

2. Map Number 10 of Schedule "B" to By-law Number 0225-2007, as amended, being a City of Mississauga Zoning By-law, is amended by changing thereon from "C4" to "C4-63", "C4-64", "C4-65" and "C4-67", the zoning of Part of Lots 28 and 29, Concession 2, South of Dundas Street, in the City of Mississauga, PROVIDED HOWEVER THAT the "C4-63", "C4-64", "C4-65" and "C4-67" zoning shall only apply to the lands which are shown on the attached Schedule "A", which is deemed to be an integral part of this By-law, outlined in the heaviest broken line with the "C4-63", "C4-64", "C4-65" and "C4-67" zoning indicated thereon.
3. This By-law shall not come into force until Mississauga Official Plan Amendment Number 9 is in full force and effect.

APPENDIX "A" TO SCHEDULE "A" OF

OMB ORDER DATED _____

OMB File No. PL140800

OMB Case No. PL140799

Explanation of the Purpose and Effect of the By-law

The purpose of this By-law is to amend various sections of the Zoning By-law pertaining to Clarkson Village along Lakeshore Road West. Changes include the following:

- Additional residential uses within the C4 zone
- Removal of large retail uses within the C4 zone
- Establish a maximum height and maximum floor space index - residential
- Establish a minimum front yard and exterior side yard setback
- Establish a maximum height of above grade parking structures

The existing motor vehicle commercial use on the site illustrated on Appendix "B" shall continue to be permitted, however new regulations with respect to additional uses and development standards have been included for that site.

Location of Lands Affected

Lands located in Clarkson Village along Lakeshore Road West in the City of Mississauga, as shown on the attached Map designated as Schedule "A"

http://causites.mississauga.ca/sites/18/Bylaws/CD_04.CLA.OMB.su.rp.jnce.docx