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DATE: February 26, 2002

TO: Chairman and Members of the Planning and Development Committee

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

SUBJECT: **Response to Comments - Private Schools in Residential Areas and Review of Parking Standards for Worship Areas in Private Schools and Publicly-Funded Schools**
PUBLIC MEETING DATE: March 18, 2002

ORIGIN: Planning and Building Department
Recommendations PDC-0080-2001, PDC-0106-2000 and PDC-0019-2002

BACKGROUND: The Planning and Development Committee (PDC) at its meeting on June 18, 2001 considered a report titled "*Private Schools in Residential Areas*" dated May 29, 2001 from the Commissioner of Planning and Building, and approved the following Recommendation PDC-0080-2001:

"That the report titled "Private Schools in Residential Areas" dated May 29, 2001, from the Commissioner of Planning and Building, be circulated to the existing private school operators, the two district school boards, and ratepayers associations for their comments by September 14, 2001, and that a public meeting be held by the Planning and Development Committee."

Recommendation PDC-0080-2001 was adopted by City Council on June 27, 2001.

Parking requirements related to places of religious assembly (PRAs) or religious activities in private schools was addressed in

the report "*Private Schools in Residential Areas*" dated May 29, 2001. This issue as it relates to both publicly-funded schools and private schools was discussed in the report titled "*The Review of Parking Standards for Multi-Use Places of Religious Assembly and Worship Areas in Schools*" dated June 13, 2000. Dealing with this matter only for private schools in isolation may appear to be discriminatory. Therefore, this report discusses parking requirements for PRAs located in both publicly-funded schools and private schools.

On July 4, 2000, the PDC considered a report titled "*The Review of Parking Standards for Multi-Use Places of Religious Assembly and Worship Areas in Schools*" dated June 13, 2000 from the Commissioner of Planning and Building and approved the following Recommendation PDC-0106-2000:

"That the report titled "The Review of Parking Standards for Multi-Use Places of Religious Assembly and Worship Areas in Schools" dated June 13, 2000 from the Commissioner of Planning and Building be circulated to the Peel District School Board, the Dufferin-Peel Catholic District School Board, the Mississauga Inter-Church Regional Planning Association, all places of religious assembly in Mississauga, and all private schools in Mississauga registered with the Ministry of Education and Training, for review and comment."

Recommendation PDC-0106-2000 was adopted by City Council on July 12, 2000.

On January 21, 2002, the Planning and Development approved the following Recommendation PDC-0019-2002, which was adopted by City Council on January 30, 2002:

"That a public meeting be held by the Planning and Development Committee to consider amendments to Zoning By-law 5500, Zoning By-law 65-30 and Zoning By-law 1227 related to parking requirements for places of religious assembly and other permitted non-residential uses located in publicly-funded schools and private schools, and that these matters be dealt with in conjunction with the public meeting related to private schools in residential areas."

COMMENTS:

In accordance with Recommendation PDC-0080-2001, the May 29, 2001 report (attached as Exhibit S-1) was circulated to the existing private school operators, the Peel District School Board (PDSB), the Dufferin-Peel Catholic District School Board (DPCDSB), and ratepayers associations.

At the PDC meeting on June 18, 2001, issues were raised regarding maximum enrollment for private schools, religious activities in private schools, private schools adjacent to public amenities such as parks, and concerns expressed regarding allowing private school uses in the residential zones of Zoning By-law 5500. These issues are addressed in this report.

In accordance with Recommendation PDC-0106-2000, the June 13, 2000 report (attached as Exhibit S-2) was circulated to the PDSB, the DPCDSB, the Mississauga Inter-Church Regional Planning Association, existing places of religious assembly and existing private school operators. This study considered two issues: parking standards for large multi-use PRAs; and parking standards for existing school facilities used as PRAs. Comments received on the first issue will be addressed in a report to the PDC in the near future. Comments received on the second issue, the use of existing school facilities for PRAs, are included in Section 3.0 of this report.

1.0 "Private Schools in Residential Areas" Report Circulation

1.1 Peel District School Board's Comments (Exhibit S-3)

The PDSB has no concerns with the proposed recommendations contained in the May 29, 2001 report.

1.2 Dufferin-Peel Catholic District School Board's Comments (Exhibit S-4)

The DPCDSB indicated awareness and appreciation of the concerns the City has with some existing private schools, but has difficulty in accepting a restriction on the ability to dispose of surplus school buildings to private school operators should the need arise.

Response

The adoption of the proposed recommendations contained in the May 29, 2001 report would place a restriction on the District School Boards to dispose of surplus publicly-funded school sites to private school operators if these sites do not meet the proposed criteria, particularly those requiring frontage on major roads. It is acknowledged that publicly-funded schools are generally planned as part of the overall community during preparation of District Policies, and precise locations for publicly-funded school sites are determined through draft plans of subdivision. However, there are issues that are related more to the operation of private schools than publicly-funded schools, such as catchment area and traffic/access/circulation.

Private schools tend to draw their students from a broad catchment area often extending beyond municipal boundaries, whereas, publicly-funded schools generally have a defined geographic service area. In most cases, publicly-funded schools attempt to maximize opportunities for students walking to and from schools.

Although busing and parental drop-off and pick-up have increased substantially for all schools, private schools are more dependent upon parents for the delivery of students. Traffic is problematic during the morning periods and in the afternoon shortly before or at dismissal time. It was observed that schools with designated drop-off and pick-up areas operate more efficiently with less congestion.

Should a situation occur on surplus publicly-funded schools that do not meet the criteria recommended in the May 29, 2001 report, and if it can be demonstrated that the new use is compatible with the surrounding neighbourhoods, consideration will be given to a site specific solution via rezoning application or a minor variance application through the Committee of Adjustment. Therefore, no change is recommended.

1.3 Clarkson Business Association's Comments (Exhibit S-5)

The Clarkson Business Association supported the recommended changes contained in the May 29, 2001 report.

1.4 John Burgener's Comments (Exhibit S-6)

John Burgener of 944 Meadow Wood Road commented on the proposed definitions of "PUBLIC SCHOOL" and "PRIVATE SCHOOL", minimum lot frontage, minimum side yard, kiss and ride provisions, other uses in private schools, and that schools should be located in a school zone and not in residential zones. He supported the proposed maximum building height, maximum lot coverage, maximum gross floor area, minimum landscaped open space, and the additional parking requirement for private schools that use their facilities as PRAs.

1.4.1 Definitions of "PUBLIC SCHOOL" and "PRIVATE SCHOOL"

John Burgener contended that the definitions of Private School vs. Public School are poorly defined.

Response

Staff have reviewed the concern raised. It is suggested that, to avoid any ambiguity and misinterpretation, the definition of "PUBLIC SCHOOL" be revised to ensure that the school is operated under the jurisdiction of one of the four (4) district school boards, namely: the PDSB, the DPCDSB, the Conseil Scolaire de District Centre-Sud-Ouest, or the Conseil Scolaire de District Catholique Centre-Sud. Any other elementary and/or secondary schools that are not operated by the four (4) district school boards would be interpreted to be private schools.

The proposed revised definition of "PUBLIC SCHOOL" is as follows:

"PUBLIC SCHOOL" means an institution that provides academic instruction in any of the subjects of the elementary or secondary school courses of study under the jurisdiction of the Peel District School Board, the Dufferin-Peel Catholic District School Board, the Conseil Scolaire de District Centre-Sud-Ouest, or the Conseil Scolaire de District Catholique Centre-Sud.

The following proposed definition of "PRIVATE SCHOOL" as recommended in the report titled "*Private Schools*" dated March 27, 2001 (see Exhibit 2 to Exhibit S-1) remains valid.

"PRIVATE SCHOOL" means an institution that provides academic instruction in any of the subjects of the elementary or secondary school courses of study and that is not a public school.

1.4.2 Minimum Lot Frontage

John Burgener suggested that the minimum lot frontage of 45 m (148 ft.) for private schools be increased as the school size increases, similar to the site selection policies of the PDSB and the DPCDSB acquiring school sites with minimum lot frontages of 120 m (394 ft.).

Response

The site selection policies of the PDSB and the DPCDSB are based on the guideline established by the Ministry of Education, and on their experience that the majority of the new public schools and elementary separate schools are built to accommodate 600 to 700 students.

The majority of the existing private elementary schools in Mississauga have smaller enrollments than publicly-funded schools, with 73% of them having 150 students or less. Therefore, these schools require smaller site area and site frontage.

The minimum lot frontage of 45 m (148 ft.) would ensure that there is sufficient width to accommodate two access points, landscaped buffers, and a kiss and ride system allowing a minimum four (4) vehicle stacking lane. Therefore, no change to the proposed minimum lot frontage is recommended.

1.4.3 Minimum Side Yard

John Burgener suggested that the minimum side yard should be 10% of the lot frontage or the height of the building, whichever is **more** and not the lesser.

Response

The minimum side yard requirement for private schools proposed in the May 29, 2001 report is the same provision that applies to publicly-funded schools in the Agricultural ("A") zone. Therefore, no change to the interior side yard requirement is recommended.

The exterior side yard for corner lots in the respective Residential zones ranges from 4.5 m (14.8 ft.) to 7.5 m (24.6 ft.). To ensure that a private school building located on a corner lot is in line with the setback of the abutting residential dwellings, it is recommended that the minimum exterior side yard of the private school building be the greater of the following:

- the minimum exterior side yard requirement of the respective Residential zone for the subject corner lot; or
- the minimum exterior side yard requirement of an adjacent residential lot having a rear lot line abutting the rear lot line of the subject corner lot; or
- the minimum front yard requirement of an adjacent residential lot having a side lot line abutting the rear lot line of the subject corner lot; or
- the height of the building or 10% of the width of the subject corner lot, whichever is the lesser.

With respect to the rear yard setback, a few Residential zones require 7.5 m (24.6 ft.) for interior lots, but only 3 m (9.8 ft.) for corner lots. In this regard, it is proposed that the minimum rear yard of 7.5 m (24.6 ft.) be maintained for private school located on interior lots as well as on corner lots.

1.4.4 Pick-up and Drop-off Lane

John Burgener also requested pick-up and drop-off lane be a requirement in the Zoning By-law.

Response

The proposed minimum lot frontage of 45 m (148 ft.) would allow for a kiss and ride system. However, the provisions of a

pick-up and drop-off lane is a site design issue, and is addressed in the urban design guideline titled "*Urban Design Guidelines for School Sites*". The Zoning By-law is not the appropriate document to contain this provision. Therefore, no change is recommended.

1.4.5 Other Uses in Private Schools

John Burgener suggested that other permitted uses using the private school facilities should provide the required parking in accordance with the Zoning By-law provisions.

Response

This issue is addressed in Section 3.0 of this report.

1.4.6 Permit Schools in School Zone

John Burgener suggested that schools should be permitted only in a school zone and not in residential zones.

Response

City Plan identifies schools as a use normally associated with residential development, and will be permitted in the Residential designations provided they are compatible with the residential areas and in accordance with current City policies and guidelines. Unless a new zoning category is created to permit schools, including publicly-funded schools and private schools, the suggested deletion of private schools as a permitted use in residential zones of Zoning By-law 5500 would be contrary to the intent of City Plan.

Although Zoning By-laws 65-30 and 1227 have specific zoning categories permitting schools, including publicly-funded schools and private schools, they are located within the residential areas.

Should a new zoning category be created in Zoning By-law 5500 to permit schools, and the school use be deleted from the residential zones, the schools will still be located in the residential areas. Further consideration is also required to deal with the existing publicly-funded schools and private schools. They could be rezoned, "grandfathered" or become legal non-conforming. If the existing private schools are rezoned or "grandfathered", it would mean that some of the existing private school sites that

may not meet the criteria as proposed in the May 29, 2001 report will become legal conforming, and thus the schools will continue to be permitted as-of-right, including any future expansions thereof. Further, should the existing publicly-funded schools located on local roads be declared surplus, they could be converted to private schools as-of-right.

On the other hand, the proposed criteria recommended in the May 29, 2001 report recognizes the existing private schools to be legal non-conforming if they do not meet all the proposed criteria. These existing private schools are permitted as-of-right, however, they would not be allowed to expand without approvals of rezoning or variance applications, unless they are granted legal conforming status. Also, the proposed requirements contained in the May 29, 2001 report provide a better control on declared surplus publicly-funded schools converting to private schools.

It is the intent of City Plan that schools, both publicly-funded schools and private schools, be permitted in residential areas provided they are compatible with the surrounding residential neighbourhoods. In the May 29, 2001 report, the criteria proposed for private schools located in the residential zones addressed the compatibility issue. Therefore, no change is recommended.

1.5 Stephen and Kim Rocketts' Comments (Exhibit S-7)

Stephen and Kim Rockett, residents on Meadow Wood Road, supported the comments raised by John Burgener in his letter dated September 22, 2001 (see Exhibit S-5).

1.6 Mr. & Mrs. K. Culloughs' Comments (Exhibit S-8)

Mr. & Mrs. K. Cullough of 935 Meadow Wood Road opposed allowing evening classes using private school facilities.

Response

There are other non-residential uses, in addition to residential uses and schools, permitted in residential zones in By-law 5500. These non-residential uses are allowed to locate in residential zones, including using school facilities. Sufficient parking for all

uses should be required. This issue is addressed in Section 3.0 of this report. Further, it should be noted that the Zoning By-law cannot regulate hours of operation.

1.7 Cooksville-Munden Park Homeowners Organization's Comments (Exhibit S-9)

The Cooksville-Munden Park Homeowners Organization supported the proposed recommendations in the May 29, 2001 report.

1.8 Blake, Cassels & Graydon's Comments (Exhibit S-10)

Blake, Cassels & Graydon provided comments on behalf of the Canadian Islamic Trust Foundation and agreed with the approach taken by the City to establish the locational criterion and minimum standards for private schools. However, Blake, Cassels & Graydon expressed concerns regarding the locational criterion applying to their client's lands and proposed minimum standards regarding minimum lot frontage, maximum building height, maximum gross floor area, minimum landscaped open space, legal non-conforming status, and parking related to portions of the private school used for religious activities.

1.8.1 Frontage on Major Road

Blake, Cassels & Graydon's client is supportive of the approach to have a provision requiring frontage on major road as a general principle, but finds itself in circumstances where it would not comply with this requirement. The ISNA School on Sherway Drive fronts on a local road. Enactment of a Zoning By-law amendment to include this provision would cause the school to become legal non-conforming, and thus has ramifications for future alterations or improvements to the property.

Response

Comments on the legal non-conforming status are discussed in Section 1.8.7 of this report.

1.8.2 Minimum Lot Frontage

Blake, Cassels & Graydon indicated that the proposed minimum lot frontage of 45 m (148 ft.) creates a bias against the

establishment of smaller schools in the community, and that there are not many residential lots with such proposed frontage. Blake, Cassels & Graydon suggested a minimum lot frontage of 15 m (50 ft.).

Response

Students of private schools come from a wider catchment area than the publicly-funded schools, and in most cases, students are driven to and from schools. To reduce congestion, on-site vehicular drop-off and pick-up lanes which can accommodate a kiss and ride system should be provided. A minimum two (2) access points are required. A lot frontage of 45 m (148 ft.) would accommodate such requirements, while the suggested 15 m (50 ft.) lot frontage would allow only a single access point and no on-site drop-off and pick-up lane to accommodate a kiss and ride system. Therefore, the proposed requirement of a minimum lot frontage of 45 m (148 ft.) should remain.

1.8.3 Maximum Building Height

Blake, Cassels & Graydon indicated that the proposed maximum height of 9.5 m (31.2 ft.) for sloped roof and 7.5 m (24.6 ft) for flat roof would render the ISNA School facilities non-conforming, as the gymnasium of the private school exceeds the height of 7.5 m (24.6 ft.). Blake, Cassels & Graydon suggested that allowance be made for height variation for features such as gymnasias.

Response

The proposed building height limitation is in accordance with the existing zone provisions for infill housing in Wards 1 and 2. Should the building height of a proposed private school exceed the proposed provision, if it can be demonstrated through site location, building design and site layout that it would be compatible with the surrounding residential area, consideration will be given on individual merit via a site-specific rezoning application or a minor variance through the Committee of Adjustment. The proposed building height limitation should remain.

1.8.4 Maximum Gross Floor Area

Blake, Cassels & Graydon indicated that the report showed seven (7) of the ten (10) private schools in residential zones, where

gross floor area data are available, exceed the proposed gross floor area limitation of 190 m² (2,045 sq. ft.) plus 0.2 times the lot area, and expressed the opinion that the proposed standard was inappropriate.

Response

Of the existing private schools in residential zones with available gross floor area data, three (3) exceed the proposed maximum gross floor area by a limited amount, 1.1% to 16%. One other school, the Bronte College of Canada, is a boarding school. The gross floor area figure includes a residential component. The gross floor area devoted to the school use is within the range as proposed in the May 29, 2001 report.

Some of the existing private schools that exceed the proposed gross floor area limitation can be considered "overdeveloped". For example, recognizing the large school population of the existing Cedar Grove School located on Lakeshore Road West, the private school operator has recently acquired a larger site in the Sheridan Park District to accommodate its needs.

Lastly, the proposed gross floor area limitation is in accordance with the existing zone provisions for infill housing in Wards 1 and 2. Since most of the private schools located in residential zones are in the older established areas of the City, to be in conformity with the surrounding residential neighbourhoods, the built forms should respect the environment by minimizing overview and shading upon neighbouring buildings and community, as well as be in scale with neighbouring land uses. Therefore, the provisions for infill housing in Wards 1 and 2 should apply to private schools to ensure compatibility of built form. No change is recommended.

1.8.5 Minimum Landscaped Open Space

Blake, Cassels & Graydon requested clarification on the landscaped open space, and felt that if the paved parking areas are not included in the landscaped open space, the proposed provision of 40% of the lot area is excessive.

Response

The minimum open space requirement of 40% of the lot area is the same provision that applies to apartment and row dwelling

developments. The definition of "Minimum Open Space" that applies to multiple residential development will apply to private schools. It is defined to mean open unobstructed space on a lot which is suitable for the growth and maintenance of grass, flowers, bushes and landscaping, and includes part of a lot unoccupied by any building or structure, any surface walk or patio or similar area, but does not include any vehicular driveway or ramp, whether surfaced or not, any curb, retaining wall, motor vehicle parking area or any open space beneath or within any building or structure.

Based on the proposed criteria on lot frontage, lot coverage, gross floor area, yard requirements, the percentage of landscaped open space on a typical private elementary school site far exceeds the proposed minimum requirement of 40% of the lot area, as shown on Sketches 2 and 3 of Exhibit 1 to Exhibit S-1. Therefore, the proposed minimum open space requirement of 40% of the lot area should remain.

1.8.6 Religious Activities in Private Schools

Blake, Cassels & Graydon indicated concerns with the proposed parking requirement for PRAs in schools.

Response

This issue is addressed in Section 3.0 of this report.

1.8.7 Legal Non-Conforming Status

Blake, Cassels & Graydon indicated the proposed recommendations contained in the May 29, 2001 report would cause their client's facility at Sherway Drive to become legal non-conforming. This status would inhibit as-of-right renewal or alteration to the facility and necessitate seeking approval via rezoning or the Committee of Adjustment. Blake, Cassels & Graydon requested all existing private school sites be "grandfathered".

Response

It should be noted that some of the existing private school sites that do not meet the proposed requirements as recommended in the May 29, 2001 report are causing traffic congestion, noise and

other land use conflicts. If these existing schools are "grandfathered" so that they are deemed to conform to the Zoning By-law, it means that they will be permitted as-of-right, including any future expansions thereof. Therefore, any existing land use conflicts could be exacerbated by "grandfathering" existing private school sites.

For existing private schools that do not meet the proposed provisions, if it can be demonstrated through site location, building design and site layout of any expansion that they would be compatible with the surrounding residential areas, consideration will be based on individual merit via site-specific rezoning applications or minor variance applications through the Committee of Adjustment. Therefore, no change is recommended.

1.9 Mississauga Christian School (Exhibit S-11)

The Mississauga Christian School questioned if the study is in response to the wishes of the district school boards which felt threatened by parents choosing private schools over publicly-funded schools; and if the existing private schools are being "grandfathered". The Mississauga Christian School also commented that the definition of "PRIVATE SCHOOL" needs to conform to the definition in the *Education Act*.

1.9.1 Motivation of the Study

The Mississauga Christian School questioned if the study was motivated by the threat to the publicly-funded school system by parents choosing private schools for their children.

Response

City Council by Resolution 0089-2001, adopted on March 7, 2001, directed the Planning and Building Department to undertake a study in response to complaints from neighbours of existing private schools about traffic congestions, noise and other land use conflicts precipitated by the location of private schools within residential neighbourhoods. The study was initiated before the announcement by the Province on May 16, 2001 regarding the Equity of Education Tax Credit for parents sending their children to independent schools in Ontario. The district school

boards have not made any requests that matters pertaining to private schools be reviewed.

1.9.2 "Grandfathering" of Existing Private Schools

The Mississauga Christian School requested that all existing private schools be "grandfathered".

Response

A similar comment by Blake, Cassels & Graydon was addressed by staff and is contained in Section 1.8.7 of this report. No change is recommended.

1.9.3 Definition of "PRIVATE SCHOOL"

The Mississauga Christian School commented that the definition of "PRIVATE SCHOOL" needs to conform to the definition in the *Education Act*.

Response

In drafting the definitions of "PUBLIC SCHOOL" and "PRIVATE SCHOOL", staff reviewed the definitions in the *Education Act*, and similar definitions in Zoning By-laws of other municipalities. The intent of the *Education Act* is adhered to in the proposed definitions.

As addressed in Section 1.4.1 of this report, to avoid ambiguity and misinterpretation of the definitions, the proposed definition of "PUBLIC SCHOOL" has been revised.

1.10 Mentor College (Exhibit S-12)

Greg Dell and Associates provided comments on behalf of Mentor College requesting that the school located at 275 Rudar Road, currently under site plan application for an addition, be exempted from the proposed Zoning By-law changes. In effect, Mr. Dell requested that the subject school be "grandfathered".

Response

A similar comment by Blake, Cassels & Graydon and Mississauga Christian School was addressed by staff and is contained in Section 1.8.7 of this report. No change is recommended.

1.11 Star Academy (Exhibit S-13)

The Star Academy agreed with the intent and approach taken by the City to establish the locational criterion and minimum standards for private schools. The Star Academy site would meet almost all of the proposed provisions for private schools, save and except the locational criterion requiring the *"front yard abutting a minor collector road, a major collector road or an arterial road, as shown on District Land Use Maps of City Plan."* The Star Academy requested the school be "grandfathered" with regard to this one portion of the proposed amendments.

Response

The Star Academy meets all the proposed provisions for private schools on its site, but finds itself not meeting the proposed locational criterion. The site fronts on a local road, just off Dixie Road. However, to be consistent in responding to the many similar requests for "grandfathering" the private schools, which response is addressed by staff in Section 1.8.7 of this report, no change is recommended.

1.12 Cynthia Mills-Hughes' Comments (Exhibit S-14)

Cynthia Mills-Hughes of 960 Meadow Wood Road commented on her experience with respect to the establishment of the Peel Montessori School on the abutting lot to the north.

2.0 Comments Received at the PDC meeting of June 18, 2001

2.1 Maximum Enrollment for Private Schools

The PDC raised an issue related to imposing maximum enrollment for private schools.

Response

Of the existing 33 private schools operating in Mississauga, two (2) offer academic instruction up to the Ontario Academic Course (OAC) level, while 31 are elementary private schools. Of the 31 private elementary schools, 29 provided enrollment figures. As noted in the May 29, 2001 report under Section 5.0, Existing

Private Schools, 73% of the private elementary schools have enrollment of 150 students or less.

The Zoning By-law defines and regulates uses and sets out development standards for each permitted use. It cannot regulate school enrollment, as it would constitute "people zoning". The capacity of the building is regulated by the Building Code.

It is felt that the criteria proposed in the May 29, 2001 report related to minimum lot frontage, maximum lot coverage, maximum building height, maximum gross floor area, minimum yards, and minimum landscaped open space would limit the size of the private school, and indirectly the enrollment. Therefore, no change is recommended.

2.2 Religious Activities in Private Schools

The PDC also raised an issue related to religious activities in private schools and how it is defined in the proposed recommendations.

Response

It is recognized that some private schools used for religious activities and worship generate higher parking demand and that the wording of the recommendation has an impact on the ultimate enforceability of the requirement. This issue is addressed in Section 3.0 of this report.

Because private schools with religious activities display similar characteristics as those of PRAs, the May 29, 2001 report recommended that these private schools must have frontage on major collector or arterial roads. However, upon further review, the existing By-law provisions related to PRAs in residential zones, including frontage on major roads, would already apply. In other words, schools which are being used as PRAs must meet the provisions of both uses in the Zoning By-law. The proposed recommendation contained in the May 29, 2001 report on this matter is redundant and, therefore, should be deleted.

2.3 Minimum Site Area for Private Schools

The PDC suggested that a minimum site area for private schools be considered.

Response

Staff initially considered a minimum site area as one of the criteria for private schools. However, it was felt that the proposed requirements, such as minimum lot frontage, maximum lot coverage, maximum gross floor area, minimum landscaped open space and minimum side yard being recommended would determine only certain size lots could be developed for private schools, and indirectly result in a minimum site area. Therefore, no change is recommended.

2.4 Inadequate Buffering of Play Area

The PDC expressed concerns that there is inadequate buffering of the play area and that it should be screened by buildings.

Response

A design study which addresses the location of play structures on school sites with regard to suitable yard setbacks to reduce potential noise and visual conflicts is being prepared, and will be dealt with under a separate study.

2.5 Delete Private Schools as a Use in Residential Zones

The PDC expressed concerns that private schools are allowed in residential zones in Zoning By-law 5500, whereas Zoning By-laws 65-30 and 1227 have specific zoning categories for schools, including publicly-funded and private schools, and suggested that private schools be deleted as a permitted use in the residential zones of By-law 5500.

Response

A similar suggestion was made by John Burgener. Staff comments are provided in Section 1.4.6 of this report. No change is recommended.

2.6 Using Adjacent Public Amenities for Private School Use

The PDC cited a concern regarding the use of the adjacent Laughton Heights Park by the ISNA School at 1558 Sherway Drive.

Response

A Memorandum of Understanding dated March 1998 between the City, the Canadian Islamic Trust Foundation, the ISNA School and the Sherway Homeowners and Recreational Association was entered into, limiting the use of the adjacent Laughton Height Park (see Exhibit S-15). It is the understanding of City staff that there may be a breach of agreement regarding patrons of the ISNA School on Sherway Drive using the adjacent Laughton Heights Park for various activities not in accordance with the provisions contained in the Memorandum of Understanding. This matter is being dealt with directly by the Community Services Department with the ISNA School.

2.7 Distance Separation between Private Schools and Publicly-funded Schools

The PDC suggested that a distance separation be introduced between private schools and publicly-funded schools.

Response

Many publicly-funded schools are located close to each other, and in most cases, are separated only by a community park. There is no justification for treating private schools differently in this regard. Therefore, no change is recommended.

3.0 Other Permitted Uses in Publicly-Funded Schools and Private Schools

3.1 Places of Religious Assembly in All Schools

In the report *"The Review of Parking Standards for Multi-Use Places of Religious Assembly and Worship Areas in Schools"* dated June 13, 2000 (attached as Exhibit S-2), staff recommended that a footnote be added to the current school parking requirements in the Zoning By-laws stating that where any part of school is used as a place of worship or for the conduct of religious activities or services on a weekly or regular basis by

persons not enrolled or working in the school, that the portion of the school used for worship activities shall be deemed to be a PRA for the purpose of calculating required parking. This requirement was intended to apply to both publicly-funded schools and private schools.

In the report titled "*Private Schools in Residential Areas*" dated May 29, 2001, the above noted footnote was again recommended, but as the report dealt only with private schools, the recommendation was for PRAs in private schools only. This issue as it related to publicly-funded schools was to be addressed in the report on comments for the June 13, 2000 report, however, it became apparent that by dealing with PRAs in private schools in isolation, it may appear to be discriminatory. Therefore, this report considers the proposed footnote for all schools. Comments on this issue received from the circulation of both the June 13, 2000 and the May 29, 2001 reports are discussed in this report.

It is noted that the current By-law interpretation of required parking for all schools used as PRAs is determined by two circumstances: if the worship or religious activity is part of the school curriculum; and if the worship or religious activity is considered a separate use. If the worship or religious activity is part of the school curriculum, parking is required in accordance with the minimum school parking requirement. If the activity is considered a separate use, parking is calculated in accordance with the minimum parking requirement for a PRA. Should this calculation yield a higher result than that assessed for the school, the additional spaces must be provided. It should be noted that few schools, either publicly-funded or private, upon applying for a building permit or zoning certificate, know or indicate areas that will be used as PRAs. Therefore, the requirement has only been addressed on a complaint basis. Further, in situations where the school has a religious affiliation, it is difficult to determine if the activity or worship is part of the school curriculum.

To avoid any ambiguity, to clarify the current intent and to increase the ability to enforce this requirement, it is suggested that the proposed footnote recommended in the previous reports related to parking for PRAs be amended to read as followings:

"Where any part of a public school or private school is used as a place of public worship or for the conduct of religious activities on a weekly or other frequent and regular basis in compliance with the provisions of this By-law, and such public worship or religious activity is not part of the school curriculum or is attended by persons not enrolled or employed in the school, the portion of the public school or private school used for worship or religious activity shall be deemed to be a PRA for the purpose of calculating required parking."

Therefore, parking for that portion of the school used for a PRA, as noted above, would provide parking at the existing minimum PRA parking standard of 1.0 space per 4.5 seats for permanent fixed seating, plus 27.1 spaces for any non-fixed moveable seating per 100 m² (25.1 spaces/1,000 sq. ft.) GFA, all in the worship area; or 27.1 spaces for all non-fixed moveable seating per 100 m² (25.1 spaces/1,000 sq. ft.) GFA, all in the worship area. The current minimum school parking requirement is 1 spaces/100 m² (0.93 spaces/1,000 sq. ft.) GFA plus 1.0 spaces per portable classroom for grades up to and including grade 8 and 1.5 spaces/100 m² (1.39 spaces/1,000 sq. ft.) GFA plus 1.0 spaces per portable classroom for grades 9 and above. In situations where school facilities are used for school purposes and as PRAs, the higher parking requirement of the two uses would apply.

It should also be noted that school sites located in residential zones that are used as PRAs must also comply with the general provisions established for PRAs, such as frontage on a major road.

3.1.1 The Phap Van Vietnamese Buddhist Cultural Centre of Ontario's Comments (Exhibit S-16)

The Phap Van Vietnamese Buddhist Cultural Centre of Ontario commented that schools are often used for activities other than schooling. It was suggested that although in addition to satisfying the spiritual, cultural and community activities of the residents of Mississauga, scheduling and high standards should be implemented particularly in residential areas as *"... these extra activities could strongly affect the living of the residences*

nearby....The most stringent zoning requirement and parking standard within these activities should be applied to these circumstances to protect the residents in the area". Staff agree with the comments and no response is required.

3.1.2 Blake, Cassels & Graydon's Comments (Exhibit S-10 and Exhibit S-17)

Blake, Cassels & Graydon provided comments on both circulated reports on behalf of the Canadian Islamic Trust Foundation/Islamic Society of North America and expressed concern regarding the proposed parking footnote related to portions of schools used for religious activities or services.

It was indicated that both publicly-funded schools and private schools have activities where parents are invited to the schools, and was described as incidental to the operation of any school. Blake, Cassels & Graydon stated that prayer is an integral part of the education cultivated at the ISNA School on Sherway Drive, and that such activity does not convert the school to a PRA for Zoning By-law purposes. The ISNA School has afforded, as a convenience, the opportunity for parents to attend one of the daily prayer times while picking up their children at the end of the school day. In accordance with Islamic practice, if parents come to the school to pick-up their children and this occurs at afternoon prayer time, the parent is obligated to join in. These prayers are generally 5 to 10 minutes in length. The Juma Prayer (Friday mid-day prayer) is of somewhat longer duration and the timing of the prayer varies with the season but generally falls in the early afternoon. Blake, Cassels & Graydon suggested that at one time, when there were no Islamic PRAs in Mississauga, the Sherway Drive facility helped in serving this function. With the provision of Islamic PRAs, the reliance on the Sherway Drive facility for Juma Prayer has receded.

Blake, Cassels & Graydon stated that "*parents have a place in the schools for purposes associated with their children's education*", and noted that it would be wrong and unjustified from a planning perspective to treat such attendances of parents at schools, whether denominational or non-denominational, as a discrete use and to "*declare the entirety of the floor area of any*

portion of the school used for worship activities as a distinct place of worship...for calculation of parking...". Blake, Cassels & Graydon suggested that such a requirement would effectively create a parking requirement in excess of that required for the school as a whole, and that the proposed recommendation appeared to require the whole area set aside for worship activities to provide parking at the rate for PRA, with no consideration that students and staff of the school also attend the same religious service. Blake, Cassel & Graydon further stated that relief through the Committee of Adjustment and the undertaking of a parking utilization study would not be viable for many schools as the deficiency would be too great. "In light of the nature of the activity, it should not be subject to this type of discretionary review."

Blake, Cassels & Graydon advised that "*...the document is bereft of substantiated data establishing a real and material problem. In the absence of that data, we would suggest that it is inappropriate to introduce the type of provision which is suggested in your conclusion.*"

Response

Although the ISNA School is not the subject of this report, it is an example of the issue that requires remedy. Over the past years, the City has acknowledged that the primary use of the ISNA School at 1525 Sherway Drive is a school. The applicable parking standard for a K-8 school at the time of occupancy by the ISNA School in 1985 was a flat rate of 30 spaces. Until recently, the property provided 36 paved parking spaces and an additional gravel area. The Sherway Drive site experienced numerous parking infractions over a number of years as reported by the City of Mississauga's By-law Enforcement Section. The school was used as a place of worship for not only parents of children attending the school but was open to all members of the Islamic community. Although the situation has improved and currently seems to be under control, there is no question that the frequent worship activities involving persons not enrolled or employed in the school resulted in a regularly occurring weekly peak parking demand which exceeded the required parking solely for the school use. Recently the gravel and the asphalt area has been repaved and restipped and accommodates 65 parking spaces.

The school has recognized the increased demand by providing over double the number of parking spaces required for the school use.

Blake, Cassels & Graydon noted that the effect of the proposed By-law amendment would likely create a parking requirement in excess of that required for the school as a whole since the PRA parking rate is substantially higher than the school rate. Using the plans provided with the Certificate of Occupancy application, approved in December 1984, it was determined that the gymnasium is approximately 200 m² (2,152 sq. ft.). Assuming the gymnasium to be the worship area and applying the current PRA parking standard of 27.1 spaces/100 m² (25.1 spaces/1,000 sq. ft.) GFA, all in the worship area, the required parking is 55 spaces. As noted above, the site currently provides 65 parking spaces and, therefore, is in conformity with the proposed recommendation.

Staff note that the effect of the proposed By-law would vary by individual site depending on the size of the school and the area used for worship. Further, various calculations were contemplated, but due to the diversity in school sizes and potential areas that could be used for worship, such as the gymnasium, the cafeteria, an auditorium, or library, and the diversity of practices and customs of a school and PRA, none could appropriately service all situations. It is the practice of the City that in these cases, a conservative approach for By-law purposes be taken, recognizing that relief through the Committee of Adjustment can be provided on an individual site basis.

It is recognized that some schools are religiously based and that parents have a place in their children's education. There is no intention to discourage these activities. Further, it is not the intention of the City to require schools that are used as PRAs by the school population or in situations where parents are invited on an occasional basis to the school to enjoy a special celebration, to provide more parking. However, if the worship happens weekly or on another frequent and regular basis and involves persons outside of the school community, the worship function is no longer incidental to the school function. The objective of the proposed requirement is to ensure that sufficient parking is

provided to avoid overflow onto surrounding streets, potentially resulting in conflicts with residents and business owners in the area. If members of a community, not attending or employed at the school, go to the school on a regular basis for the purpose of religious observance, with or without their children, the facility becomes a place of worship, and should be required to provide sufficient parking for this use. Therefore, the parking requirements for PRAs as discussed in Section 3.1 of this report should apply.

3.1.3 Dufferin-Peel Catholic District School Board and the Peel District School Board's Comments (Exhibit S-18)

The DPCDSB and PDSB provided joint comments on the June 13, 2000 report regarding the proposed parking footnote related to portions of schools used for religious activities or services. Both District School Boards oppose the introduction of the proposed parking requirement.

The District School Boards have stated that their facilities are never used by external religious or other groups during school hours and that a conflict between uses would never occur on the Boards' school sites as these types of activities occur after school hours. The District School Boards use a permit system to regulate which schools are used by external groups, the number of people in attendance, the time of the activity and the amount of space to be used. The District School Boards also suggest that religious groups are accommodated in facilities suitable to their individual needs and size of congregation and that adequate on-site parking is a factor considered in the permit process. If a congregation outgrows either the school space or the available on-site parking, it is moved to another school better suited to its needs. The District School Boards also note that the current minimum parking requirement of 27.1 spaces/100 m² (25.1 spaces/1,000 sq. ft.) GFA, all in the worship area, is not appropriate when considering the religious groups often use large areas of the school, such as gymnasiums, which usually exceed their actual space requirements. The current parking standard is considered too onerous in these situations. The District School Boards state that the proposed standard is unnecessary "*because*

we are careful to take parking requirements into consideration for all rental use of our facilities. Neither Board has ever had a complaint about any parking problems due to church groups using school facilities. This is simply not an issue." The Boards conclude by suggesting that establishing a parking rate for that portion of schools used for PRAs is unfair and singles out faith groups while allowing other non-denominational groups who are not subjected to the same level of scrutiny.

Response

It is recognized that the District School Boards do not allow their schools to be used by external groups during school hours and that they use a self-regulating permit system which considers the size of the congregation and parking required on an individual basis. Further it is recognized that the District School Boards have the resources available to move a congregation to an alternate location should problems arise or once it has outgrown its accommodations. Although these factors are instrumental in avoiding overflow parking, problems can still occur.

Similar to comments made by Blake, Cassels & Graydon, the District School Boards have noted a concern over the PRA parking standard applying to the entire area to be used by a religious group. Small congregations could be renting space larger than what they require, thereby, resulting in requiring an excess number of parking spaces. This concern has been addressed in the response to Blake, Cassels & Graydon's comments under Section 3.1.2 of this report. Further it should be noted that basing a parking requirement on a reported congregation size would be administratively difficult, infeasible to enforce and open to abuse. Basing a standard on GFA allows the area to be identified early in the process and is easily calculated and confirmed. In Appendices 1 and 2 to Exhibit S-18, the District School Boards list the schools being used by religious groups in January 2001. Of the 20 schools used as PRAs, eight (8) comply with the proposed parking provision. An additional three (3) have less than a 10% deficient of the required parking.

For schools that do not meet the proposed provisions, relief through the Committee of Adjustment can be requested if it can

be demonstrated through submission of a parking utilization study or a letter of justification that the school and the PRA can share parking and do not require the amount of parking prescribed by the Zoning By-law.

The parking requirements for PRAs as discussed in Section 3.1 of this report should apply.

3.2 Other Permitted Non-Residential Uses in All Schools

As noted in Section 1.4.5 and Section 1.6 of this report, Mr. John Burgener and Mr. & Mrs. K. Cullough, respectively, expressed a concern with other uses utilizing private schools, during non-school hours, and the appropriate parking provisions required.

The District School Boards have noted that it is unfair to single out faith groups for different treatment than other groups who use school space after hours.

Response

It is not the intent of the City to "single out" groups for using school facilities or to discourage schools to be used for religious activities or other permitted uses, as it is recognized that this type of sharing allows for more efficient use of space and provides a benefit to the community. Rather, the intent is to accommodate situations where insufficient parking is of concern and to provide parking standards appropriate for the uses on the site.

There are other non-residential uses, in addition to residential uses and schools, permitted in residential zones in Zoning By-law 5500. These non-residential uses are allowed to locate in residential zones, including using school facilities. However, to ensure that these other uses provide sufficient parking, it is proposed that additional provisions be made to the school parking requirements in the three Zoning By-laws. In situations where school facilities are used for school purposes and other non-residential uses, parking will be calculated for each use on the site according to existing Zoning By-law requirements, and the highest requirement imposed. Therefore, it is recommended that Zoning By-law 5500, Zoning By-law 65-30 and Zoning By-

law 1227 be amended by adding a footnote to the school parking requirements in the Schedule related to Parking and Loading Standards for Non-Residential Land Uses, stating that where any part of a publicly-funded school or private school is used for other permitted non-residential uses, the portion of the publicly-funded school or private school used for those uses shall provide parking in accordance with the minimum parking requirement of the respective uses.

4.0 Public Meeting

In accordance with Recommendations PDC-0080-2001 and PDC-0019-2002, a public meeting has been scheduled to consider the proposed City Plan amendment, and the Zoning By-law amendments regarding private schools and parking requirements related to PRAs and other non-residential uses located in publicly-funded schools and private schools.

CONCLUSION:

The report titled "*Private Schools in Residential Areas*" dated May 29, 2001 from the Commissioner of Planning and Building was circulated to the existing private school operators, the PDSB, the DPCDSB, and ratepayers associations for their comments. Comments were received from the PDSB, the DPCDSB, the Clarkson Business Association, the Cooksville-Munden Park Homeowners Organization, four residents, and representatives on behalf of three private school operators. Issues raised by the public and at the PDC meeting of June 18, 2001 are addressed in this report.

The report titled "*The Review of Parking Standards for Multi-Use Places of Religious Assembly and Worship Areas in Schools*" dated June 13, 2000 from the Commissioner of Planning and Building was circulated to the PDSB, the DPCDSB, the Mississauga Inter-Church Regional Planning Association, all PRAs in Mississauga, and all private schools in Mississauga registered with the Ministry of Education and Training for their comments. The June 13, 2000 study considered two issues: parking standards for large multi-use PRAs; and parking

standards for existing school facilities used as PRAs. Comments received on the first issue will be address in a report to the PDC in the near future. Comments received on the second issue, the use of existing school facilities for PRAs, were received from the one religious group, a representative on behalf of one private school and a joint response from the PDSB and the DPCDSB, and are addressed in this report.

Resulting from the review of all comments received, it is proposed that modifications be made to the following Zoning By-law components: amending the definition of "PUBLIC SCHOOL", the side yard setback, and the rear yard setback; expanding the footnote related to parking requirements for schools used for PRAs to include both publicly-funded schools and private schools; adding a footnote be added to the school parking requirements for other permitted non-residential uses using publicly-funded school facilities and private school facilities in residential zones; and deleting the proposed redundant locational provision related to private schools which are also used as PRAs. Other recommendations contained in the report titled "*Private Schools in Residential Areas*" dated May 29, 2001 remain applicable. As noted above, other recommendations contained in the report titled "*The Review of Parking Standards for Multi-Use Places of Religious Assembly and Worship Areas in Schools*" dated June 13, 2000 will be addressed in a report to the PDC in the near future.

The following summarizes the proposed amendments to City Plan and the three Zoning By-laws:

City Plan:

A policy be added that private schools sites should be located on arterial, major collector and minor collector roads, preferably at their intersection.

Zoning By-law 5500:

- add the definitions of "PUBLIC SCHOOL" and "PRIVATE SCHOOL", and delete the definition of "SCHOOL";

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- add footnotes to the school parking requirements in the general provisions of the Zoning By-law, requiring those portions of both publicly-funded schools and private schools used for PRAs or other permitted non-residential uses to provide parking in accordance with the minimum parking requirements of the respective uses.
 - add the following general provisions for private schools in residential zones:
 - front yard abutting a minor collector road, a major collector road or an arterial road, as shown on District Land Use Maps of City Plan;
 - minimum lot frontage of 45 m (148 ft.);
 - maximum lot coverage of 20% of the lot area;
 - maximum building height of 9.5 m (31.2 ft.) as measured from the established grade to the highest ridge of a sloped roof; and 7.5 m (24.6 ft.) as measured from the established grade to the top of the parapet of a flat roof;
 - maximum gross floor area of 190 m² (2,045 sq. ft.), plus 0.2 times the lot area;
 - minimum front yard requirement to be in accordance with the respective Residential zone provisions;
 - minimum interior side yard requirement to be the height of the building or 10% of the width of the lot, whichever is the lesser;
 - minimum exterior side yard requirement to the greater of the following:
 - the minimum exterior side yard requirement of the relevant Residential zone for the subject corner lot; or
 - the minimum exterior side yard requirement of an adjacent residential lot having a rear lot line abutting the rear lot line of the subject corner lot; or
 - the minimum front yard requirement of an adjacent residential lot having a side lot line abutting the rear lot line of the subject corner lot; or
 - the height of the building or 10% of the width of the subject corner lot, whichever is the lesser;
 - minimum rear yard requirement of 7.5 m (24.6 ft.);
 - minimum landscaped open space of 40% of the lot area.

Zoning By-law 65-30 and Zoning By-law 1227:

- add the definitions of "PUBLIC SCHOOL" and "PRIVATE SCHOOL", and delete the definition of "SCHOOL";
- add footnotes to the school parking requirements in the general provisions of the Zoning By-law, requiring those portions of both publicly-funded schools and private schools used for PRAs or other permitted non-residential uses to provide parking in accordance with the minimum parking requirements of the respective uses.

RECOMMENDATION:

That the report titled "*Response to Comments - Private Schools in Residential Areas and Review of Parking Standards for Worship Areas in Private Schools and Publicly-Funded Schools*" dated February 26, 2002 from the Commissioner of Planning and Building, recommending amendments to City Plan and to Zoning By-laws 5500, 65-30 and 1227, be adopted.

Original Signed By: _____

Thomas S. Mokrzycki

Commissioner of Planning and Building