



Corporate Report

Clerk's Files

Originator's
Files H-OZ 06/002 W1

DATE: March 27, 2007

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

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Partial Removal of the "H" Holding Symbol
from Zoning By-law 1227, as amended
10 and 14 Front Street North
North of Lakeshore Road West, west of the Credit River
Owner: 487345 Ontario Inc. and Ronald Robinson
Applicant: Peter Chee, MiKo Urban Consulting Inc.**

Ward 1

RECOMMENDATION: That the Report dated March 27, 2007, from the Commissioner of Planning and Building recommending that the Removal of the "H" Holding Symbol application be approved to partially lift the "H" holding symbol, under file H-OZ 06/002 W1, 487345 Ontario Inc. and Ronald Robinson, 10 and 14 Front Street North, be adopted in accordance with the following:

1. That the Removal of the "H" Holding Symbol application to partially lift the "H" holding symbol be approved, permitting only the following uses: detached, duplex, triplex, double duplex, double triplex and fiveplex dwellings; and, the professional practice of a physician, dentist or drugless practitioner in a single-family detached dwelling provided it is their principal private residence;

2. That the Planning and Building Department be authorized to prepare the necessary by-law for Council's passage conditional upon the applicant entering into a Development Agreement to ensure that adequate services can be provided for any proposed redevelopment in the future.

BACKGROUND:**Origin of the “H” Holding Symbol**

On June 17, 1974, City Council passed By-law 279-74 which introduced a holding symbol for certain lands zoned “R4” (Residential), including the subject lands in Port Credit. The effect of By-law 279-74 was to amend By-law 1227 (Port Credit Zoning By-law) by changing the zoning on the affected parcels from “R4” (Residential) to “H-R4” (Residential with Holding Symbol), permitting only detached dwellings and any residential uses lawfully existing on the date of the passing of the by-law. By-law 279-74 was subject to certain appeals and was subsequently approved by the Ontario Municipal Board (OMB) on February 25, 1975. The “H” holding symbol was intended to be temporary to allow City staff the opportunity to review proposed development plans in Port Credit and determine whether amendments to the Official Plan were required in light of the perceived strain on sewer and traffic services at the time. This “H” holding symbol has never been removed.

“R4” (Residential) Permitted Uses

Upon removal of the “H” holding symbol, the By-law will allow for a range of residential uses permitted by the “R4” (Residential) zoning under the Port Credit Zoning By-law 1227. These uses include: detached, duplex, triplex, double duplex, double triplex and fiveplex dwellings; apartment buildings; a drug store, barber shop, beauty parlour, florist shop, delicatessen or restaurant where accessory to and established in an apartment building; converted dwelling; boarding house or lodging house; professional practice of a physician, dentist or drugless practitioner in a single-family detached dwelling provided it is their principal private residence; day nursery or nursery school; private club; and, a municipal park or playground. To permit all of the above-outlined uses, City staff requested a number of studies and reports to ensure that adequate services (i.e. sewers and traffic) could be provided for all of the above uses.

Partial Lifting of the “H” Holding Symbol Request

The applicant indicated that they do not intend on redeveloping the subject properties for an apartment building or any of the uses permitted in association with an apartment building.

Consequently, on February 15, 2007, the applicant amended the application to request that the “H” Holding Symbol only be partially lifted. Upon the partial removal of the “H” holding symbol, the by-law will allow only the following uses: detached, duplex, triplex, double duplex, double triplex and fiveplex dwellings; and, the professional practice of a physician, dentist or drugless practitioner in a single-family detached dwelling provided it is their principal private residence.

Existing Uses

Currently, at 10 Front Street North two structures exist: a detached dwelling that contains a professional office and a residential dwelling unit; and, a detached garage. The professional office use was approved by the Committee of Adjustment through minor variances dating back to 1981. Mississauga Plan identifies this property as Special Site 15 in the Port District Policies which indicates that notwithstanding the “Residential Medium Density I” designation, office uses will be permitted. Therefore, the existing office use would be able to continue regardless of whether the “H” holding symbol is lifted because of the approval obtained from the Committee of Adjustment under file ‘A’ 674/02.

Existing at 14 Front Street North is a residential building with three dwelling units and a detached garage. As per the applicant’s request, upon partial removal of the “H” holding symbol, a triplex would be a permitted use. The existing structure would be considered a legal use once the “H” holding symbol is partially lifted if the building is in accordance with the Zoning By-law definition for a “triplex”.

As referenced above, upon the partial lifting of the “H” holding symbol, a variety of residential uses will be permitted.

Appendices 1 and 2 identify the lands to which the by-law applies and the underlying zoning.

While the applicant is not proposing to redevelop the subject properties at this time, they have indicated their intent to do so in the future. They have submitted the subject application in advance of a formal redevelopment proposal in order to maintain some of their current zoning rights.

As part of the original approval of By-law 279-74, Council required that the “H” holding symbol be applied to the lands at the time, recognizing that there was a severe strain on the services in the Town of Port Credit, particularly in regard to sewage and traffic. However, no conditions were included as part of the enactment of the “H” Holding symbol and, therefore, are not binding to Council. Accordingly, the “H” Holding symbol may be released without fulfillment of the intended conditions. Notwithstanding, staff have requested that the applicant enter into a Development Agreement to ensure that adequate services can be provided for any proposed redevelopment in the future.

COMMENTS:**Proposed Draft Zoning By-law**

A new draft Zoning By-law is being finalized. The proposed Zoning for this property is “RM4-54” (Townhouse Dwellings). This zone permits any of the following uses provided they are legally existing on the date of passing of the By-law: a detached dwelling, a duplex dwelling and an office within a detached dwelling. Should this application be approved, a new “RM4-Exception” (Townhouse Dwellings) zone would be required to reflect the uses that would be permitted through this application.

Planning Act Requirements

Section 36 of the *Planning Act* provides the legislative framework for the removal of the “H” holding symbol and allows municipalities to amend a by-law to remove the “H” holding symbol. A formal public meeting is not required; however notice of Council's intention to pass the amending by-law must be given to all land owners within 120 m (400 ft.) to which the proposed amending by-law would apply. Notice was given to all affected land owners by pre-paid first class mail.

FINANCIAL IMPACT: Not applicable.

CONCLUSION:

Given that By-law 279-74 does not contain specific conditions governing the release of the "H" holding symbol and the applicant has agreed to enter into a Development Agreement prior to the passing of a By-law to partially lift the "H" holding symbol, the "H" holding symbol can be removed.

ATTACHMENTS:

Appendix 1 – Aerial Photograph

Appendix 2 – Excerpt of Existing Land Use Map

Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Stacey Laughlin, Development Planner



LEGEND:

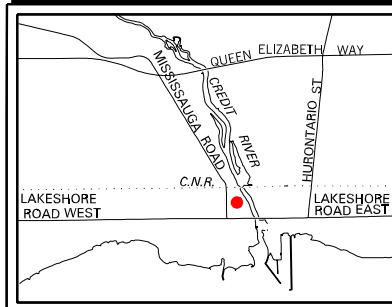


SUBJECT LANDS

DATE OF AERIAL PHOTO: 2006



SUBJECT: 487345 ONTARIO INC. AND RONALD ROBINSON



FILE NO:
H-OZ 06002 W1

DWG. NO:
06002A

SCALE:
NTS


PDC DATE:
2007 04 16

DRAWN BY:
R.DICOSOLA

APPENDIX 1

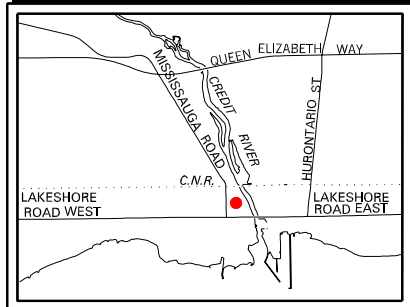


LEGEND:

 LANDS AFFECTED BY THE REQUEST TO PARTIALLY LIFT THE 'H' HOLDING SYMBOL.



SUBJECT: 487345 ONTARIO INC. AND RONALD ROBINSON



FILE NO: H-OZ 06/002 W1	APPENDIX 2
DWG. NO: 06002R	
SCALE: 1:2500	PRODUCED BY T&W, Geomatics
PDC DATE: 2007 04 16	
DRAWN BY: R.DICOSOLA	

MISSISSAUGA
Planning and Building

Produced by
T&W, Geomatics