



# Corporate Report

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**DATE:** February 7, 2012

**TO:** Chair and Members of Planning and Development Committee  
Meeting Date: February 27, 2012

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

**SUBJECT:** **Interim Control By-law for the Downtown  
Request for Amendments and a One Year  
Extension to the By-law**

**Wards 4 & 7**

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- RECOMMENDATION:**
1. That the report titled "Interim Control By-law for the Downtown, Request for a One Year Extension" dated February 7, 2012, from the Commissioner of Planning and Building, be received.
  2. That Interim Control By-laws 0046-2011 and 0080-2011 be amended as described in this report and as shown in Exhibit 2.
  3. That Interim Control By-law 0046-2011 be extended for an additional period of one year, to provide an opportunity to complete the planning study for the Downtown.

**BACKGROUND:** On March 9, 2011, Council enacted Interim Control By-law 0046-2011, Amending By-law 0080-2011, was passed on March 30, 2011, with the Interim Control By-law (ICB) being in effect for a period of one year. The ICB has the effect of restricting new development on the lands within the subject area to allow the City to undertake a planning study to put into place appropriate planning policies and regulations to support the vision for Mississauga's downtown core.

The Interim Control By-law was appealed to the Ontario Municipal Board (OMB) by four affected land owners. Pre-hearings were held on December 2, 2011 and February 7, 2012. The City has been working with the appellants to reach agreement on some of their areas of concern, namely their inability to make any interior renovations or move tenants within their buildings. Provisions were made in amending Interim Control By-law 0800-2011 to allow for internal renovations for the Square One lands. These same provisions are being recommended for the existing buildings located at 1 City Centre Drive, 33 City Centre Drive, 55 City Centre Drive, 77 City Centre Drive, 100 City Centre Drive, 201 City Centre Drive, 185 Enfield Place, 50 Burnhamthorpe Road West and 90 Burnhamthorpe Road West, to allow them to undertake renovations, and relocation of tenants within the building.

A request was also made to include canopy and awning additions to the list of items exempt from the ICB for the same properties noted above. Given their minor nature, it is recommended that the by-law be amended to include these items.

Through the appeals of the ICB, the appellants also requested that patios and signage be exempt from the ICB. Patios are currently not a permitted use in the Zoning By-law 0225-2007; therefore the ICB cannot permit a use not permitted in the underlying base zoning. Applications for minor variance will continue to be required for any patios requested. Signage is mandated through the Municipal Act and therefore is not subject to the provisions of the ICB.

A request was also made to allow for an exemption from the ICB for the construction of new buildings at One City Centre Drive and 185 Enfield Place. To date staff have not had discussions with the land owners about any development on these lands. It would be premature to exempt these sites from the ICB until an application has been submitted and reviewed by staff. If an application is submitted, it will be processed and evaluated in accordance with existing and draft policies related to the implementing tools of the ICB. A minor variance or an exemption from the ICB would then need to be applied for by the applicant. The City would continue to process the application and would issue an approval when the

variance or exemption request was granted and the time limit for appealing had expired and no appeals had been filed.

The appeal from OMERS Realty Management Corp., remains outstanding. A pre-hearing is scheduled for March 19, 2012, if necessary, to deal with this appeal.

#### **COMMENTS:**

Section 38(2) of the *Planning Act* authorizes Council to amend an interim control by-law to extend the period of time which it will be in effect, provided the total period of time does not exceed two years from the passing of the interim control by-law.

City staff have undertaken the planning study and have prepared implementing policies, regulations and design standards as brought before the Planning and Development Committee on January 9, 2012, where Resolution PDC-0002-2012 was adopted:

1. That the report titled "Interim Control By-law for the Downtown Core – Directions Report", dated December 13, 2011, from the Commissioner of Planning and Building, be received for information.
2. That the report titled "Interim Control By-law for the Downtown Core – Directions Report" dated December 13, 2011, from the Commissioner of Planning and Building, be circulated to City Departments, external agencies and affected landowners for review and comment, and that staff schedule the statutory public consultation process.

Since the enactment of the ICB, the New Official Plan has been Council approved however it is under appeal. The appeals are now before the OMB for scoping and it is expected that any policies related to the downtown core will be addressed prior to finalization of any implementing tools related to the ICB. The New Official Plan directs that the downtown core will be an area of intense, mixed use development, which is transit oriented and pedestrian friendly.

A one year extension to the ICB will allow staff to complete the planning process, including the public consultation and final recommendation report to Council. The consultation process and public meeting will be scheduled in early spring. Staff will then report back to Council with final recommendations related to the proposed implementing tools.

The proposed amendments to the by-law address the concerns of three of the appellants and allow them the same flexibility provided to Square One Mall, in terms of minor alterations within existing buildings.

**STRATEGIC PLAN:** The proposed amendments and extension to the Interim Control By-law for the downtown core will allow the Planning and Building Department to complete the planning process related to the City's Strategic Plan's goal of Creating a Vibrant Downtown.

**FINANCIAL IMPACT:** There are no financial implications resulting from the adoption of this report.

**CONCLUSION:** It is appropriate to amend and extend for one additional year Interim Control By-laws 0046-2011 and 0080-2011. The extension will allow the City to complete the consultation and public meeting process and finalize the Official Plan policies, zoning regulations and design standards for Council's consideration, while the amendments provide the some flexibility to the landowners involved in the appeal.



**ATTACHMENTS:** Appendix I-1 - Area subject to Interim Control By-law  
Appendix I-2 - Proposed Amended Interim Control By-law

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Edward R. Sajecki  
Commissioner of Planning and Building

*Prepared By: Diana Rusnov, Manager, Development Central*



-  LANDS SUBJECT TO INTERIM CONTROL BY-LAW
-  GREENBELT OVERLAY

**CITY OF MISSISSAUGA**

**THIS IS APPENDIX "B" TO  
BY-LAW \_\_\_\_\_**



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER .....

A by-law to amend and extend By-law Number 0046-2011, as amended  
being an Interim Control By-law  
under section 38 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended.

WHEREAS the Council of the Corporation of the City of Mississauga passed Interim Control By-law 0046-2011, respecting lands within parts of the Downtown Core on March 9, 2011, in accordance with section 38 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended (hereinafter "By-law 0046-2011");

AND WHEREAS By-law 0046-2011 was amended by Amending By-law 0080-2011 on March 30, 2011;

AND WHEREAS By-law 0046-2011 did not make provisions to allow for minor alterations to existing buildings which would occur within the existing buildings or structures existing at the time of the enactment of the by-law;

AND WHEREAS this amending by-law resolves the appeals of certain property owners who have appealed By-law 0046-2011, as amended;

AND WHEREAS the entirety of Mississauga Official Plan, the City's new Official Plan, is under appeal and the polices recommended by the Downtown Core study carried out under By-law 0046-2011 require that the provisions of the Mississauga Plan be in place prior to the implementation of the study recommendations;

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

I. By-law 0046-2011, as amended, is hereby further amended by deleting Section 2.1 in its entirety and replacing it with the following:

2.1. This by-law shall not apply to any portion of the building or structure legally existing on or before March 9, 2011 and municipally known as 1 City Centre Drive, 33 City Centre Drive, 55 City Centre Drive, 77 City Centre Drive, 100 City Centre Drive, 201 City Centre Drive, 185 Enfield Place, 50 Burnhamthorpe Road West and 90 Burnhamthorpe Road West, but shall apply

to any new construction outside of and/or beyond the existing footprint of such building or structure, except:

- a. canopies or awnings on the exterior of the existing buildings or structures;
- b. outdoor patios and landscaping.

2. By-law 0046-2011, as amended, is further amended by adding the following section:



- 6. Further to Section 6 above, and pursuant to the provisions of the *Planning Act*, the time period in which this By-law is in effect is extended to March 8, 2013.

ENACTED and PASSED this \_\_\_\_\_ day of \_\_\_\_\_ 2012.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CLERK



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-  GREENBELT OVERLAY

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**THIS IS APPENDIX "B" TO  
BY-LAW \_\_\_\_\_**



APPENDIX "A" TO BY-LAW NO. \_\_\_\_\_

Explanation of the Purpose and Effect of the By-law

To amend the Interim Control By-law for the Downtown Core to allow for minor alterations to existing buildings which would be permitted to occur within the existing buildings or structures on certain properties identified within the By-law, existing at the time of the enactment of the Interim Control By-law, on March 9, 2011 and to extend the by-law for one additional year.

Location of Lands Affected

The lands included are bounded by Centre View Drive and Rathburn Road East to the north, Hurontario Street to the east, Webb Drive to the south. The western boundary is Duke of York Boulevard, except for the area north of Rathburn Road West which extends to Confederation Parkway, as shown on the attached Map designated as Appendix "B".

Further information regarding this By-law may be obtained from Diana Rusnov of the City of Mississauga Planning and Building Department at 905-615-3200, ext. 5534.

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