

CS.08.POR
Port Credit

DATE: April 5, 2004

TO: Chairman and Members of the Planning and Development Committee

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

SUBJECT: **SUPPLEMENTARY REPORT - Proposed Heritage Conservation District Plan - Official Plan and Zoning By-law Amendments, Port Credit Heritage Conservation Feasibility Study, Phase Two - Interim Control By-law 0219-2003**

MEETING DATE: April 5, 2004

ORIGIN: Planning and Building Department.

BACKGROUND: City Council on May 28, 2003 considered a report titled "Proposed Heritage Conservation District and Interim Control By-law Port Credit Heritage Village" dated April 29, 2003 from the Commissioner of Planning and Building and adopted the following recommendations:

- "1. That the Community Services Department undertake a Heritage Preservation Feasibility Study for the lands south of Lakeshore Road West, west of the Credit River; north of Lake Ontario and east of Mississauga Road South to determine if there is merit in the heritage preservation for the area, and to recommend measures to be undertaken to achieve such preservation as outlined in the report titled "Proposed Heritage Conservation District and Interim Control By-law, Port Credit Heritage Village" dated April 29, 2003 from the Commissioner of Planning and Building.

2. That pursuant to S.38(1) of the *Planning Act*, an Interim Control By-law for all lands south of Lakeshore Road West, west of the Credit River, north of Lake Ontario and east of Mississauga Road South be enacted by City Council to allow for the Heritage Preservation Feasibility Study to be completed as outlined in the report titled "Proposed Heritage Conservation District and Interim Control By-law, Port Credit Heritage Village" dated April 29, 2003 from the Commissioner of Planning and Building."

Pursuant to the above recommendations, Interim Control By-law 0219-2003 was enacted by City Council on May 28, 2003, to be in effect for one year.

The Interim Control By-law was appealed to the Ontario Municipal Board (OMB), which scheduled a hearing on March 3, 2004. In a decision issued March 29, 2004 (Exhibit 1), the OMB repealed the By-law.

Although Legal Services will report to City Council on the legal implications of this decision, the purpose of this report is to advise Planning and Development Committee of the implications for this study.

COMMENTS:

The repeal of Interim Control By-law 0219-2003 has the following planning implications:

- a. It has no bearing on the completion of the Heritage Conservation Feasibility Study. The study should continue in its present form, as it is not predicated on the Interim Control By-law for its scope. The Interim Control By-law was to ensure that the study area remain unchanged during the study, so as not to have a "moving target" for a study.

- b. Development may proceed in accordance with the existing zoning by-law. Zoning By-law 1227 for the former Town of Port Credit zones the lands between Port Street and Lakeshore Road West for a variety of commercial and institutional uses. Most of the remaining lands in the area are zoned H-R4 which permits, subject to the removal of the "H" prefix, detached dwellings, duplexes, triplexes, double duplexes, five-plexes and apartment buildings; nursing home; boarding house or lodging house; nursery school; private club; drug store, barber shop, beauty parlour, florist shop, delicatessen or restaurant accessory to an apartment building. Until the "H" is removed, the H-R4 zone permits only detached dwellings, with no maximum gross floor area or maximum height provisions.

The Port Credit Heritage Conservation Study is proceeding expeditiously and is fast tracked so that a revised zoning by-law for the study area could be adopted by City Council in June, and unless appealed, in effect in July.

The report titled "Proposed Heritage Conservation District Plan - Official Plan and Zoning By-law Amendments - Port Credit Heritage Conservation Feasibility Study - Phase Two" dated March 16, 2004, from the Commissioner of Planning and Building recommended that Interim Control By-law 0219-2003 be amended to extend the period of time during which it will be in effect for one additional year. In view of the decision of the OMB, this recommendation is redundant and should be deleted.

CONCLUSION:

The repeal of Interim Control By-law 0219-2003, by the OMB, has no bearing on the completion of the Heritage Conservation Feasibility Study, which should continue in its present form, as it is not predicated on the interim control by-law for its scope. Although development may proceed in accordance with Zoning By-law 1227, the study is proceeding expeditiously and is fast tracked so that a revised zoning by-law for the study area could be adopted by City Council in June and, unless appealed, be in effect in July, 2004. The recommendations of the report titled "Proposed Heritage

Conservation District Plan - Official Plan and Zoning By-law Amendments - Port Credit Heritage Conservation Feasibility Study - Phase Two" dated March 16, 2004, from the Commissioner of Planning and Building should be replaced with the recommendation of this report.

RECOMMENDATION:

That a public meeting be held at the Planning and Development Committee to consider the proposed Heritage Conservation District Plan, and amendments to Mississauga Plan, Zoning By-law 1227 and Site Plan Approval By-law as outlined in the report titled "Proposed Heritage Conservation District Plan - Official Plan and Zoning By-law Amendments - Port Credit Heritage Conservation Feasibility Study - Phase Two - Interim Control By-law 0219-2003" dated March 16, 2004, from the Commissioner of Planning and Building.

Original Signed By:

Edward R. Sajecki
Commissioner of Planning and Building