

ISSUE DATE:

November 13, 2013



Ontario

Ontario Municipal Board

Commission des affaires municipales de l'Ontario

PL120944

501 Lakeshore Inc. has appealed to the Ontario Municipal Board under subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to the Official Plan for the City of Mississauga to redesignate land municipally known as 447, 453 and 501 Lakeshore Road East and 1021, 1027, 1077 and 1087 Enola Avenue from "Business Employment", "Mainstreet Retail", "Commercial", "Residential - Low Density" and "Greenbelt" to "Mainstreet Retail", "Commercial", "Residential - High Density II" and "Greenbelt" and to create a new special site policy in the Lakeview District Policies section of the Mississauga Official Plan

Approval Authority File No.: OZ 11/017 W

OMB File No.: PL120944

501 Lakeshore Inc. has appealed to the Ontario Municipal Board under subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, from Council's neglect to enact a proposed amendment to Zoning By-law 0225-2007 of the City of Mississauga to rezone lands respecting 447, 453 and 501 Lakeshore Road East and 1021, 1027, 1077 and 1087 Enola Avenue from "E2", "C4", "R3" and "G1" to permit redevelopment of the site from A-2 to "C4" and "RA5", the majority of the "G1" zoning will be maintained, to permit the mixed-use redevelopment of the site

OMB File No.: PL120945

#### APPEARANCES:

##### Parties

##### Counsel/Agent\*

501 Lakeshore Inc.

S. Zakem

City of Mississauga

R. A. Biggart

Region of Peel

R. Maciver

Credit Valley Conservation Authority

L. Smith\*

Cranberry Cove Port Credit Ratepayers  
Association

C. J. Mackie\*

DECISION DELIVERED BY M. C. DENHEZ AND ORDER OF THE BOARD

## INTRODUCTION

[1] This dispute, concerning a proposed Official Plan Amendment (“OPA”) and rezoning, was apparently settled between the parties, but there were still participants from the neighbourhood, expressing concerns.

[2] 501 Lakeshore Inc. (“the applicant”) proposed redevelopment on 14½ acres of formerly industrial lands in the City of Mississauga (“the City”), in the Region of Peel (“the Region”). Part of the property is at risk of flooding from abutting Cooksville Creek, which is under the jurisdiction of the Credit Valley Conservation Authority (“the Conservation Authority”).

[3] The applicant proposed a substantial Mixed-Use project, including two residential towers (12 storeys and 20 storeys), townhouses, office space, and some 150,000 square feet of retail space (neighbours anticipated a Walmart). The applicant also undertook to do engineering work on the creek, to reduce its floodplain.

[4] This application involved an OPA and rezoning. However, City Council did not adopt them, and the applicant appealed to the Ontario Municipal Board (“the Board”).

[5] At a Pre-Hearing Conference (“PHC”), the Board recognized six parties: the applicant, three public authorities (the City, the Region, and the Conservation Authority), plus two other parties – Mr. F. Capobianco, and the Cranberry Cove Port Credit Ratepayers Association (“CCPCRA”).

[6] Over time, the project changed substantially, reducing the height of the residential towers, relocating an internal road, and relocating a proposed pumping station.

[7] In the lead-up to the Board hearing, four parties reached formal consensus on project revisions – the applicant, the City, the Region, and the Conservation Authority.

[8] As for the other two parties, Mr. Capobianco did not attend the hearing (though notified), and the CCPCRA asked to change its status from that of a party to that of a participant. The CCPCRA nonetheless sought clarifications.

[9] Participants came forward with other concerns. One neighbour, Halina Kiluk, expressed apprehension about impacts on her property. Representatives of two community associations (the Town of Port Credit Association and the Lakeview Ratepayers Association) also expressed concerns about the kind and amount of retail which could occur under the proposal. Yet another participant, Ian L. Smith, supported the project.

[10] The Board has carefully considered all the evidence, notably the testimony of Terry Korsiak, the applicant's planner. It was his expert opinion that, subject to the conditions agreed, the OPA and rezoning (all as modified) met all statutory criteria, and represented good planning. On review, the Board finds that although the participants' concerns are understandable, they are also manageable. The Board gives effect to the OPA and rezoning, as agreed between the applicant and the public authorities, though subject to specific conditions, notably of an environmental nature. The details and reasons are outlined below.

## **BACKGROUND AND CONTEXT**

[11] Most of the 5.85 hectare site belonged to the former Inglis appliance factory, which closed years ago. Although those lands were mainly designated "Employment" under the City's Official Plan ("OP"), it was common ground that they would not be considered "Areas of Employment" under either the Provincial Policy Statement or the Growth Plan for the Greater Golden Horseshoe; nor was it suggested that they were needed for long-term employment objectives.

[12] Another part of the property, estimated to be at flood risk, had been designated "Natural Hazard". The OPA would change the "employment" designation, and redefine the area of the "Natural Hazards" designation, pursuant to the work on the creek.

[13] The site is on the north side of Lakeshore Road East, between Enola Avenue and the creek. At the southwest corner is an existing commercial building; at the southeast corner, land had recently been expropriated by the Region for a pumping station.

[14] The properties along Lakeshore Road were described as a mix of residential and commercial, of various sizes and shapes; along Enola Avenue was another mix of residential properties of various sizes and shapes.

[15] Under the proposal, the existing buildings on the subject property would all be demolished. The property would be crossed by a new street, with some truck access to Enola Avenue. The subject site then be divided into three main parts:

- One part, to the south, would be designated commercial. The Lakeshore Road frontage, plus a corner portion extending from Lakeshore Road along Enola Avenue, would be lined by two-storey buildings with at-grade retail plus office uses, said to reinforce the "village" or "Main Street" feel of Lakeshore Road. Behind those buildings, to the north, would be parking; part of that parking would be provided in a structure, surmounted by more retail space.
- The second part, to the north, would be designated residential, with two residential towers (12 storeys and 20 storeys), plus townhouses.
- A third part would be comprised of a strip along the east side, for greenspace. The work on the creek was expected to confine the floodplain to that area, and the "Natural Hazards" designation would be redefined accordingly. The pumping station would also have a distinct designation.

[16] Those proposed physical arrangements changed. Pursuant to the negotiations with other parties, the applicant produced a revised proposal:

- The pumping station would be moved north, away from Lakeshore Road.
- The street crossing the property would be shifted further east.
- Trucks would no longer have access to Enola Avenue.

- The apartment buildings would no longer measure 20 storeys and 12 storeys, but 14 storeys and 8 storeys respectively. The project height would also be subjected to a 45° angular plane.
- The zoning would have an "H" "Holding" provision, specifying that no development could proceed until it had met four preconditions:
  - execution of servicing and development agreements;
  - an agreement to pay benefits to the City under s. 37 of the *Planning Act*;
  - acceptance, by the Ministry of Environment (MOE), of a Risk Assessment, and a Record of Site Condition; and
  - registration of the agreement concerning lands for the pumping station.

[17] Those provisions apparently satisfied public authorities, but not everyone. One owner of property abutting the existing industrial site expressed concern that the project would "overpower" her property in terms of privacy, pollution, and traffic.

[18] Two representatives of community associations, namely the Town of Port Credit Association and the Lakeview Ratepayers Association, expressed concern that a potential big box store could have a disruptive effect on business planning for the entirety of Lakeshore Road.

[19] The representative of CCPCRA, for his part, wanted clarification that no development would proceed, without proper MOE vetting of environmental risks. Counsel for the applicant and for the City replied that this was exactly what one of the preconditions of the "H" "Holding" provisions would assure. The "hold" on development would be removed only:

Upon satisfaction of the following requirements: ... Acceptance by the Ministry of Environment of the Risk Assessment and issuance of a Record of Site Condition for the uses permitted in this zoning by-law....

## APPLICABLE CRITERIA

[20] Assessment of a proposed OPA or rezoning may involve several factors, notably whether they comply with the *Planning Act*, the Provincial Policy Statement ("PPS"), the applicable Official Plan(s) and the fundamentals of good planning.

## ANALYSIS

[21] As mentioned, the expert planning evidence supported the OPA and rezoning.

[22] The skeptics pursued two themes. Ms. Kiluk focused on the impact of the project, which would back onto her property. However, according to the plans, her property would eventually back onto a part of the project's landscaped area, whereas it now backs onto an industrial site. Although this large new project would undoubtedly have a significant impact, the Board was not shown how that impact would be notably more negative than what exists today.

[23] As for the associations' concerns arising from the possible use of commercial space for a "big box" store, the spokespersons Gavin Clark and Deborah Goss argued that it could represent inappropriate competition for authentic "Main Street" merchants elsewhere along Lakeshore Road. Ms. Goss added that this anchor destination (what she called a "node") would be in the wrong location along Lakeshore Road.

[24] Those views were thoughtfully presented. The overall commercial well-being of Lakeshore Road is indeed a significant question, deserving the full attention of City planners in the short, medium and long term. This Board, however, is not an economic regulator: its mandate involves application of formal planning policies – and in Mississauga, the OP does *not* intervene in marketing.

[25] The Board would add, however, that if the retail space is indeed allotted to a "big box" function, then the Board can only observe that most developers do not conceal big box stores behind "Main Street" style storefronts: instead, they isolate them in a sea of parking. Compared to that, some observers would call the current proposal a "revolutionary" improvement, in the prospective treatment of streetscapes.

[26] Similarly, it is not every developer who reduces the risk of flooding by undertaking engineering works in the watercourse.

[27] Although the Board acknowledges the participants' concerns, the above factors lead the Board to agree with the public authorities, and with the expert evidence, that the project represents a step forward.

### **ORDER**

[28] The appeals are allowed in part:

1. The Amendment to the Official Plan of the City of Mississauga is approved, in accordance with the wording that appears at Exhibit 6.
2. Zoning By-law No. 0225-2007 of the City of Mississauga is amended in accordance with the wording that appears at Exhibit 7.
3. The appeals are otherwise dismissed.
4. The Board authorizes the City Clerk to assign a number to the Official Plan Amendment and the By-law for record-keeping purposes.
5. No costs shall be awarded in respect of these proceedings.
6. In the event that some matter or matters should arise in connection with the implementation of this Order, the Board may be spoken to.

"M. C. Denhez"

M. C. DENHEZ  
MEMBER

X 6

Amendment No. 17  
to  
Mississauga Official Plan  
for the  
City of Mississauga Planning Area



Amendment No. 17  
to  
Mississauga Official Plan  
for the  
City of Mississauga Planning Area

The following text and map designated Schedule "A" attached hereto constitutes Amendment No. 17.

Schedule "A" of this Amendment is an excerpt from the Mississauga Official Plan Land Use Map, Mississauga Official Plan, with the proposed "Residential High Density" designation indicated in Brown, the "Mixed Use" designation indicated in Pink and the "Greenbelt" designation indicated in Light Green and collectively outlined in red.

Schedule "B" of this Amendment is an excerpt from the Lakeview Local Area Land Use Map, Lakeview Local Area Plan, with the proposed "Residential High Density" designation indicated in Brown, the "Mixed Use" designation indicated in Pink and the "Greenbelt" designation indicated in Light Green and collectively outlined in red.

Schedules "C", "D", "E" and "F" are excerpts from the Urban System, Urban System – Green System, Natural System, and Parks and Open Spaces, Mississauga Official Plan, respectively, with the revised lands illustrated within the red circle.

Also attached hereto but not constituting part of the Amendment are Appendices I, II and III.

Appendix I is a description of the Public Meeting held in connection with this Amendment.

Appendix II is a map showing the Existing Land Use of the subject lands and the surrounding area, with the lands affected by this Amendment outlined in red.

Appendix III is a copy of the Planning and Building Department report dated August 13, 2013, pertaining to this Amendment.

### PURPOSE

The purpose of this Amendment is to change the land use designation of the subject lands from "Business Employment" and "Residential Low Density II" to "Mixed Use", "Residential High Density" and "Greenbelt" to permit mixed used commercial development adjacent to Lakeshore Road East, apartment dwellings to the rear of the site and natural hazard lands adjacent to Cooksville Creek.

### LOCATION

The lands affected by this Amendment are located on the northeast corner of Lakeshore Road East and Enola Avenue.

### BASIS

The subject lands are located in the Lakeview Neighbourhood Area, as identified in Mississauga Official Plan. Mississauga Official Plan 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 associated Mississauga Official Plan policies are not under appeal to the Ontario Municipal Board.

A portion of the subject lands are designated Business Employment which permits a mix of business, industrial and manufacturing uses which occur predominately within enclosed buildings or structures. The lands are also designated Mixed Use which permits a wide variety of retail commercial, office and service uses and Residential Low Density II which permits detached, semi-detached, street townhouse, duplex and triplex dwellings.

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

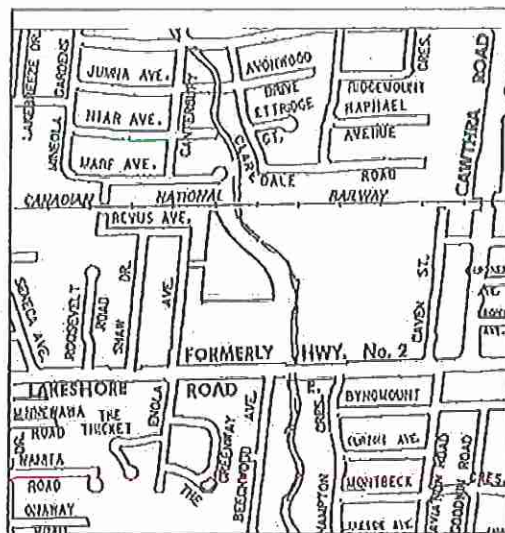
1. The conversion of the subject "Business Employment" lands is consistent with the City's employment policies within Neighbourhoods; and,
2. The proposal to permit retail commercial, office and condominium apartment dwellings is compatible with the surrounding land uses.

Details regarding this Amendment to the Lakeview Local Area Policies of Mississauga Official Plan are contained in the Planning and Building Report dated August 13, 2013, attached to this Amendment as Appendix III.

DETAILS OF THE AMENDMENT AND POLICIES RELATIVE THERETO

1. Section 4.19, Lakeview Local Area Plan Character Area Special Site Policies of Mississauga Official Plan, is hereby deleted and replaced with the following:

**4.19 Special Site 19**



4.19.1 The lands identified as Special Site 19 are located north of Lakeshore Road East, east of Enola Avenue.

4.19.2 Notwithstanding the policies of this Plan, townhouse and horizontal multiple dwellings will be permitted.

2. Schedule 10, Land Use Designations, of Mississauga Official Plan is hereby amended by changing the land use designation of the subject lands from "Business Employment" and "Residential Low Density II" to "Mixed Use", "Residential High Density", and "Greenbelt", as shown on Schedule "A" of this Amendment.
3. Lakeview Local Area Plan Land Use Map, Land Use Designations, of Mississauga Official Plan is hereby amended by changing the land use designation of the subject lands from "Business Employment" and "Residential Low Density II" to "Mixed Use", "Residential High Density", and "Greenbelt", as shown on Schedule "B" of this Amendment.
4. Schedule 1 - Urban System is hereby amended by changing the "Green System", as shown on Schedule "C" of this Amendment.
5. Schedule 1a - Urban System - Green System is hereby amended by changing the "Green System", as shown on Schedule "D" of this Amendment.

6. Schedule 3 – Natural System is hereby amended by changing the "Natural Hazards", as shown on Schedule "E" of this Amendment.
7. Schedule 4 – Parks and Open Spaces is hereby amended by changing the "Public and Private Open Spaces", as shown on Schedule "F" of this Amendment.

#### IMPLEMENTATION

Upon the approval of this Amendment by the Ontario Municipal Board, the Zoning By-law applicable to the subject lands will be amended to the appropriate classification, in accordance with the intent of this Amendment.

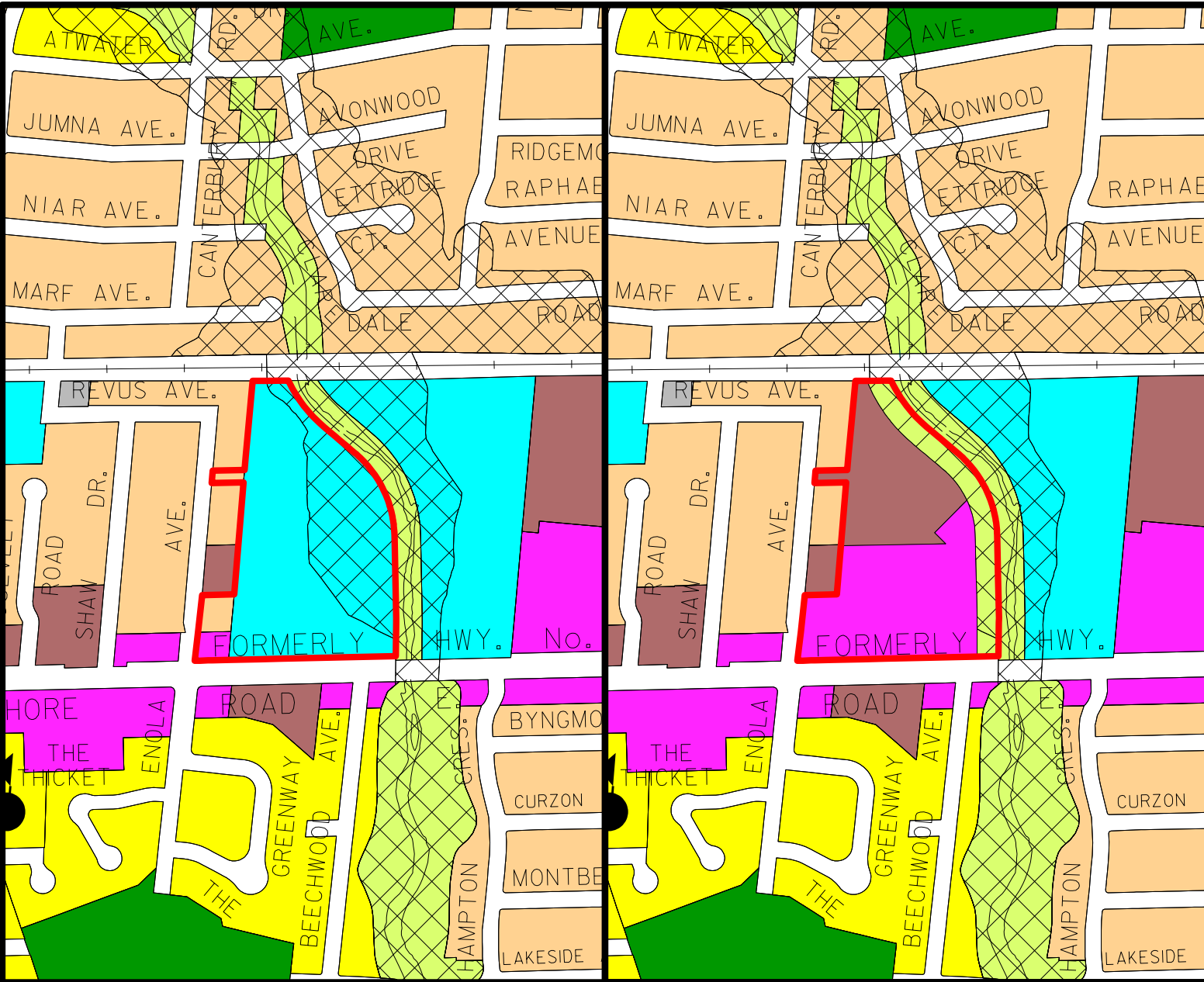
Provisions will be made through the rezoning of the lands subject to this Amendment, for development to occur subject to approved site development, architectural and landscaping plans, to ensure that site access, buildings, parking and landscaping are satisfactorily located and designed.

#### 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.

Upon approval of this Amendment, the various Sections, Schedules and Appendices of Mississauga Official Plan and Lakeview Local Area Plan will be amended in accordance with this Amendment, subject to technical revisions being permitted to this Amendment without official plan amendments with respect to: changing the numbering, cross-referencing and arrangement of the text, tables, schedules and maps; altering punctuation or language for consistency; and correcting grammatical, dimensional and boundary, mathematical or typographical errors, provided that the purpose, effect, intent, meaning and substance of this Amendment are in no way affected.



EXISTING LAND USE DESIGNATIONS

AMENDED LAND USE DESIGNATIONS

**LAND USE DESIGNATIONS**

Residential Low Density I	Business Employment
Residential Low Density II	Industrial
Residential Medium Density	Airport
Residential High Density	Institutional
Downtown Mixed Use	Public Open Space
Mixed Use	Private Open Space
Convenience Commercial	Greenbelt
Motor Vehicle Commercial	Parkway Belt West
Office	Utility
	To Be Determined

**LAND USE LEGEND**

Heritage Conservation District	Civic Centre (City Hall)
1996 NEP/2000 NEF Composite Noise Contours	City Centre/Transit Terminal
LBPIA Operating Area Boundary See Aircraft Noise Policies	GO Rail Transit Station
Area Exempt from LBPIA Operating Area	Public School
Natural Hazards	Catholic School
	Hospital
	Community Facilities

**CITY STRUCTURE**

Elements

Downtown	Corporate Centre
Major Node	Employment Area
Community Node	Special Purpose Area
Neighbourhood	

ND2 Region of Peel Non-Decision

AREA OF AMENDMENT NO. 17

**FROM:**

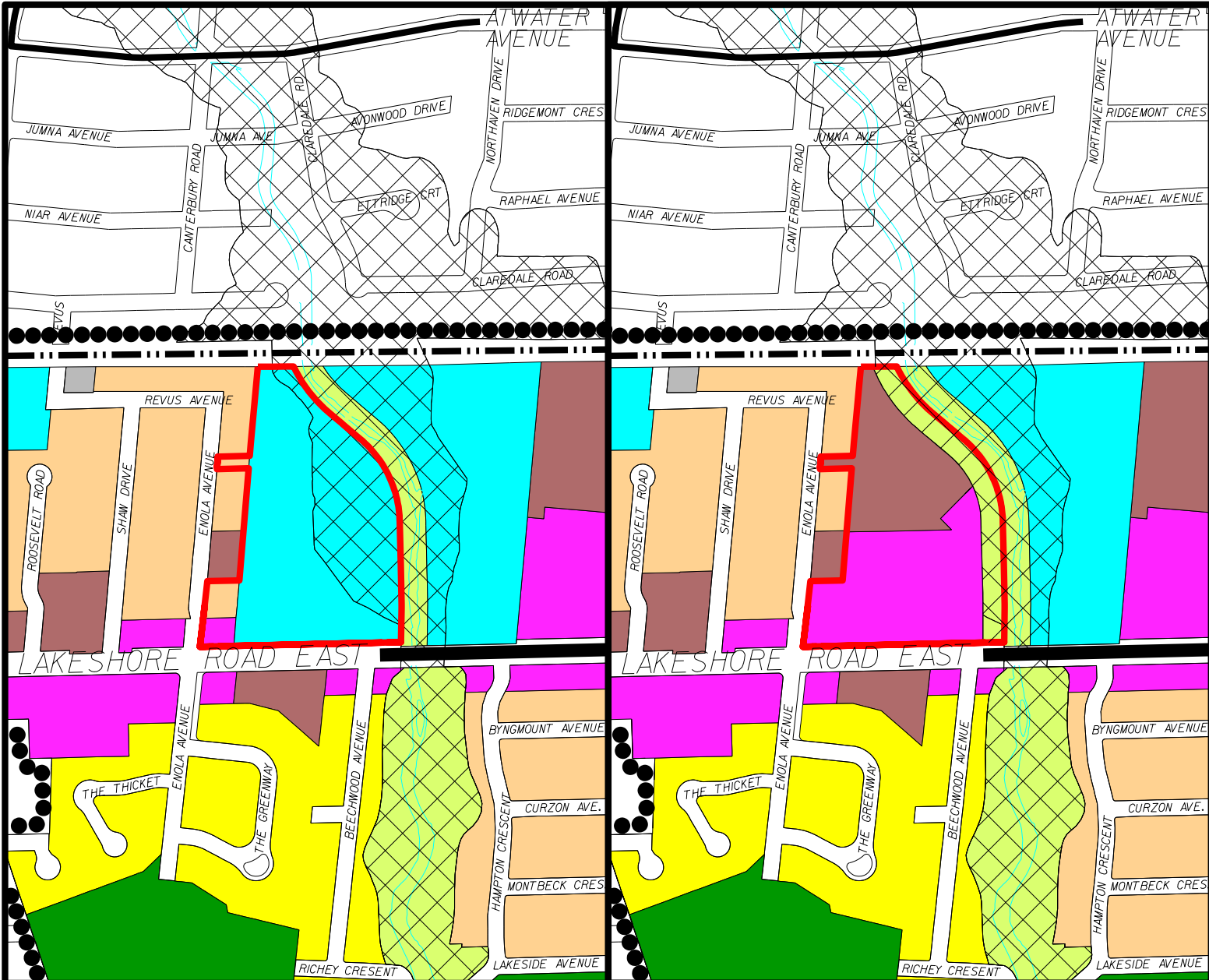
- RESIDENTIAL LOW DENSITY II
- BUSINESS EMPLOYMENT

**TO:**

- RESIDENTIAL HIGH DENSITY-SPECIAL SITE
- MIXED USE
- GREENBELT

0 50 100 150 200 metres

**Schedule 'A'**  
**Part of**  
**Schedule 10**  
**Land Use Designations**  
**of Mississauga Official Plan**  
**City of Mississauga**



**LAND USE DESIGNATIONS**

- Residential Low Density I
- Residential Low Density II
- Residential Medium Density
- Residential High Density
- Mixed Use
- Convenience Commercial
- Motor Vehicle Commercial
- Business Employment
- Public Open Space
- Private Open Space
- Greenbelt
- Utility

**TRANSPORTATION LEGEND**

- Provincial Highway and Interchange
- Arterial
- Major Collector
- Major Collector (Scenic Route)
- Minor Collector
- Local Road
- Existing Commuter Rail
- GO Transit Station

**LAND USE LEGEND**

- Natural Hazards
- Public School
- Catholic School
- Community Facilities
- Local Area Plan Boundary

**AREA OF AMENDMENT NO. 17**

FROM:

- RESIDENTIAL LOW DENSITY II
- BUSINESS EMPLOYMENT

TO:

- RESIDENTIAL HIGH DENSITY-SPECIAL SITE
- MIXED USE
- GREENBELT

**Notes:**

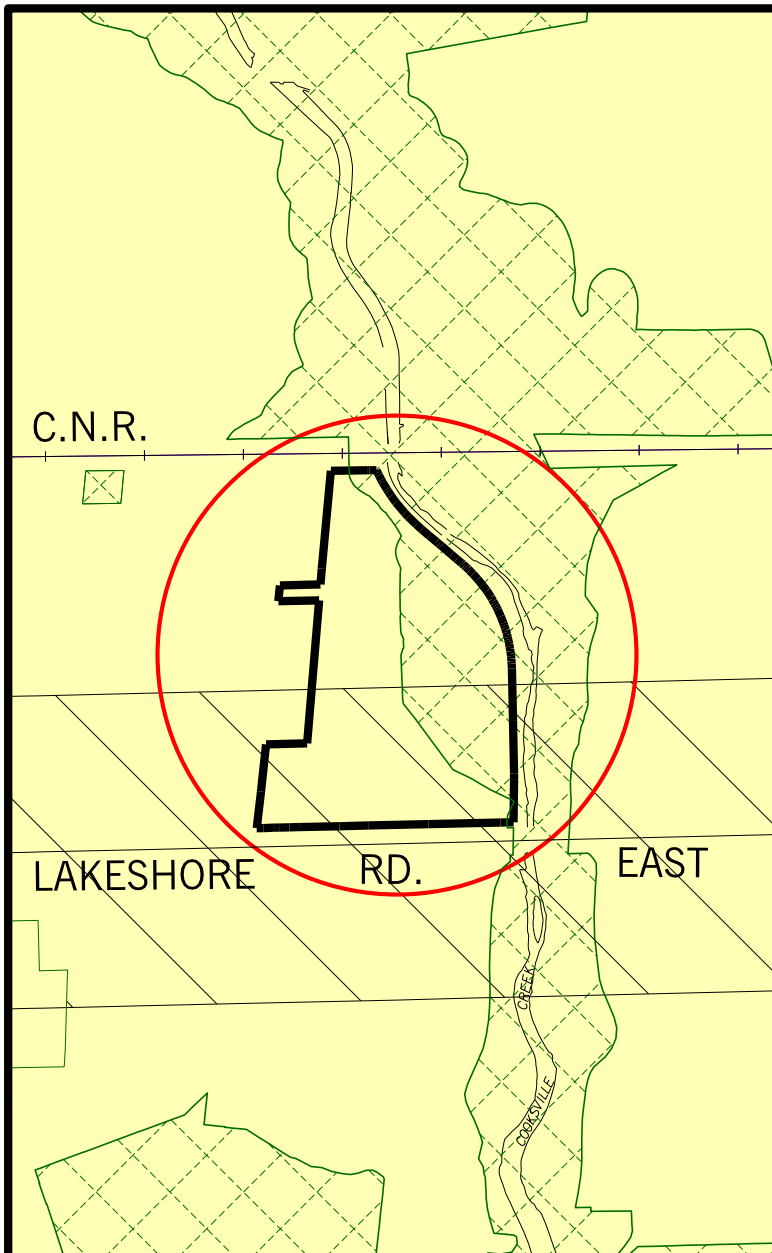
1. Any part of the road network shown outside the city boundaries is shown for information purposes only.
2. Refer to Schedule 3, Natural System for the location of the Natural Areas System and Natural Hazards.
3. The limits of the Natural Hazards shown on this map are for illustrative purposes only. The appropriate Conservation Authority should be consulted to determine their actual location.



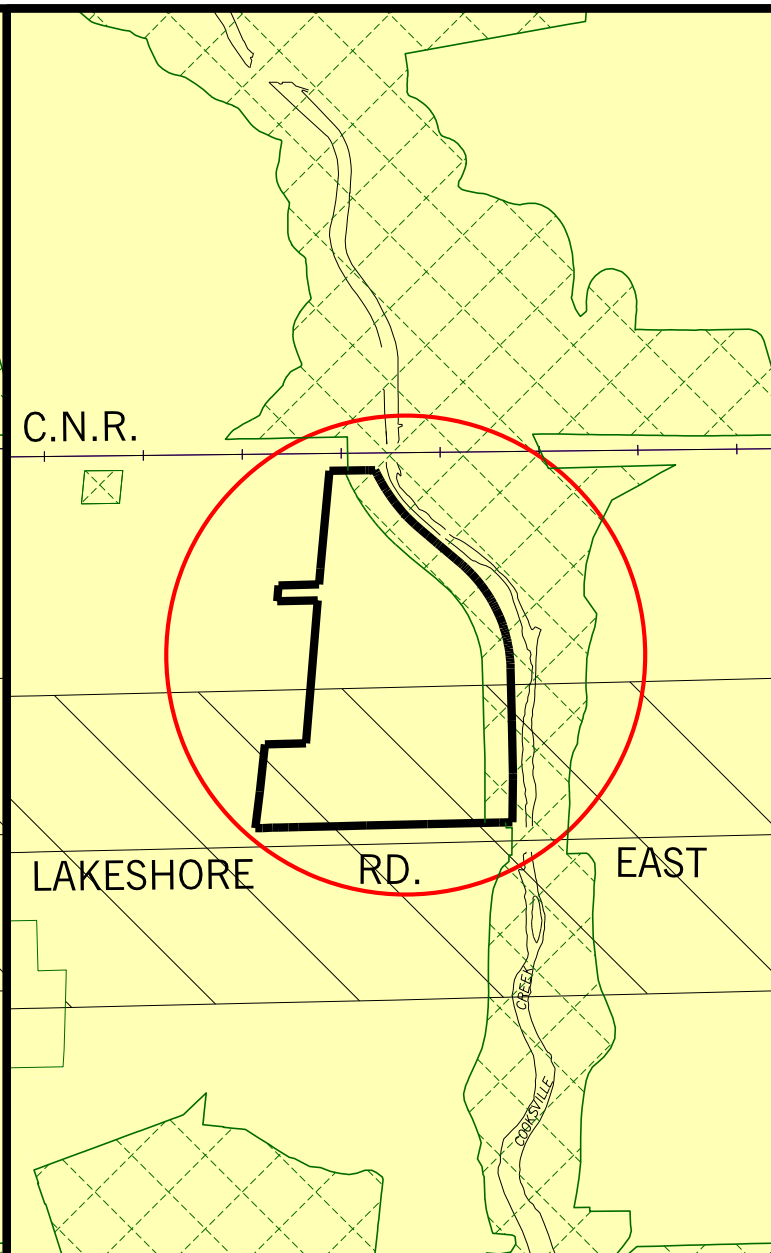
**Schedule 'B'**  
**Part of**  
**Lakeview Local Area Plan**  
**Land Use Designations**  
**of Mississauga Official Plan**

**EXISTING LAKEVIEW LOCAL AREA PLAN  
 LAND USE DESIGNATIONS**

**AMENDED LAKEVIEW LOCAL AREA PLAN  
 LAND USE DESIGNATIONS**



EXISTING SCHEDULE 1 – URBAN SYSTEM



AMENDED SCHEDULE 1 – URBAN SYSTEM

**LEGEND**

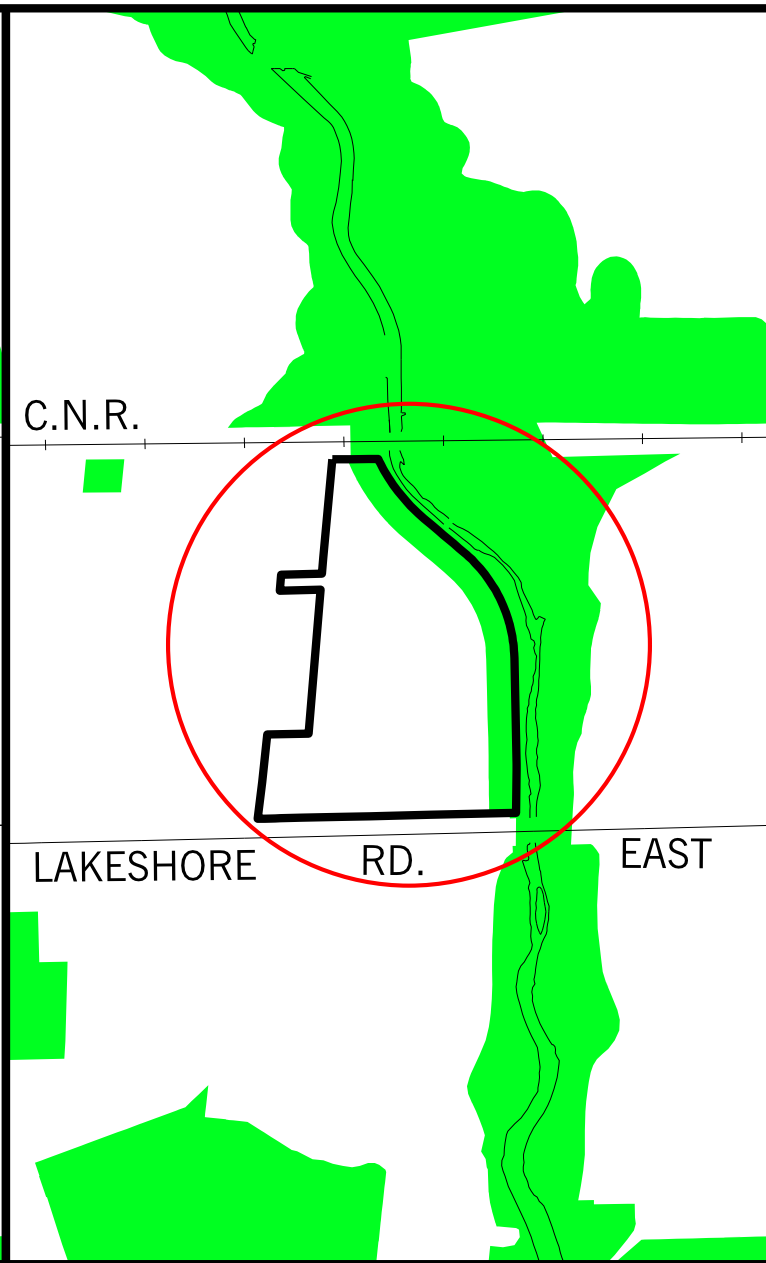
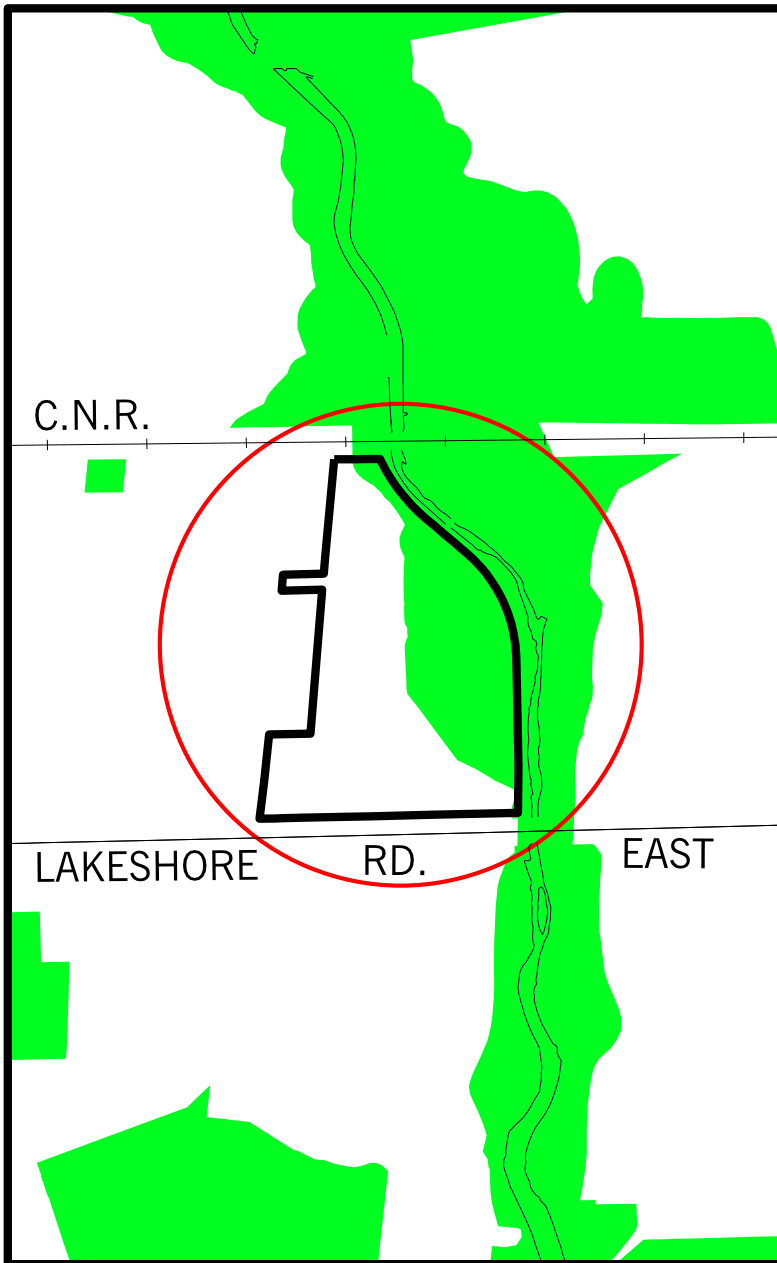
- Green System**
  - Green System
- City Structure**
  - Downtown
  - Major Node
  - Community Node
  - Neighbourhood
  - Corporate Centre
  - Employment Area
  - Special Purpose Area
- Corridors**
  - Corridor
  - Intensification Corridor
  - AMENDED AREA
  - SUBJECT LANDS

Note:  
Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.





**Schedule 'C'**  
**Part of**  
**Schedule 1**  
**Urban System**  
**of Mississauga Official Plan**

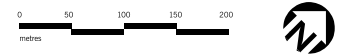
i:\cadd\Projects\ReportMaps\112905\_OZ\_11\_017\_WL\_RPT\Vector\FOR\_OMB\11017\_Schedule\_1\_OMB.dgn



### LEGEND

-  AMENDED AREA
-  SUBJECT LANDS

Note:  
 Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.

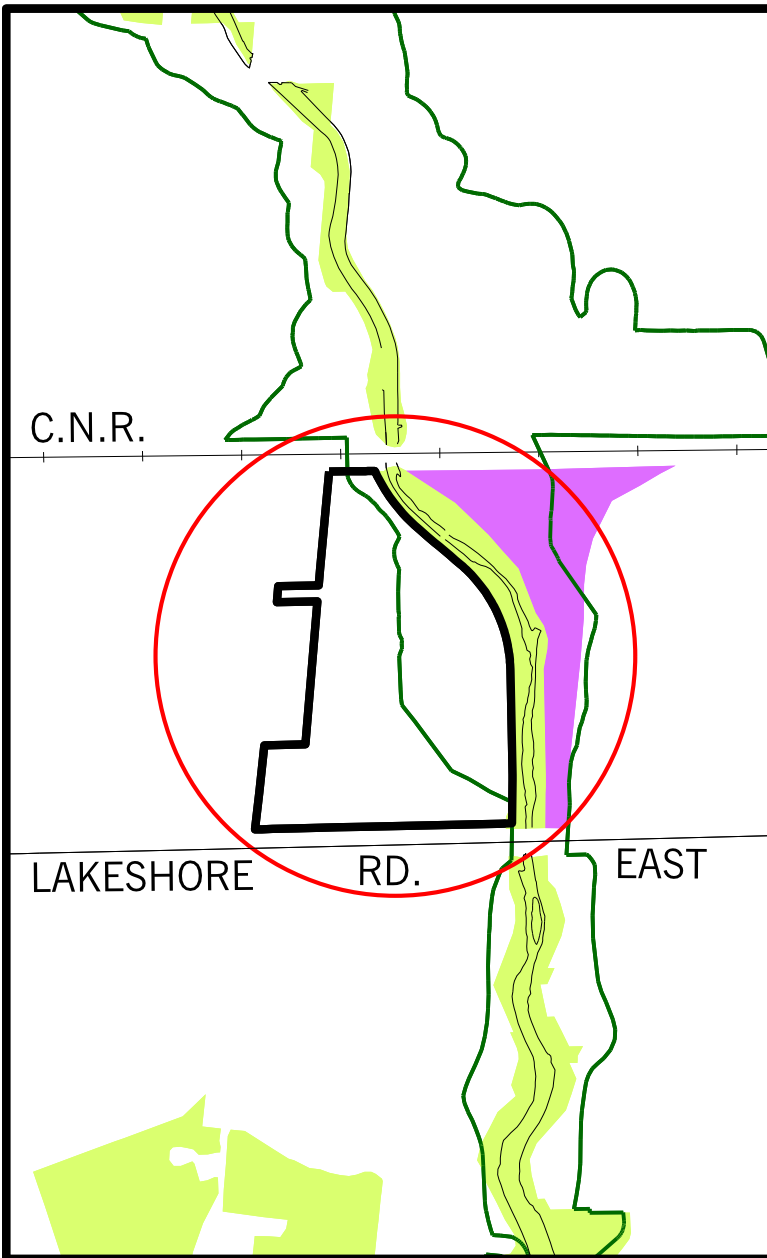


**Schedule 'D'**  
**Part of**  
**Schedule 1 a**  
**Urban System – Green System**  
**of Mississauga Official Plan**

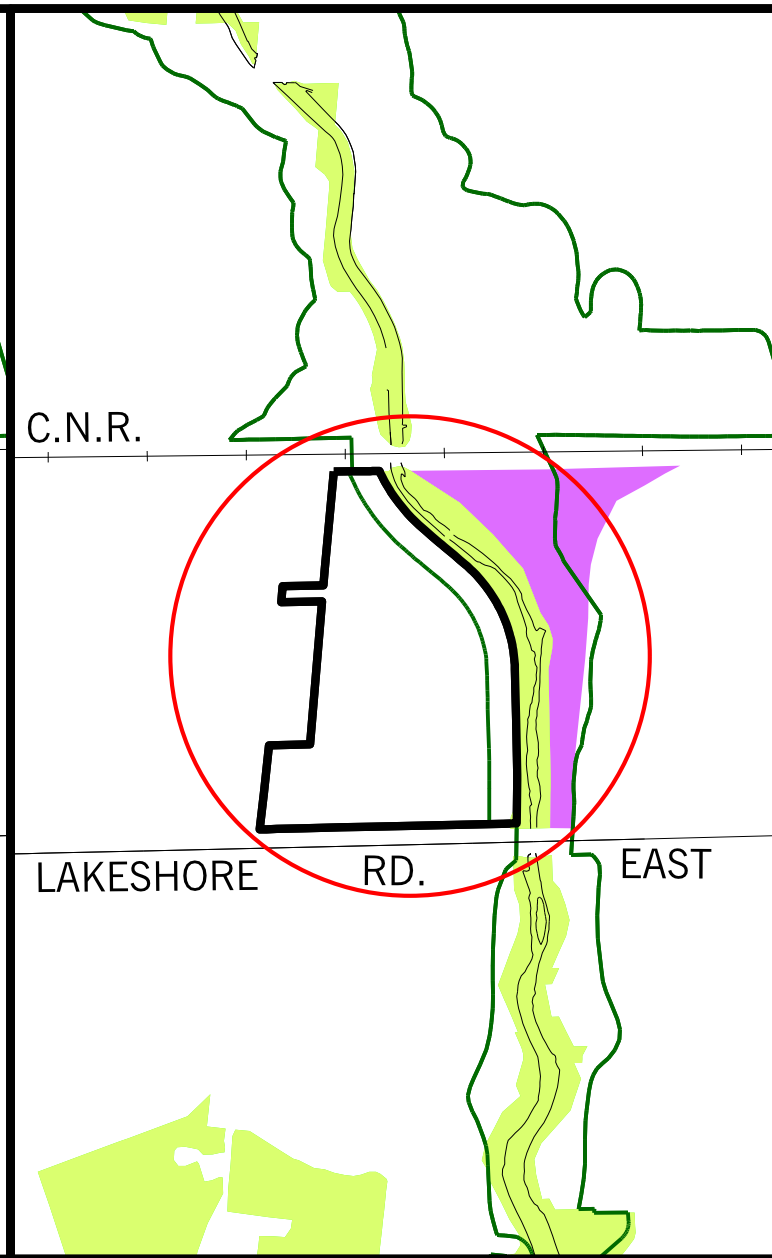
EXISTING URBAN SYSTEM– GREEN SYSTEM

AMENDED URBAN SYSTEM–GREEN SYSTEM





EXISTING SCHEDULE 3-NATURAL SYSTEM






AMENDED SCHEDULE 3-NATURAL SYSTEM



**LEGEND**

**Natural Areas System:**

-  Natural Areas
-  Special Management Areas
-  Linkages
-  Residential Woodlands
-  Provincially Significant Wetlands
-  Other Wetlands
-  Areas of Natural and Scientific Interest - Provincial Significance
-  Areas of Natural and Scientific Interest - Regional Significance

**Natural Hazards:**

-  Natural Hazards
-  Two Zone Floodplain Regulations
-  Special Policy Area Floodplain

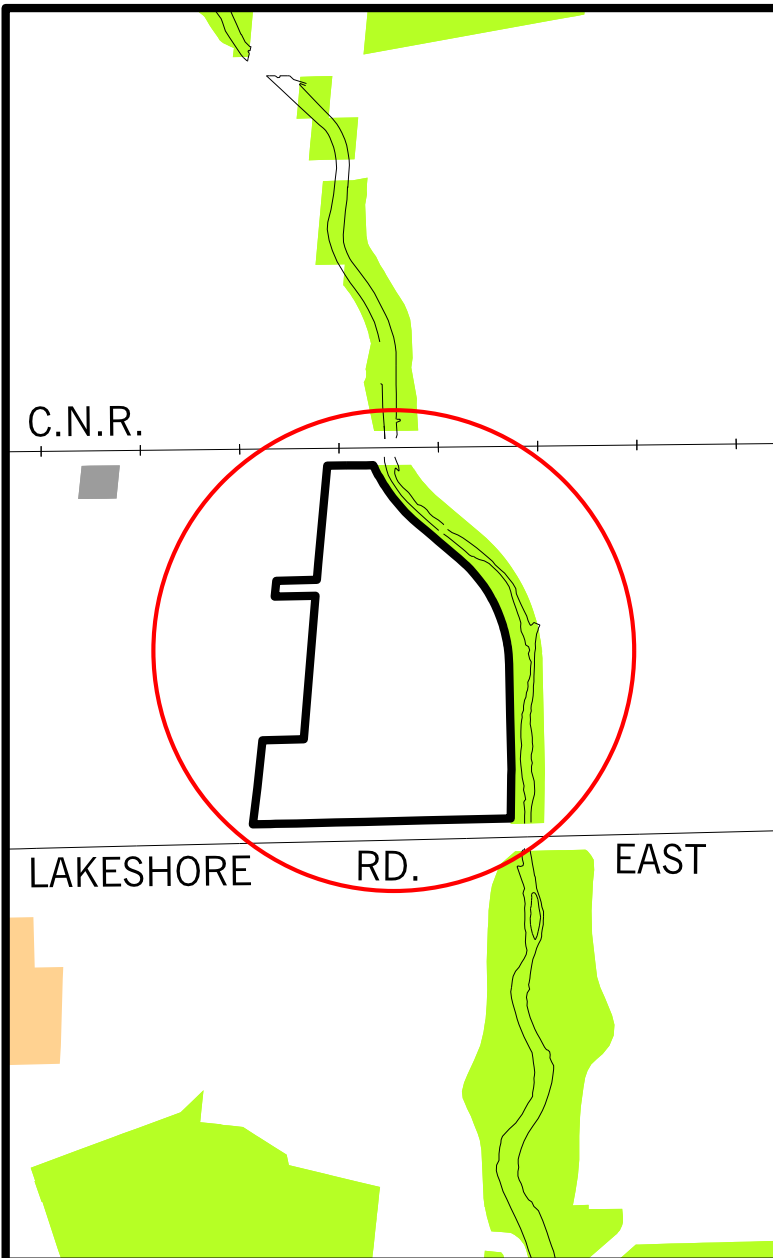
-  AMENDED AREA
-  SUBJECT LANDS

**Notes:**

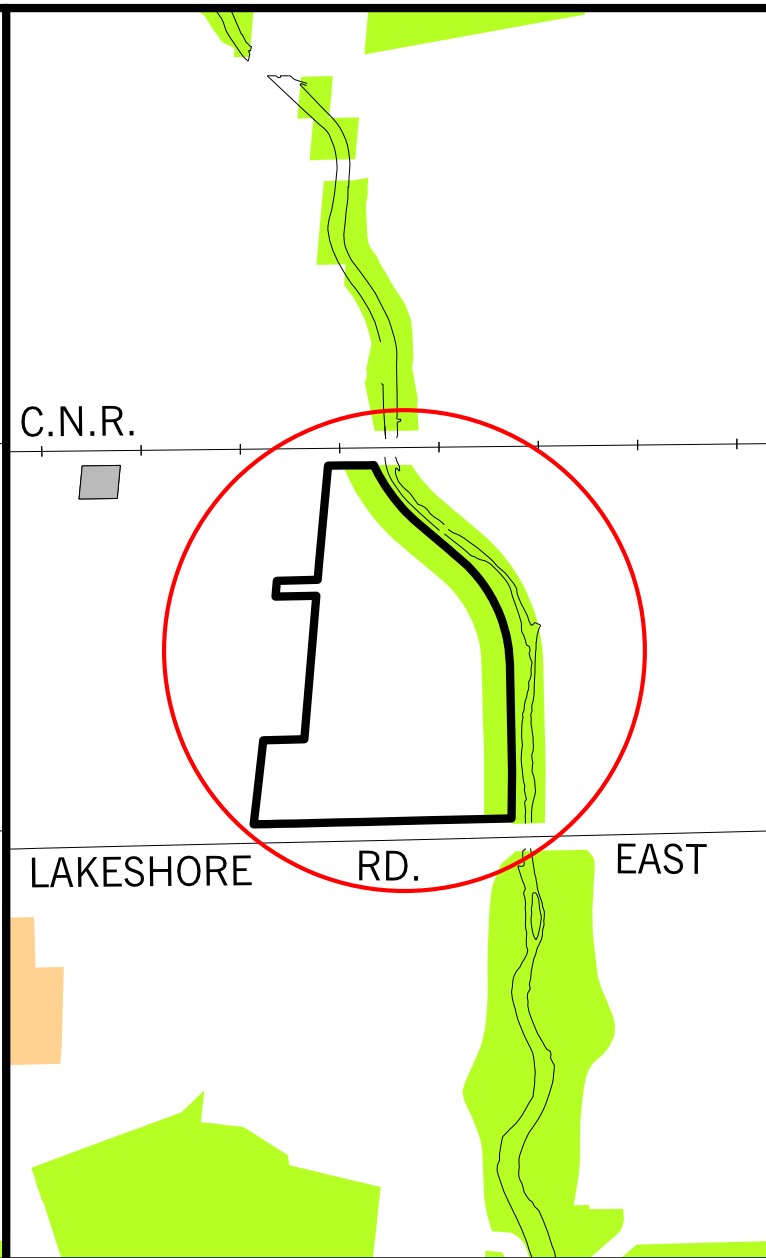
1. The entire Green System is shown on Schedule 1a.
2. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
3. The limits of the Natural Hazards shown on this Schedule are for illustrative purposes only. The appropriate Conservation Authority should be consulted to determine their actual location.



**Schedule 'E'**  
**Part of**  
**Schedule 3**  
**Natural System**  
**of Mississauga Official Plan**









EXISTING SCHEDULE 4  
PARKS AND OPEN SPACES



AMENDED SCHEDULE 4  
PARKS AND OPEN SPACES

LEGEND

-  Public and Private Open Spaces
-  Parkway Belt West
-  Educational Facilities
-  Utilities
-  AMENDED AREA
-  SUBJECT LANDS

Notes:

1. The entire Green System is shown on Schedule 1a.
2. Base map information (eg. roads, highways, railways, watercourses), including any lands or bodies of water outside the city boundaries, is shown for information purposes only.
3. The Public and Private Open Spaces identified on this Schedule include lands designated Public Open Space, Private Open Space and Greenbelt as shown on Schedule 10.



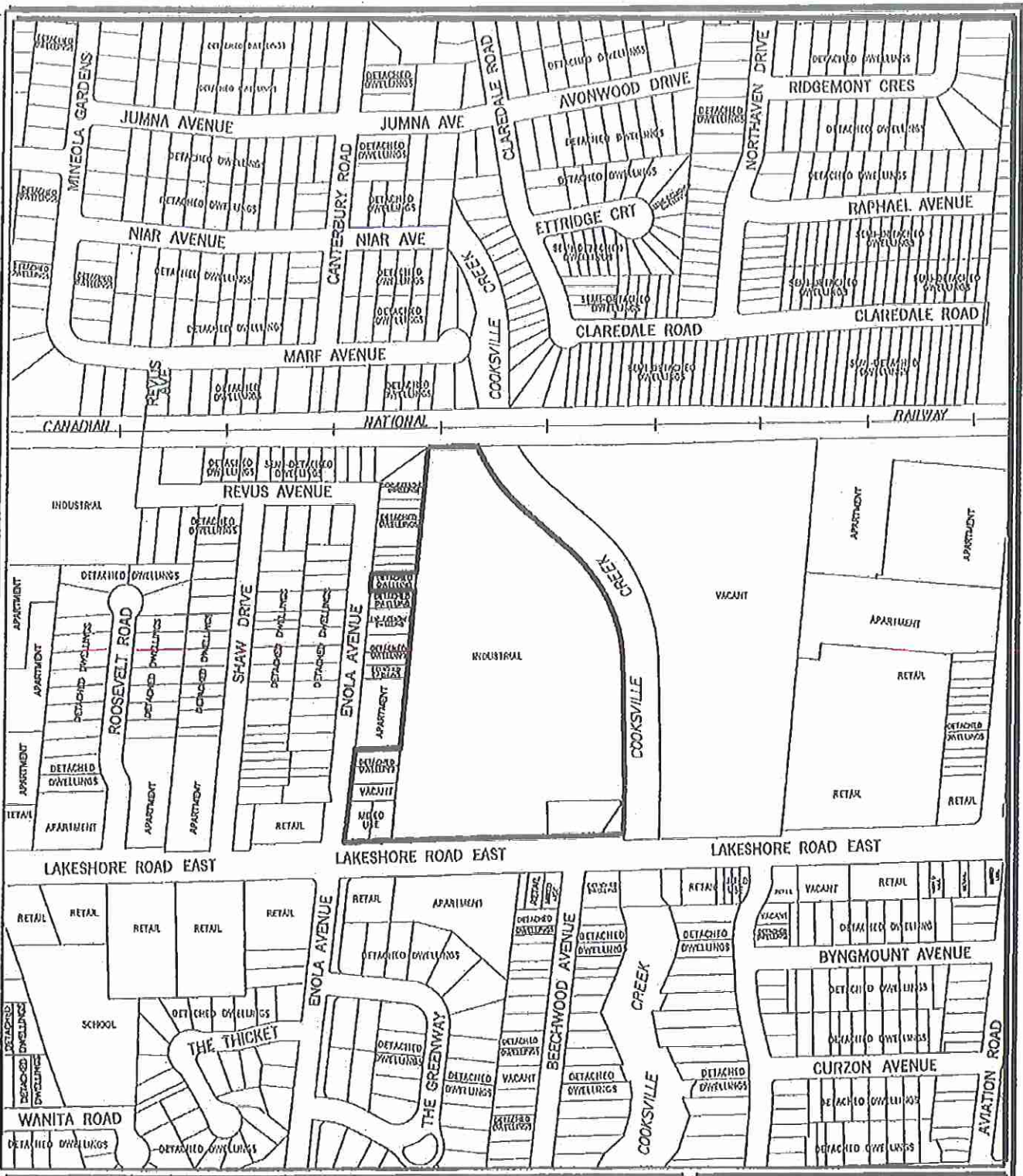
**Schedule 'F'**  
**Part of**  
**Schedule 4**  
**Parks and Open Spaces**  
**of Mississauga Official Plan**

APPENDIX I

PUBLIC MEETING

All property owners within a radius of 120 m of the subject lands were invited to attend a Public Meeting of the Planning and Development Committee held on April 2, 2013 in connection with this proposed Amendment.

Issues raised at the public meeting among others include the adverse impact of the development on existing commercial establishments in the vicinity, the traffic impact from the development and concerns with the proposed heights of the apartment buildings.



# APPENDIX II

## EXISTING LAND USE MAP



**AMENDMENT NO:**  
 17  
**SCALE:**  
 1:5000  
**DRAWN BY:**  
 A.SHAH

**MISSISSAUGA**  
 Planning and Building

Produced by  
 TAY, Geomolles

x.7

SCHEDULE "A" TO  
ONTARIO MUNICIPAL BOARD  
ORDER DATED \_\_\_\_\_

OMB File No. PL120945  
OMB Case No. PL120944  
501 Lakeshore Inc., Trinity  
Properties Lakeshore Inc.  
and 1716336 Ontario Inc.

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

4.15.5.31	Exception: RA4-31	Map # 07	By-law:
In a RA4-31 zone the permitted uses and applicable regulations shall be as specified for a RA4 zone except that the following uses/regulations shall apply:			
<b>Additional Permitted Uses</b>			
4.15.5.31.1	(1) Townhouse Dwelling (2) Horizontal Multiple Dwelling		
<b>Regulations</b>			
4.15.5.31.2	The regulations of Subsection 4.1.8 and Line 3.0 in Table 4.15.1 contained in Subsection 4.15.1 of this By-law shall not apply		
4.15.5.31.3	Maximum floor space index - apartment dwelling zone		1.4
4.15.5.31.4	Maximum gross floor area - apartment dwelling zone		28 000 m <sup>2</sup>
4.15.5.31.5	Minimum landscaped area		35% of lot area
4.15.5.31.6	Minimum depth of landscaped buffer abutting lands zoned G1		2.5 m
4.15.5.31.7	For the purposes of this By-law, all lands zoned RA4-31 shall be considered one (1) lot		
4.15.5.31.8	All site development plans shall comply with Schedule RA4-31 of this Exception		

4.15.5.31	Exception: RA4-31	Map # 07	By-law:
<b>Holding Provision</b>			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-RA4-31 by further amendment to Map 07 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p> <ol style="list-style-type: none"> <li>(1) delivery of executed Servicing and Development Agreements to the satisfaction of the City of Mississauga;</li> <li>(2) execution of a Section 37 - Public Benefits Agreement to the satisfaction of the City of Mississauga;</li> <li>(3) acceptance by the Ministry of Environment of the Risk Assessment and issuance of a Record of Site Condition for the uses permitted in this zoning by-law; and,</li> <li>(4) provision of the registration particulars to the City of Mississauga confirming the transfer of the Region of Peel's pumping station lands fronting on Lakeshore Road to the Owner and the transfer of the lands north of Lakeshore Road East to the Region for purposes of the new location for the Region's pumping station.</li> </ol>			

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

6.2.5.62	Exception: C4-62	Map # 07	By-law:
<p>In a C4-62 zone the permitted uses and applicable regulations shall be as specified for a C4 zone except that the following uses/regulations shall apply:</p>			
<b>Additional Permitted Use</b>			
6.2.5.62.1	(1)	Home Furnishing Store	
<b>Regulations</b>			
6.2.5.62.2	The regulations of Lines 1.0 and 3.0 of Sentence 2.1.2.1.1 and Subsection 2.1.17 of this By-law shall not apply		

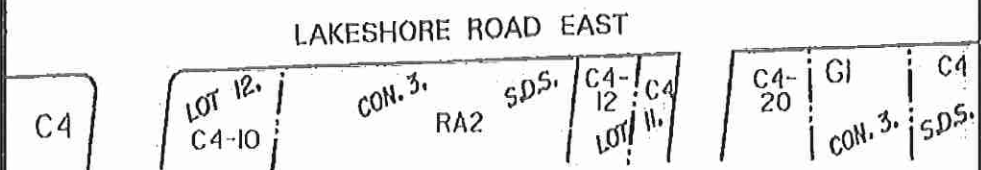
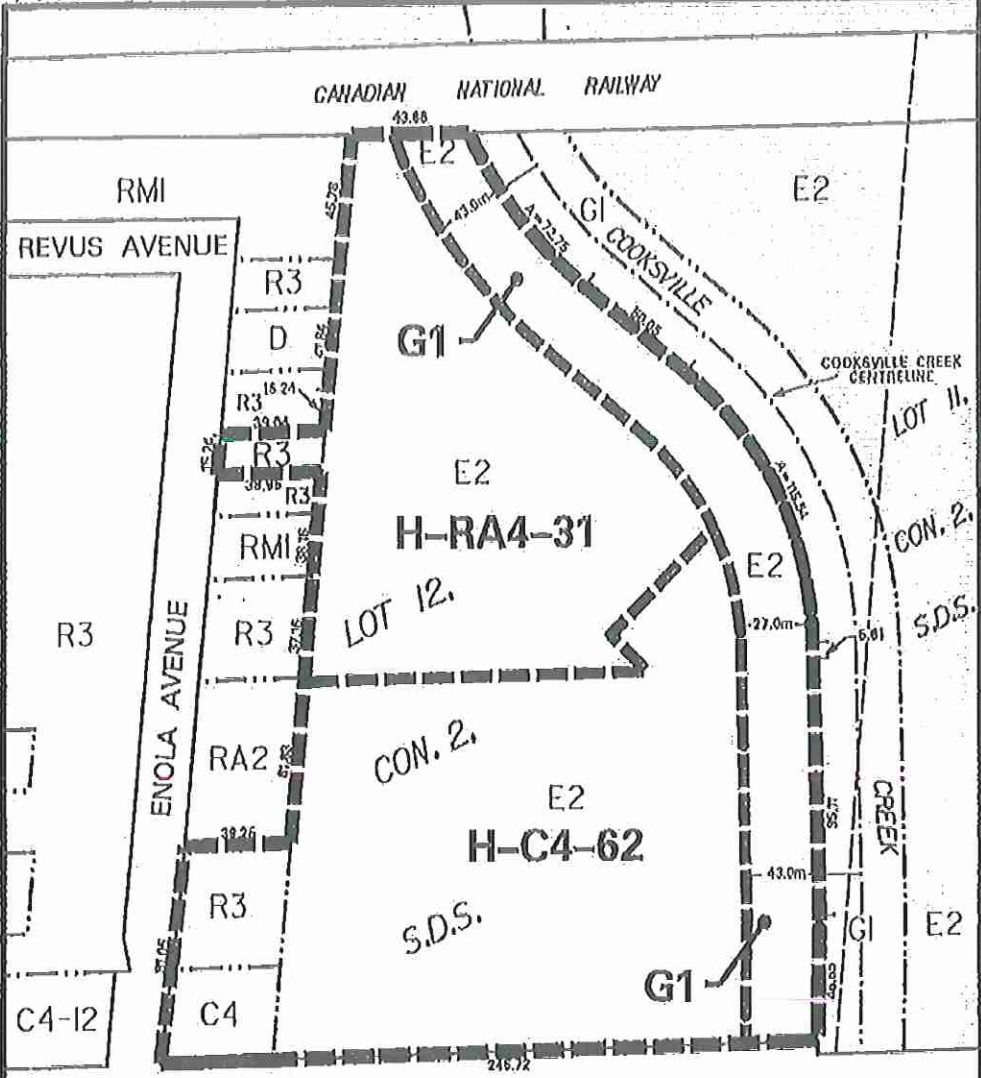
6.2.5.62	Exception: C4-62	Map # 07	By-law:
6.2.5.62.3	Maximum building height - flat roof		14.0 m and 3 storeys
6.2.5.62.4	Minimum depth of landscaped buffer abutting lands zoned G1		2.4 m
6.2.5.62.5	Minimum number of loading spaces		2
6.2.5.62.6	Motor vehicle parking shall be provided in accordance with Part 3 of this By-law and Table 6.2.5.62.6 of this Exception		
Table 6.2.5.62.6	Column 1		Column 2
	TYPE OF USE		MINIMUM OFF-STREET PARKING REGULATIONS
	Retail Store, Personal Service Establishment, Repair Establishment with a unit size less than or equal to 2 300 m <sup>2</sup>		3.0 spaces per 100 m <sup>2</sup> GFA - non- residential
	Retail Store, Personal Service Establishment, Repair Establishment with a unit size greater than 2 300 m <sup>2</sup>		3.7 spaces per 100 m <sup>2</sup> GFA - non- residential
	Financial Institution, real estate office and medical office		4.85 spaces per 100 m <sup>2</sup> GFA - non- residential
	Take-out Restaurant		4.85 spaces per 100 m <sup>2</sup> GFA - restaurant
	Office		3.0 spaces per 100 m <sup>2</sup> GFA - non- residential

6.2.5.62	Exception: C4-62	Map # 07	By-law:		
6.2.5.62.7	For the purpose of Article 3.1.2.3 - Mixed Use Development Shared Parking of this By-law, the following formula shall apply:				
Table 6.2.5.62.7	Percentage of Peak Period (Weekday)				
	Land Use	Morning	Noon	Afternoon	Evening
	Office/ Medical Office	100	90	95	10
	Real Estate Office	90	80	100	50
	Financial Institution	70	75	100	80
	Retail Store/ Personal Service and Repair Establishment	50	50	70	75
	Restaurant/ Take-out Restaurant	25	65	25	100
Table 6.2.5.62.8	Percentage of Peak Period (Weekend)				
	Land Use	Morning	Noon	Afternoon	Evening
	Office/ Medical Office	10	10	10	10
	Real Estate Office	50	50	50	20
	Financial Institution	90	90	90	20
	Retail Store/ Personal Service and Repair Establishment	50	75	100	10
	Restaurant/ Take-out Restaurant	20	90	50	100
6.2.5.62.9	For the purposes of this By-law, all lands zoned C4-62 shall be considered one (1) lot				



6.2.5.62	Exception: C4-62	Map # 07	By-law:
6.2.5.62.10 All site development plans shall comply with Schedule C4-62 of this Exception			
<b>Holding Provision</b>			
<p>Only the following use shall be permitted prior to the removal of the holding symbol H:</p>			
<p>(1) Wastewater Pumping Station</p>			
<p>Notwithstanding the regulations set out in this Exception, a waste water pumping station may be permitted on 505 Lakeshore Road East in accordance with the relief granted by the Committee of Adjustment under file 'A' 001/13.</p>			
<p>The holding symbol H is to be removed from the whole or any part of the lands zoned H-C4-62 by further amendment to Map 07 of Schedule B contained in Part 13 of this By-law, as amended, upon satisfaction of the following requirements:</p>			
<p>(1) delivery of executed Servicing and Development Agreements to the satisfaction of the City of Mississauga;</p> <p>(2) execution of a Section 37 - Public Benefits Agreement to the satisfaction of the City of Mississauga;</p> <p>(3) acceptance by the Ministry of Environment of the Risk Assessment and issuance of a Record of Site Condition for the uses permitted in this zoning by-law; and,</p> <p>(4) provision of the registration particulars to the City of Mississauga confirming the transfer of the Region of Peel's pumping station lands fronting on Lakeshore Road to the Owner and the transfer of the lands north of Lakeshore Road East to the Region for purposes of the new location for the Region's pumping station.</p>			

3. Map Number 07 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 "E2", "C4" and "R3" to "H-RA4-31", "H-C4-62" and "G1", the zoning of Part of Lot 12, Concession 2, South of Dundas Street, Lots 1 to 6 inclusive and Lot 16 on Registered Plan P-20 and Part of Enola Avenue in the City of Mississauga, PROVIDED HOWEVER THAT the "H-RA4-31", "H-C4-62" and "G1" 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 "H-RA4-31", "H-C4-62" and "G1" zoning indicated thereon.
  
4. This By-law shall not come into force until Mississauga Official Plan Amendment Number 17 is in full force and effect.



GREENBELT OVERLAY



This is not a Plan of Survey. Dimensions are derived from available office records.

CITY OF MISSISSAUGA

THIS IS SCHEDULE "A" TO SCHEDULE "A" OF O.M.B.

ORDER DATED \_\_\_\_\_

O.M.B. FILE NO. PL120944

O.M.B. CASE NO. PL120945





**APPENDIX "A" TO SCHEDULE "A" OF**

**OMB ORDER DATED \_\_\_\_\_**

OMB File No.PL120945

OMB Case No.PL120944

Explanation of the Purpose and Effect of the By-law

To permit retail and office development adjacent to Lakeshore Road East and residential apartment development at the rear of the site, and to rezone the lands adjacent to Cooksville Creek to "Greenbelt".

This By-law amends the zoning of the property outlined on the attached Schedule "A" from "E2" (Employment), "C4" (Mainstreet Commercial) and "R3" (Detached Dwellings - Typical Lots) to "H-RA4-31" (Apartment Dwellings - Exception), "H-C4-62" (Mainstreet Commercial - Exception) and "G1" (Greenbelt - Natural Hazards).

"E2" permits a wide range of employment and business activity uses which occur primarily within enclosed buildings.

"C4" permits retail, office, service and residential uses.

"R3" permits detached dwellings.

Upon removal of the "I" provision, "H-RA4-31" will permit townhouse, horizontal multiple, and apartment dwellings to a maximum height of 14 storeys.

Upon the removal of the "H" provision, "H-C4-62" will permit a mix of retail, office and service uses.

"G1" permits flood control, stormwater management, erosion management and erosion setback requirements, and natural heritage features and area conservation along the Cooksville Creek.

Location of Lands Affected

Lands located at the northeast corner of Lakeshore Road East and Enola Avenue, municipally known as 447, 453, 501, 505 Lakeshore Road East and 1021, 1027, 1077 Enola Avenue in the City of Mississauga, as shown on the attached Map designated as Schedule "A".

K:\PLANDIV\CONTL\GR\UP\WP\DATA\BYLAW\SIOZ 11.017\jhjme.docx