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DATE: March 30, 2011

TO: Mayor and Members of Council
Meeting Date: March 30, 2011

FROM: Edward R. Sajecki
Commissioner of Planning and Building

SUBJECT: **Interim Control By-Law for the Downtown Core - Amendments**

RECOMMENDATION: That the Interim Control By-law 0046-2011 passed by Council on March 9, 2011, be amended in accordance with the report from the Commissioner of Planning and Building dated March 30, 2011.

COMMENTS: On March 9, 2011 City Council passed an Interim Control By-law (ICB), for a portion of the downtown core. The intent of the ICB is to allow staff to study and determine the appropriate land uses for the subject lands. As written, the by-law does not permit minor alterations to existing buildings or business units. The intent of the by-law and study was not to preclude such minor alterations to existing buildings or commercial units within the Downtown Core therefore it is recommended that the following clauses be added to the by-law:

“1. This by-law shall not apply to prevent the construction and use of the lands municipally known as 155 Square One Drive, where such construction and use is pursuant to building permit application 10-1716, submitted prior to March 9, 2011.”

This amendment applies to the existing building at 155 Square One Drive (Whole Foods), to permit the completion of all works under the current building permit application, which was submitted prior to March 9, 2011.

“2. This by-law shall not apply to any portion of the building or structure lawfully existing before March 9, 2011 and municipally known as 100 City Centre Drive, but shall apply to any new construction outside of and/or beyond the existing footprint of such building or structure.”

This amendment applies to Square One Mall as it exists today, and would not allow any new exterior construction of buildings or additions to the existing building. Internal renovations and use changes within the mall structure would be permitted.

“3. This by-law shall not apply to prevent the issuance of a Building Permit or a Certificate of Occupancy for which an application was submitted to the City before March 9, 2011, provided such Building Permit or Certificate of Occupancy is to permit construction or a use contained wholly within an existing building or structure.”

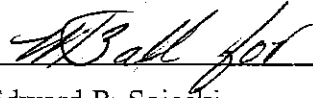
This amendment would allow for those Building Permit Applications in the system prior to the passage of the ICB to continue to be processed.

These recommended amendments allow staff to continue reviewing land uses within the Downtown Core but also allows for minor alterations within existing spaces. The integrity of the ICB is maintained while recognizing the need to allow for minor alterations.

FINANCIAL IMPACT: Not applicable.

CONCLUSION: In order to ensure that the City Council’s vision for the Downtown Core is adhered to and to ensure that the guidance of the Council adopted New OP and Downtown21 Master Plan is respected and implemented, City Council enacted an Interim Control By-law for certain lands within the Downtown Core. An amendment to the Interim Control By-law is appropriate to allow for minor alterations to existing buildings and structures, without impacting the intent of the Interim Control By-law.

ATTACHMENTS: Appendix I: A By-law to Amend By-law 0046-2011



Edward R. Sajecki
Commissioner of Planning and Building

Prepared By: Diana Rusnov, Manager, Development Central



THE CORPORATION OF THE CITY OF MISSISSAUGA

BY-LAW NUMBER

A by-law to amend By-law Number 0046-2011,

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 an Interim Control By-law 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:

AND WHEREAS the study of land uses in the Downtown Core is on-going;

AND WHEREAS the Interim Control By-law 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 the Council is desirous of allowing such minor alterations;

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

1. By-law 0046-2011, being a City of Mississauga Interim Control By-law, is hereby amended by deleting section 2 and substituting the following therefor:

2. This by-law shall not apply to prevent the construction and use of the lands municipally known as 155 Square One Drive, where such construction and use is pursuant to Building Permit application 10-1716, submitted prior to March 9, 2011.

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

2.1. This by-law shall not apply to any portion of the building or structure lawfully existing before March 9, 2011 and municipally known as 100 City Centre Drive, but shall apply to any new construction outside of and/or beyond the existing footprint of such building or structure.

- 2.2. This by-law shall not apply to prevent the issuance of a Building Permit or a Certificate of Occupancy for which an application was submitted to the City before March 9, 2011, provided such Building Permit or Certificate of Occupancy is to permit construction or a use contained wholly within an existing building or structure.

ENACTED and PASSED this _____ day of _____ 2011.

MAYOR

CLERK

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 existing at the time of the enactment of the Interim Control By-law, on March 9, 2011.

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, extension 5534.

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