



The Corporation of the Municipality of Arran-Elderslie

Staff Report

Council Meeting Date: April 11, 2023

Subject: SRCLK.2023.03 - Holding Symbol Removal for Lands in Paisley (west side of County Road 3, north of Canrobert Street)

Report from: Christine Fraser-McDonald, Clerk

Appendices: Appendix A – Map of lands

Appendix B – Proposed Bylaw 26-2023 Removal of Holding Symbol

Recommendation

Be It Resolved that Council hereby,

1. Approve a By-law to remove the holding symbol from the lands currently owned by the Municipality of Arran-Elderslie and Hutton Land and Cattle Limited and legally described as Lots 1 and 2, West Side of Victoria Street South and Lots 1 and 2 Subdividing Lot 3, West Side of Victoria Street South, Plan 255, Town Plot of Paisley, now in the Municipality of Arran-Elderslie and Paisley Plan Part Lot 10E, Victoria Street South, Part Lots 1 to 10 West Queen Street South Part Arnaud Street.

Report Summary

The intent of this report to obtain Council approval to remove the holding symbol from lands in Paisley.

Background

The Municipality of Arran-Elderslie currently owns approximately 3 acres of land on the north side of Canrobert Street, west of County Road 3. The lands are currently zoned Mixed Use (MU-h) with a holding symbol. The Municipality is currently seeking to develop a portion of the lands for the new Paisley Fire hall. Adjacent to the municipal lands is approximately 1.5 acres currently owned by Hutton Land and Cattle Limited on the west side of Victoria Street South, north of Canrobert Street. These lands are also zoned Mixed Use (MU-h).

The “h” symbol denotes a holding zone. Such zone limits the uses that are permitted while the “h” is in place and which uses would be permitted only when the “h” symbol has been removed by amendment to the Implementing By-law.

The provisions of any holding (h) zone bylaw will also list the conditions that must be met before Council may approve the removal of the “h” on one or more of the uses that are subject to the holding condition.

Both Hutton Land and Cattle Limited and the Municipality are seeking to lift the “h” symbol from the lands so that future development of the lands can take place.

Analysis

The Section 36 of the *Planning Act* allows a municipal Council to zone lands with holding provisions by using add an (h) holding symbol as a prefix to a zone to specify the future use of lands, buildings or structures until such time as conditions for removing the “h” are met and it has been removed by by-law.

The lands have been rezoned but perhaps not all requirements could be complied with at the time and a holding symbol is put in place until those requirements have been addressed.

Currently the subject lands (Both Municipal and Hutton Lands) have been zoned in Section 12A in the Arran-Elderslie Comprehensive Zoning By-law 36-09. Details of which are as follows:

12.A.2 Holding Zone (h) (Housekeeping By-law 59-10, 08 Nov10)

When the MU zone is shown on a Schedule to this By-law with the symbol “h” appended to the zone symbol (i.e. MU-h)), under Section 36 of the Planning Act, the uses to which the ‘h’ applies shall not commence until the “h” is removed by amendment to this By-law.

12A.3 Uses Permitted

1. Uses Permitted when the ‘h’ symbol is present:
 - a. A medical centre
 - b. Existing uses
 - c. A retail store with a minimum floor area of 250 square metres, provided that the required parking shall not be located in the front yard.
 - d. An office provided that the required parking is not located in the front yard.
2. Uses Permitted when the “h” symbol is removed:
 - a. Uses permitted in subsection 1. of this section, subject to the standards that apply to the C2 zone

- b. Uses permitted in the R3 zone, subject to the standards that apply to the R3C3 zone.

12A.4 Requirements To Remove The Holding “h” Symbol

Explanatory Note:

A Holding (h) zone specifies conditions which must be met in order to remove the “h” or holding status. These changes are specified in the zoning By-law. An amendment to remove holding status has different appeal requirements than a typical zoning By-law amendment.

Developments in the MU zone are subject to site plan control. Site plan approval is required prior to the issuance of a building permit. You should check with the Municipality prior to making an application.

1. A Record of Site Condition has been filed with the Ministry of the Environment as required by the Ontario Building Code
2. A report that demonstrates compliance with the Ontario Ministry of the Environment’s Guideline for the Use of Contaminated Sites in Ontario
3. A stormwater drainage plan

In 2022, Hutton Land and Cattle Limited retained the services of GSS Engineering Consultants Ltd completed a review of items 1 and 2 of the holding provisions. Based on the proposed use of the municipal lands being used as a Fire Hall no further environment or RSC were required. There is no change to a more sensitive land use. For the Hutton lands they completed a Phase One Environmental Site Assessment in October of 2022. Based on the findings of the report items 1 and 2 have been satisfied. In consultation with Public Works staff, they are also satisfied with the outcomes of GSS Engineering’s report.

In regards to item 3, the submission of a stormwater drainage plan can be offset to a later stage in the development process of the lands which will either be at the site plan or building permit stage when more specific details of the development of the lands are available.

Based on the above, staff have no concerns with the removal of the “h” symbol for the lands owned by the Municipality and Hutton Land and Cattle Limited. Therefore, a recommendation to enact a bylaw to remove the symbol is proposed for the subject lands.

Link to Strategic/Master Plan

6.3 Facilitating Community Growth

Financial Impacts/Source of Funding/Link to Procurement Policy

None.

Approved by: Sylvia Kirkwood, Chief Administrative Officer