



## Staff Report

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**Report To:** South Huron Council  
**From:** **Dan Best, Chief Administrative Officer/Deputy Clerk**  
**Date:** February 4 2019  
**Report:** CAO 06-2019  
**Subject:** Release of Hold Canadian Entertainment Properties

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### **Recommendations:**

**That** the report of D. Best, Chief Administrative Officer dated February 4<sup>th</sup>, 2019 regarding a release of hold on the lands known as Part Lots 6 & 7, RP22R5240 being Part Lots 52 to 54, 56 to 76, 83 to 89, Pt Part 55, Stephen, South Huron; and

**That** the necessary by-law is forwarded to Council for the required three readings.

### **Purpose:**

The purpose of this report is to seek Council's approval of a By-law to remove the Holding (H) symbol on the lands known as Part Lots 6 & 7, RP22R5240 being Part Lots 52 to 54, 56 to 76, 83 to 89, Pt Part 55, Stephen, South Huron.

### **Background and Analysis:**

The subject lands are situated Part Lots 6 & 7, RP22R5240 being Part Lots 52 to 54, 56 to 76, 83 to 89, Pt Part 55, Stephen, South Huron. More specifically, this property is the ground of the former Centralia College in Huron Park.

Schedule 2, of By-law 2007-13 provides the following elements with respect to the property:

1. This by-law changes zoning on the property known as Provincially Owned Lands in the Huron Park Industrial Area and is comprised of Parts 55, 57-78 inclusive and 83-89, Registered Plan 22R-5240, Stephen Ward, Municipality of South Huron. The subject land includes lands that were formerly part of Centralia College.
2. The subject land is approximately 21.5 hectares (53.3 acres), is located to the north and west of Canada Avenue and contains five (5) buildings with vacant lands.
3. The proposed zoning amendment would place a holding provision on the subject lands outlined in the attached schedule, changing the zoning on the land from Institutional (I1) to Institutional – Holding Zone (I1-H).
4. The Municipality of South Huron has requested a holding provision be placed on these lands as development of this parcel is not imminent and the specific pattern of land use, road design and servicing requirements for this land has not been determined.
5. Removal of the holding provision on the subject land will not be considered by the Municipality of South Huron until a subdivision and/or development agreement has been submitted and agreed to by the Municipality.
6. This by-law amends zoning by-law #12-1984, of the former Township of Stephen. Key maps showing the general location of the lands to which this by-law applies are shown on the following page entitled Schedule 'A'.

In looking solely at the current zoning by-law there appears to be no general provisions dealing with the application of the H symbol or the lifting of an H symbol. There is actually no indication in section 1.19 as to what an "H" means when shown on a zoning schedule. Further review of the CF Zone provides no further clarity as to what is required to lift a holding symbol in relation to that zone.

As a result, referencing the Official Plan is needed to get direction the use and application of holding zones. Section 14.2.4.2 and 14.2.4.3, when read in conjunction, clearly indicates that the specific details and requirements concerning the holding provision (including conditions to lifting) are to be set out in the zoning. This could be accomplished by some standard requirements in a general provision in the ZBL and/or site specific requirements in the specific zone category or site specific zoning.

That appears to have been the case in the prior zoning that applied to the property (By-13-2007 which amended the old Twp of Stephen ZBL).

Based upon the wording of the current OP and the current zoning by-law there is a problem. There is no certainty as to what is required to be done by the owner of the land to have holding symbol lifted. (Leaving aside the fact that there is actually no provision in the ZBL that actually imposes a holding symbol on any land).

Moreover, when one reads the current OP and the text of original application zoning amendment that first imposed a holding requirement it suggest that when the new zoning was enacted there could or perhaps should have been consideration of applying the FD (Future Development Zone). In that regard the rationale expressed in by-law 13-2007 was identified in section 4 as:

"The Municipality of South Huron has requested a holding provision be placed on these lands as development of this parcel is not imminent and the specific pattern of land use, road design and servicing requirements for this land has not been determined."

The current OP indicates (last paragraph of section 14.2.4.1) that in the foregoing situations an appropriate FD Zone could be utilized.

In any event, there seems to be good reason for special treatment of the property owing to its history. There could be lots of practical issues/problems if multiple uses were permitted as of right on the property without due land use planning evaluations ( for example where multiple uses of one building on the property were undertaken without proper consideration of all land use planning and building code related issues).

That said, as it stands right now there are no clear requirements established in the zoning by-law (as directed by the OP) for the lifting of the holding symbol. In addition the property owner or a prospective purchaser should have some idea of what uses are permitted prior to the lifting of the zone and right now it that is not clear from the zoning. Based on the above, it may be useful to revisit the application of H symbols in the ZBL in general also considering the foregoing.

The current owner is requesting relief from the requirement of the holding provision as outlined above as the holding provision has been a challenge with respect to the saleability of the property and is an impediment to a potential investment.

Based on the concerns highlighted above and that there are existing planning tools and resources to ensure good planning on the site, there does not appear to be any reason why the holding provision should not be removed at this time.

**Operational Considerations:**

None

**South Huron's Strategic Plan:**

The recommendations within this report are identified in the 2015 – 2019 Corporate Strategic Plan as follows:

- ✓ Administrative Efficiency and Fiscal Responsibility
- ✓ Increased Communications and Municipal Leadership
- ✓ Transparent, Accountable, and Collaborative Governance
- ✓ Dedicated Economic Development Effort

**Financial Impact:**

There are no financial implications as a result of the actions outlined in this report.

**Legal Impact:**

There are no legal implications as a result of the actions outlined in this report.

**Staffing Impact:**

There are no staffing implications as a result of the actions outlined in this report.

Respectfully submitted,

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**Dan Best, Chief Administrative Officer/Deputy Clerk**