



## City Council

### Motion without Notice

MM19.8	ACTION			Ward:12
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#### **2321 Keele Street - Renewal of business licence as a public garage - by Councillor Frank Di Giorgio, seconded by Councillor Mark Grimes**

- \* Notice of this Motion has not been given. A two-thirds vote is required to waive notice.*
- \* This Motion is subject to referral to the Licensing and Standards Committee. A two-thirds vote is required to waive referral.*
- \* This Motion has been deemed urgent.*

#### **Recommendations**

Councillor Frank Di Giorgio, seconded by Councillor Mark Grimes, recommends that:

1. City Council request the Deputy City Manager, Cluster B, in conjunction with the City Solicitor, to undertake an independent outside review of the events leading to the current business licence on the property from the date of commencement of the current use and building permits, and including the validity of its current legal non-conforming use status and building permits as it relates to due process and take any appropriate action resulting from the review.

#### **Summary**

There is a need to review and clarify the existing land uses on the subject property as it relates to due process under the Planning Act. Normally, building permits and/or business licences are not issued until proper zoning has been verified. Problems arise however, when business licences and/or building permits are issued prior to the resolution of zoning violations. These problems are compounded if a requirement for a PPR is waived by the applicant.

The current business licence for a public garage that is up for renewal at 2321 Keele Street on March 12, 2012, was originally issued on the basis of a legal non-conforming use under the protection of Section 34(9) of the Planning Act prior to the verification of the nature of the legal non-conforming use and the date of establishment. In the near future, Council will give consideration to the enactment of a site specific zoning amendment under Section 34(10) of the Planning Act, if necessary, to remedy any existing and residual violations of the Zoning By-law by the current use.

The business licence offered for renewal is the proper business licence that complies with

Section 34(9) of the Planning Act. In accordance with Section 34(9)(a) of the Planning Act, the issuance of the proposed business licence as a public garage does not prevent the continuation of the lawful use existing on the site on the date of the passing of the zoning bylaw amendment enacted on September 17, 1997.

Furthermore, in accordance with Section 34(9)(b) of the Planning Act, the proposed business licence does not prevent the continuation of a use of a building with a building permit issued prior to the day of the passing of the zoning by-law amendment on September 17, 1997.

The offered business licence also recognizes that the existing zoning on the property is subject to a holding provision that limits development on the site beyond the uses in place on the date of the enactment of the holding zone by-law.

Therefore, it is both appropriate and reasonable that the applicant at the subject site be issued a business licence that is consistent with all prior and documented business licences issued on the property up to and around March 2007.

(Submitted to City Council on March 5 and 6, 2012 as MM19.8)