



Seguin Township Report to Council

Prepared for: Township Council **Department:** Development and Protective Services
Agenda Date: April 1, 2019 **Report No:** DPS-PL-2019-042

Application No. R-2019-0001-F
Owners: 1386534 Ontario Inc.
Agent: Dave Reid
Location: CON B PT LOT 139
Civic Address 242 Oastler Park Drive
Roll No.: 4903-030-011-00905

1.0 Recommendation

THAT Temporary Use Rezoning Application R-2019-0001-F be approved as follows:

- I. Map 5 to Schedule "A" to Zoning By-law No. 2006-125 is hereby amended by rezoning those lands described as CON B, PT LOT 139, Geographic Township of Foley, 242 Oastler Park Drive from the Highway Commercial (C3) Zone to the Temporary Use Highway Commercial – Four (T-C3-4) Zone.
- II. Table 12.2 of Section 12.2.1, List of Temporary Uses Zones, is hereby amended by adding a new Temporary Use "4" after Temporary Use "3".
- III. Notwithstanding Section 1, Section 2, or Section 3 of By-law 2019-025, By-law 2019-025 shall expire on December 31, 2019, unless the Council of the Corporation of the Township of Seguin provides an extension by amendment to this by-law prior to its expiry.
- IV. By-law 2019-025 shall take effect from the date of passage by Council and shall come into force in accordance with the provisions of the Planning Act R.S.O. 1990, Chapter P.13 as amended.

2.0 Purpose and Background

The purpose and effect of the proposed Zoning By-law Amendment is to add an exception to the existing Highway Commercial (C3) Zone in order to permit:

1. An extension of temporary use to allow for a contractors yard for Henvey Inlet for a period no longer than December 31, 2019.

This temporary zone change request arises from an investigation of a complaint in 2018 concerning the establishment of a contractor’s yard at this location. Staff observed that several office trailers, travel trailers and a portable generator had been located in and around the parking lot of the former Ell Mar Motel. These structures, along with several service vehicles, are associated with one of the subcontractors responsible for the clearing of brush along the new Henvey Inlet transmission line.

In January 2019, a follow-up inspection was done wherein staff noted that the temporary contractor’s yard was still in operation. The owner was contacted wherein he noted that the contractor was still using his site. He said it was due to delays arising from the Parry Sound District 33 forest fire.

Figure 1: Key Map –Subject Lands

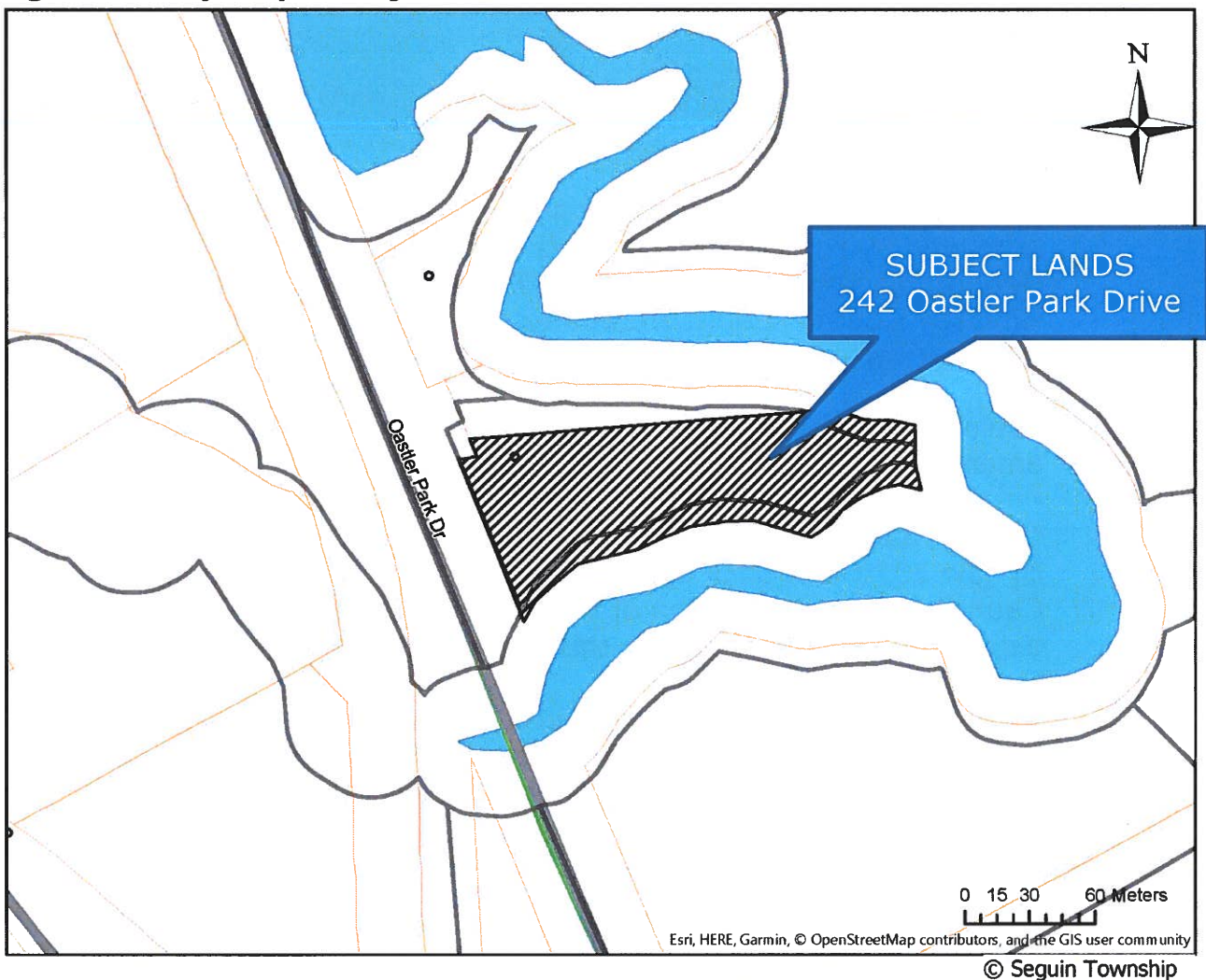
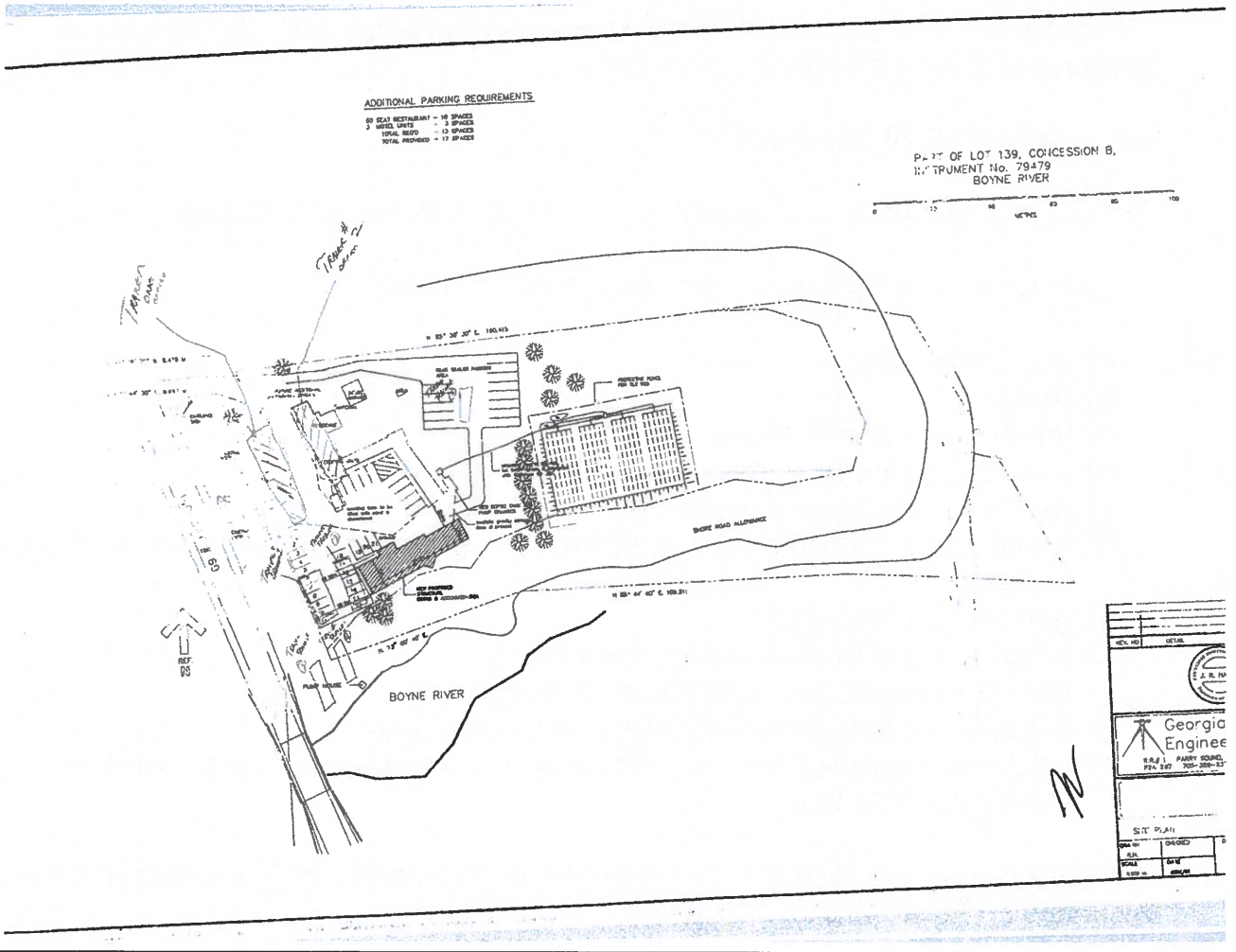


Figure 2: Site Sketch of Proposed Development



3.0 Analysis

3.1 Planning Act

Section 39 (1) of the Planning Act permits Council to pass a by-law that authorizes the temporary use of land for up to three (3) years for any purpose set out therein that is otherwise prohibited by By-law 2006-125.

In 2018, Council authorized the use of the subject lands for a contractor’s yard until the end of the calendar.

In 2019, the applicant is requesting permission to operate the contractor’s yard until December 31st.

3.2 Provincial Policy Statement (PPS) 2014

There are no matters of Provincial interest associated with the proposed temporary zoning by-law amendment.

3.3 Seguin Official Plan

The subject property is designated in part as a Rural and Resource Area.

C.1.3.2 (Permitted Uses) allows the following uses:

- a) agriculture uses;
- b) forestry;
- c) linear open space trails;
- d) single detached residential dwellings;
- e) bed and breakfast operations;
- f) small-scale commercial and industrial operations including recreational camps;
- g) minor institutional uses;
- h) sand and gravel extraction operations;
- i) mineral exploration and development;
- j) water or resource management activities; and
- k) home occupations and home Industries are also permitted subject to the policies of this Plan.

The temporary use such as the proposed contractor's yard would conform to the general intent of the Official Plan.

3.4 Seguin Zoning By-law 2006-125

The subject lands are zoned Highway Commercial (C3) Zone. General C3 lot requirements are as follows:

- o Minimum lot area 1 hectare
- o Minimum lot frontage 45 metres
- o Side yard setback 5 metres
- o Front yard setback 12 metres
- o Rear yard setback 15 metres
- o Maximum lot coverage 35%

Contractors Yard means a premises in which the shop or assembly work of a contractor or tradesperson is performed and includes the storage of any related equipment and/or materials.

Typically, a contractor's yard is permitted in a General Industrial (M2), Light Industrial (M3), Rural Industrial (RI) and Rural Commercial (RC) Zones.

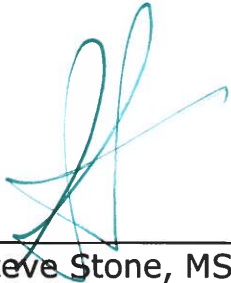
There are no proposed amendments to the performance standards of the Highway Commercial (C3) Zone.

4.0 Conclusion

The temporary use of the subject lands for Contractor's Yard facility does not require any onsite improvements to accommodate the use. The proposed temporary use by-law places both timing and land use controls that will reduce potential for land use compatibility issues. The proposed by-law also would serve to help achieve conformity with the objectives of the Official Plan.

Respectfully submitted

Reviewed by



Steve Stone, MSc, BES, RPP, MCIP
Director of Planning & Development



Chris Madej, MA, MCIP, RPP
Chief Administrative Officer

SS/CM/bd

Attachments:

Schedule A: Draft Temporary Use By-law 2019-025

**THE CORPORATION OF THE TOWNSHIP OF SEGUIN
BY-LAW NO. 2019-025**

"Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125"
File R-2019-0001-F (1386534 Ontario Inc.), Roll #490303001100905,
CON B, PT LOT 139, Geographic Township of Foley, 242 Oastler Park Drive.

WHEREAS the Council of The Corporation of the Township of Seguin received and considered an application to amend the Township of Seguin Zoning By-law No. 2006-125 respecting lands described as CON B, PT LOT 139, geographic Township of Foley, 242 Oastler Park Drive; and,

WHEREAS Council has the authority pursuant to Section 34 and Section 39 of the Planning Act R.S.O. 1990, Chapter P.13 as amended, to pass amendments to the Zoning By-law; and,

WHEREAS Section 39 of the Planning Act, as amended, authorizes Municipal Councils to pass by-laws to permit temporary land uses for specific period of time;

WHEREAS Council of the Corporation of the Township of Seguin deems it appropriate to amend Zoning By-law 2006-125, as amended to allow the contractor's yard use temporarily until December 31, 2019;

WHEREAS Council has approved the application to amend the By-law and deems it appropriate to pass this By-law;

NOW THEREFORE the Council of The Corporation of the Township of Seguin hereby enacts as follows:

- 1.** Map 5 to Schedule "A" to Zoning By-law No. 2006-125 is hereby amended by rezoning those lands described as CON B, PT LOT 139, Geographic Township of Foley, 242 Oastler Park Drive from the Highway Commercial (C3) Zone to the Temporary Use Highway Commercial – Four (T-C3-4) Zone as shown on Schedule "A" attached hereto and forming part of this By-law.
- 2.** Table 12.2 of Section 12.2.1, List of Temporary Uses Zones, is hereby amended by adding a new Temporary Use "4" after Temporary Use "3" as set out on Schedule "B" attached hereto and forming part of this By-law. All other provisions of the Zoning By-law shall apply.
- 3.** Notwithstanding Section 1, Section 2, or Section 3 of this By-law, this by-law shall expire on December 31, 2019, unless the Council of the

Corporation of the Township of Seguin provides an extension by amendment to this by-law prior to its expiry.

4. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with the provisions of the Planning Act R.S.O. 1990, Chapter P.13 as amended.

BY-LAW read a **FIRST, SECOND** and **THIRD** time and finally **PASSED** and **ENACTED** this 1st day of April, 2019.

Ann MacDiarmid
Mayor

Craig Jeffery
Clerk

The Corporation of the Township of Seguin
By-law No. 2019-025 Schedule "A"
CON B PT LOT 139
Zoning By-law 2006-125 Schedule A - Map 5



© Seguin Township



Lands to be rezoned from the Highway Commercial (C3) Zone to the Temporary Use Highway Commercial - Four (T-C3-4) Zone

THE CORPORATION OF THE TOWNSHIP OF SEGUIN

**SCHEDULE "B"
TO BY-LAW NO. 2019-025**

Amendment to Table 12.2 of Section 12.2.1- List of Temporary Use Zones

Table 12.2

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|------------------|---|---|------------------------------|----------------------------------|
| Zone Designation | Property/Legal Description | Temporary Uses | Date Enacted | Date Expires |
| T-C3-4 | CON B, PT LOT 139, geographic Township of Foley, 242 Oastler Park Drive | Contractors Yard consisting of two office trailers, five travel trailers, related incidents and associated vehicular parking. | April 1 st , 2019 | December 31 st , 2019 |