



OAKVILLE

## REPORT

PLANNING AND DEVELOPMENT COUNCIL MEETING

MEETING DATE: DECEMBER 4, 2017

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**FROM:** Planning Services Department

**DATE:** November 13, 2017

**SUBJECT:** **Public Meeting and Recommendation Report  
Extension of Temporary Use By-law  
Medeiros Boat Works Inc., 210 Burnhamthorpe Road East  
Z. 1314.08 - By-law 2017-117**

**LOCATION:** 210 Burnhamthorpe Road East

**WARD:** 5

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### RECOMMENDATION:

1. That the Temporary Use By-law Extension application (File No. Z.1314.08) submitted by Medeiros Boat Works Ltd. be approved; and,
2. That By-law 2017-117 to permit the lands to be used as a boat manufacturing and fabrication operation as a temporary use for a period of three years be passed.

### KEY FACTS:

The following are key points for consideration with respect to this report:

- An application was submitted in September 2017 to allow an extension to the Temporary Use By-law to allow the continuation of a boat manufacturing and fabrication operation as a temporary use for an additional three years.
- These lands have been used for a boat manufacturing and fabrication operation since 1979. The boat manufacturing and fabrication operation was recognized through the approval of Official Plan Amendment No. 80 and Zoning By-law 1994-3 (Temporary Use By-law) in February 1994. Extensions to the By-law were granted in 1997, 1999, 2002, 2005, 2008, 2011 and 2014. The current Temporary Use By-law expires on December 8, 2017.
- The lands are designated as *Neighbourhood Area*, *Village Square* and *Natural Heritage System* in the North Oakville East Secondary Plan and are zoned *Existing Development* and *Temporary Use Performance Zone 1* (ED-

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T1). The Temporary Use By-law does not apply to the Natural Heritage System area.

- The subject lands are within the Phase 2 area of the North Oakville Secondary Plan and currently operate on a well and septic tank. As development proceeds to the east and west of the subject lands, urban services will be brought across Burnhamthorpe Road East.
- Until such time that urban services are available and development to the south is abutting the subject lands, the continued use of the lands as a boat manufacturing and fabrication operation as a temporary use for an additional three years is appropriate.
- Staff recommend that Zoning By-law 2017-117 to permit the boat manufacturing and fabrication operation as a temporary use for an additional three years (until December 5, 2020) be passed.

**BACKGROUND:**

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed Temporary Use By-law extension.

A Zoning By-law Amendment application was submitted on September 22, 2017 by Ruth Victor & Associates. The application was deemed complete on September 26, 2017.

Proposal

The applicant seeks approval to permit the lands to continue to be used as a boat manufacturing and fabrication operation as a temporary use for an additional three years.

Regulations are included in the proposed by-law which state that only the existing building (855 m<sup>2</sup>) may be used for the boat manufacturing and fabrication operation. Outdoor storage is restricted and no retail sales, showroom or display of manufactured goods or signage is permitted. A minimum of 10 parking spaces is required.

The current Temporary Use By-law expires on December 8, 2017. The Temporary Use By-law has been in effect since 1994 with extensions in 1997, 1999, 2002, 2005, 2008, 2011 and 2014.

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Location

The property is located at 210 Burnhamthorpe Road East, on the south side of Burnhamthorpe Road East and west of Trafalgar Road. The lands are legally described as Part of Lot 14, Concession 1, NDS.

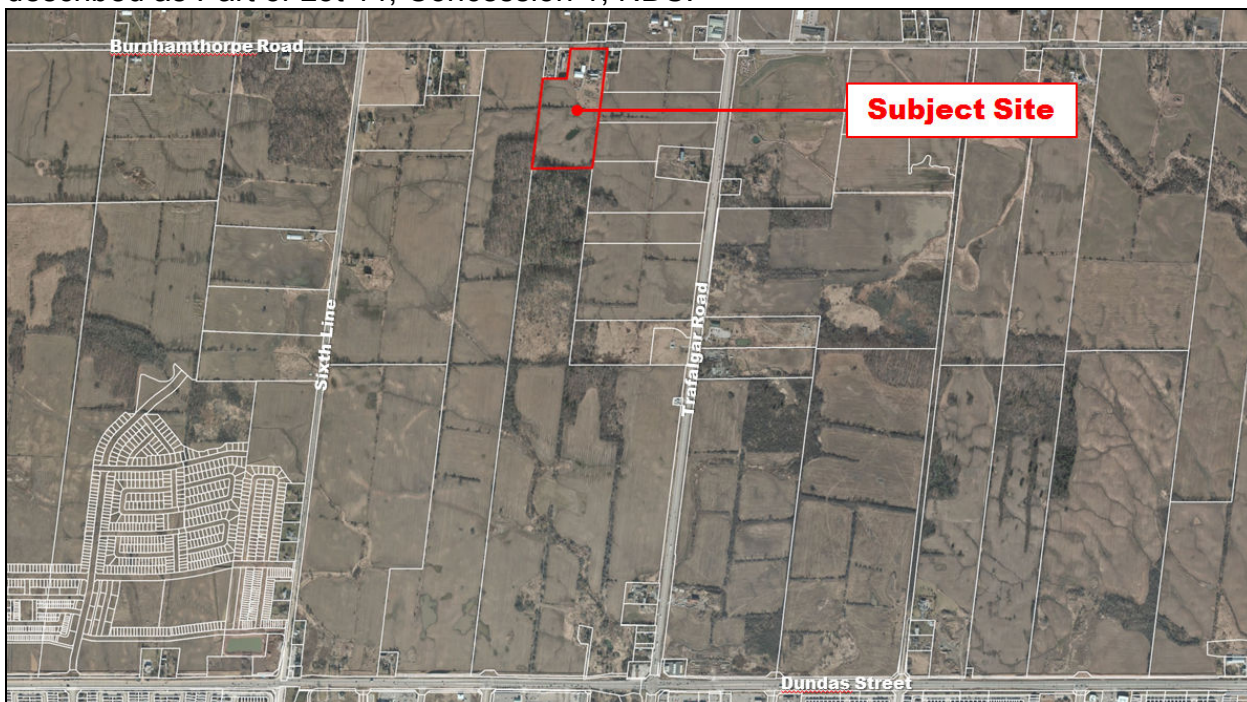


Figure 1 – Aerial Photograph and Property Location

Site Description

The property has a frontage of approximately 123 metres on Burnhamthorpe Road East. A residential dwelling, detached garage and two single-storey buildings are located on the property. The building with a gross floor area of 855 m<sup>2</sup> is used for the boat manufacturing and fabrication business. The southern portion of the property is predominantly open field that is used for agricultural purposes.

Surrounding Land Uses

The surrounding land uses are as follows:

- North: Residential and Agricultural uses
- East: Agricultural use - Petgor Phase 2 draft plan of subdivision (subject to 'H' provision to ensure compliance with the North Oakville East Secondary Plan phasing policies)

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South: Woodlot  
West: Agricultural use

## **POLICY FRAMEWORK**

The application is subject to the following policy framework: the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (2006), the Halton Region Official Plan, and the Livable Oakville Official Plan and Zoning By-law.

### Provincial Policy Statement (PPS) - 2014

The Provincial Policy Statement is intended to promote a policy led system, which recognises that there are complex relationships among environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and by promoting a compact development form.

On February 24, 2014, the Ministry of Municipal Affairs and Housing issued a new Provincial Policy Statement (PPS) 2014 under Section 3 of the *Planning Act*. The new PPS replaces the 2005 statement and is effective April 30, 2014.

The Regional Planning Staff is satisfied that the proposal is consistent with the policies of the Provincial Policy Statement (2014).

### Growth Plan for the Greater Golden Horseshoe

The Growth plan for the Greater Golden Horseshoe, 2017 was released on May 18, 2017 and came into effect on July 1, 2017, replacing the Growth Plan for the Greater Golden Horseshoe, 2006. The Growth Plan provides a framework for implementing the Province's vision for building stronger more prosperous communities by better managing growth. The Plan directs growth to built-up areas through intensification where development proposals can efficiently use existing transportation and servicing infrastructure.

The subject lands are located within a "settlement area" as defined by the Growth Plan, and it is expected the lands will have access to planned municipal services through the development of adjacent lands.

The Regional Planning Staff is satisfied that the proposal is in conformity with this new plan.

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### Region of Halton Official Plan

The OMB has issued a series of decisions regarding the partial approval of ROPA 38 to the Halton Region's Official Plan. Development applications are being reviewed in accordance with the approved policies of ROPA 38.

The lands are designated "Urban Area" according to the Region's Official Plan (ROP). The Urban Area is "planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities". One of the objectives of the Urban Area (Policy 72(1)) is to "accommodate growth in accordance with the Region's desire to improve and maintain regional unity, retain local community identity, create healthy communities, promote economic prosperity, maintain a high quality, sustainable natural environment, and preserve certain landscapes permanently". The range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of the Regional Plan.

The subject application is consistent with the ROP as it will allow a temporary land use to continue until such time that redevelopment consistent with the ROP will occur on this property.

### North Oakville East Secondary Plan

The lands are designated as *Neighbourhood Area*, *Village Square* and *Natural Heritage System* in the North Oakville East Secondary Plan. The lands designated Natural Heritage System are not impacted by the proposal. The property is located within Phase NOE2 (Neighbourhood 9) which is intended to proceed in the second phase of residential development (Section 7.9.2(d)).

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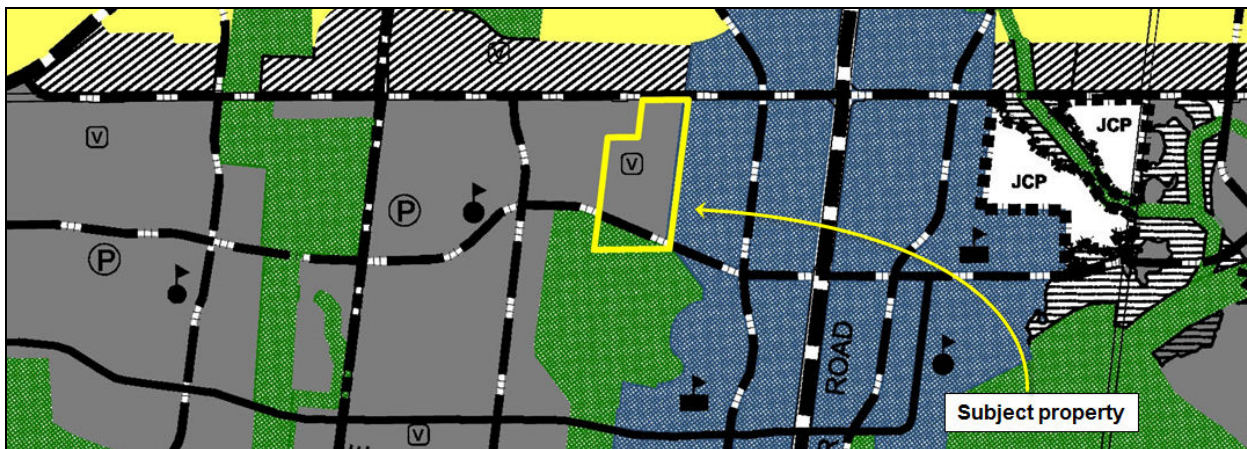


Figure 2 – Excerpt from Figure NOE2 Land Use Plan, showing subject property

The Plan contains a policy with respect to non-conforming uses that existed at the time this plan was adopted which states that,

*“Notwithstanding any other provision of this Plan or of the Official Plan, this Plan is not intended to prevent the continuation, expansion or enlargement of existing uses which do not conform to the designation or provisions of this Plan” (Section 7.10.3).*

### North Oakville Master Plan

The lands are shown to be redeveloped as *General Urban Area, Village Square* and *Natural Heritage System* on the North Oakville Master Plan (Appendix 7.3).

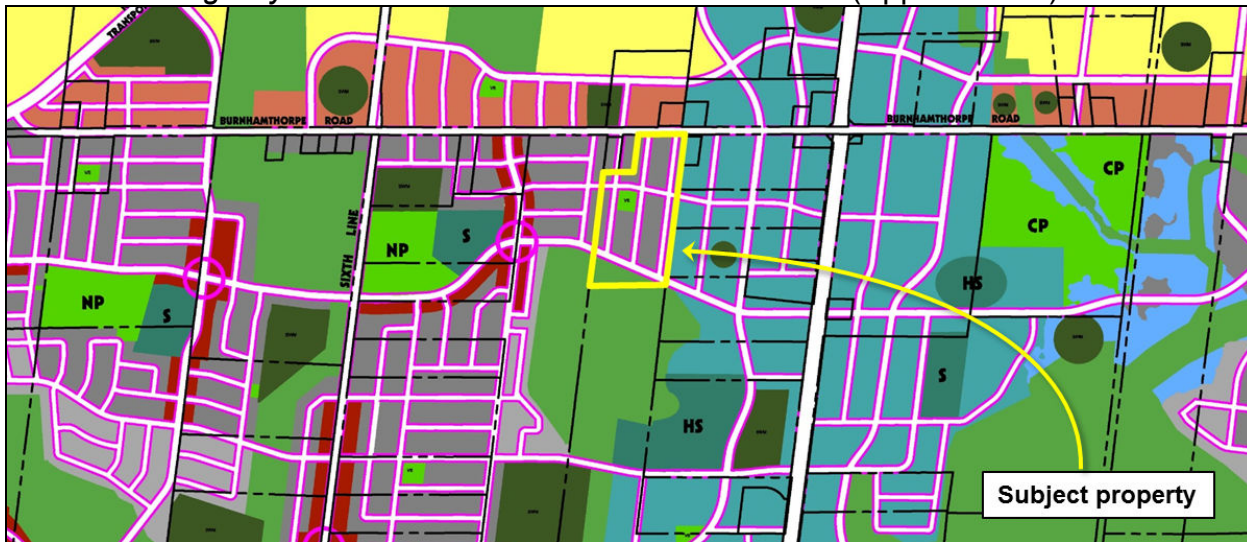


Figure 3 – Excerpt from Appendix 7.3 North Oakville Master Plan, showing subject property

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### Zoning By-law

The property is zoned *Existing Development* and *Temporary Performance Zone 1* (T1-ED). The portion of the property designed Natural Heritage System is not included in the T1-ED Zone and does not form part of the proposed zoning amendment.

The T1-ED Zone includes an additional permitted use for a boat manufacturing and fabrication operation. The temporary performance zone expires on December 8, 2017. The temporary performance zone regulations that apply to the property indicate the following:

- The existing building of 855 m<sup>2</sup> may continue to be used for the boat manufacturing and fabrication. No additions to this building or use of any other building on the property for the operation are permitted.
- No new buildings or structures may be erected or used on the subject property for the purpose of boat manufacturing and fabrication.
- Outside storage of goods and materials necessary for the boat manufacturing and fabrication operation shall be limited to a location specified in the by-law (rear of the barn).
- No retail sales, showroom or display of manufactured products shall be permitted on the subject property.
- No signage shall be displayed for the boat manufacturing and fabrication operation.
- Minimum number of parking spaces is ten.

### **PLANNING ANALYSIS:**

#### **Planning matters considered**

##### **Conformity with North Oakville East Secondary plan**

The proposed boat manufacturing and fabrication use does not conform with the designated land use classifications of *Neighbourhood area*, *Village Square* or *Natural Heritage System* of the North Oakville East Secondary Plan, which are the land use designation which apply to this property. As such, boat manufacturing and fabrication is a non-conforming use for this property.

However, this property has been used for a boat manufacturing and fabrication operation since 1979 – many years prior to the approval of the North Oakville East Secondary Plan in 2008 – which makes boat manufacturing and fabrication an

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existing non-conforming use. With respect to existing non-conforming uses, the Secondary Plan states that,

*“Notwithstanding any other provision of this Plan or of the Official Plan, this Plan is not intended to prevent the continuation, expansion or enlargement of existing uses which do not conform to the designation or provisions of this Plan” (Section 7.10.3).*

Therefore, until such time that urban services are available along the frontage of Burnhamthorpe Road East and there is a development application submitted for the property, it is appropriate to allow the property to be used for a boat manufacturing and fabrication operation.

The property is located within Phase NOE2 (Neighbourhood 9) which is intended to proceed in the second phase of residential development (Section 7.9.2(d)). Phase NOE2 development is not to proceed until after Phase NOE1 neighbourhoods – neighbourhoods immediately adjacent to Dundas Street - have developed in order to ensure that development in North Oakville proceeds in an orderly, well-planned manner.

Plan of Subdivision approvals, registration and construction are currently occurring in many of the Phase NOE1 neighbourhoods indicating that development of land in Phase NOE2 neighbourhoods may be on the horizon. However, development of these neighbourhoods is not yet complete meaning that development of Phase 2 NOE neighbourhoods likely continues to remain a few years away.

As, such the continued temporary use of this property for a boat manufacturing and fabrication operation for a period of an additional three years would conform to the Secondary Plan.

**Technical Review**

The Planning Department undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed. No objections or concerns were raised through the technical review and circulation of this application.



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## **Proposed Zoning By-law Amendment**

The boat manufacturing and fabrication operation was initially recognized through the approval of Official Plan Amendment No. 80 and Zoning By-law 1994-3 (Temporary Use By-law) in February 1994. Extensions to the By-law have been granted in 1997, 1999, 2002, 2005, 2008, 2011 and 2014. The current Temporary Use By-law expires on December 8, 2017.

This application proposes no changes to the additional permitted uses and regulations that currently exist in the Temporary Use By-law. The application simply proposes to extend the Temporary Use By-law for an additional three years, until December 4, 2020. The proposed By-law 2017-117 is attached as Appendix A to this report.

At the end of the three years, the applicant is required to make an application to allow the lands to continue to be used for this operation, abandon the use or commence redeveloping the site in accordance with the Official Plan policies.

## **Matters raised at the Public Meeting**

As there have been numerous extensions to the Temporary Use By-law, and no public interest in the applications over the years, the Statutory Public Meeting requirement has been combined with the Recommendation Report.

## **CONCLUSION**

The Planning Department undertook a circulation of the application to ensure that all technical and financial matters have been satisfactorily addressed.

Staff is satisfied that the application conforms to the overall policy direction of the North Oakville East Secondary Plan and other relevant policy documents, and recommends approval of the application. While the boat manufacturing and fabrication use does not conform with the land use designations of the Secondary Plan that apply to this property, the Secondary Plan also indicates that the intent of the Plan is not to prevent the continuation of existing non-conforming uses. Furthermore, the property is located within the Phase 2 area of the North Oakville Secondary Plan, which is not scheduled for development in the immediate future as there are no urban services available along Burnhamthorpe Road East. In addition, no concerns of issues were raised as a result of the circulation of extension of the

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existing temporary use to the Town departments and agencies. As such, Planning staff recommend that the Temporary Use be extended for an additional three years (until December 5, 2020).

Plan of Subdivision approvals, registration and construction of multiple large parcels of land are currently occurring in many of the phase 1 neighbourhoods, indicating that development of land in phase 2 neighbourhoods, where the subject property is located, may be imminent at the end of the three years. Development plans with proposed residential uses are under review by the Planning Department in close proximity to the subject property. At that time, the applicant is required to make an application to allow the lands to continue to be used for this operation, abandon the use or commence redeveloping the site in accordance with the Official Plan / Secondary Plan policies.

**CONSIDERATIONS:**

**(A) PUBLIC**

As there have been numerous extensions to the Temporary Use By-law and no public interest in the applications over the years, the Public Information Meeting requirement has been combined with the Recommendation Report. The statutory public meeting to be held on December 5, 2017 satisfies the public meeting requirement for this application.

**(B) FINANCIAL**

No financial implications are resulting from this application.

**(C) IMPACT ON OTHER DEPARTMENTS & USERS**

No concerns of issues were raised as a result of the circulation to the Town departments and agencies.

**(D) CORPORATE AND/OR DEPARTMENT STRATEGIC GOALS**

This report addresses the corporate strategic goal to:

- be the most livable town in Canada

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**(E) COMMUNITY SUSTAINABILITY**

The extension of the temporary use generally complies with the sustainability objectives of the Livable Oakville Plan.

Prepared by:  
Tricia Collingwood, MCIP, RPP  
Senior Planner  
Current Planning–East District

Recommended by:  
Heinz Hecht, MCIP, RPP  
Manager  
Current Planning – East District

Submitted by:  
Mark H. Simeoni, MCIP, RPP  
Director, Planning Services