

## MEMORANDUM

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**DATE:** APRIL 29, 2019

**TO:** TOWNSHIP OF EDWARDSBURGH CARDINAL – COUNCIL (MAY 6, 2019)

**FROM:** NOVATECH

**RE:** CEDAR STREET (PARCEL ABUTTING 51 CENTRE STREET TO THE SOUTH) IN SPENCERVILLE – MULDER ZONING AMENDMENT

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### Background

A zoning amendment application has been received for the property located directly behind 51 Centre Street, in Spencerville, which is legally described as Part Lot 27, Concession 6. The property has frontage on Cedar Street at the end of the unopened road allowance. The requested zoning amendment seeks to rezone a portion of the property from Residential Second Density (R2) to Mainstreet Commercial/Residential Special Exception (MCR-4) in order to permit open storage in association with the existing welding shop located on the abutting property to the north, at 51 Centre Street.

A zoning amendment was previously received for 51 Centre Street, seeking to rezone the property from Mainstreet Commercial/Residential (MCR) to Highway Commercial (HC) in order to permit the proposed expansion of the existing welding shop.

It was concluded, as per Novatech Memo dated February 28, 2019, that a workshop, which includes a welder's shop, is a permitted use on the subject property in the MCR zone. Open storage, however, is not permitted for any use in the MCR zone. Additionally, it was noted that the vacant parcel to the rear of the subject property is zoned Residential Second Density (R2) and does not permit a welding shop, a workshop or open storage associated with the welding business. We advised that, if the welding business is going to continue using the vacant rear property for anything related to the welding business, a zoning amendment application would be required to rezone the portion of the vacant rear property that is used for the welding business.

The current zoning amendment application for Cedar Street is the first step to address the open storage associated with the welding business taking place on the property. The second step will be to amend the Site Plan Agreement for 51 Centre Street to provide the details of the open storage and ensure they comply with the zoning provisions of Section 4.27 (Open Storage, Outdoor Sales and Displays) of the Zoning By-law.

### Context

The property abutting 51 Centre Street to the south, which is the subject of this zoning amendment application, is largely vacant, although a small portion (approximately 1.15 ha) of the property abutting the welding shop is used for open storage. The lot has a total area of approximately 4.7 ha,

with a small frontage on Cedar Street, at the end of the unopened road allowance. The property is zoned Residential Second Density (R2) to the north of the South Nation River environmental protection area, and zoned Environmental Protection Floodplain (EP-f) and Wetland (EP-w) in association with the River. Open storage is proposed on lands well outside of the environmental protection area.

### **Applicant's Proposal**

It is our understanding that the applicant intends to continue using a portion of the property for the open storage of materials associated with the welding business, in order to keep the area adjacent to the welding shop at 51 Centre Street clear of open storage.

### **Planning Discussion**

#### Provincial Policy Statement

The Provincial Policy Statement speaks to settlement areas, including villages, being the focus of growth and development, and the promotion of their vitality and regeneration. Generally, the PPS anticipates land use patterns that are appropriate for the context, while using land and resources efficiently. It is noted that the subject property is located within the village of Spencerville, and the existing business has operated at this location since 1997.

#### United Counties of Leeds & Grenville Official Plan

The subject property is designated Rural Settlement Area on Schedule A of the United Counties of Leeds and Grenville Official Plan. The Counties' settlement areas are the focus of growth, to maximize public and private infrastructure investment and to preserve the agricultural area, rural lands and conserve natural heritage features and areas. Settlement area policies encourage development patterns that efficiently use land, resources, infrastructure, and public service facilities. Rural settlement areas will generally maintain a rural settlement character and evolve as service and residential centres for their surrounding Rural Area, where appropriate.

In this case, the existing welding business has operated from the subject property since 1997. The proposal to expand the business on the adjacent parcel at 51 Centre Street is an efficient use of land by allowing the business to grow on the subject property within a larger building rather than developing a new site. Additionally, the welding business requires open storage of materials that are integral to the operation of the business. The welding business contributes to the economic viability of the village and Township, in general.

#### Township of Edwardsburgh/Cardinal Official Plan

The subject site is designated Settlement Policy Area on Schedule A of the Edwardsburgh/Cardinal Official Plan. Section 3.1 discusses the general objectives of the settlement area designation, which are that they be the focus of growth, to create a mixed-use community, while preserving the local character of the village and protecting areas of natural resources and natural heritage, outside settlement areas. One of the objectives for this area is to protect and enhance existing viable businesses.

The Commercial policies contained within Section 3.1.6 speak to Council's objectives for commercial development within settlement areas being that the commercial use must be compatible with the surrounding community, and appropriately serviced. The intent is to provide a broad range of commercial uses in order to provide local employment opportunities, and to facilitate control over the

location and character of commercial development. Under Section 3.1.6.2 a “commercial trade shop” is a permitted use.

Section 3.1.7 contains Industrial Development Policies related specifically to those industrial uses that are compatible with the surrounding community in accordance with MOE D-Series Guidelines, uses that can be adequately serviced and which provide a range of local employment opportunities. Class 1 manufacturing and processing, being a small-scale plant or building, is permitted in the settlement area, provided that it is compatible with the surrounding area. *Section 3.1.7.5 specifically notes that Site Plan Control shall apply to all new or expanded industrial uses in order to regulate the physical character of industrial development and to ensure compatibility with established land uses. Furthermore, attention should be placed on appropriate buffering of the industrial use from adjacent land uses.*

Section 6.3.9 describes Site Plan Control, with the policies being that Council should utilize site plan control as a means of enhancing the quality of redevelopment, to ensure it is functional and aesthetically pleasing, and to ensure safe development. In this case, site plan control is a means to ensure compatibility of the proposed industrial use expansion with existing adjacent residential uses. The Site Plan amendment application to follow this Zoning Amendment application will ensure the compatibility of the open storage with the surrounding neighbourhood.

The Edwardsburgh/Cardinal Official Plan generally contemplates a range of residential, commercial and institutional uses within the settlement area. Industrial uses, such as Class 1 manufacturing and processing, are permitted where it can be shown that they are compatible with the surrounding community and can be adequately serviced, as it is recognized that they can offer local employment opportunities.

Section 6.3.10.1 of the Official Plan contains development criteria which apply to Zoning By-law amendment applications. The policies require that Council consider factors such as access, servicing, buffering/screening, landscaping and lighting when reviewing applications. Details regarding these factors have not been provided in the application. Within the Complete Application Information Requirements chart in Section 6.3.15.1, it is noted that a Land Use Compatibility Study is required for a zoning amendment application where development is proposed adjacent a sensitive land use (ie. residential). Given that the proposed welding business expansion is a commercial/industrial use within close proximity of residential dwellings, a scoped report addressing compatibility criteria may be warranted to support a Site Plan application.

#### Township of Edwardsburgh/Cardinal Zoning By-law 2012-35

The portion of the property subject to this Zoning amendment application is currently zoned Residential Second Density (R2). The R2 zone permits several residential dwelling types, including single, semi, duplex and apartment dwelling units. The R2 zone does not permit a workshop or open storage.

Given that the subject property abuts and is also owned by the welding business which is currently zoned Mainstreet Commercial/Residential (MCR), it is appropriate to extend the MCR zone to the subject property to accommodate the proposed use of the property. Accordingly, the amendment would re-zone a 1.15 ha portion of the property to Mainstreet Commercial/Residential Special Exception (MCR-4) in order to permit open storage in association with the welding business. The provisions of Section 4.27 (Open Storage, Outdoor Sales and Displays) would apply to the property, except for Section 4.27(a)[vi], which specifically prohibits open storage in the MCR zone.

Given that open storage is prohibited in the MCR zone, the welding business operating at 51 Centre Street has agreed to consolidate all open storage on to the rear parcel (the subject of this application). This is an improvement in terms of land use compatibility and the current zoning amendment will facilitate this. Furthermore, a Site Plan amendment application will provide the details of the open storage and ensure compliance with the Zoning By-law.

### **Recommendation**

The proposed zoning amendment is found to be consistent with the Provincial Policy Statement and is in conformity with both the United Counties' of Leeds and Grenville and Township of Edwardsburgh Cardinal Official Plans. On the basis of our review, the proposed use of the subject property for open storage associated with the welding shop is considered appropriate, having regard to land use compatibility with adjacent uses, provided that a Site Plan Amendment application follows this zoning amendment application. It is noted that the Township has received correspondence from a nearby resident inquiring about fencing between the welding shop and abutting residential properties. These are the types of matters that should be addressed through Site Plan Control.

A zoning by-law amendment has been prepared for Council's consideration. The zoning amendment has been drafted to create a Mainstreet Commercial/Residential Special Exception (MCR-4) Zone. The special exception limits the use of the portion of the property subject to the zoning amendment to open storage associated with the welding shop on the abutting parcel of land to the north, at 51 Centre Street.

Sincerely,



Tess Gilchrist, MCIP RPP  
Project Planner

BY-LAW No. \_\_\_\_\_

**THE CORPORATION OF  
THE TOWNSHIP OF EDWARDSBURGH CARDINAL**

**Mulder  
Cedar Street, Spencerville  
Part Lot 27, Concession 6**

**NOVATECH**

Engineers, Planners & Landscape Architects  
Suite 200, 240 Michael Cowpland Drive  
Ottawa, Ontario K2M 1P6  
tel: (613) 254-9643  
fax: (613) 254-5867

File: 119015  
Date: April 30, 2019

**CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL**

**BY-LAW No. \_\_\_\_\_**

**BEING A BY-LAW TO AMEND ZONING BY-LAW No. 2012-35, AS AMENDED**

**Mulder, Cedar Street, Spencerville  
Part Lot 27, Concession 6**

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**WHEREAS** By-law No. 2012-35 as amended regulates the use of land and the use and erection of buildings and structures within the Township of Edwardsburgh Cardinal;

**AND WHEREAS** the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it advisable to amend By-law No. 2012-35 as hereinafter set forth;

**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. The lands affected by this By-law are shown as shaded and outlined by heavy black lines on Schedule "A" which is attached hereto and forms part of this By-law.
2. Zoning By-law No. 2012-35, as amended, is hereby further amended by adding the following new subsection at the end of Section 7.1 (d) (Exception Zones):

**[iv] MCR-4, Cedar Street, Part Lot 27, Concession 6, Spencerville**

**Despite the provisions of Section 7.1(a) and 4.27(a)[vi] to the contrary, on the lands zoned MCR-4, the following provisions shall apply:**

**Permitted Uses shall be limited to the following:**

**Open storage, accessory to the welding shop at 51 Centre Street**

3. Schedule "B" to Zoning By-law No. 2012-35, as amended, is hereby further amended by changing the zoning of the lands affected by this By-law from "R2" to "MCR-4".
4. The By-law shall become effective on the date of passing hereof, subject to the provisions of Section 34 (21) of the *Planning Act*, R.S.O. 1990, as amended.

Read a first and second time this \_\_\_\_ day of \_\_\_\_\_, 2019.

Read a third time and adopted this \_\_\_\_ day of \_\_\_\_\_, 2019.

CORPORATE SEAL OF TOWNSHIP

\_\_\_\_\_  
Head of Council

\_\_\_\_\_  
Clerk

**NOTICE OF PASSING OF A ZONING BY-LAW BY  
THE CORPORATION OF THE TOWNSHIP OF EDWARDSBURGH CARDINAL**

**Mulder, Cedar Street, Spencerville  
Part Lot 27, Concession 6**

**TAKE NOTICE** that the Council of the Corporation of the Township of Edwardsburgh Cardinal passed By-law No. \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 2019 under Section 34 of the *Planning Act*.

**AND TAKE NOTICE** that any person or public body may appeal to the Local Planning Appeal Tribunal in respect of the by-law by filing with the Clerk of The Corporation of the Township of Edwardsburgh Cardinal not later than the \_\_\_\_\_ day of \_\_\_\_\_, 2019 a notice of appeal setting out the reasons for the appeal, and accompanied by the fee required by the Local Planning Appeal Tribunal.

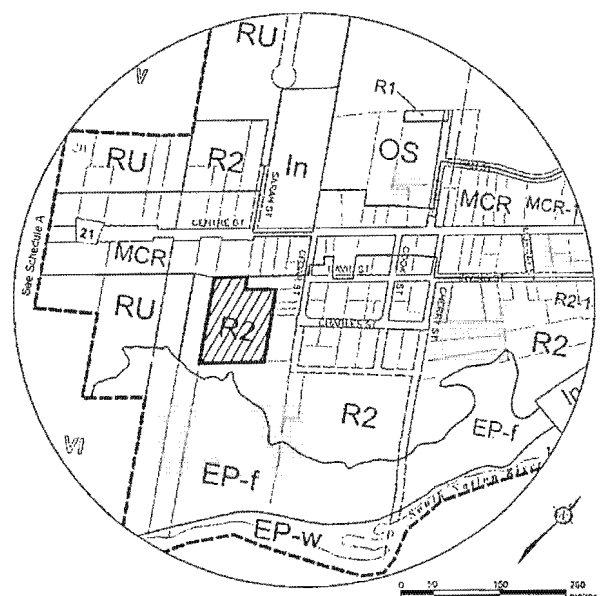
**AND TAKE NOTICE** that only individuals, corporations and public bodies may appeal a by-law to the Local Planning Appeal Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

**AND TAKE NOTICE** that no person or public body shall be added as a party to the hearing of the appeal unless, before the by-law was passed, the person or public body made oral submissions at a public meeting or written submissions to the council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

**AND TAKE NOTICE** that there were no written and/or oral submissions that affected the passing of the by-law.

**THE SUBJECT LANDS** are not the subject of any current applications under the *Planning Act* as contemplated by O.Reg 545/06.

**AN EXPLANATORY NOTE** of the purpose and effect of the By-law, describing the lands to which the By-law applies, a Key Map has not been included as this amendment applies to various zones throughout the Township. A copy of the complete By-law is available for inspection at the Township Office during regular office hours.

<u>Explanatory Note</u>	<u>Key Map</u>
<p>The proposed change in zoning will affect approximately 1.15 ha of land situated at the end of Cedar Street, and abutting the south side of 51 Centre Street, in the Village of Spencerville.</p> <p>The purpose of the amendment is to change the zoning of a portion of the property from "Residential Second Density (R2)" to "Main Street Commercial/ Residential Special Exception 4 (MCR-4)", in order to permit open storage on a portion of the property.</p> <p>The effect of the amendment is to accommodate the outdoor storage of materials related to the welding business located at 51 Centre Street.</p>	 <p style="text-align: center;"><b>Area Affected by this By-law</b></p> <div style="display: flex; align-items: center;"> <div style="width: 20px; height: 20px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black; margin-right: 10px;"></div> <div> <p>TO: MAIN STREET COMMERCIAL/ RESIDENTIAL SPECIAL EXCEPTION 4 (MCR-4) ZONE</p> <p>FROM: RESIDENTIAL SECOND DENSITY (R2) ZONE</p> </div> </div>

Dated at the Township of Edwardsburgh Cardinal this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

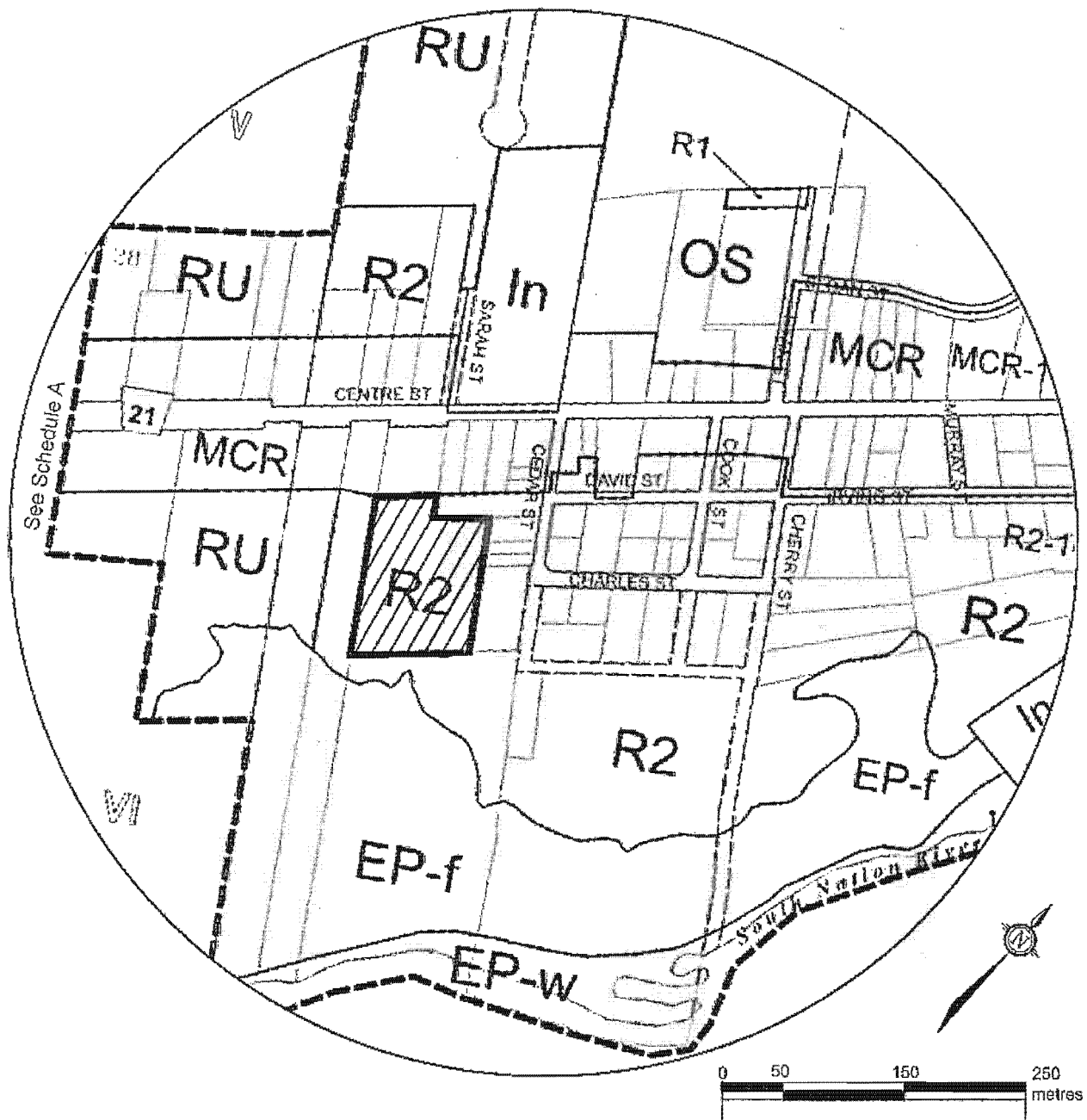
Ms. Debra McKinstry  
CAO/Clerk  
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18 Centre Street  
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Schedule "A" to By-law No. \_\_\_\_\_

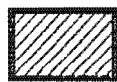
TOWNSHIP OF EDWARDSBURGH CARDINAL

Cedar Street, Spencerville

Part Lot 27, Concession 6



**AREA(S) SUBJECT TO THIS BY-LAW**



TO: MAIN STREET COMMERCIAL/RESIDENTIAL  
SPECIAL EXCEPTION 4 (MCR-4) ZONE

FROM: RESIDENTIAL SECOND DENSITY  
(R2) ZONE