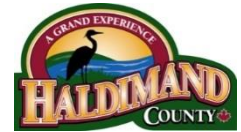

HALDIMAND COUNTY

Report PED-PD-05-2018 Extension to Scrap Material Collection Bin By-laws – Haldimand County



For Consideration by Council in Committee on February 6, 2018

OBJECTIVE:

To approve an extension to the existing temporary use by-laws that permit scrap material collection bins within specific zones and as an accessory to certain uses throughout Haldimand County. The extension is for an additional two (2) years.

RECOMMENDATIONS:

1. THAT Report PED-PD-05-2018 Extension to Scrap Material Collection Bin By-laws – Haldimand County be received;
2. AND THAT application PLZ-HA-2018-013 to pass an extension to a Temporary Use By-law for a period of two (2) years to permit an additional use within specified zones and as an accessory to specific uses be approved for reasons outlined in Report PED-PD-05-2018;
3. AND THAT the three Temporary Use By-laws attached to Report PED-PD-05-2018 be enacted;
4. AND THAT the holding provision removal by-laws attached to Report PED-PD-05-2018 be passed and the General Manager of Planning and Economic Development be granted authority to remove the holding provision when all conditions relating to the matter are satisfactorily addressed;
5. AND THAT the proposal is considered consistent with the Provincial Policy Statement 2014, the Provincial Growth Plan 2017 and other matters of provincial interest.

Prepared by: Meagan Ferris, BES, MCIP, RPP, Planner, Planning and Development

Reviewed by: Mike Evers, MCIP, RPP, Manager, Planning and Development

Respectfully submitted: Craig Manley, MCIP, RPP, General Manager of Planning and Economic Development

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

The intent of the subject report is to extend the temporary use by-laws for scrap material collection bins that apply to all three of the Haldimand County By-laws for an additional two (2) year period. The intent of the proposal is extend all permissions that were granted as part of the original temporary use in 2015, including the zones and locational criteria. The extension for two (2) years is intended to align with the completion of the County's comprehensive zoning by-law project which is proposed to introduce a permanent solution and approach to this type of use. In planning staff's opinion, this proposal for extension is consistent with the Provincial Policy Statement 2014, complies with the Provincial Growth Plan, 2017, and conforms to the policies of the Haldimand County Official Plan.

BACKGROUND:

A temporary use by-law proposal was previously approved by Council on February 3, 2015 for a period of three (3) years (report PED-PD-07-2015). The intent of the original proposal was to temporarily permit scrap material collection bins, which have a direct connection to a charitable cause and/or organization, within certain zones throughout Haldimand County (i.e. most commercial and industrial zones) and as an accessory use to a school, fire hall, and/or church. The original approvals also established several criteria to be met, prior to the license being issued and a holding provision being removed. The temporary permissions were for a period of three (3) years, with the approval expiring in February 2018. The catalyst for the previous temporary use by-laws was to address an emerging land use issue, with the ultimate intent to adequately address this issue within the comprehensive zoning by-law. With the delay in initiating the comprehensive by-law and some of the 'in project' delays that have been experienced, the timing has not aligned as was originally envisioned. Thus, an extension is required as staff work towards finalizing the zoning project and the permanent solution for scrap material bins.

The subject report is a request to extend these permissions, for an additional two (2) years, as the by-law permissions will expire in February of this year. Staff is not proposing any changes to permitted zones or the applicable criteria that were established in 2015. The uses would still be prohibited within the downtown and urban cores, and the specific requirements regarding bin size, location, loading areas, the number of bins, and setbacks to a sensitive land uses are proposed to be carried forward. The subject request is purely to provide an extension to the permissions that are currently in place until such time that the comprehensive by-law project is completed. Attachment 1 is a summary of the existing permissions, and outlines which zones the use is permitted, the criteria to be met, and which uses a scrap material collection bin is considered to be an accessory use to. It is important to note that the proposal from staff does not require an additional amendment to the County's Salvage Yard Licensing By-law.

ANALYSIS:

Planning Staff have identified the following key planning issues through the review of this proposal:

1. Provincial Policy

Provincial Policy Statement (2014):

Through the Provincial Policy Statement, 2014 (PPS), the Province establishes a policy foundation that guides land use development within the Province of Ontario. Through this framework, the Province determines that building strong communities is a provincial interest which is to be addressed, in part, through promoting efficient land use and development patterns that support strong, livable and healthy communities, protecting the environment and public health and safety, and facilitating economic growth. The PPS further establishes specific policies to areas such as settlement areas, rural areas, rural lands, and prime agricultural areas. This proposal is for an extension to County wide temporary use by-laws and will continue to remain specific to certain identified zones that will primarily be focused within settlement areas, such as urban areas and hamlets. There will continue to be some instances where there are areas outside of an established settlement area (e.g. in prime agricultural areas) that have site specific rural industrial and commercial uses that would allow the bins. Overall, the intent of this subject extension remains consistent with the original approvals in place surrounding these charitable related material bins. The PPS does not specifically address temporary use by-laws and their extension due to the Provincial policies being a high level policy framework. The subject proposal is addressed at the municipal level and within the local policy documents (i.e. the Haldimand County Official Plan). Planning staff are of the opinion that the extension to the temporary use by-law for an additional two (2) years does not offend the intent and purpose of the Provincial Policy Statement (2014) and that this

proposal is in conformity with this provincial document and that the extension of this permission will not negatively impact matters of provincial interest.

Provincial Growth Plan – Growth Plan for the Greater Golden Horseshoe (2017):

The Growth Plan for the Greater Golden Horseshoe is the framework for implementing the Government of Ontario's vision for building stronger, prosperous and complete communities by controlling growth until 2041. The Plan provides high level policy direction relating to economic prosperity which include transportation, infrastructure planning, land use planning, urban form, housing, natural heritage and resource protection and further provides direction on where to direct growth, including establishing intensification targets, and protecting agricultural areas. Similar to the Provincial Policy Statement (2014), the Growth Plan does not speak to zoning by-law amendments and relies on the application of such approaches at the municipal level. Planning staff have reviewed this proposal in relation to the Growth Plan policies and have concluded that the proposed extension to the temporary use complies with the Growth Plan policies and does not offend the intent and purpose of The Plan.

2. Local Policy

Haldimand County Official Plan:

The Official Plan allows for the County to consider temporary uses by permitting the enactment of a temporary use by-law. A temporary use by-law allows for the temporary use of land for a purpose that is otherwise prohibited by the Zoning By-law and which is not permitted within the applicable designation set out in the Official Plan for a particular property. There are three specific scenarios that can be considered for a temporary amount of time – a garden suite; unfamiliar or uncommon uses on a trial basis; or uses proposed for a brief amount of time – subject to Council's satisfaction certain criteria are met. As part of the original application, a detail policy review of the general amendment to permit scrap material collections bins throughout the County took place and was supported by staff and Council, with no objections from the public. The assessment focused on the suitability of the use from the perspective of parking, traffic, visual buffering, etc. To ensure aspects of compatibility were engrained in regulation, the implementing tools (temporary use by-law and license by-law) including caps on size, number of bins, restrictions on location on a property, setbacks from residential zones, location prohibitions (e.g. within sight triangles), the need for a dedicated loading area parking stall, etc. These are shown in a summary of the previously approved permissions in Attachment 1. The subject report is solely related to the extension of the original permissions to allow additional time for the comprehensive zoning by-law to be completed. Staff is not proposing any changes to the original approvals or criterion required to be met in order for a license to be issued. As such, planning staff are of the opinion that this extension is in conformity with the County's Official Plan and represents an opportunity to continue to address a use until such time that it is formally recognized in the new By-law. It is important to note that the *Planning Act* does not restrict the number of extensions for a temporary use by-law such as that proposed.

3. Zoning & Temporary Use By-laws:

The intent of this proposal is to extend permissions for established temporary use by-laws that are applicable to the City of Nanticoke NE-1-2000, Town of Haldimand 1-H 86, and the Town of Dunnville 1-DU 80 for the location of bins used for the collection of scrap material that is either used by a charitable organization or used for charitable purposes. The intent is for permissions to be extended for an additional two (2) years, so that additional time is available for the comprehensive zoning by-law to be approved. Planning staff is not proposing to change any of the originally applicable zones or the requirements to be met as part of the as of right permissions. All of the original permissions are simply proposed to be extended. The amended by-laws, including the Holding (H) removal by-law, are included as Attachments 2, 3, 4 and 5. Further, this extension of use does not trigger the need for the Salvage Yard Licensing By-law to be further amended.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Long Point Region Conservation Authority – No objections.

Grand River Conservation Authority – No objections.

Niagara Peninsula Conservation Authority – No objections.

Building Controls & By-law Enforcement – No objections.

Emergency Services – No objections.

Corporate Services - Licensing Officer – No objections.

Planning and Development - Development & Design Technologist – No objections.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Current Permissions Established in 2015.
2. City of Nanticoke 1-NE-2000 Temporary Use By-law (Amended).
3. Town of Dunnville 1-DU-80 Temporary Use By-law (Amended).
4. Town of Haldimand 1-H-86 Temporary Use By-law (Amended).
5. Removal of Holding (H) By-law (Amended).