



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, October 03, 2022

To: Mayor Mills and Members of Council

From: **Steve Wever, Town Planner**

Report: P2022-28

Subject: **Z22/05 – IK World Trading Company Ltd.
Extension of Temporary Use By-law
443 Main Street West**

Recommendation

Be it resolved that Council receive Report P2022-28 as information.

Be it resolved that By-law 49-2022, being a by-law to amend Zoning By-law 38-2007, as amended by By-law 51-2019, by authorizing and extension of the Special Commercial Exception Three (C4-3) Zone to permit a temporary use for up to three (3) years from the date of the passing of the by-law by Council, for the land known municipally as 443 Main Street West and described legally as Part of Lot 32, Concession 3, Part 2 on 7R-1705 in the Town of Shelburne, County of Dufferin, as shown on Schedule "A1" to the By-law, be read a first, second, and third time and finally passed.

Background

An application for a Zoning By-law Amendment has been submitted by IK World Trading Company Ltd. The purpose and effect of the application is to request approval for the extension of an existing temporary use for up to three years to permit the continued use of the existing building at 443 Main Street West for a light woodworking production facility.

The original site of the woodworking facility (501 Main Street West) was subject to a significant fire that destroyed the main building. The company has established a new temporary location at 443 Main Street West which is

located adjacent to and has a shared access with 501 Main Street West. The land at 501 Main Street West is the subject of a draft plan of subdivision application currently in process and undergoing further review and revision by the applicant. As the development of the area for residential and commercial purposes, in accordance with the Shelburne West Secondary Plan, is subject to the availability of servicing capacity which will require upgrades to the WPCP, the owners are seeking to temporarily continue their woodworking operations at 443 Main Street West as an interim land use.

The temporary use was authorized by Council via the passage of By-law 51-2019 on October 21, 2019. By-law 51-2019 re-zoned the property from C4 to C4-3 establishing the following temporary use provisions for the property:

- In addition to the uses permitted in the C4 Zone, on the lands zoned C4-3, permitted uses shall include a light manufacturing facility for a woodworking production business, limited to the cutting, planing, refining, assembly, packaging, shipping and receiving, and storage of lumber and wood products, and a showroom for product display and sales, all contained within the existing building and provided that storage is also permitted within shipping containers on the lot subject to the regulations of this subsection.
- A maximum of eight (8) shipping containers shall be permitted to be located on the lot and shall be setback a minimum of 18 metres from the east lot line and any residential lot line, and a minimum of 6 metres to all other lot lines, and shall not occupy or obstruct parking areas or parking spaces required by this By-law or a required fire access route. There shall be no outdoor storage on the lot.
- No transport truck parking shall be permitted within the lot, except during loading and unloading for shipping and receiving between the hours of 7am and 11pm, and no transport truck parking shall be permitted on a public street in relation to the use of the lot. No trucking or loading operations shall occur on the lot between the hours of 11pm to 7am.
- An acoustic fence having a height of 2.5 metres shall be provided and maintained abutting the south-east corner of the building and extending southerly for a minimum distance of 12.5 metres. Compliance with Ministry of Environment, Conservation and Parks (MECP) sound level limits shall be maintained and evidence satisfactory to the Town shall be provided by the owner of the lot to demonstrate compliance with MECP sound level limits annually starting on October 21, 2020, and on each anniversary date thereafter until the temporary use expires.
- The temporary use provisions expire on October 21, 2022, at which time

the use shall cease, and all equipment, vehicles and shipping containers associated with the temporary use shall be removed from the lot.

Further information and analysis about the woodworking operation, the surrounding land use context, applicable policies, land use compatibility considerations and noise mitigation requirements is provided in Planning Reports P2019-19 and P2019-25 received by Council on August 26 and October 7, respectively.

Analysis

The Planning Act, subsection 39(3), provides that Council may by bylaw grant further periods of not more than three years each during which the temporary use is authorized. The applicant has requested a three-year extension.

The applicant has installed the required acoustic fencing and has complied with the provisions of By-law 51-2019 by providing annual noise measurements and certification from an acoustic engineer demonstrating that the sound levels are within the applicable sound level limits. The homes on the residential lots to the east, in the Hyland Village subdivision, have been built and occupied. To date, the Town does not have record of any complaints about the woodworking operations. The applicant has filed completed the required application for extension of the temporary use prior to the expiry of the temporary use provisions, as required.

Given that the light woodworking shop within the existing building at 443 Main Street West has now been in operation for nearly three (3) years without any indications of conflicts with adjoining properties to date and the anticipated timeframe for servicing capacity upgrades to allow for development and redevelopment of the area, and in consideration of the availability of other vacant commercially-zoned land in the Shelburne West area and in other areas of the community, the requested extension is appropriate and reasonable. With a three-year extension, the new expiry date for the temporary use provisions for the subject property will be October 21, 2025. It is recommended that the same conditions set out in 2019 through By-law 51-2019 (with revised annual noise monitoring dates and a revised expiry date) should continue to apply.

Financial Impact

None.

Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan
Town of Shelburne Zoning By-law 38-2007

Consultation and Communications

Notice and holding of a Public Meeting for the Temporary Use By-law extension have been completed in accordance with the Planning Act. No comments or concerns have been received at time of writing this report.

Council Strategic Priorities

Council's Strategic Priorities has three Goals - Sustainable, Engaged and Livable. There are a total of 12 targets with the three Goals.

This report aligns with the Sustainable Goals within the Targets:

Target T4 Promote balanced growth

Supporting Documentation

Temporary Use By-law 51-2019

Temporary Use Extension By-law 49-2022

Respectfully Submitted:

Steve Wever, MCIP, RPP, Town Planner

Reviewed by:

Denyse Morrissey, CAO

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NO. 51-2019

BEING A BY-LAW TO AMEND BY-LAW 38-2007, AS AMENDED.

WHEREAS an Official Plan has been approved for the Town of Shelburne.

AND WHEREAS authority is granted under Section 39 of the Planning Act, R.S.O. 1990, C.P.13 and amendments thereto, to enact this By-law.

AND WHEREAS the Council of the Corporation of the Town of Shelburne deems it appropriate to amend By-law 38-2007, as amended to allow the proposed use for a period of three (3) years;

NOW THEREFORE the Council of the Corporation of the Town of Shelburne enacts as follows:

1. That Schedule "A" of By-law 38-2007, as amended, be further amended by rezoning the lands described legally as Part Lot 32, Concession 3, Part 2 on 7R-1705, and known municipally 443 Main Street West in the Town of Shelburne, from Special Commercial (C4) Zone to site specific Temporary Special Commercial Three (C4-3) Zone as shown on Schedule "A1" to this By-law.
2. That Section 4.9.1 of By-law 38-2007 be amended by adding the following Temporary Special Commercial Exception Three (C4-3) Zone:

"4.9.3.3 Temporary Special Commercial Exception Three (C4-3) Zone

4.9.3.3.2 Notwithstanding the requirements of subsection 4.9.1 to the contrary, on lands zoned C4-3 on Schedule "A", the following site-specific temporary use provisions shall apply:

- i) In addition to the uses permitted in subsection 4.9.1, on the lands zoned C4-3, permitted uses shall include a light manufacturing facility for a woodworking production business, limited to the cutting, planing, refining, assembly, packaging, shipping and receiving, and storage of lumber and wood products, and a showroom for product display and sales, all contained within the existing building and provided that storage is also permitted within shipping containers on the lot subject to the regulations of this subsection.
- ii) Notwithstanding subsection 3.2.1 (iii) of this By-law, a maximum of eight (8) shipping containers shall be permitted to be located on the lot and shall be setback a minimum of 18 metres from the east lot line and any residential lot line, and a minimum of 6 metres to all other lot lines, and shall not occupy or obstruct parking areas or parking spaces required by this By-law or a required fire access route. There shall be no outdoor storage on the lot.
- iii) No transport truck parking shall be permitted within the lot, except during loading and unloading for shipping and receiving between the hours of 7am and 11pm, and no transport truck parking shall be permitted on a public street in relation to the use of the lot. No trucking or loading operations shall occur on the lot between the hours of 11pm to 7am.
- iv) An acoustic fence having a height of 2.5 metres shall be provided and maintained abutting the south-east corner of the building and extending southerly for a minimum distance of 12.5 metres. Compliance with Ministry of Environment, Conservation and Parks (MECP) sound level limits shall be maintained and evidence satisfactory to the Town shall be provided by the owner of the lot to demonstrate compliance with MECP sound level limits annually starting on October 21, 2020, and on each anniversary date thereafter until the temporary use expires in accordance with clause (v) of this subsection.
- v) The temporary use authorized by this subsection shall expire on the earliest of the following dates:

October 21, 2020, if the first annual reporting demonstrating compliance with MECP sound level limits as required by clause (iv) of this subsection is not provided to the Town on this date; or,

October 21, 2021, if the second annual reporting demonstrating compliance with MECP sound level limits as required by clause (iv) of this subsection is not provided to the Town on this date; or,

On a date that is 30 days after the date that any new equipment that has a higher sound level rating than the existing wood saw is installed, if information demonstrating compliance with MECP sound level limits for the new equipment is not provided to the Town on this date; or,

October 21, 2022.

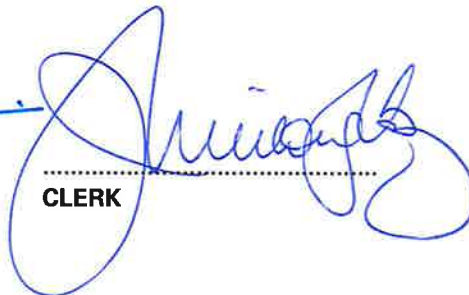
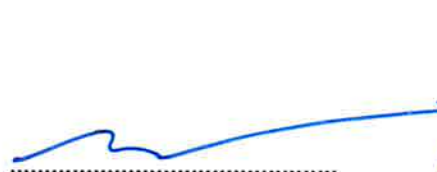
- vi) Upon expiry of the temporary use provisions of this subsection, the use shall cease, and all equipment, vehicles and shipping containers associated with the temporary use shall be removed from the lot.
3. That notwithstanding Section 1 and/or Section 2 of this By-law, this by-law shall expire on the earliest of the following dates:
- a) October 21, 2020, if the first annual reporting demonstrating compliance with Ministry of Environment, Conservation and Parks (MECP) sound level limits is not provided to the Town on this date; or,
 - b) October 21, 2021, if the second annual reporting demonstrating compliance with Ministry of Environment, Conservation and Parks (MECP) sound level limits is not provided to the Town on this date; or,
 - c) On a date that is 30 days after the date that any new equipment is installed that has a higher sound level rating than the existing wood saw, if information demonstrating compliance with MECP sound level limits for the new equipment is not provided to the Town on this date; or,
 - d) October 21, 2022, being three (3) years from the date of the passing of the by-law by Council, unless the Council of the Corporation of the Town of Shelburne provides an extension by amendment to this by-law prior to its expiry.
4. That except as amended by this By-law, the subject lands as shown on Schedule "A1" to this By-law, shall be subject to all other applicable regulations of By-law 38-2007, as amended.
5. Schedule "A1" attached hereto forms part of this By-law.
6. This By-law shall take effect from its date of passage by Council and shall come into force either upon approval by the Local Planning Appeal Tribunal or upon compliance with Sections 34 and 39 of the Planning Act, R.S.O. 1990, C.P. 13.

BY-LAW READ A FIRST AND SECOND TIME THIS 21st DAY OF OCTOBER, 2019.

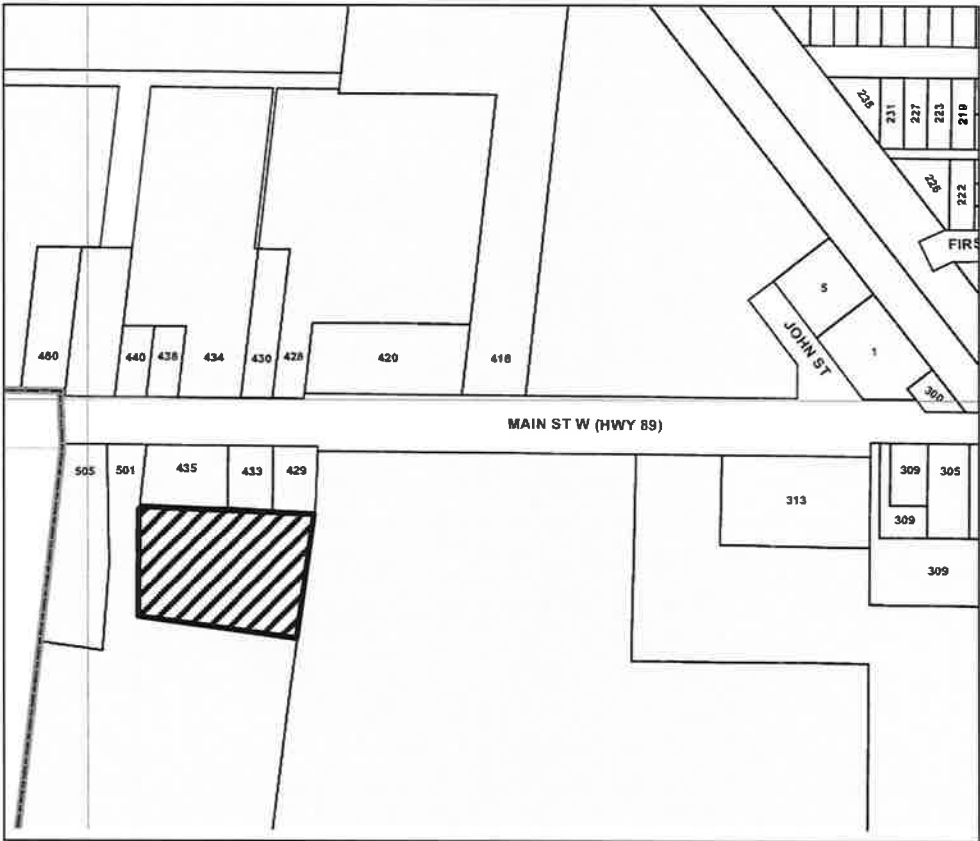
BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 21st DAY OF OCTOBER, 2019.

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MAYOR

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CLERK



SCHEDULE A1 TO BY-LAW NO. 51-2019



 Zone change from C4 to Site Specific Temporary Use Special Commercial Zone (C4-3)

EXPLANATORY NOTE

The purpose and effect of this amendment to Zoning By-law 38-2007 is to change the zoning of the property described legally as Part of Lot 32, Concession 3, Part 2 on 7R-1705 and known as 443 Main Street West Robert Street in the Town of Shelburne from Special Commercial (C4) Zone to a site specific Temporary Use Special Commercial (C4-3) Zone. The amendment permits a light manufacturing facility as a temporary use for up to three (3) years on the subject lands for a woodworking production business. No outdoor storage is permitted and up to eight (8) shipping containers are permitted for storage purposes provided they are located in accordance with the setbacks identified in the by-law and the parking requirements of the by-law are maintained. Loading and trucking are limited to daytime hours and transport truck parking is not permitted on the lot except during permitted shipping/receiving between the hours of 7am and 11pm, and no transport truck parking related to the site operations is permitted on a public street. As recommended by the Noise Analysis prepared by HGC Engineering and dated August 23, 2019, a 2.5 metre sound barrier is required from the north-east corner of the existing building extending 12.5 to the south. Notwithstanding the 3-year duration of the temporary use permitted by the by-law, annual reporting of sound levels demonstrating compliance with Ministry of Environment, Conservation and Parks (MECP) standards is required and if this information is not provided on each anniversary date of the by-law, or within 30 days of new equipment installation with higher sound level ratings than the existing wood saw, the temporary use permission expires on the earliest of these identified dates. Upon expiry of the by-law, any equipment, vehicles and shipping containers used for the light manufacturing business are required to be removed from the lot.

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NO. 49-2022

BEING A BY-LAW TO AMEND BY-LAW 38-2007, AS AMENDED.

WHEREAS an Official Plan has been approved for the Town of Shelburne;

AND WHEREAS authority is granted under Section 39 of the Planning Act, R.S.O. 1990, C.P.13 and amendments thereto, to enact this By-law;

AND WHEREAS By-law 38-2007, as amended by By-law 51-2019, authorizes a temporary use of the land subject to this By-law for a period of up to three (3) years;

AND WHEREAS the owner of the land subject to this By-law has made application requesting an extension of the temporary use for an additional period of up to three (3) years;

AND WHEREAS the Council of the Corporation of the Town of Shelburne deems it appropriate to further amend By-law 38-2007, as amended by By-law 51-2019, to extend the authorization of the temporary use of the land subject to this By-law for an additional period of three (3) years;

NOW THEREFORE the Council of the Corporation of the Town of Shelburne enacts as follows:

1. That subsection 4.9.3.3 of By-law 38-2007, Temporary Special Commercial Exception Three (C4-3) Zone be replaced with the following new subsection 4.9.3.3:

“4.9.3.3.3 Temporary Special Commercial Exception Three (C4-3) Zone

- i) In addition to the uses permitted in subsection 4.9.1, on the lands zoned C4-3, permitted uses shall include a light manufacturing facility for a woodworking production business, limited to the cutting, planing, refining, assembly, packaging, shipping and receiving, and storage of lumber and wood products, and a showroom for product display and sales, all contained within the existing building and provided that storage is also permitted within shipping containers on the lot subject to the regulations of this subsection.
- ii) Notwithstanding subsection 3.2.1 (iii) of this By-law, a maximum of eight (8) shipping containers shall be permitted to be located on the lot and shall be setback a minimum of 18 metres from the east lot line and any residential lot line, and a minimum of 6 metres to all other lot lines, and shall not occupy or obstruct parking areas or parking spaces required by this By-law or a required fire access route. There shall be no outdoor storage on the lot.
- iii) No transport truck parking shall be permitted within the lot, except during loading and unloading for shipping and receiving between the hours of 7am and 11pm, and no transport truck parking shall be permitted on a public street in relation to the use of the lot. No trucking or loading operations shall occur on the lot between the hours of 11pm to 7am.
- iv) An acoustic fence having a height of 2.5 metres shall be provided and maintained abutting the south-east corner of the building and extending southerly for a minimum distance of 12.5 metres. Compliance with Ministry of Environment, Conservation and Parks (MECP) sound level limits shall be maintained and evidence satisfactory to the Town shall be provided by the owner of the lot to demonstrate compliance with MECP sound level limits annually until the temporary use expires in accordance with clause (v) of this subsection.
- v) The temporary use authorized by this subsection shall expire on the earliest of the following dates:

October 21, 2023, if the first annual reporting demonstrating compliance with MECP sound level limits as required by clause (iv) of this subsection is not provided to the Town on this date; or,

October 21, 2024, if the second annual reporting demonstrating compliance with MECP sound level limits as required by clause (iv) of this subsection is not provided to the Town on this date; or,

On a date that is 30 days after the date that any new equipment that has a higher sound level rating than the existing wood saw is installed, if information demonstrating compliance with MECP sound level limits for the new equipment is not provided to the

Town on this date; or,

October 21, 2025.

- vi) Upon expiry of the temporary use provisions of this subsection, the use shall cease, and all equipment, vehicles and shipping containers associated with the temporary use shall be removed from the lot.”
- 2. That notwithstanding Section 1 and/or Section 2 of this By-law, this by-law shall expire on the earliest of the following dates:
 - a) October 21, 2023, if the first annual reporting demonstrating compliance with Ministry of Environment, Conservation and Parks (MECP) sound level limits is not provided to the Town on this date; or,
 - b) October 21, 2024, if the second annual reporting demonstrating compliance with Ministry of Environment, Conservation and Parks (MECP) sound level limits is not provided to the Town on this date; or,
 - c) On a date that is 30 days after the date that any new equipment is installed that has a higher sound level rating than the existing wood saw, if information demonstrating compliance with MECP sound level limits for the new equipment is not provided to the Town on this date; or,
 - d) October 21, 2025, being three (3) years from the date of the passing of the by-law by Council, unless the Council of the Corporation of the Town of Shelburne provides an extension by amendment to this by-law prior to its expiry.
- 3. That except as amended by this By-law, the subject lands as shown on Schedule “A1” to this By-law, shall be subject to all other applicable regulations of By-law 38-2007, as amended.
- 4. Schedule “A1” attached hereto forms part of this By-law.
- 5. This By-law shall take effect from its date of passage by Council and shall come into force either upon approval by the Local Planning Appeal Tribunal or upon compliance with Sections 34 and 39 of the Planning Act, R.S.O. 1990, C.P. 13.

BY-LAW READ A FIRST AND SECOND TIME THIS 3RD DAY OF OCTOBER, 2022.

BY-LAW READ A THIRD TIME AND FINALLY PASSED THIS 3RD DAY OF OCTOBER, 2022.

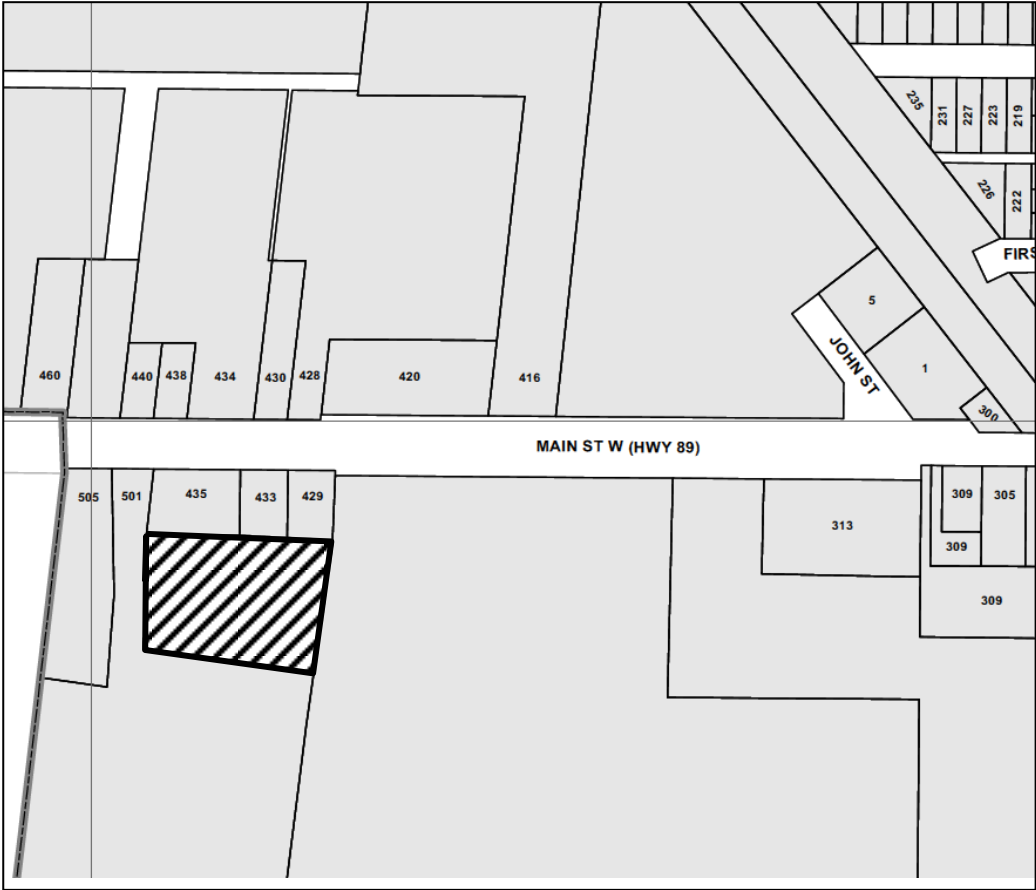
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MAYOR

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CLERK

SCHEDULE A1 TO BY-LAW NO. 49-2022



Land Subject to Site Specific Temporary Use Special
Commercial Zone (C4-3) Zone

EXPLANATORY NOTE

The purpose and effect of this amendment to Zoning By-law 38-2007 is to authorize the extension of the Temporary Use Special Commercial (C4-3) Zone applicable to the property described legally as Part of Lot 32, Concession 3, Part 2 on 7R-1705 and known as 443 Main Street West Robert Street in the Town of Shelburne. The amendment authorizes and extension of the temporary use originally approved by By-law 51-2019 as a light manufacturing facility for up to three (3) years on the subject lands for a woodworking production business. No outdoor storage is permitted and up to eight (8) shipping containers are permitted for storage purposes provided they are located in accordance with the setbacks identified in the by-law and the parking requirements of the by-law are maintained. Loading and trucking are limited to daytime hours and transport truck parking is not permitted on the lot except during permitted shipping/receiving between the hours of 7am and 11pm, and no transport truck parking related to the site operations is permitted on a public street. As recommended by the Noise Analysis prepared by HGC Engineering and dated August 23, 2019, a 2.5 metre sound barrier is required from the north-east corner of the existing building extending 12.5 to the south (and has been erected on the property pursuant to By-law 51-2019). Notwithstanding the 3-year duration of the temporary use permitted by the by-law, annual reporting of sound levels demonstrating compliance with Ministry of Environment, Conservation and Parks (MECP) standards is required and if this information is not provided on each anniversary date of the by-law, or within 30 days of new equipment installation with higher sound level ratings than the existing wood saw, the temporary use permission expires on the earliest of these identified dates. Upon expiry of the by-law, any equipment, vehicles and shipping containers used for the light manufacturing business are required to be removed from the lot.