

The Municipality of Central Manitoulin

Public Meeting

Agenda

Thursday, June 11th, 2020 at 1:15 P.M.

Via teleconference

at the

MUNICIPAL OFFICE

6020 HWY 542, MINDEMOYA, ONTARIO

1. Meeting called to Order
2. Adoption of the Agenda
3. Opening Remarks
 - a) Chair
4. Application to be Considered
 - i) Zoning By-Law Amendment File No. 2-07ZBL-20-003
-Applicant/Owner – MENERAY, Daniel
5. Council Comments
6. Public Comments
7. Chair's Closing Remarks
8. Adjournment

MANITOULIN PLANNING BOARD

ZONING BY-LAW AMENDMENT - PLANNING REPORT June 04, 2020

Applicant/Owner: Daniel Meneray
File No.: 2-07ZBL-20-003
Related File: B31-02
Property Description: Part Lot 18, Conc. V,
Surveyed as Part 1, Plan 31R-2183
Township of Carnarvon, Municipality of Central Manitoulin
District of Manitoulin

1. PROPOSAL:

A Zoning Amendment Application has been received from Daniel Meneray to rezone land located at 6323 Highway 542, within the Town of Mindemoya, surveyed as Part 1, Plan 31R-2183, from Hamlet Residential (RH) Zone to Restricted Commercial (C) Zone.

2. REASON:

The applicant has been operating a Commercial business, known as '*Menerary Towing, Automotive Repair and Alignment*' from this location for about three (3) years and wishes to expand his business and construct a 2nd commercial type building on the property. The present use of the property does not conform to the Hamlet Residential (RH) Zone of Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin.

Zoning By-law No. 2002-07 for the Municipality of Central Manitoulin, Section 4 - Administration under 4.1 - Scope - states:

'No building, structure or land shall be used, and no building or structure shall be hereafter erected within the limits of the Township of Central Manitoulin as now or henceforth legally constituted except in conformity with the provisions of this By-law.'

Therefore, an amendment is required to bring the present and proposed uses of the subject land, into conformity with Zoning By-law No. 2002-07.

3. SUBJECT LANDS:

i) History:

The subject land, surveyed as Part 1, Plan 31R-2183, was created by Consent, File No. B31-02, and was purchased by the applicant on June 15, 2016. The subject ±0.8 Hec. parcel of land has a frontage of ±91.4 m. on Hwy 542, and contains the applicant's automobile service garage with office space, and a fenced in vehicle storage area.

The applicant proposes to construct a 2nd garage, (±21.34 m. X ±24.38 m.), to be used for expanded automotive repairs and his towing business. The commercial type uses are not permitted in a Hamlet Residential (RH) Zone. Zoning By-law No. 2002-02 does not have a definition for a "towing business" and this is not a listed permitted use in any Zone of the By-law. It may be considered that the "towing business" is an accessory commercial type use to a "public garage, auto body" and a "public garage, mechanical". The applicant is required to rezone the property to Restricted Commercial (C) Zone which will permit the existing commercial type uses and the accessory use of the towing business.

It is noted that a separate residential dwelling, or a dwelling unit within an auto body garage or a mechanical garage are not permitted in the C Zone.

**ZONING BY-LAW AMENDMENT - 2-07ZBL-20-003
- PLANNING REPORT - June 04, 2020 - Continued**

An approved By-law, No. 2002-20, permits a 'U-brew and Design Sign Shop' within the subject land. This type of business is not operating within the subject land and this use of the land is no longer proposed.

Hamlet Residential (RH) uses exist to the east and across the highway to the north. The abutting (± 38 Hec.) property located to the west and south is bush covered and contains a Hamlet Residential dwelling and two accessory structures.

- ii) Access: There is an existing entrance, #6323, from Hwy 542, a provincially maintained highway

The following letter was received via email from Carla Riche, Corridor Management Planner, Ministry of Transportation of Ontario, on March 16, 2020:

' Thank you for the opportunity to provide our comments, my apologies for the delayed response.

The Ministry of Transportation (MTO) has no objections to the proposed zoning amendment subject to the following:

- *A Ministry of Transportation of Ontario (MTO) building/land use permit will be required for any proposed buildings, septic systems, wells etc. located within 45 metres of the limit of the highway or within a 180 metres of any intersections along Highway 542.*
- *An MTO Commercial Entrance permit will be required prior to reflect the change in land use.*
- *MTO Sign permit(s) are required for the placement of any signs within 400 m of the limit of the highway*

Prior the issuance of MTO permits the following will be required for MTO review and approval:

- *A detailed site plan, this can be part of the TIB and the SWMP.*
- *A Traffic Impact Brief (TIB), from a RAQS qualified traffic consultant, detailing the traffic that will be generated by the development and any implications for Highway 542. A listing of RAQS qualified traffic consultants can be found online at <https://www.raqsb.mto.gov.on.ca/login/raqs.nsf/English/Graphic/RAOSPages/Consultants+-+Traffic+Engineering>.*
- *A Stormwater Management Brief/Plan. Additional information can be obtained online at <http://www.mto.gov.on.ca/english/publications/drainage/stormwater/>*
- *An illumination plan may be required. Illumination plans are required for developments adjacent to a provincial highway that include area or architectural lighting, the plan must provide the following:*
 - *To-scale site plan showing the site location and the highway*
 - *Lighting layout showing pole/luminaire locations and orientation*
 - *Luminaire installation info such as mounting height, orientation angle, shielding info, etc.*
 - *Luminaire material info including catalog info and photometric data file*
 - *Lighting calculation plan showing horizontal luminance levels at and beyond the MTO right-of-way in metric units of lux to 1 decimal place minimum*

Please note that, following the granting of a permit, that if it is determined that light glare from the installation adversely affects the travelling public, the developer will be required to address the problem at their expense, and to the satisfaction of the ministry.

The applicant should contact Mr. Desmond Grant, Corridor Management Officer, at our Sudbury office by phone at 705-564-7707 or by e-mail at Desmond.Grant@ontario.ca for further information with respect to MTO permit and setback requirements. MTO permits can be obtained by applying online at <https://www.hcms.mto.gov.on.ca/>.

*These comments are valid for one year of the date of this email.
If you have any questions on the above please contact me.'*

The email was forwarded to the municipality and to the applicant.

**ZONING BY-LAW AMENDMENT - 2-07ZBL-20-003
- PLANNING REPORT - June 03, 2020 - Continued**

Mr. Meneray contacted MTO, and as a result the following email was received from Ms. Riche, MTO, on May 13, 2020:

'The ministry has reviewed Mr. Meneray's proposal again with the understanding that he plans to operate up to 10 tow trucks and that any site grading will maintain drainage to the rear of the property. Following this secondary review the ministry has determined that neither a traffic brief or a stormwater management plan will be required.'

Mr. Meneray can directly apply online for his MTO permits once the zoning amendment has been passed. If there are any changes to the site plan he can include it in his permit application.

Our local Corridor Management Officer, Desmond Grant, will be contacting Mr. Meneray directly to update him on the status of his file.'

The email was forwarded to the municipality and to the applicant, Mr. Meneray.

- iii) Servicing: Municipal water and sewer
- iv) Fire Protection: Municipal Volunteer Fire Department
- v) School Bussing: Available
- vi) Garbage Collection/ Disposal: Collection available

4. OFFICIAL PLAN (OP) POLICIES:

- i) Current Designation: Arterial Commercial Area
- ii) Proposed Designation: The land subject to this proposal will remain designated as being within an Arterial Commercial Area and all Official Plan Policies applicable thereto will continue to apply.
- iii) Comments:

The proposed use is considered to be consistent with the policies of the Official Plan (OP) Policy C.1.4 - Arterial Commercial Area. Regard must be had for the following OP policy:

'C.1.4.2.5. uses proposed on provincial Highway within Arterial Commercial Areas will be subject to the approval of the province and the municipality, or in the case of secondary Highways or Major Roads, subject to the approval of the municipality.'

5. ZONING BY-LAW (BY-LAW NO. 2002-07):

- i) Current Zoning: Hamlet Residential (RH) Zone
- ii) Proposed Zoning: Restricted Commercial (C) Zone
- iii) Comments:

The proposed amendment to Comprehensive Zoning By-law No. 2002-07, if approved, will rezone from Hamlet Residential (RH) Zone to Restricted Commercial (C) Zone, which will acknowledge the existing commercial business known as *'Meneray Towing and Automotive Repair and Alignment'* and bring it into conformity with Zoning By-law No. 2002-07.

**ZONING BY-LAW AMENDMENT - 2-07ZBL-20-003
- PLANNING REPORT - June 03, 2020 - Continued**

6. PROVINCIAL POLICY STATEMENT (PPS) 2020

Section 3 of the Planning Act requires that decisions affecting planning matters "*shall be consistent with*" policy statements issued under the Act. Land use planning decisions made by municipalities must be consistent with the PPS.

Policies expressed by the PPS encourages development which will promote opportunities for economic development. There does not appear to be any conflict or adverse impacts to policies expressed by the PPS. This proposal is considered to be in conformity with the PPS 2020.

7. RECOMMENDATIONS:

Council may wish to consider if the proposed uses would be compatible in this area; all the uses that would be permitted for the subject land, should a rezoning to Restricted Commercial (C) Zone be approved; the number and location of vehicles that could be located/stored within the subject land at any given time; and the impact that potentially ten (10) tow trucks operating 24 hours a day may have, re: noise, safety.

Council may also wish to consider if the towing business is an accessory use to the commercial uses of the C Zone and if the towing business and the structures would conform to Section 6.3 - Accessory Uses which states:

'6.3 f) No accessory building shall exceed 66 square metres and ten (10) metres in height'

When the new (± 520 sq. m.) commercial building is constructed, the existing structure will become an accessory structure to the main commercial use, which is ± 95 square metres in size. An Amendment may be required to be in conformity with Zoning By-law No. 2002-07.

The municipality must be satisfied that the requirements of MTO have been/can be addressed satisfactory to the municipality before a building permit is issued.

Council may wish to rescind By-law, No. 2002-20 which permits a '*U-brew and Design Sign Shop*' within the subject land, if this is no longer a proposed use.

Providing there are no extenuating circumstances or additional information to be considered and based on the aforementioned analysis, the subject application for Zoning By-law Amendment may be approved by Council, if in their judgement the proposal is favourable to the advancement and well being of the Municipality and providing there is conformity to Sections 6.3 Accessory Uses; 6.19 - Parking Area Regulations; and 6.20 - Planting Strips of Comprehensive Zoning By-law No. 2002-07.

Respectfully Submitted,



Theresa Carlisle, ACST
Secretary-Treasurer
mpbcarlisle@bellnet.ca

Daniel and Lianne Charette
6336 Hwy 542
Mindemoya, Ontario
POP1S0
705-377-5406

RECEIVED
MAY 21 2020

RE: Application for Amendment to Zoning By-law No. 2002-07 for Daniel Menaray
with Municipality of Central Manitoulin

Dear Council of the Municipality of Central Manitoulin,

I would like to thank you in contacting us as per Ontario Regulation 545/06 regarding the application of Daniel Meneray for rezoning his land to restricted commercial.

Daniel is a young entrepreneur in our community and works hard in the operations and improvement of his business to serve the residents, visitors and businesses of Manitoulin.

By approving this zoning change it will benefit the community and help this young entrepreneur to expand and augment his services to the community, district and offer some local job opportunities.

Myself and Lianne are in support of the proposed amendment to Zoning By-Law No.2002-07 for the property located at #6333 Hwy 542 to recognize the commercial business of Menaray Towing.

Thank you


Lianne Charette
Daniel and Lianne Charette

THE MUNICIPALITY OF CENTRAL MANITOULIN

BY-LAW NO. 2020-16

Being a By-law to Amend Zoning By-law No. 2002-07

Being a By-law for the purpose of amending Zoning By-law No. 2002-07, being a By-law, to regulate the Use of Land of the Municipality of Central Manitoulin, under the Authority of Section 34 of the Planning Act, R.S.O. 1990, Chapter P. 13, as amended.

Whereas, the Municipality of Central Manitoulin, has ensured that adequate information has been made available to the public, and has held at least one (1) public meeting after due notice for the purpose of informing the public of this by-law;

And Whereas, Council deems it appropriate to concur, whereby Restricted Area Zoning By-law No. 2002-07 *is amended to rezone from Hamlet Residential (RH) Zone to Restricted Commercial (C) Zone; and permit an accessory building having a maximum area of 95 square metres; and rescind a previous By-law;* land described as being Part of Lot 18, Conc. V, surveyed as Part 1, Plan 31R-2183, located at #6323 Highway No. 542, Township of Carnarvon, Municipality of Central Manitoulin.

And Whereas, upon considering representations in respect to the zoning proposal and the report of the Secretary-Treasurer of the Manitoulin Planning Board, the Council of the Municipality of Central Manitoulin, deems it advisable to amend Zoning By-law No. 2002-07, as amended.

Now Therefore, the Council of the Municipality of Central Manitoulin, enacts as follows to:

- (1) Rezone from Hamlet Residential (RH) Zone to Restricted Commercial (C) Zone;
- (2) **Section 8, Special Provisions of the Restricted Area Zoning By-law No. 2002-07 is hereby amended to add the following Subsection 8.98**
 - i) Despite Section 6.3 f), permits a building accessory to the main commercial auto body garage/mechanical garage, having a maximum area of ±95 square metres; and*
 - ii) the commercial uses shall include ancillary and/or accessory uses to support those commercial uses including but not limited to a towing business.*
- (3) Subsections (1) and (2) apply to that parcel of land described as Part of Lot 18, Conc. V, surveyed as Part 1, Plan 31R-2183, located at #6323 Highway No. 542, Township of Carnarvon, Municipality of Central Manitoulin, District of Manitoulin, as registered in the Land Registry Office for the Registry Division of Manitoulin (31).
- (4) All other uses, performance standards and provisions of Restricted Zoning By-law 2002-07, which apply to the Restricted Commercial (C) Zone hereby apply to the land described under Subsection (3) of this By-law.
- (5) **By-law No. 2002-20 is hereby rescinded.**
- (6) That it is hereby certified that this amending By-law is in conformity with the Official Plan for the District of Manitoulin.
- (7) Schedule "A" hereto attached shall be considered to be part of this By-law.
- (8) This by-law shall come into force in accordance with the provisions of Section 34 of the Planning Act, R.S.O. 1990 Chapter P. 13 and take effect on the date of its final reading subject to the expiration of the 20 day appeal period, provided in Section 34(19) of the Planning Act and subject to the approval of the Local Planning Appeal Tribunal (LPAT) where objections to this by-law are filed with the Municipal Clerk together with the prescribed fee.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS ____ DAY
OF _____ 2020.**

Richard Stephens, Mayor

Ruth Frawley, CAO/Clerk

I, _____, Clerk of the Municipality of Central Manitoulin, hereby certify that the foregoing is a true copy of By-Law 2020-16 passed by the Council of the Municipality of Central Manitoulin on the ____ day of _____, 2020.

Clerk

THIS IS SCHEDULE "A" TO BY-LAW NO. 2020-16
 PASSED ON THE _____ DAY OF _____ 2020

Part Lot 18 Concession V
Surveyed As Part 1, Plan 31R-3183
(6323 Highway 542)
Township of Carnarvon
Municipality of Central Manitoulin
District of Manitoulin

 Mayor, Richard Stephens

 CAO/Clerk, Ruth Frawley

